

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, October 10, 2018** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

October 3, 2018

A handwritten signature in blue ink, appearing to read "Joanne S. Marchetta", with a long horizontal flourish extending to the right.

Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

October 10, 2018
9:30 a.m.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item listed or not listed on the agenda may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and 5 minutes for group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting. In the interest of efficient meeting management, the Chair reserves the right to limit the duration of each public comment period to a total of 2 hours. In such an instance, names will be selected from the available sign-in sheet. Any individual or organization that is not selected or otherwise unable to present public comments during this period is encouraged to submit comments in writing to the Advisory Planning Commission. All such comments will be included as part of the public record.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Recommendations on Shoreline Plan Initiative to:

- | | | |
|---|-----------------------|------------------------|
| 1) Certify the Shoreline Plan Final Environmental Impact Statement and Adopt the Proposed Shoreline Amendment Package including: Amendments to Code of Ordinance Chapters 1, 2, 10, 14, 50, 63, 66, 80, 81, 82, 83, 84, 85, 86, and 90; Shoreline Implementation Plan; Amendments to Rules of Procedure Article 10, Program and Mitigation Fees | Recommendation | <u>Page 1</u> |
| 2) Approve the Memorandum of Understanding with the California State Lands Commission regarding review of projects in the public trust easement | Recommendation | <u>Page 465</u> |
| 3) Approve the Memorandum of Understanding with California State Lands Commission regarding buoy enforcement | Recommendation | <u>Page 477</u> |
| 4) Approve the Memorandum of Understanding with enforcement agencies regarding Shoreline Plan enforcement coordination | Recommendation | <u>Page 487</u> |

VI. REPORTS

- | | |
|--|---|
| A. Executive Director | Informational Only |
| 1) Strategic Initiatives Monthly Status Report | Informational Only <u>Page 519</u> |
| B. General Counsel | Informational Only |
| C. APC Members | Informational Only |

VII. PUBLIC COMMENT

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

September 12, 2018

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Teshara called the meeting to order at 9:32 a.m.

Members present: Mr. Buelna, Mr. Callicrate, Mr. Cariola, Mr. Comba for Ms. Carr, Mr. Ferry, Mr. Guevin (by phone), Mr. Hitchcock, Mr. Hymanson, Mr. Larsen, Mr. Plemel, Mr. Teshara, Ms. Stahler, Mr. Young

Members absent: Mr. Alling, Mr. Drew, Mr. Esswein, Mr. Weavil, Washoe Tribe

II. APPROVAL OF AGENDA

Mr. Larsen moved approval.
Mr. Hymanson seconded the motion.

Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Plemel moved approval of the June 13, 2018 minutes.
Mr. Buelna seconded the motion.
Mr. Comba, Mr. Hitchcock, Ms. Stahler, and Mr. Cariola abstained

Motion carried.

V. PUBLIC HEARINGS

A. Development Rights Strategic Initiative:

A. 1) Ordinance Amending Regional Plan Goals and Policies LU-2.1 and DP-3.7 and Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to implement the Development Rights Working Group recommended changes to the development rights system and residential bonus unit system

ADVISORY PLANNING COMMISSION

September 12, 2018

A. 2) Revised Memorandum of Understanding with the California Tahoe Conservancy to acquire, sell, and bank development rights and land coverage to help accelerate the goals and policies of the Regional Plan, amending resolution 16-03-05 and the MOU adopted on March 17, 2016

A. 3) Resolution to reaffirm the California Tahoe Conservancy's and Nevada Division of State Land's land bank authority

Mr. Hester said Development Rights are one of the Governing Board's seven strategic initiatives that staff has been working on over the past few years. Two of the 14 member Development Rights Working Group were members of the Advisory Planning Commission along with local jurisdiction representatives, environmental and business community members, and seven members of the Governing Board's Regional Plan Implementation Committee.

TRPA team member Ms. Self provided the overview.

Ms. Self said in June 2018, staff provided an overview of the working groups recommended changes to the Advisory Planning Commission. The Lake Tahoe region has a unique set of development rights (commodities) that was put in place in the 1960s, 1970s, and 1980s as a growth control measure to ensure that the urban build out was keeping pace with environmental capacities. Development Rights are items such as commercial floor area, tourist accommodation units, and residential units that a person would have to acquire before they could develop a property. Redevelopment and private investments are one of the big mechanisms in the Regional Plan on how to get environmental improvements on the ground. The development rights initiative was initiated in 2015 and the main purpose of this project was to look at comprehensive changes to the system to ensure that it's still working for the community needs of today and meets the goals of the Regional Plan.

This year marked the final phase of the initiative and today is the first of three hearings for approval and adoption of the recommended changes. The Advisory Planning Commission was an integral part of this process starting with the interviews for the community stakeholder assessment. Members of the working group participated in a number of public outreach forums, met with local environmental partners, and completed a comprehensive analysis on the existing system and then what were the possible alternatives to be considered. The working group partnered with consultant Placeworks and development rights national expert Rick Pruetz to look at best practices. The working group unanimously recommended five changes to the development rights system and residential bonus unit program that primarily focus on simplification and the movement, transfer, and flexibility of the existing development rights system. Overall, the community partners felt that this was a step in the right direction.

The first recommendation is to allow conversion exchange rates between different land use types. Second is to expand the eligibility of the bonus unit program to encourage local workforce housing/housing development for lower income levels. Third is to enhance the development rights banking system with strengthening partnerships with the local land banks. Fourth is to eliminate overlapping approvals for development rights transfers and the fifth recommendation is to eliminate the requirement to have an approved project before someone could transfer development rights.

Primary focus of the development rights system was on the tourist accommodation units, residential units, and commercial floor area. There are different land use rights such as land

September 12, 2018

coverage that a person would have to acquire before they could build but was excluded from this project as it is outside the scope.

Conversion exchange rates will allow more movement and flexibility between the development while maintaining that overall cap and not increasing overall development potential in the Basin. The conversion exchange rates were calculated based on an environmentally neutral metric. Three hundred square feet of commercial floor area would have the same environmental impact as one tourist accommodation or one residential unit.

Expanding the residential bonus unit program: TRPA has bonus units that can be awarded to affordable and moderate income housing developments. The working group wanted to see if that could be expanded to higher income tiers. There is an affordability gap within the communities for people that are making above the area median income but too little to afford the median home price. The working group focused on that affordability gap range to see what could be done within the parameters of the development rights system to encourage housing for those individuals. The recommendation is to expand the program to a third tier that would keep affordable and moderate income tiers but would have a higher income bracket for achievable households. This program would award all the development rights needed to construct that project. Criteria tied to the program are items such as retaining or reserving half of the bonus unit pool for affordable, ensuring that the housing units are not being used for short term vacation rentals and are within one half mile of a transit stop. The working group created an enforcement strategy to ensure that the units are being used as intended.

The third recommendation is to strengthen the banking system within the context of the development rights and reaffirming the role of the local land banks. Since the 1980s the local land banks have played an important role in the basin to ensure that they're offsetting the environmental impact of urban development. A mechanism in the Regional Plan is to get improvements on the ground through private investment and redevelopment but cannot rely on that alone. The land banks play an important role restoring sensitive properties, removing development from outlying areas, and creating a reliable source of development rights for development. To help achieve the Regional Plan goals, the land banks have asked for greater support and flexibility to acquire properties and existing development. Staff is working with the California Tahoe Conservancy and the Nevada Division of State Lands to define what support is needed. This would include revising the memorandum of understanding with the California Tahoe Conservancy, so they can acquire, sell, and transfer all forms of development rights. This revised MOU better aligns with the Nevada Division of State Lands MOU and the authority that's granted to them already under the state.

Implementation of the recommended changes would include amending the Regional Plan and TRPA's Code of Ordinances along with education and outreach with local partners and the public, improving the tracking and monitoring of development rights transactions, and procedural and administrative updates.

The working group agreed to change the original terminology of commodities (any transferrable land use units) to development rights. This better aligns with national and industry standards for this type of system. Another terminology change was from a residential development right to a potential residential unit of use because they're using that development right in a broader context. The last terminology change was to drop "multi" from the residential bonus unit program because under the recommended changes bonus units could be awarded to either

ADVISORY PLANNING COMMISSION

September 12, 2018

multi-family or single-family. Also, within the proposed amendments are recommendations and criteria for each of those along with a reorganization of Chapter 51 that use to only focus on the transfer of development rights. Chapter 51 contains all the activities that can be done with development rights.

The environmental analysis tiered off the Regional Plan and Regional Transportation Plan. Those two plans had environmental impact statements that looked at the entire development rights system on the overall impact to growth in the region. As TRPA's environmental review, the initial environmental checklist looks at those specific changes that are being made and how are the changes potentially impacting the movement, flexibility, and transfer of development rights.

The technical finding for the environmental review were that the changes would not have a significant effect or adverse impact to the environment but is expected to help accelerate the Regional Plan Goals and Policies. These recommendations were intended to remove barriers to environmentally beneficial redevelopment.

These proposed changes are scheduled to go to the Regional Plan Implementation Committee on September 26th for recommendation and the Governing Board on October 24th for final adoption. If approved, the potential implementation would be between late October and early 2019.

Presentation can be viewed at:

http://www.trpa.org/wp-content/uploads/Agenda-Item-No-VA.1_2_3-Development-Rights-Strategic-Initiative.pdf

Commission Comments & Questions

Mr. Ferry asked if the all the recommended changes were made from the last Development Rights Working Group meeting.

Ms. Self said there were about ten changes that came out of the last working group meeting of August 23rd and were incorporated by staff into the final code amendments.

Mr. Ferry asked Ms. Self to share with the Advisory Planning Commission the outcome of the discussion regarding removing the tie between achievable and affordable.

Ms. Self said one of the criteria's that the working group discussed with expanding the residential bonus unit program to this new tier of achievable was an inclusionary provision. Originally drafted inclusionary provision was that for every achievable bonus unit awarded, the developer has to deed restrict or build an affordable or moderate income unit. Through discussion with the working group and community partners, the working group that is was a significant cost burden and wouldn't pencil out. At their last meeting, it was decided to remove it because there is still a safe guard in place that they're reserving half the bonus unit pool for those lower income.

Mr. Marshall said there is going to be a monitoring progress report to show whether or not we're just getting achievable housing and not getting the affordable.

Mr. Teshara asked if that will be an annual review.

ADVISORY PLANNING COMMISSION

September 12, 2018

Mr. Marshall said it will be a bi-annual report.

Ms. Self said it's a bi-annual report on the overall residential bonus unit program that staff would be making to the Governing Board. The residential bonus unit program does have an enforcement strategy that would include annual compliance reporting by the property owners.

Mr. Ferry agreed that it is important to have training for the local jurisdictions and a strong outreach campaign to the greater Lake Tahoe community.

Mr. Hymanson asked for a summary on what the proposed process is for eliminating overlapping multi-jurisdictional approvals for development rights transfers.

Ms. Self said in the existing development rights system a person would have to receive approval from both the local jurisdiction and TRPA before they could transfer development rights. One of the primary focuses for this initiative was looking at ways to simplify the system. This was an overlapping process. An individual project proponent will still need to receive approval from TRPA for these transfers, but they no longer need to go to two places.

Mr. Young asked if allocations are included in the ability to transfer or is it just the development right.

Ms. Self said residential units are comprised of two parts: the residential development right that will now be know as a potential residential unit of use and there is the residential allocation. The residential development right is tied to the piece of property and the residential allocation is acquired from the local jurisdiction. Transfers can occur between a full residential unit of use or those individual parts. The conversion exchange rates are the full unit that already has those parts combined.

Mr. Young asked if it was correct that when a local jurisdiction provides an allocation to a person, that person could then trade it away.

Ms. Self said yes, that was correct. They could transfer it off the property or convert it.

Mr. Young asked if there has been any discussion about local jurisdictions being able to prevent that in their policies of allocating allocations. Do all local jurisdictions have to allow people to trade them away once they have them or can it be a condition of them getting an allocation from a jurisdiction that they could not trade it away?

Mr. Hester said the local jurisdiction could do that.

Mr. Larsen asked Ms. Self to summarize the changes to help facilitate the land banks ability to support TRPA initiatives.

Ms. Self said the prior California Tahoe Conservancy Memorandum of Understanding primarily focused on land coverage whereas the MOU with the Nevada Division of State Lands did allow for them to acquire, sell, or transfer development rights. The revised CTC MOU better aligns with the NDSL MOU, it expands their authority under TRPA to acquire development rights as well as land coverage. That local authority under the MOU helps them align with the authority that they already have under the state to do that type of work.

ADVISORY PLANNING COMMISSION

September 12, 2018

Mr. Larsen suggested that staff revisit some of the section references in the memorandum of understanding for changes that were made between drafts.

Public Comments & Questions

Kevin Prior, California Tahoe Conservancy said they supported the proposed changes in the memorandum of understanding.

Low Feldman said this is a positive step forward and setting the system up for further revisions in the future. Great strides have been made in particular to the housing opportunities to expand the array of housing that can be constructed on the ground. From the private sector, they encourage the Advisory Planning Commission to recommend the proposed package to the Governing Board.

Mr. Hester said included in today's materials is a letter of support from Pat Davison of the Contractors Association of Truckee Tahoe. He thanked Mr. Feldman for participating on the Development Rights Working Group. He said the California Tahoe Conservancy contributed funding towards the consultant for this initiative.

Commission Comments & Questions

Mr. Larsen made a motion to recommend approval of the required findings (Attachment A), including a finding of no significant effect, for the adoption of amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to implement changes to the development rights system and residential bonus unit program as provided within this staff report.

Mr. Young seconded the motion.

Motion carried unanimously.

Mr. Larsen made a motion to recommend approval and adoption of Ordinance ____ (Attachment C), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7; and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90.

Mr. Ferry seconded the motion.

Motion carried unanimously.

Mr. Larsen made a motion to recommend approval of the required findings (Attachment A), including a finding of no significant effect to reaffirm the local land bank authority.

Mr. Ferry seconded the motion.

Motion carried unanimously.

Mr. Larsen made a motion to recommend approval and adoption of the proposed Resolution 2018-____ to revise the MOU between the TRPA and CTC (Attachment B)

Ms. Stahler seconded the motion.

Motion carried unanimously.

ADVISORY PLANNING COMMISSION

September 12, 2018

Mr. Larsen made a motion to recommend adoption of the proposed resolution (Attachment C) to reaffirm the California Tahoe Conservancy's and Nevada Division of State Land's land bank authority.

Mr. Young seconded the motion.

Motion carried unanimously.

VI. PLANNING MATTERS

A. Shoreline Plan Briefing

TRPA team member Ms. Cremeen provided the presentation.

Ms. Cremeen said the proposed shoreline plan will update the ordinances related to shoreline water dependent structures. This program looks at all types of moorings including buoys, boat slips, boat lifts, piers, ramps and marinas. It addresses how they should be allocated, the design standards, location, and which properties would be eligible to build or modify new shoreline structures. The program also includes lower lake level adaptation strategies.

There were a number of organizational briefings, workshops for the public and community partners, and presentations to the Advisory Planning Commission, Regional Plan Implementation Committee, and the Governing Board. The Shoreline Steering Committee has had close to 40 meetings to address all the community input. The Shoreline Steering Committee is comprised of TRPA staff, Lahontan Regional Water Quality Control Board, Nevada Division of State Lands, California State Lands Commission, Tahoe Lakefront Owners Association, the League to Save Lake Tahoe, and the marina association.

The steering committee set a standard of principals to guide the policies brought forward in the proposed shoreline plan (Alternative 1.)

The pier permitting program prioritizes those multiple-use piers and those pier projects that would retire development potential on adjacent properties. It distributes those piers geographically around the Lake and proposes an incremental program for permitting. There will be a go slow approach to pier permits with up to 12 every two years. The maximum amount of new private piers would be 128 and 10 new public piers over the life of the plan. Every mooring on the Lake would require a permit including those boat slips in marinas and the Tahoe Keys. The program allocates those moorings into different pools. There will be an allocation pool for marinas, public, and private. Marinas would be allowed to do conversions of their moorings to adapt to low lake levels such as converting boat slips to buoys. Private property owners would be allowed to move their buoys further lakeward as lake levels drop with the provision of an additional anchor. The program maximum for new moorings on the Lake would be 2,116 in addition to what is already on the Lake. Two new public boat ramps would allowed in areas that are not environmentally sensitive and have adequate facilities upland for development of those.

Marinas would have the flexibility to implement smaller projects without the requirement for a marina master plan. Based on the scale of the project the marina would have to incorporate environmental improvement. All the marinas would be required to have an aquatic invasive species management plan in place and to be part of a clean marina program prior to starting a project.

ADVISORY PLANNING COMMISSION

September 12, 2018

Under the shoreline plan all concessions that are located in the shoreline would need to be under permit. That includes all non-motorized and motorized boat rentals and any new motorized rental would have to be associated with a marina. Those permits include best management practices for fueling and screening.

In addition to the 600 foot no wake zone, the no wake zone would be extended to all of Emerald Bay. TRPA's boat crew will be expanded to help with the enforcement of these regulations.

All applications submitted to TRPA will have to meet scenic quality requirements. The plan would limit the amount of development within certain scenic units along the shoreline based on the sensitivity. It would protect the fish habitat by requiring a 1.5:1 mitigation ratio for any structures placed in a sensitive fish habitat area. Stream protection zones are established where no new structures could be placed.

The Draft Environmental Impact Statement reviewed four alternatives which had a 60 day public comment period ending on July 9, 2018. Just over 100 comments were received, and changes were made based on some of those comments.

Some of the key recommendations for mitigation through the environmental impact statement were additional control for aquatic invasive species which was in response to the potential increased boating on the Lake. There would be an increase in the inspection fee that would go towards the aquatic invasive species control projects. The EIS allowed more flexibility with floating structures but to assure that the littoral drift would not be impacted there would need to be studies done for structures that extended beyond a specific length. To assist non-motorized users to get around longer piers they will be limited to 600 feet long. If an applicant proposes a longer pier the environmental impact statement proposes that design provisions are included to ensure non-motorized users can get around or under these piers. Scenic quality guidelines include approved colors to ensure the pier structures blend with the environment and there will also be scenic impact for buoys in the form of an in lieu fee to pay towards scenic quality improvement programs. The environmental impact statement also recommended that TRPA adopt a greenhouse gas reduction plan for boating within one year from adoption of the plan.

In order to be more consistent with current California and Nevada state regulations the shoreline steering committee recommended a 100 foot buffer around swimmers and non-motorized watercraft along with a 200 foot no wake zone buffer between a motorized boat and a structure. The shoreline plan includes a prioritization process for mooring permits. The first phase will be for buoys that are already on the Lake and have a permit from the states, those would be permitted by TRPA first, followed by the applications that were in the queue from the 2008 program. The next level of phasing would be limiting the total number of new moorings each year to 15 percent of the total pool. One hundred moorings will be reserved for public agencies. In regards to the concerns about noise, the steering committee discussed adopting a similar provision to the 2008 Blue Boating Program that would target those boat exhaust systems that have a direct exhaust to the air or exceed noise standards. The education and outreach program will be expanded to the boat rental concessions to ensure visitors are receiving information. Additional recreation monitoring will be incorporated into the program to help address comments about crowding on the Lake, boater behavior, etc.

ADVISORY PLANNING COMMISSION

September 12, 2018

All the components of the plan will be detailed in the implementation program that will be a part of the environmental impact statement package. Within the implementation program it will layout who is responsible for the components of the program, when they'll be implemented, how they will be paid for, and how it will be rolled out to the public.

The plan will have proposed fees to fund such programs as the aquatic invasive species control program, enhanced inspection programs, additional monitoring, education programs, and scenic quality improvement programs. There will be an annual mooring registration fee that will pay into some of the programs for all moorings. Buoys will pay into a scenic quality improvement program to offset the impact of a boat on a buoy. There are three memorandums of understanding being developed; one with California State Lands for a public trust easement that would require projects on the California side of the Lake that could potentially impact the public trust easement to be reviewed by California State Lands. Work is also being done with California State Lands to develop a coordinated buoy enforcement program which will address how to remove illegal buoys. Lastly, there will be an MOU with the enforcement agencies and states for a more coordinated approach to implementing the proposed boating regulations.

The proposed plan, code of ordinances amendments, implementation program, and the memorandums of understanding will go to the Regional Plan Implementation Committee in September, the Advisory Planning Commission and Governing Board in October.

Presentation can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No-VI.A-Shoreline.pdf>

Commission Comments & Questions

Mr. Young asked for further clarification on the public mooring reserve pool.

Ms. Cremeen said there would be 100 reserved for the public pool that couldn't be used for private moorings. There is a limited total number and when that's used up their gone.

Mr. Young asked how the noise will be enforced.

Mr. Marshall said the code of ordinances currently have a threshold for single event noise limits and community noise equivalent noise level limits. Boating noise generates from two different kinds of noise activities; one is inherently noisy boat engines and that's what the focus is with the direct exhausts and the other is behavioral issues. The noise receptors are usually on the shore or within the 600 foot no wake zone. The monitors are placed along the shoreline and will have cameras to identify potential violators. The key to noise reduction where the receptors are located is the enforcement of the 600 foot no wake zone. There are key areas identified where there are the most exceedances are typically deep areas close to shore.

Mr. Young asked if the boat inspection stations will include education about the no wake and buffer zone, etc.

Mr. Marshall said yes.

Ms. Stahler asked for additional information on the types of fees that will be collected, how they'll be collected, and if amounts have been set.

ADVISORY PLANNING COMMISSION

September 12, 2018

Ms. Cremeen said one of the primary fees is an annual mooring fee and would apply to all moorings permitted by TRPA. It has not been determined whether it will be collected on a bi-annual or annual basis. The cost will be approximately \$40-45. In addition, there would be an annual buoy scenic fee around the same price as the mooring fee and would specifically be for scenic quality improvement programs. It is proposed that the boat rental concessions pay a tiered fee based on engine certification of the rental fleet for enforcement, education programs, and aquatic invasive species control. The aquatic invasive species control fee would be added to the existing inspection fee in the amount of approximately \$12.

Mr. Buelna asked how the motorized rental concessions that operate outside of the marinas will be handled.

Ms. Cremeen said a survey was done in 2014 and 2017 of all rental concessions and those that can confirm that they were operating before 2017 will be considered for a TRPA permit to continue to operate and must meet the BMPs for fueling requirements.

Mr. Hymanson asked if the aquatic invasive species control funding could be used for early detection and rapid response.

Mr. Marshall said currently it is slated for control. It is an offset of a potential impact from the increase in boating. The potential impact of increased boating is the distribution of existing aquatic invasive species within the Lake, not a new introduction per se. To offset that, the steering committee did look at an increase in control. They would need to review whether the rapid response would be in response to the impact that is of concern.

Mr. Hymanson said the redistribution of organisms is most likely to occur of those that already are in the Lake and the early detection and rapid response would be the best way to control it. He asked how the results of the additional monitoring be used.

Ms. Cremeen said some of this data such as how many occurrences are there that exceed the no wake zone and how many non-motorized versus motorized boaters are there will be used to help inform the education program and enforcement team target areas.

Mr. Marshall said it will be recreation boater surveys and will also be useful for the enforcement team to focus in specific areas where there is significant user conflict. The impacts to recreation were found to insignificant so there is not a proposed mitigation but rather a monitoring to ensure areas of concern are addressed through adaptive management.

Mr. Hymanson asked with the proposed plan will there be a substantial increase in permitting activity.

Ms. Cremeen said currently TRPA only permits buoys so there will be an initial push at the beginning to get everything permitted.

Mr. Marshall said a registration fee will be for someone contributing to boating issues on the Lake, will be new and some additional work to get it implemented. For example, if someone has a mooring structure, it needs to be permitted. Those should be already but there are some buoys on the Lake that may have a State Lands for Army Corp permit but do not have a TRPA permit. The permitting to get the rest of the buoys that were not completed as a result of the

ADVISORY PLANNING COMMISSION

September 12, 2018

2008 implementation will be a big chunk but aside from that most of the other shorezone structure have permits. Some of the concessions on the beach are not under a permanent TRPA permit and would need to be permitted.

Mr. Hymanson asked if the authority to grant those permits would be done through TRPA and not delegated to the local jurisdictions.

Mr. Marshall said yes, that is correct. Per the 2012 Regional Plan Update, shoreline permitting is done through TRPA.

Mr. Hymanson asked if those permit applications would be reviewed or commented on by TRPA's partner agencies.

Mr. Marshall said yes if they go through the shoreline review committee.

Mr. Hitchcock said he wanted to make staff aware that there are individuals who enter their boats into a private pool for rent through the internet.

Mr. Guevin asked if the 12 piers allowed per year include the public safety piers and where do the public safety piers fit in to the numbers.

Ms. Cremeen said there not included in the pool. Each local jurisdiction quadrant could develop a public health and safety facility.

Mr. Larsen asked what the plan is for the adoption or integration into programs, policy or code of the implementation plan.

Ms. Cremeen said they are recommending that it is an attachment to the environmental impact statement because a lot of the responses to comments refer to that implementation program for the detail on how the program will be implemented.

Mr. Larsen said it seems that some of the detail that we're relying on to respond to comments such as description of enforcement actions, fees, and who will do what, those seem like specifics that would be in the environmental document.

Mr. Marshall said because it is linked to those cross references within the response to comments it would be very useful to have it in the same document. It would then be part of the document recommended for certification by the Advisory Planning Commission and certified as adequate by the Governing Board. Staff will consider how to bring this forward for a direct approval by the Governing Board.

Public Comments & Questions

Ryan Davis, Marla Bay Protective Association said Marla Bay operates a buoy field of 50 which was permitted by the Army Corp in the 1970s and subsequently recognized as grandfathered and permitted by TRPA. Marla Bay is generally supportive of the shoreline ordinance but is concerned with a sentence in the Code of Ordinances in the Draft Environmental Impact Statement. "The number of new buoys requested per year shall not exceed 20 percent of the total number of legally existing mooring structures up to 50 percent of the total number of

September 12, 2018

housing units.” He feels this statement is to address staff’s comments about phasing the buoy application process. Marla Bay reads it as it effectively for the first five years puts a cap on the number of buoys that a homeowner association is entitled to apply for on an annual basis. It apparently requires homeowner associations to come in on an annual basis and apply for buoys until they reach their final build out stage. That formula does appear to determine the prioritization and distribution of buoys amongst homeowner associations for the first five years of the plan. He thought it was intended to provide an incentive for the underserved homeowner associations, if they had an opportunity to get in line early to get their permits while those homeowner associations are already at 50 percent of their housing unit level. There is nothing in the Code of Ordinances or environmental analysis indicating that this incentive or cap is necessary. If there is going to be caps on the rollout of buoys why aren’t the marinas subject to similar types of caps and why is it 50 percent rather than 60 percent? He asked how does this phased rollout protect the environment and was it analyzed in the environmental document. Marla Bay requested that the Commission reconsider this specific language and think about this distribution formula that’s based on the merits of the applicant. Marla Bay feels that they’re a deserving applicant and has permits for new buoys from the Army Corp and the Nevada Division of State Lands and is well positioned to receive and apply for additional buoys, they don’t feel like they should have to wait for the first five years phasing period.

Lee Edwards, Zephyr Cove Property Owners Association said they have some of the same concerns as Marla Bay when it comes to building out to their permitted number of buoys. There are also concerns with the new proposed buoy fees. They’re hearing anywhere from \$45 to \$300 fees for buoys. Is that \$45 referenced in today’s presentation include all the fees or can Nevada State Lands add additional fees? If you add these fees up, they can be burdensome and need to be justified to the people in what those fees are and what they’re going to be used for. If the people you serve are going to be cooperative, respectful, and support the greater objectives, you need to explain and justify this to the people.

Mr. Marshall said the presentation today was more of a summary but when this comes back to the Advisory Planning Commission the Commission needs to make certain that there is a justification for those fees and where they’re going. There has been a significant amount of work on the level of impact associated with boating on Lake Tahoe and the programs that need to be put in place to offset any impacts associated with that. There are two fees associated with buoys; one is the mooring fee, approximately \$45 and the other is the scenic mitigation fee which is an in lieu fee for the scenic impact of a boat on a buoy. The direction from the steering committee was that instead of having to require an offset on the property for that 83 square feet, instead create an in lieu fee program so that buoy holders would not have to mitigate necessarily on their property but rather to pay into this program which aggregates the money and implements the scenic quality improvement program for these areas that will offset the visible mass of that boat on a buoy. Those two combined fees are approximately \$90 per buoy per year. Non-buoy moorings do not have to pay the scenic mitigation because they are either mitigated as a result of permitting of the structure or are not visible from the Lake. The code language that Mr. Ryan commented about is still in the Code of Ordinances and fundamentally what Mr. Ryan is speaking about is the allocation system that is in place for the first five years, allocate on a distribution basis that relates to how many buoys the homeowner’s association had to the number of units that they’re serving. For example, a big homeowners association that serves a lot of users or units and they’re capped by two things; the number of units served and the grid within their set back lines. If there is space to add new buoys within their setback lines, and they have a large number of unserved units, one or two buoy fields could substantially take

ADVISORY PLANNING COMMISSION

September 12, 2018

a lot of buoys and smaller homeowner associations could be left out. At least for the first five years, it was an attempt to put in some measures that would even that playing field. If the HOA is at the 50 percent, then they could not get more and those below that amount could do it on a go slow basis.

Abby Edwards, Kaufman Edwards Planning asked what will happen if there are more applications for multiple-use piers in that first couple of years. Will they take priority over single use piers?

Ms. Cremeen said within each type of pier, each year there will be a specified amount for each single-use and multiple-use.

B. Tahoe Region Housing Activities Update

Ms. Hill Drum, Tahoe Prosperity Center, Ms. Doherty, Mountain Housing Council, and Mr. Teshara, Lake Tahoe South Shore Chamber of Commerce provided the presentation.

Ms. Hill Drum said the Tahoe Prosperity Center is the regions community and economic development organization that focuses on community, economy, and balancing the environment. Some of their other projects include broadband and cell phone coverage, the Lake Tahoe cameras, economic data and measuring for prosperity report, and the workforce Tahoe project. Twenty two years ago when she came to Lake Tahoe it was easy to imagine a path to home ownership, right now only 21 percent of locals can afford the median priced home with Lake Tahoe at a 10:1 cost of living to wages ratio. Whereas, San Francisco is 8:1 and Reno closer to 6:1. Seventy-five percent of Lake Tahoe's homes are second homes and empty more than six months of the year. Housing cost have risen significantly while wages have declined or remained stagnant in most of our industries. Their vision for the housing Tahoe partnership is transforming local housing options so residents and workers can live, work, and thrive in Lake Tahoe. Their role is to accelerate the solutions and keep the stakeholders at the table to move these ideas forward. Some of the stakeholders involved are TRPA, the Tahoe Transportation District, Lake Tahoe South Shore Chamber, South Tahoe Chamber, El Dorado County, the City of South Lake Tahoe, Douglas County, the Lake Tahoe Unified School District, local realtors, South Tahoe Public Utility District, the California Tahoe Conservancy, Barton Healthcare, Vail Corporation, local mortgage companies, St. Joseph's Land Trust, El Dorado Community Foundation, local banks, Progress for Tahoe, and the private sector. In addition, there are workgroups that are assigned to work on specific aspects of the mission. Transforming Lake Tahoe for local resident's has positive impacts for the community, economy, and the environment. The Tahoe Prosperity Centers role is to help figure out ways to make this happen for the private development side. This is being done through the four primary workgroups; Policy, finance, outreach, and development. The South Tahoe Public Utility District has a proposed policy up for adoption on September 20th that allows for the transfer of sewer fees for affordable and workforce housing projects. The proposed Development Rights Strategic Initiative changes will have a positive effect on the market and region. They've also prioritized other short term policy strategies and have ran eight to ten case studies and proformas on potential projects. There are approximately 300 families in the region that are considered homeless or living in untenable housing situations.

Ms. Doherty said this is a project of the Tahoe Truckee Community Foundation and is a three-year initiative being funded by around 11 of the 28 Mountain Housing Council partners. The 28

ADVISORY PLANNING COMMISSION

September 12, 2018

partners are a range of jurisdictions, utility districts, and private entities coming together quarterly to work on accelerating solutions to housing. They also have similar workgroups to that of the Tahoe Prosperity Center to work on policy issues.

In 2016, they did a needs assessment to launch their platform for the Mountain Housing Council. The Housing Tahoe and the Mountain Housing Council are working in partnership which has become a great model. Their work covers the Tahoe Truckee district of Donner Summit, down to the West shore, Kings Beach, and Truckee. There are 38,000 housing units in the North Tahoe Truckee region and sixty-five percent of the homes are second homes and are vacant 50 percent of the time. Twelve percent of those are being used for short term rentals. They're working on a policy brief that will be completed in the next few months that will show the market realities, the trends, and what other communities are doing. Everything is about private investment, we need to make this a desirable place with good rules for our private investors to develop in this area. One year ago, it was thinking about what are the most important policies to put in place, what are the incentives, issues, and challenges. Now, for example, it's meeting with a potential investor and developer and the school district to build needed housing. The only housing being built in their area now is because of an inclusionary housing policy. For the first time the Mountain Housing Council competed in their region and were one of 19 communities in California that were able to get cap and trade funding for 56 low income rental units in Placer County. The Tahoe City Marina reused an existing building for ten apartments which already has a wait list. These apartments are on a transit line and the priority goes to people without a car. Coburn Crossing has 138 deed restrictions for modular housing through a developer from Vail, Colorado.

Year two focus is on stable long term local funding and to define and implement regional housing. They'll be back in the future to present on their fee recommendation. In addition, Placer County is moving forward with their tiny homes ordinance and will coordinate that with TRPA.

Mr. Teshara said in June a group of 15 went to Eagle and Summit Counties in Vail, Colorado. These counties have a very holistic approach to housing. Their commitment is to their communities and if you work in the community, they have a commitment to help people get a place they can afford to live. It takes a big picture commitment to undertake the challenging road to get to the solutions that Ms. Hill Drum and Ms. Doherty spoke about. There is no one solution that fits all. He encouraged everyone to think about housing in that holistic and community centric way. Vail has an interesting approach to using deed restrictions in that they're trying to preserve a part of their existing residential units for affordable housing. Information on Vail's approach to using deed restrictions, can be found at their website at <http://www.vailindeed.com/>.

Presentations can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No-VI.B-Housing-Mountain-Housing-Council-rev.pdf>

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No-VI.B-Housing-Tahoe-Prosperity-Center.pdf>

September 12, 2018

Commission Comments & Questions

Mr. Hymanson asked if it was correct that modular/mobile home parks are the purview of the state.

Mr. Teshara, Lake Tahoe South Shore Chamber of Commerce said yes, that is correct in California.

Mr. Hymanson asked if there is any discussion with state representatives on making those more habitable housing.

Ms. Doherty, Mountain Housing Council said they're working with the Town of Truckee, the Community Foundation, and the Martis Fund on a mobile home park in Truckee to try and preserve it for local housing. They're working with legal counsel from a nonprofit who represents the families to prevent the new owner from doing a different type of housing and increasing the rent. The mobile home parks are regulated by the state but they're not working at a state level to change that, but rather working to get access to the funding and the understanding of the legal rights.

Mr. Hymanson asked if the state representatives were receptive.

Ms. Doherty, Mountain Housing Council said yes, to give them the information on what the law is, but not to the solutions that they're trying to find to help the local situation.

Ms. Hill Drum, Tahoe Prosperity Center said they have not yet reached out to the state representatives on the mobile homes. There are 20 vacant mobile home sites at Tahoe Verde in South Lake Tahoe in which the Tahoe Prosperity Center has approached the Lake Tahoe Community College to potentially put tiny homes on those sites for student housing. The community college is working at the state level because they need to meet the department of state architect design standards for student housing. She asked if density on mobile home parks in the Tahoe region is different than the area plan density.

Mr. Hester said in Nevada, manufactured homes are reviewed by the state, the local jurisdictions building departments ensure that these structures meet building codes and the state looks at it from the perspective that it is manufactured offsite and is it built to a specific code. Local jurisdictions and TRPA can determine what that density is. There are places that are bringing in modular units and putting them in a frame that meets the multi-family zoning and other requirements set by the local jurisdictions. There is a company in Reno that is going to manufacture panels that have common connectors. Over sixty percent of the cost of a housing unit is construction and if modular units can be used that will help address the affordable housing issue.

Public Comments & Questions

None.

C. Tahoe Keys Integrated Management Plan Update

TRPA team member Mr. Zabaglo provided the presentation.

September 12, 2018

Mr. Zabaglo said there is a federally approved aquatic invasive species management plan that highlights different priorities such as control of existing species; the Eurasian milfoil and Curly leaf pondweed which are ramped in those areas. Other areas of the Lake have had success in control utilizing traditional non-chemical and mechanical techniques. After the management plan was approved, staff worked with the University of Nevada, Reno to develop an implementation plan for a scientific strategic approach that would focus on invasive aquatic plants and the Tahoe Keys. The Tahoe Keys is the largest source of Eurasian milfoil and Curly leaf pondweed in the entire Lake. The Tahoe Keys is around 1,500 homes, 172 acres of waterways that are entirely infested. The Tahoe Keys has developed an integrated management plan that was a result of requirements from a waste discharge requirement permit from the Lahontan Regional Water Quality Control Board. The plan requires that they identified ways to control existing invasive species. To date, they've done harvesting of the invasive plants to increase recreation and boating access in between the waterways and the Lake. Last year, the Tahoe Keys submitted an application to TRPA and Lahontan to minimize the harvesting maintenance process and address controlling the invasive species. The fragments from the harvesting can all grow into individual plants. The pilot project application was an integrated approach but included the use of herbicides. There was a prohibition by Lahontan on the use of herbicides until 2014 when an exemption to that prohibition was established. The initial pilot project was looked at through an initial environmental checklist and study which resulted in data insufficiencies and potential significant impacts that required additional analysis. They're moving forward with an environmental impact statement/report with TRPA and Lahontan that will not only look at the small scale pilot project but the full scale as well. The analysis will look at different alternatives and methodologies such as mats, herbicides, ultra violet light, and laminar flow aeration. The panel core team of TRPA, Lahontan Regional Water Quality Control Board, Tahoe Keys Property Owners Association, the Water Suppliers Association, and the League to Save Lake Tahoe unanimously selected Zephyr Collaboration through a request for proposal process. Zephyr Collaboration is completing approximately 30 stakeholder assessments to generate a process design. After that process is implemented, an environmental consultant will be hired through a request for proposal process that will be initiated this week. That collaborative process will help inform the scope of the project and inform some of the alternatives for consideration. This process should be complete and brought to the TRPA and Lahontan boards in the spring of 2020. To prevent the spread of invasive weeds into the Lake proper, the Tahoe Keys has increased their skimming efforts with newly purchased equipment. They've also implemented back up stations in the west channel along with a bubble curtain at the entrance to the channel that pushes fragments to the side that are collected in the sea bins.

Presentation can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No-VI.C-Tahoe-Keys.pdf>

Commission Comments & Questions

Mr. Hymanson said he supported the collaborative approach of the core team but suggested they bring in someone from the outside that is an independent, neutral, and knowledgeable party. Someone who has gone through this experience in other systems and will bring expertise to the hurdles that this group will address. It will add credibility to the group overall.

Public Comments & Questions

Seana Doherty, Freshtracks Communications on behalf of Tahoe Keys Property Owners Association said her firm has worked with TKPOA on communications for the past four years. Their water quality committee of the property owners association could not attend today but are supportive of this collaborative process. Her firm is overhauling the Tahoe Keys Management website to be more public facing using the model of the shoreline plan. She agreed with Mr. Hymanson's comment. If someone were to be willing to endure it again, someone who was involved with the shoreline plan collaborative process and bringing their expertise to this next collaborative process. She suggested that this process needs to move forward in a timely manner because a lot of this work over the past 20 years has been paid for by the property owners and their getting to the point of not wanting to spend more money on fixing harvesters for example when they're waiting for this great plan.

Mr. Zabaglo said the funding source for this collaborative process and the environmental documentation review is being provided by the Lake Tahoe Restoration Act funds and other federal funds from the Army Corp. Being able to get almost four million dollars would allow a good portion of this to address both a Lake wide and Tahoe Keys problem.

D. Tahoe Truckee Plug-In Electrical Vehicle Readiness Plan Implementation Update

TRPA team member Mr. Middlebrook provided the presentation.

Mr. Middlebrook said for the past one and one half years staff has been working on developing a Tahoe Truckee Electric Vehicle readiness plan and implementation activities. This falls within the Lake Tahoe Sustainable Communities program which is the regions climate change adaptation and mitigation actions to reduce greenhouse gas emissions. Transportation is the number two source of greenhouse gas emissions in the region and as the regions metropolitan planning organization we are responsible for reducing transportation related greenhouse gas emissions. The readiness plan was developed in coordination with the Truckee Donner Utility District and the Tahoe Truckee Electric Vehicle Coordinating Council made up of diverse public and private representation and stakeholders. The readiness plan was released in 2017 and won two awards at last year's American Planners Association conference for outstanding plan and outstanding community engagement.

Electric vehicles have zero tail pipe emissions providing environmental benefits and reduced noise impacts. The original plan was focused on passenger and light duty vehicles but has now expanded to transit and freight. Studies show that areas that plan for electric vehicle readiness end up with 90 percent greater utilization of their charging infrastructure. We're seeing rapid growth and use of electric vehicles in the Tahoe Truckee region, the projections and analysis from the readiness plan showed a local adoption of electric vehicles is outpacing that of hybrids when they first came out. They're also seeing a greater usage of electric vehicles from visitors from nearby metropolitan areas such as the Bay Area and Reno.

Some of the implementation activities identified as priorities for the short term in the readiness plan were consumer outreach and education, permitting and inspections, and continued regional coordination. The goals are to maximize the number electric miles traveled over internal combustion engines, while still promoting biking, walking, and transit. Another goal is to make it less expensive to install infrastructure because it is one of the best ways to encourage

ADVISORY PLANNING COMMISSION

September 12, 2018

the purchase and use of electric vehicles and lastly improving public awareness around the availability of those chargers, tax rebates, performance, etc. It also fits in with the Regional Transportation Plan.

Staff is also working with the Tahoe Fund and Tesla on their destination charging program where they will donate and install electric vehicle charging stations at destination locations such as shopping centers, hotels, and restaurants. They've identified 20 recreation sites around the Tahoe Basin that would be primary locations for electric vehicle chargers and Tesla will donate the chargers and the Tahoe Fund through some grants will be supplementing the installation cost. Another partnership is with the Tahoe Transportation District, Liberty Utilities, and the Lake Tahoe Community College in which the college through their bond fund is creating a mobility hub. Liberty Utilities will install overhead induction bus chargers for the electric buses that the Tahoe Transportation District received a grant for. The college will have a mobility hub that will serve as charging for the Tahoe Transportation District buses, backup charging for the electric school buses that the Lake Tahoe Unified School District is procuring, and the college will also install passenger vehicle and electric bicycle charging stations. Liberty Utilities has an application in to the public utility commission to install charging stations at eight locations around the Lake and another application to install charging infrastructure at schools, state parks, and state beaches.

Realizing that there was a barrier and lack of understanding of electric vehicles within the region, a marketing campaign was created. There were two public events; one was an electric vehicle poker run during the earth day festivities at Squaw Valley and the other was an electric vehicle car show at Heavenly Village. On line ads were done to target visitors to promote driving to and around Lake Tahoe in an electric vehicle and another to residents to promote the performance and cost of an electric vehicles. The visitor ads reached 73,000 people over three months and over 3,000 clicks to the website; an .08 percent click through rate which is above industry average and there was a similar click through rate for the residents of the region. Another activity just completed was a site specific analysis which the readiness plan identified both public and private locations around the Basin that were potential sites for charging infrastructure. The consultant visited 20 sites and did plans for 114 level two chargers (medium speed charging) and 16 fast chargers for the region. The cost estimate for those chargers were nearly three million dollars. The site analysis included an overview of the location, available parking, ADA access, electric infrastructure, and included site plans and drawings of the proposed stations and required equipment. That information was shared with property owners and will also be used for upcoming opportunities through the California Energy Commission.

Staff is working with the local jurisdictions on streamlining permitting utilizing the streamlining report for electric vehicle charging stations from the State of California. Charging stations that do not create coverage would only require a TRPA qualified exempt application and charging stations that create new coverage would require a commercial permit. Otherwise, everything will go through the local jurisdictions.

Next steps are to highlight the need for funding for infrastructure, there is money and grant opportunities available this fall in both California and Nevada to deploy that infrastructure.

Presentation can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No-VI.D-Plug-In-Electric-Vehicles.pdf>

September 12, 2018

Commission Comments & Questions

Mr. Hitchcock asked Mr. Middlebrook if he plans to meet with ChargePoint.

Mr. Middlebrook said he is meeting with them this afternoon.

Mr. Hitchcock said he is also meeting with them this afternoon.

Public Comments & Questions

None.

E. Chile-Tahoe Clear Lakes Partnership Briefing

TRPA team member Mr. Middlebrook provided the presentation.

Mr. Middlebrook said he recently participated in a conference in Chile known as the Chile Clear Lakes. TRPA has had many visitors from other countries coming to learn about our history in environmental planning, restoration, protection, water quality, sustainability, and transportation. This Chile partnership is a continuation of TRPA and Lake Tahoe's global platform to share with the world our successes and lessons learned with environmental restoration and sustainability.

Lake Panguipulli is in the Los Rios region of southern Chile. Their climate is similar to the Pacific Northwest and Chile itself is similar to the west coast of North America, just the opposite with north Chile being desert and cactus and the south is like Antarctica. The geography of this region is stark with lakes and active and dormant volcanos, many with glaciers on top. This started with a visit from the Chile delegation to Lake Tahoe last October. This trip to Chile also included Jesse Patterson, League to Save Lake Tahoe and Dr. Geoff Schladow, University of California, Davis. Meetings and tours included a trip to the Administrative Environment which is Chile's equivalent to the Environmental Protection Agency. The meeting with the Administrative Environment was a discussion for the first federal mandate for a decontamination plan being placed on one of Chile's lakes. Chile does not have any federal regulatory authority to prevent pollution from happening in the lake, they can only do something about the pollution after it's become a problem. The group spoke at the University of Austral in Valdivia, Chile about planning, Lake Tahoe science, land use, and stormwater infrastructure. In the late 1950s and 1960s up to the winter Olympics, Lake Tahoe saw a lot of unregulated development in sensitive lands that was not well planned out. Similarly, Chile is seeing that now. They have stricter development regulations in urban areas but in the non-urban areas where Lake Panguipulli is there are no regulations. They currently have a development there with 200 homes on a hillside where they've stripped the mountain of the trees and vegetation and removed the natural vegetation in the wetland areas along the shoreline to add an artificial beach. They've started to come together to address this through a non-governmental organization Friends of Panguipulli which is like the Tahoe Fund and the League to Save Lake Tahoe. One of the last visits was to the University of California, Davis Life Science Innovation Center based in Santiago to discuss how the University's Life Science Innovation center could implement a monitoring and science program and establish a student exchange program with the University of California, Davis, the University of Nevada, Reno and Chile. Currently, they collect data once per year and is not necessarily taken in a scientific method. Chile is going to establish a non-governmental

ADVISORY PLANNING COMMISSION

September 12, 2018

organization called Chile Lagos Limpios with a vision to ensure and protect the water resources of Chile. Their plan is to develop and implement a monitoring program, engaging stakeholders across their region to make a collective impact. In addition, they'll be developing a sustainable watershed strategy for development in the region and continue to establish exchanges between Lake Tahoe and Lake Panguipulli. The hope is that it becomes the international lake forum in 2020 in Lake Tahoe to bring together Tahoe, Panguipulli, and other fresh water lakes across the globe to collectively address the challenges such as transportation, over tourism, climate change, and economic development.

Presentation can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No-VI.E-Chile-Clear-Lakes.pdf>

Commission Comments & Questions

Mr. Hymanson asked what the elevation of Lake Panguipulli is.

Mr. Middlebrook said it is about 500 to 600 feet in elevation.

Public Comments & Questions

None.

VII. REPORTS

A. Executive Director

Ms. Marchetta said it was six years ago since the adoption of the Regional Plan Update. The promise of that plan was that we needed substantial private investment in our existing built environment to make environmental improvements to achieve and maintain the threshold standards. The development rights today was an important adaptive management step and there will be similar decisions on the shoreline plan coming to this commission next month.

1) Quarterly Report, April – June 2018

No further report.

B. General Counsel

None.

C. APC Members

Mr. Teshara thanked Ms. Waldie for her assistance with this month's meeting.

VIII. PUBLIC COMMENT

None.

IX. ADJOURNMENT

ADVISORY PLANNING COMMISSION
September 12, 2018

Chair Mr. Teshara adjourned the meeting at 12:32 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review.



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

STAFF REPORT

Date: \ / /
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Shoreline Plan Strategic Initiative – Recommendation on Certification of Final Environmental Impact Statement and Adoption of Amendments to TRPA Code of Ordinance Chapters 1, 2, 10, 14, 50, 63, 66, 80, 81, 82, 83, 84, 85, 86 and 90, Article 10 of the Rules of Procedure, and Shoreline Implementation Program

Summary and Staff Recommendation:

TRPA staff recommends that the Advisory Planning Commission (APC) recommend certification of the Shoreline Plan Final Environmental Impact Statement (FEIS) and adoption of the amendments to the TRPA Code of Ordinance Chapters 1, 2, 10, 14, 50, 63, 66, 80, 81, 82, 83, 84, 85, 86 and 90, Article 10 of the Rules of Procedure, and the Shoreline Implementation Program.

Required Motions for Certification of the EIS:

1. To recommend that the Governing Board certify the Lake Tahoe Shoreline Plan Final Environmental Impact Statement (FEIS), the APC must make the following motion.
 - a) A finding of technical adequacy and a motion to recommend that the Governing Board certify the Shoreline Plan Final Environmental Impact Statement, as provided in Attachment A

Required Motions for Adoption of Ordinance and Rules of Procedure Amendments:

2. To recommend that the Governing Board adopt the Shorezone Amendment Package and the Shoreline Implementation Program, the APC must make the following four motions:
 - a) A motion to recommend that the Governing Board make the Chapter 3 & 4 Findings contained in Attachment C
 - b) A motion to recommend approval and adoption of Ordinance 2018-___ (Attachment E), amending Ordinance 87-9, as previously amended, for the adoption of the amendments deleting existing Shorezone Code Chapters 80-86, adopting new Shorezone Code Chapters 80-85 and amending Chapters 1, 2, 10, 14, 50, 63, 66 and 90.

- c) A motion to recommend approval of Resolution 2018____amending Article 10 of the Rules of Procedure. (Attachment G)
- d) A motion to recommend approval of the Shoreline Implementation Program (Attachment B)

Required Motion for Adoption of Draft Memoranda of Understanding

- 3. A motion to recommend that the Governing Board adopt the following Resolutions:
 - a) Resolution 2018-___ Memorandum of Understanding between TRPA and California State Lands Commission regarding California Public Access (Attachment H)
 - b) Resolution 2018-___ Memorandum of Understanding between TRP and California State Lands Commission regarding mooring enforcement (Attachment I)
 - c) Resolution 2018-___ Memorandum of Understanding between TRPA, Nevada Department of Wildlife, Nevada State Parks, Douglas County Sheriff Department, Washoe County Sheriff Department, Placer County Sheriff Department, City of South Lake Tahoe, and United States Coast Guard regarding watercraft enforcement (Attachment J)

In order for motion(s) to pass, an affirmative majority vote by APC members, without regard to the state of representation, is required.

RPIC Recommendation

The Regional Plan Implementation Committee unanimously recommended certification of the Shoreline Plan Final Environmental Impact Statement (FEIS) and adoption of the amendments to the TRPA Code of Ordinance Chapters 1, 2, 10, 14, 50, 63, 66, 80, 81, 82, 83, 84, 85, 86 and 90 and the Shoreline Implementation Program at its September 26, 2018 meeting.

The Lake Tahoe Shoreline Plan

I. Project Description:

The Lake Tahoe Shoreline Plan will update regulations governing structures that support water-dependent recreation within the Lake Tahoe shoreline. It also includes an effective resource management strategy needed to mitigate activity associated with the Plan’s new development while making progress toward and achieving environmental thresholds. While the goal of the Shoreline Plan is to enhance the recreation experience along Lake Tahoe’s shoreline, the Plan is not a comprehensive recreation plan for the shore of Lake Tahoe. It is instead the last remaining element of the 1987 regional development plan and associated development caps not updated since the 1980’s. The Shoreline Plan sets the development envelope for water-dependent structures along the shoreline and does so in the context of a mix of 55% public and 45% private property fronting Lake Tahoe’s shores. As such, it completes what was started in 1987: to set standards for the development of new structures—buoys, piers, marinas, and ramps that serve water-dependent recreation access to the lake and resolve where, how many, what kind, how fast, and to what design standards these new structures will be allowed.

The Shoreline Plan addresses five policy areas that focus on boating, lake 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, Shorezone Tolerance Districts and Development Standards. The Shoreline Plan addresses the following:

- **Boating/Lake Access Structures:** 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.
- **Concession Operations:** Planning for consistent regulation and permitting of concessions operating in the shoreline.
- **Dredging:** Evaluating the scope, if any, of new dredging related to shoreline structures and providing coordination among agencies to assure adequate mitigation.
- **Environmental Improvement:** Including incentive programs to implement environmental improvement of existing shoreline infrastructure, particularly at marinas.

The Shoreline Plan would maintain the existing Regional Plan Goal SZ -1 and Policies SZ-1.1 through SZ 1.15 pertaining to Shorezone Development (see Regional Plan Compliance section below). Substantive Amendments are proposed to the TRPA Code of Ordinances Chapters 80-86, with minor amendments

proposed to Chapters 1, 2, 10, 14, 50, 63, 66 and 90 and to Article 10 of the Rules of Procedure. The proposed code amendments are included in Attachment E. The Rules of Procedure amendments are included in Attachment G.

TRPA has prepared a Final Environmental Impact Statement for the proposed Lake Tahoe Shoreline Plan. This document meets the environmental review requirements of the TRPA Compact, Code of Ordinances, and Rules of Procedure. The document is available at: www.shorelineplan.org

II. 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 shorezone ordinances. 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. The EIS supporting adoption of the 2008 ordinance was challenged, and in 2010 the 9th Circuit Court of Appeals remanded the EIS back to TRPA to address deficiencies in that document. Since that time, TRPA has limited shorezone development to existing piers that do not increase boating capacity (e.g., repairs, reconstructions, modifications, and expansions). TRPA has not been accepting applications for new moorings (i.e., buoys, boatlifts, slips) since 2010 when the court's injunction became effective.

In 2012, TRPA undertook a comprehensive update to its Regional Plan. While the Goal and Policies of the Shorezone Element remain relevant today, TRPA has yet to adopt a program and set of ordinances acceptable enough to the polarized and dissonant stakeholder interests that would implement these policies.

In 2016, TRPA launched, for the seventh time in the long history of shoreline planning, a different approach-- a collaborative process to develop a Shoreline Plan that would seek consensus across myriad stakeholder concerns, 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 national-class 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 widely-accepted 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.

The Shoreline planning team developed and is carrying out a comprehensive public outreach plan to provide opportunities for public involvement in a variety of forums. The team provided information and solicited input to identify key topics and issues to be included in the Plan and addressed in the environmental analysis. TRPA facilitated public workshops in Kings Beach, CA, and in Stateline, NV, and conducted over 30 organizational briefings with interest groups such as homeowner associations, littoral property owners, realtors, chambers of commerce, and boating associations, among others. A Shoreline Plan website www.shorelineplan.org was also launched that allowed full public transparency of proposals as they developed. The site discloses all Steering Committee and JFF Committee members, 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 considered to inform the Shoreline Plan and EIS. (See Attachment K, Shoreline Outreach Summary Report, for a complete description of public outreach)

Over a series of meetings, the Steering Committee presented to the TRPA RPIC the project scope, organizing principles, and a comprehensive set of policy proposals for consideration in the Shoreline Plan. RPIC considered, modified, and ultimately endorsed a set of proposals addressing water-dependent structures that provide access to Lake Tahoe, including marinas, ramps, buoys, and piers, as well as measures for low lake level adaptation. The policies endorsed by RPIC were advanced forward in the Shoreline Plan project description that was included in the Notice of Preparation (NOP) for the EIS, published on July 12, 2017. The Scoping period for the EIS was completed in August 2017. TRPA, in partnership with the Steering Committee, used the scoping comments to develop the four EIS Alternatives that were reviewed, amended, and endorsed by the RPIC in October 2017.

Following endorsement of the policy recommendations, the Watershed Company, an independent consultant with expertise in Shoreline planning, and TRPA translated the recommended policies into implementing code. Concurrently, TRPA convened a Shoreline Code Working Group, comprised of representatives from the Steering Committee and TRPA, to review and refine the proposed code amendments. During multiple meetings, the Working Group reviewed and edited the draft code amendments and then forwarded them to the Steering Committee for review at its April 4, 2018 meeting. After providing direction on key outstanding issues related to the amendments, the Steering Committee generally endorsed a revised draft code for release and public review with the Draft EIS. These code amendments were presented to the RPIC in April 2018 prior to release with the public Draft EIS.

TRPA released the Draft EIS and code provisions to the public for a 60-day review period beginning on May 8, 2018. During the review period, TRPA presented the findings and recommended mitigation

measures to the TRPA Advisory Planning Commission, Governing Board, RPIC, and held two public workshops. During this review period, TRPA received approximately 100 comments from individuals and agencies. Following receipt of comments, TRPA met multiple times with stakeholders to develop solutions to issues raised. These suggested changes and comments were discussed with the Steering Committee over two meetings in August and September 2018 and presented to RPIC on August 23, 2018. Based on these discussions, the Steering Committee recommended some modifications to the proposed Shoreline Plan, including additional mitigation measures. These changes to the Shoreline Plan between Draft and Final EIS are described in the “Environmental Review” and “Issues and Concerns” sections below.

In total, The Shoreline Steering Committee met 40 times between 2016 and 2018 to develop policy proposals and to incorporate feedback from the public, agencies, stakeholders and responsible agencies, and RPIC. The Plan that is presented in the Final EIS represents hundreds of hours of careful consideration, negotiation and public engagement.

III. Major Components of the Plan

The overarching goal of the Shoreline Plan is to update TRPA’s regulations applicable to shoreline structures in a manner that enhances 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 that guided all policy proposals and approaches, the Shoreline Plan will: 1) provide a fair and reasonable system of lake 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.

Piers: Currently, there are 762 piers existing on Lake Tahoe. If every private littoral parcel eligible for a single use pier built out that development, approximately 435 new piers would be added to the lakefront. The Shoreline Plan 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 related to pier development are avoided or mitigated and thresholds attained. The Shoreline Plan proposal includes the following key provisions:

- 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.
- 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.

- Up to ten additional public piers would be allowed, each subject to site specific plan and project review that tiers off the Shoreline Plan's programmatic EIS analysis
- 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 30 feet lakeward of 6,219' or 60' lakeward of 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: Based on a complete inventory in 2016, there are approximately 10,400 total existing boat moorings on Lake Tahoe including 4,690 buoys. The Shoreline Plan's proposed mooring system will recognize existing permitted buoys, adapt to changing lake levels, and provide flexibility for marinas and public land managers. The Shoreline Plan proposal includes the following key provisions:

- TRPA would develop an allocation system to distribute a total of 2,116 additional moorings to private property owners, homeowner's associations, and marinas. An initial release of 800 mooring permits would be issued with the remaining 630 placed in a reserve pool, retaining 330 of these specifically reserved for marinas and 100 for public agency use. New moorings are considered those that do not currently have TRPA, state or federal permits.
- The mooring registration and permitting system would be phased. Initially, TRPA would focus on registering existing moorings. This would include all buoys, boat slips and boat lifts including those located in the Tahoe Keys lagoons and in marinas. TRPA would then work with all existing permittees, both approved and pending, to review and update their permits. Buoys that are currently permitted or pending approval by TRPA or California and Nevada State Lands would be given priority. Thereafter, TRPA would accept applications for new moorings (those that do not have an existing state, federal, or TRPA permit). Each year, TRPA would issue up to 15% of the total new mooring permits remaining.
- 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.
- Adaptation to low lake levels is allowed as follows: an additional buoy anchor or row of anchors (marinas and homeowner's association buoy fields) could be located lakeward so that buoy floats can be moved to deeper water when lake levels drop. At marinas and at facilities on public land, buoy allocations could be exchanged for slips.
- Allocation of all buoys, including the reserve pool and allocation to associations, 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 lake wide. 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- For decades, marinas at Lake Tahoe have had little incentive to upgrade environmentally. Even minor expansions of mooring capacity triggered costly, time-consuming, and process-intensive comprehensive Marina Master Plans. Consequently, only one master plan has been completed in 20 years, leaving a backlog of environmental improvement opportunities at the Lake's 14 marinas. The Shoreline Plan policies would encourage expansions and improved access at Marinas (through marina buoy fields, slip rentals and ramps as applicable), particularly to obviate private properties adapting individually if left high and dry during periods of prolonged drought or low lake. Instead of requiring a

comprehensive Marina Master Plan for nearly all expansions, marinas seeking upgrades or reconfiguration would require the marina to be certified by a “Clean Marina” program, have an Aquatic Invasive Species Management Plan in place, and include other environmental improvements in the marina expansion design.

Concessions- All concessions located within the shorezone with a valid TRPA permit could continue to operate with a valid permit., New concession operations would be subject to requirements in the Shoreline Plan. Those motorized concessions operating prior to 2017 would not be required to operate out of a marina provided that fueling BMPs and other protections are implemented. All new concessions within the shorezone would be required to be associated with a permissible upland use.

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 lake 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. The Shoreline Plan provides adaptation measures to this historic low lake level.
- Phase 3: Below 6,220 feet. At this level, boating and other access may no longer be reasonably provided at the majority of facilities. Planning today for levels lower than 6,220 was deemed too speculative.

Dredging - New dredging using a non-degradation standard would only be permissible 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). For marinas, only new dredging to a deeper level than previously dredged would be allowed. For new dredging, the project must comply with existing state and federal standards. Dredging into areas of new expanse at marinas would be subject to TRPA’s existing code standard for new dredging.

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 will also monitor motorized boating activity against the boating assumptions made in the water and air quality analyses of the EIS. TRPA will adaptively manage new moorings and ramps to ensure that emissions from boat will not exceed the projections made in the EIS which would cause a significant environmental effect.

A. Amendments to TRPA Code of Ordinances and Rules of Procedure

To implement the Shoreline Plan, substantive changes are proposed to the Shorezone provisions, Chapters 80-86, with minor changes to Chapters 1, 2, 10, 14, 50, 63, 66 and 90 and to Article 10 of the Rules of Procedure. A reference guide to the draft code amendments is included in the Code Amendment Summary Guide which includes a Policy/Code Crosswalk (Attachment F). Amendments to the Rules of Procedure are included in Attachment G. The most substantive code amendments are summarized below:

Mooring Allocation, Permitting and Development Standards: Section 84.3 of the draft Code sets allocation and permitting rules for new buoys and other moorings. Development standards are

differentiated between buoys within or outside of buoy fields, and by individual parcel, homeowner's associations, and marinas. Provisions are included to allow adaptation for low lake level.

Pier Allocation, Permitting and Development Standards: Section 84.4 of the Code creates a phased program to permit new piers. Allocation of piers is distributed by geographic quadrant. Development standards are differentiated between multiple use and single use piers, with priority given to those piers that retire future pier development rights.

Marinas: The requirement for a marina master plan has been removed and replaced with Section 84.6 that provides specific marina development standards. Provisions are made for low lake adaptation and flexibility in design. Environmental improvements are required at marinas based on the scale of the project and increase in capacity.

Dredging: Section 84.9 is revised to apply standards similar to state and federal requirements for new dredging in marinas, public health and safety facilities and public boat ramps. Note that these provisions are being further revised to apply TRPA's existing "beneficial to water quality" standard to new dredging unless it is deeper dredging in an area of previous maintenance dredging.

Watercraft Concessions: Under Section 84.10.2 of the revised ordinance, all existing concessions would be required to come under permit with TRPA; temporary permits would no longer be issued for yearly operations. Motorized boat rentals would only be permitted at marinas, with boats required to be moored on permitted buoys or buoy strings. Storage racks would be allowed for non-motorized concessions provided they meet screening requirements.

Low Lake Level Adaptation: Section 84.3.3 allows individual buoys and buoy fields to be moved further lakeward during low water. Section 84.6.2 and 84.9.3 gives marinas the flexibility to use temporary pier extensions and buoy anchors during low lake level conditions.

Mitigation Requirements: The Shoreline Plan EIS identifies mitigation measures needed to ensure that the program would not result in significant environmental impacts. Mitigation measures incorporated into the Code include the following:

- A requirement for non-motorized navigation accommodation around public piers longer than 600 feet (Section 84.4.3.D)
- Littoral drift analyses for piers with floating sections longer than 25 ft (Section 84.4.3.A.9)
- An aquatic invasive species management plan requirement for all marinas (Section 84.6.2.B)
- Scenic mitigation for buoys (Section 84.3.3.C)
- Color standards for piers (Section 84.4.3.A.5)
- Mitigation Fees are referenced in 10.8.5 of the Rules of Procedure

Exempt/Qualified Exempt: Chapter 82 is revised to include exempt and qualified exempt activities, which will replace those shorezone-specific standards currently in Chapter 2 of the code. Per RPIC direction, the amendments were based primarily on the 2010 vacated code with some revisions by the Code Working Group to ensure adequate resource protection, including the public trust easement in California.

IV. Environmental Analysis

A. Environmental Thresholds

TRPA is mandated through the Bi-State Compact to make findings that the proposed Shoreline Plan, which amends the Regional Plan, achieves and maintains the adopted environmental thresholds, including those that could be affected by shorezone development. TRPA and its partners implement projects and sponsor research on the lake, along the shoreline and in the nearshore to ensure that the scenic environment is protected, water quality and clarity is maintained, fish and wildlife are protected, and that the recreation experience is not degraded. Every four years, TRPA conducts a threshold evaluation that monitors the effectiveness of such programs and recommends adjustments accordingly. Projects within TRPA's jurisdiction are reviewed to ensure consistency with the thresholds by incorporating project modifications or mitigation measures. The Shoreline Plan programs and mitigations satisfy the Compact's standards to achieve and maintain the adopted environmental thresholds. See Attachment D to the Staff Summary.

B. Joint Fact Finding & Standards of Significance

The Steering Committee engaged scientists and agency experts to identify and incorporate best available science to inform policy recommendations that would protect the lake environment. This "joint fact finding" process was critical to also identify, vet, and agree on standards of significance to evaluate potential environmental impacts of the plan and to establish a baseline from which to measure impacts. Some of the key resource topics that were discussed with the Joint Fact Finding Committee include fisheries, water quality, scenic quality, boating, air quality, and adapting to climate change (low lake levels). A primary role of the JFF Committee was to also collectively consider, vet, and develop the estimates of motorized boat use incorporated into this EIS. The JFF Committee reviewed information on boating activity, including recent boat use monitoring data collected by TRPA; boater registration data; boat inspection program records; boating data collected to support the 2004 Shorezone Ordinance EIS; boat ramp launch counts; marina maintenance logs and launch records; and surveys of boat operators. Based on this information, and the specialized knowledge of JFF members, the JFF developed the boat use assumptions used in the Environmental Analysis.

The standards of significance and approach to the environmental analysis was presented to the Shoreline Steering Committee over a series of meetings in 2017 in the form of technical memos, which TRPA posted for public review on the Shoreline Plan website. The Steering Committee recommended that the science and environmental review methodology presented by the Joint Fact Finding Committee be used to analyze potential impacts of the policy proposals and to develop mitigation measures in the Environmental Impact Statement.

C. EIS Scoping

The environmental review process began with issuance of a Notice of Preparation to inform agencies and the public that a draft EIS would be prepared for the Shoreline Plan, and to solicit views as to the scope and content of the document. The public scoping period was 36 calendar days, concluding on August 16, 2017. Scoping meetings were held at the TRPA Governing Board meeting on July 26, 2017 and at the Advisory Planning Commission meeting on August 9, 2017. The public was provided the opportunity to submit feedback during these public scoping meetings, as well as submit written comments. A total of 30 written comments were received from agencies, organizations, and individuals

during the scoping period. A summary of the public feedback received both during the scoping period and prior to the scoping period was summarized in the Shoreline Plan Scoping Summary Report available on the Shoreline Plan website.

D. Developing Environmental Alternatives

Based on comments received during the environmental scoping period, TRPA and the Steering Committee developed five alternatives that included various levels of shorezone development as follows: 1) The Proposed Shoreline Plan; 2) Maintain Existing Shorezone Regulations/No Project; 3) Prioritize Access Development; 4) Limit New Development; and 5) Expand Public Access and Reduce Development. TRPA staff presented these alternatives to the RPIC at its September 2017 meeting. Following this meeting, TRPA determined that Alternative 3 did not add significantly to the range of alternatives given the potential environmental impacts resulting from a higher number of shorezone structures and the presence of Alternative 2 (implementation of the existing regulations) would result in higher levels of development. After the Tahoe Sierra Club retracted its endorsement of the “non-motorized Monday” component of Alternative 5, TRPA agreed to remove it from the alternative.

TRPA subsequently revised the alternatives to the four that were analyzed in the Draft EIS. All four alternatives were developed according to the following organizing principles: (1) protect and where feasible enhance the environment, (2) provide a fair and reasonable system of access, (3) adapt to changing lake levels, (4) preserve high-quality recreation and public safety, and (5) implement predictable and consistent rules. Each of the alternatives represents a different approach to regulating the number, amount, type, location, and design of shoreline structures and associated resource management provisions, as follows:

Alternative 1 – Proposed Shoreline Plan. The goal of this alternative is to enhance the recreational experience at Lake Tahoe while protecting the environment and responsibly planning for the future. This alternative, developed through a consensus-based approach, incorporates the policies developed by the Steering Committee and was endorsed by the Regional Plan Implementation Committee (RPIC) of the TRPA Governing Board. The Shoreline Plan would meter out new private and public development over time. At buildout, it would allow for up to 2,116 new moorings (buoys, lifts or public slips), 128 new private piers, 10 new public piers, and two new public boat ramps. Some new and existing buoys could be converted to slips and vice versa at facilities open to the public (e.g., marinas).

Alternative 2 – Maintain Existing TRPA Shorezone Regulations (No Project). This alternative would retain the existing Regional Plan Shorezone Subelement Goals and Policies and TRPA Shorezone Code (Code of Ordinances Chapters 80–86). The goal of this alternative is to balance access and environmental protection by applying the approach that was developed under the 1987 Regional Plan. This alternative would not include a numeric cap on shoreline structures but would prohibit new structures within TRPA-designated prime fish habitat. This alternative would allow more shorezone structures than any other alternative and is the only alternative that would allow new marinas. At buildout, it would potentially allow for up to 6,936 new moorings, 476 new piers, six new boat ramps, and two new marinas.

Alternative 3 – Limit New Development. The goal of this alternative is to reduce the risk of environmental impacts by limiting new shoreline development. Motorized watercraft access would be more concentrated at marinas and public facilities, and fewer structures would be authorized under this alternative than under Alternative 1 or 2. At buildout, it would allow for a total of 365 new public buoys

or slips, five new public piers, and one new public boat ramp. Eighty-six new private piers would be authorized under this alternative, but they would be restricted to multiple-use piers.

Alternative 4 – Expand Public Access and Reduce Existing Development. The goal of this alternative is to expand public access, reduce existing shoreline development, and increase restoration to minimize the risk of environmental harm. This alternative would include transfer ratios that would allow some private shoreline structures to be removed and rebuilt in different locations if a project would result in a 2:1 reduction in the number of structures. At buildout, this alternative would allow 15 new public piers and no other new shoreline structures.

E. Draft EIS Approach and Content

The Draft EIS identified and assessed the anticipated environmental effects of implementing the Shoreline Plan alternatives, with a focus on significant and potentially significant impacts. The EIS provides a level of detail and clarity in the environmental review to allow for meaningful comment and participation by public agencies, interest groups, and the public. Due to the programmatic nature of the Shoreline Plan, it contained a general analysis of each resource area. The EIS is not intended to take the place of project-specific environmental review that will be needed to evaluate individual projects proposed following approval of the Shoreline Plan.

The EIS evaluated the outcomes of implementing the Shoreline Plan alternatives, including the effects of constructing and operating shoreline structures, resulting changes in boat use, and resource management programs. It analyzed the Shoreline Plan's effect on the following 13 resource areas:

- Hydrology and Water Quality
- Scenic Resources
- Fisheries and Aquatic Biological Resources
- Recreation
- Air Quality
- Greenhouse Gases and Climate Change
- Noise
- Land Use
- Soil Conservation
- Roadway Transportation and Circulation
- Terrestrial Biological Resources
- Cultural Resources
- Public Health and Safety

F. Draft EIS Findings and Mitigation Measures

Impacts from the Shoreline Plan can be distinguished between those resulting from the placement and construction of shorezone structures and those resulting from increased boating on the lake generated by those structures. The EIS evaluated the potential impacts of additional structures and additional boat use on the lake proposed under the various alternatives. Buildout under the proposed Shoreline Plan would result in a maximum of 16% of additional boat use, Alternative 2 would generate 53%, Alternative 3 34% and no measurable increase from Alternative 4.

The EIS identified potential impacts and mitigation measures for each of the proposed alternatives. A comprehensive list and description of impacts and mitigation measures is included in the Public Draft EIS, Executive Summary, Table ES-1 <http://shorelineplan.org/draft-environmental-impact-statement/>. With incorporation of the mitigation measures, all of the impacts were found to be less than significant, with the exception of Greenhouse Gas and Climate Changes impacts, which would remain significant and unavoidable under the proposed Shoreline Plan. Impacts and mitigation measures specific to the Shoreline Plan (Alternative 1) are summarized in the table below:

Draft EIS Mitigation and Impacts -Shoreline Plan (Alternative 1)

IMPACT	PROPOSED MITIGATION
<p><u>Fisheries and Aquatic Biological Resources</u> The EIS identified an increased risk of Aquatic Invasive Species spread due to an increase in boating.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>An AIS fee increase is proposed to contribute to AIS control projects. This fee would be collected at the boat inspection stations.</p> <p>Require marinas to develop AIS management plans</p> <p>Promote the development of AIS-resistant boats</p>
<p><u>Water Quality</u> The EIS identified a significant impact related to Interference with littoral processes from new or redeveloped shoreline structures</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Specify floating pier design standards to ensure that floating pier sections are not rigidly moored to the lake bottom</p> <p>Require littoral drift analyses and incorporate design recommendations for floating piers longer than 25 feet</p>
<p><u>Recreation</u> The EIS identified a potentially significant impact resulting from public piers extending beyond the 600-foot no wake zone</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Revise the design standards for piers to either limit the length to 600 feet OR require design such that non-motorized recreationists have lateral access underneath the pier during high lake level conditions</p>
<p><u>Scenic Resources</u> The EIS identified a significant impact from alteration of views of the shore from Lake Tahoe due to additional structures</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Offset visible mass of buoys. Each buoy would be required to mitigate the equivalent of 83 square feet of visible mass through screening, removal or paying an in-lieu fee.</p> <p>Establish color standards for piers so that they are either matte medium to dark gray OR alternative colors that blend with the background of the project site.</p>

<p><u>Air Quality</u> The EIS identified potentially significant impacts from short term construction emissions of ROG, Nox, PM10, and PM2.5</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Include best construction practices for emissions in the standard conditions of approval for shoreline projects. These practices include dust control, prohibition on burning vegetation, limiting idling time, and use of clean-fuel generators.</p>
<p><u>Greenhouse Gas Emissions and Climate Change</u> The EIS identified a significant impact from increased emissions associated with the construction and demolition of boating facilities and on-road motor vehicle trips to and from new boating facilities.</p> <p>The impact would be significant and unavoidable</p>	<p>Develop and implement a GHG reduction policy within 12 months of adoption of the Shoreline Plan</p>
<p><u>Noise</u> The EIS identified a significant impact from construction vibration related to pile driving</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Require vibration reduction measures for shoreline projects. These measures include locating construction equipment away from vibration-sensitive uses, phasing ground-disturbance, and setbacks.</p>
<p><u>Wildlife</u> The EIS identified significant impacts to osprey, bald eagle, and waterfowl from construction and recreational uses.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Avoid construction disturbances to nesting osprey and bald eagle, install interpretive signage, and prepare and implement habitat enhancement plans or other compensatory measures for unavoidable activities within TRPA-designated disturbance zones Conduct preconstruction surveys for waterfowl and implement a limited operating period, if necessary</p>
<p><u>Vegetation</u> The EIS identified a significant impact to Tahoe Yellow Cress due to construction and recreation disturbance</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Conduct preconstruction surveys, avoid potential construction impacts, and avoid potential recreation impacts to Tahoe yellow cress plants. This would be implemented by project-specific planning, design and environmental review, fencing and educational signage around known plant populations.</p>
<p><u>Public Health and Safety</u> The EIS identified a potentially significant impact from watercraft accidents due to increased boating and navigational hazards</p>	<p>Revise the design standards for piers to either limit the length to 600 feet OR require design such that non-motorized recreationists have</p>

Inclusion of the proposed mitigation would result in a less than significant impact.	lateral access underneath the pier during high lake level conditions
<p><u>Cultural Resources</u></p> <p>The EIS identified a potentially significant impacts to historic and archeological resources from development on properties that could contain known or unknown resources.</p> <p>The EIS also identified a potentially significant impact resulting from degradation of ethnic and cultural values</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<p>Avoid potential effects on historic resources through site-specific identification and evaluation of historic resources and avoidance.</p> <p>Avoid potential effects on archaeological resources through site-specific evaluation and archeological surveys, and avoidance.</p>

G. Draft EIS Public Outreach

TRPA conducted extensive outreach prior to publishing the Draft EIS to ensure that the public and interested agencies had ample opportunity to review and comment on the potential impacts and mitigation proposed in the analysis. In addition to noticing via the Shoreline email list, Shoreline plan website, newspapers and through the Nevada and California State Clearinghouses, TRPA sent over 30,000 mailers to property owners in the Tahoe Basin. The notices included invitations to two public workshops held in north and south shores as well as two public hearings on the EIS. During the workshops, TRPA staff, members of the Shoreline Steering Committee and consultant team had the opportunity to directly interact and answer questions with the public in a more informal setting.

H. EIS Comments

TRPA received 107 individual public comments on the Draft Environmental Impact Statement, including those received during public hearings. The most significant comments and their in-depth responses (summarized here) make up the bulk of the FEIS (Attachment A) and include:

- Master Response 1 – (The Shoreline Plan and Planning Process) FEIS 3.1.1
- Master Response 2 – (Effects on Recreation) FEIS 3.1.2
- Master Response 3 -- (Motorized Boat Use Estimates) FEIS 3.1.3
- Master Response 4 – (Watercraft Emissions) FEIS 3.1.4
- Master Response 5 – (Growth and Mitigation under the Existing Shorezone Regulations) FEIS 3.1.5
- Master Response 6 – (Monitoring and Adaptive Management of the Shoreline Plan)
- FEIS 3.1.6 – (Choice of Environmental Baseline) FEIS 3.2, Response A1-3
- Reliance on Increased Enforcement of No Wake Zone to mitigate impacts FEIS 3.1.2

TRPA has also developed an implementation program (discussed immediately below) that outlines how the permitting, enforcement, education, mitigation and monitoring programs will be funded and implemented. This program will address some of the commenters concerns and is included as an Appendix to the FEIS and as Attachment B to this staff report.

V. Shoreline Implementation Program

In response to requests received during the comment period to provide more detail on implementation of the proposed policies, TRPA developed an implementation program that describes how permitting, enforcement, education, mitigation and monitoring programs would be funded and implemented. This document more clearly articulates how these programs would achieve the goals of the Shoreline Plan and ensure environmental protection. (See Attachment B-Implementation Program)

To develop the program, TRPA first identified those elements necessary to implement or offset impacts of the Shoreline Plan and which agencies would be responsible or a partner in implementation. TRPA also identified those program elements that do not currently have dedicated funding including additional enforcement, boater education, turbidity monitoring, enhanced boat inspections, mooring permitting and enforcement, and additional AIS control.

Once these program elements were identified, the Shoreline Steering Committee proposed an environmental improvement and permitting program funded by fees collected from boating related structures and activities. The fees would pay for:

1. Essential program elements needed to implement the Shoreline Plan and subsequent permitting program; and
2. Programs identified in the environmental analysis to avoid, offset, and mitigate environmental impacts associated with the plan.

Fees would be collected at different administration points from users through annual mooring registration, as an addition to the boat sticker fee collected at the Aquatic Invasive Species boat inspection stations, and through a boat rental concession fee. These programs are described in detail in the Implementation Program and summarized below:

No Wake Zone Enforcement Program-TRPA has formed a task force with other agencies around the Lake to increase patrols and enforcement of the 600-foot no wake zone, boating buffer zones and boater safety. Fees collected from annual mooring registration and boat rental concessions would allow TRPA to more than double the patrols on the Lake with an additional boat and crew.

Mooring Enforcement Program-TRPA is developing a state-of-the-art tracking and enforcement program for all moorings (buoys, slips, boat lifts) on Lake Tahoe, funded by annual registration fees. This includes tagging, mapping, maintenance of a multi-agency database, patrols, and working with partners to remove illegal moorings.

AIS Control Program-New moorings and structures that increase boating on the Lake may also increase the risk that aquatic invasive species could spread and threaten lake clarity and ecosystems. TRPA will collect a fee to not only prevent AIS from entering the lake (the existing boat sticking fee), but to treat problem areas and reduce the spread. The additional control would be funded by annual mooring registration, boat rental concessions, and an increase in the boat sticker fees.

Enhanced Watercraft Inspection Program-TRPA will expand its inspections of boats to ensure that sewage and exhaust do not threaten the Lake. These fees would be added to the existing boat sticker for watercraft inspection.

Monitoring Program (noise, water quality)-A portion of fees collected from annual mooring registration and boat sticker fees will contribute to water quality and noise monitoring in targeted locations.

Education/Outreach- TRPA has committed to work with agency and non-profit partners to educate the public about boating regulations and the 600-foot no wake zone. This will be funded by mooring registration and boat rental concessions fees.

Scenic Quality Improvement Program- TRPA will develop a program that identifies scenic improvement projects around the lake to offset the scenic impacts of buoys. Funds collected from the buoy scenic fee would contribute to this program.

VI. FEIS/ Plan Revisions

Following the public comment period on the EIS, the Shoreline Steering Committee and TRPA staff discussed how to address certain concerns raised by the public, stakeholders and public agencies and if additional measures were needed to respond to public concern. In addition to addressing concerns in the implementation plan, the Steering Committee recommended that TRPA incorporate the following changes to the Shoreline Plan:

1. Adopt additional boating buffer zones
 - Adopt a 200-foot buffer zone around structures consistent with CA & NV law. TRPA would work with the enforcement agencies through an MOU to ensure a cooperative approach to compliance with this as well as the 600-foot no wake zone.
 - Adopt a 100-foot buffer zone around swimmers and non-motorized recreationists
2. Mooring Phasing
 - Include phased program for new mooring applications based on the priority system developed by the Steering Committee, not to exceed 15% beginning in 2020. In the first year of the program (2019), TRPA would focus on registering existing moorings, identifying and removing those that are unauthorized, and launching the tracking and enforcement program.
 - Implement an adaptive management strategy linking monitoring of boating levels and emissions and the number of new mooring permits issued to ensure that the assumptions made in the EIS emissions modeling were not unreasonable and no significant impacts will occur.
3. Limit Public Pier Length
 - The mitigation measure proposed in the draft EIS has been revised to limit public piers to 600 feet in length. Additional length could only be granted to accommodate public health and safety facilities or waterborne transit.
4. Maintain greater reserve for public moorings

- The public draft plan proposed reserving 300 moorings for public use with flexibility to allocate some of these to private provided 50 remain in the pool. To ensure future public needs are met, the plan has been revised to retain 100 in the reserve pool.

5. Noise Limits for Boats

- TRPA would prohibit vessels to operate on Lake Tahoe which have an exhaust system directly to the air that generates noise which exceeds TRPA or applicable state standards. This regulation is consistent with Nevada State regulation (NRS 488.195) and State of California vehicle code (CA Harbors and Navigation Code, Section 654 A), which requires that vessels be equipped with a permanently installed, constantly operating muffler system that effectively prevents exceedances of the maximum noise levels described above.

6. Recreation Monitoring

- The plan has been revised to include recreation monitoring of visitor experience and user conflicts related to shorezone/lakezone activities. This would include beach recreation surveys, motorized/non-motorized user interaction, recreation capacity, etc. The monitoring would begin in 2019 and be coordinated with TRPA's threshold evaluation program and the development of the sustainable recreation program.

VII. Issues and Concerns:

A. Public Access & Recreation – Scope of Shoreline Plan

TRPA received comments from individuals and agencies requesting that the Shoreline Plan include additional measures to improve public access to the Lake and that the scope be expanded to more broadly address recreation. The scope of recreation plans, programs and activities among the wide range of recreation providers is a balance of responsibility. The act of managing any planning process that overlaps into the roles and responsibilities of other agencies is to clearly define the scope and purpose of the proposed action. While the goal of the Shoreline Plan is to enhance the recreation experience along Lake Tahoe's shoreline, the plan is not intended to be the overall recreation plan for Lake Tahoe or the shoreline. It is predominantly a plan to set the development envelope for water-dependent structures along the shoreline, and to do that in the context of a mix of 55% public and 45% private property fronting the lake shore.

A myriad of other recreation plans and implementing measures already exist or are underway for Lake Tahoe. Recreation planning for the Tahoe Region is within the purview of TRPA and numerous federal, state, local, and private recreation providers. This section summarizes a few of the ways the Shoreline Plan as well as other recreation initiatives are addressing and enhancing public recreation access to the lake.

While the Shoreline Plan scope is primarily limited to location and design standards for shoreline structures, it does include provisions to benefit the public. One of the distinguishing features of the plan is its focus on improvements at marinas which provide publicly available facilities such as ramps, docks, slips, buoys, rental fleets, fueling and wastewater pumping, and viewing piers. Under

the plan, Marinas would have the flexibility to add capacity, improve facilities, and reconfigure to adapt to changing lake levels.

In addition to marina improvements, the Shoreline Plan will facilitate coordinated planning and improvements on the Lake through education and partnerships. These programs include the no wake zone and boater education campaign that TRPA will implement with enforcement agency partners, marinas, ramp operators and boat rental concessions. TRPA will also partner with the Lake Tahoe Water Trail to improve lake access points and provide wayfinding signage and education for non-motorized boaters. These programs would be funded in part by boating activity through annual mooring registration and boat rental concession fees.

As discussed in the Public Trust section above, the MOU between TRPA and the California State Lands Commission ensures that the California public trust easement is protected. The MOU requires close coordination and decisions by State Lands when designing piers and other shoreline structures to ensure that the public can pass under, over, or around a pier. To ensure consistency between CSLC and TRPA, modified its code provisions to provide design flexibility for structures that provide such access.

The Shoreline Plan is just one of a multitude of plans and programs that address access to Lake Tahoe. Public access to the Lake is provided primarily through public lands such as California and Nevada State Parks, US Forest Service, local jurisdictions (Utility Districts and the City of South Lake Tahoe) beaches and facilities, as well as marinas and boat launches.

To better establish a baseline from which to plan public access improvements to the Lake, the California Tahoe Conservancy (CTC) prepared a Public Access Investment Plan Inventory in July 2018. This comprehensive inventory documented 65 public access points including all lake front public lands, lake view public lands, and lake front private lands that provide public access. The goal of this plan is to create a roadmap for future public access that furthers the Lake Tahoe Region's Recreation Threshold and other regional goals related to providing additional access along the shoreline and optimizes public investment over the next 5-10 years. The report took a close look at both opportunities and impediments to public access to the Lake. This plan lays the foundation for all agencies around Lake Tahoe to coordinate on public access improvements.

In addition to the CTC inventory, TRPA and public land agency partners began to collaboratively plan for future public access and recreation opportunities needs through The Sustainable Recreation Working Group. The goal of the working group is to "provide high-quality opportunities for outdoor recreation, while preserving and restoring the outstanding natural and cultural resources of the Lake Tahoe Basin". The working group is integrating recreation management planning across agencies and developing a basin-wide Sustainable Recreation Strategic Plan. The policy direction from the Strategic Plan will guide future recreation management at Lake Tahoe, including addressing crowding and resource issues on the Lake.

Nonetheless, in further response to the comments on the need to enhance recreation access beyond what is already provided by the proposed Plan, staff identified an existing fee charged to

pier applicants. The per lineal foot fee will be increased and used to generate funds to improve public access at public places on the Lake.

B. Incentive-Based Environmental Improvement at Marinas

One of the primary objectives of the Shoreline Plan is to provide incentives for environmental improvement through redevelopment of shoreline structures. This incentive program is particularly important at marinas, where the former Marina Master Plan requirements served as a disincentive to environmental improvements at Tahoe's marinas. Under the Shoreline Plan revisions marinas would be able to redevelop at a variety of scales without being required to prepare a comprehensive marina master plan, as long as the marina project implements environmental improvements specified in the Code. This incentive-based approach to environmental improvement had to be balanced with a clear regulatory framework and guidelines in the code of ordinances. The Steering Committee and Code Working Group discussed this balance at length, responding to stakeholder concerns that environmental components and mitigation would not be implemented, while property owners, concession and marina operators asked for flexibility.

To address this issue, the Steering Committee formed a marina sub-committee specifically tasked with developing a feasible program that requires environmental improvement based on the type and level of project being proposed. First, the Committee determined which environmental improvements should be in place prior to any new projects at marinas. The proposal would require that an aquatic invasive species management plan and water quality BMPs be in place and that the marina be certified as a "Clean Marina." Other environmental improvements would be required based on whether the project is considered a minor or major project, based on whether the project proposes an expansion of use or mooring capacity.

After recent consultations with the California Attorney General, the Steering Committee proposes to refine the marina provisions of the Shoreline Plan to (1) lower the mooring expansion trigger from 20 new moorings to 15 before requiring implementation of the listed environmental improvements in Code Section 84.6, (2) prioritize mooring expansion improvements based on environmental benefit, and once triggered, require implementation of specified benefits in priority list order, and (3) limit new dredging at marinas

C. Boating Enforcement and Non-Motorized Recreation

While the Shoreline Plan scope is not primarily a recreation management plan, the Plan addresses boating from the perspective of mitigating the effects of the boating activity that results from the new structures authorized by the Plan. The program and mitigations include regulation of boating practices, including the no wake zone, and anchoring and beaching. The Plan's regulation of existing no wake zone and expanded no wake at Emerald Bay ensure that additional boating generated by structures proposed under the plan would not have a negative environmental effect. and addresses user conflicts between motorized and non-motorized recreationists.

TRPA has responded to these concerns, first in the Shoreline Plan itself, then with substantial additional enhancements to enforcement in response to comments. First, TRPA engaged partners in developing a coordinated enforcement MOU (See Attachment J). TRPA coordinated with the Lake Tahoe Water Trail, Nevada and California State Parks, Nevada Division of Wildlife (NDOW), California Fish and Wildlife, and

the US Coast Guard to discuss potential approaches. Initial discussions considered a wide range of strategies from educational signage, demarcation buoys, additional patrols and the challenges of enforcing regulations across jurisdictional boundaries and between agencies with different missions and authority. All agreed that a coordinated approach would be beneficial to reducing user conflicts and recommended including law enforcement agencies on the lake to enforce boating regulations. When all agencies with jurisdiction maintain a heightened and coordinated on-lake presence, the aggregation of enforcing all applicable rules creates a substantial increase in enforcement activity that will accelerate boating behavior changes. This will be coupled with strong education and outreach.

TRPA added Douglas County, Washoe County, Placer County, El Dorado County, the City of South Lake Tahoe, NDOW, and the U.S. Coast Guard to the coordinated approach to enforcement of the 600 foot no wake zone. The MOU identifies areas for targeted patrols, education and enforcement. At the same time, TRPA committed to hiring an additional boat crew beginning in 2019 to aid in implementing this enforcement and education program.

Adding to the coordination MOU and in further response to comments, the Steering Committee recommended including similar standards as the states (CA and NV) for buffer zones around non-motorized recreationists and shoreline structures. Now all agencies under the MOU are coordinating education and enforcement of a widely consistent set of rules to address user conflicts on the lake between motorized and non-motorized recreationists.

The Steering Committee carefully considered commenters suggestions to expand the no wake zone and place demarcation buoys near State Parks. After many conversations with agency partners and enforcement and watershed education personnel weighing the pros and cons, the Steering Committee recommended maintaining the existing 600 foot no wake zone for its consistency and predictability. Further, the absence of reliably collected data on user conflicts means there is not a strong basis in existing data to base a regulatory change to the established 600 foot no wake zone at this time. The no wake zone coupled with enhanced education and enforcement was deemed sufficient unless future monitoring data on user experience supports adaptive management. Maintaining this consistent standard will be more feasible to implement lake wide and is the first step towards an effective enforcement program. Through an adaptive management approach and recreation monitoring, California State Parks or other land managers could later pursue placing demarcation buoys in certain locations. TRPA will monitor motorized/non-motorized boating interactions through surveys and coordination with local law enforcement agencies on the lake. If data indicates an increase in adverse interactions due to boating activity attributable to the Shoreline Plan, TRPA may consider adaptively enlarging the no wake zone and/or other management measures.

The Shoreline Plan includes a strong education element to aid compliance of boating regulations. TRPA has begun this education campaign by developing a "Take Care" message on no wake zone boating behavior to be used at marina, AIS inspection sites, and other launch locations. In response to public comments, TRPA strengthened the education programs by committing a portion of education funding to the Lake Tahoe Water Trail and to providing training to boat rental concessions. More details on the education and enforcement campaign is included in the Implementation Program (Attachment B) and in the FEIS Response to Comments (Attachment A).

D. Reconstruction of Existing Structures

Significant comment was received on whether reconstructions of existing piers should be a qualified exempt activity (as proposed) or a project subject to full TRPA review and approval. After detailed discussion with the commenter, in response to the concerns raised, the Steering Committee recommends that the Shoreline Plan be revised to move full and partial reconstructions of piers from the qualified exempt category of activities into projects. No change is being made to the Plan's proposal to allow the reconstruction of nonconforming piers without moving towards conformance. Applicants who are replacing "in kind" will be able to keep what they have. Nonetheless, in the case of modifications and expansions, which are more likely because design standards incentivize these changes, the Plan requires movement towards conformance of existing nonconforming structures.

VIII. Regional Plan Compliance:

The proposed Shoreline Plan is consistent with the TRPA Regional Plan. The Regional Plan, under Chapter 4: Conservation Element, Shorezone, includes the following policies, listed below in bold, with staff response in italics, that are applicable.

Policies

SZ-1.1: All vegetation at the interface between the backshore and foreshore zones shall remain undisturbed unless allowed by permit for uses otherwise consistent with the shorezone policies.

The Shoreline Plan does not alter provisions related to protection of vegetation between the backshore and foreshore and is therefore consistent with this policy.

SZ-1.2: Construction Activity should be set back to ensure no disturbance of the interface between high capability backshore and unstable cliff areas.

The Shoreline Plan does not alter provisions related to construction setbacks between high capability backshore and unstable cliff areas and is therefore consistent with this policy.

SZ-1.4: Class 1 capability shorezones shall be managed consistent with the goals and policies of the stream environment zone subelement.

The Shoreline Plan does not alter provisions related to managing stream environment zones and is therefore consistent with this policy.

SZ-1.5: Disturbance of Class 2 and Class 3 Capability Shorezones shall be minimized to avoid accelerated backshore erosion or cliff collapse.

The Shoreline Plan does not alter provisions related to disturbance of Class 2 and 3 capability shorezones and is therefore consistent with this policy.

SZ 1.6: Low to moderate intensity dwelling and recreational uses should be allowed in the stable and high capability backshore areas of class 4 and 5 capability shorezones.

The Shoreline Plan does not alter provisions related to specific uses allowed in class 4 and 5 shorezones and is therefore consistent with this policy.

SZ-1.7: Water dependent recreational facilities and residential buildings are acceptable uses in Class 6, 7 and 8 capability shorezones so long as such uses (1) Provide for the natural equilibrium of the Shoreline interface, 2) Do not accelerate nearshore shelf erosion, 3) Minimize disturbance of vegetation, 4) Consider visual amenities, and 5) Comply with other relevant policies of this subelement.

The Shoreline Plan does not alter provisions related to specific uses allowed in Class 6, 7 and 8 capability shorezones and is therefore consistent with this policy.

SZ-1.8: Stream channel entrances to the lake shall be maintained to allow unobstructed access of fishes to upstream spawning sites.

The Shoreline Plan maintains designated stream mouth protection zones and prohibits development in these locations, therefore it is consistent with this policy.

SZ-1.9: The agency shall regulate the placement of new piers, buoys, and other structures in the foreshore and nearshore to avoid degradation of fish habitats, creation of navigation hazards, interference with littoral drift, interference with the attainment of scenic thresholds, and other relevant concerns.

The Shoreline plan will update ordinances that regulate the placement of new piers, buoys, and other structures. The program will include measures to ensure that fish habitat is protected, that structures are designed to avoid navigation hazards and interference with littoral drift. Structures permitted under the program will be reviewed to ensure that scenic thresholds are attained. The Shoreline Plan is therefore consistent with this policy.

SZ-1.10: Provisions should be made to allow multiple-use piers when such uses are intended to reduce the number of single-use piers existing on adjoining properties.

The Shoreline Plan prioritizes multiple use piers and those piers that retire development rights on adjoining properties over single-use piers and is therefore consistent with this policy.

SZ-1.11: The agency shall regulate the maintenance, repair, and modification of piers and other structures in the nearshore and foreshore.

The Shoreline Plan will update ordinances that regulate the maintenance, repair and modification of piers and other structures in the nearshore and foreshore. Therefore, it is consistent with this policy.

SZ-1.12: Cascade and Fallen Leaf Lakes should be evaluated and considered for low intensity uses to include restrictions on the use and size of boat motors.

While the Shoreline Steering Committee did not recommend additional restrictions at Cascade and Fallen Leaf Lake at this time, The Shoreline Plan does not preclude TRPA or the U.S. Forest Service from limiting the scale of projects and the use and size of boat motors at Cascade and Fallen Leaf Lakes in the future if the need arises. The Shoreline Plan is therefore consistent with this policy.

SZ-1.13: Allow public access to the shorezone where lawful and feasible on public lands.

The Shoreline Plan includes provisions to ensure that the public trust easement is protected. TRPA would review the placement of any new structures to ensure access to public lands is not impeded and is therefore consistent with this policy.

SZ-1.14: Private marinas shall be encouraged to provide public boat launching facilities.

While the Shoreline Plan does not require marinas to provide public boat launching facilities, many of the marinas already provide this service. The Shoreline Plan does encourage environmentally beneficial redevelopment of marinas, which could provide better access for the public, and is therefore consistent with this policy.

SZ-1.15: TRPA may designate shorezones as man-modified.

The Code of Ordinances provisions related to the man-modified designation will remain. The Shoreline Plan is therefore consistent with this policy.

IX. Environmental Review

TRPA and Ascent Environmental, the environmental consultant for the Shoreline Plan, analyzed the potential effect of the proposed project, including the Code of Ordinance Amendments. The findings of the environmental analysis are described in Section IV F above “EIS Findings and Mitigation Measures”. The Final EIS describes those changes to the program that were incorporated following the public comment period. The environmental documentation for the recommended changes and the code amendments consists of the Final Environmental Impact Statement, EIS Findings, Threshold Evaluation (Findings) and compliance measures evaluation. Per Article V and VI of the TRPA Bi-State Compact and Chapter 3: Environmental documentation of the TRPA Code of Ordinances, the environmental documentation serves to analyze whether the program and code amendments will cause environmental threshold carrying capacities to be exceeded.

Contact Information:

For questions regarding this agenda item, please contact Rebecca Cremeen at (775) 589-5214 or rcremeen@trpa.org.

Attachments:

- A. Shoreline Plan Final EIS/Response to Comments (FEIS)
<http://www.trpa.org/document/projects-plans/>
- B. Shoreline Implementation Program
- C. Findings Documents (FEIS, Code, Regional Plan)
- D. Threshold Indicators and Compliance Measures Table
- E. Ordinance 2018- with proposed Code Amendments
- F. Code Amendment Summary Guide
- G. Resolution to Amend Rules of Procedure
- H. California State Lands Public Trust MOU Resolution and MOU
- I. California State Lands Mooring Enforcement Resolution and MOU
- J. Enforcement Agency Resolution and MOU
- K. Public Outreach Summary Report

**ATTACHMENT A:
Shoreline Plan Final EIS/Response to Comments**

<http://www.trpa.org/document/projects-plans/>

ATTACHMENT B:
Shoreline Implementation Program

SHORELINE IMPLEMENTATION PROGRAM

September 2018





A Voice for Lake Tahoe

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Shoreline Implementation Program Table of Contents

Introduction.....	1
Chapter 1. Summary of Impacts	2
Chapter 2. Permitting.....	5
A. Piers	5
B. Moorings.....	8
C. Ramps	10
D. Marinas.....	10
E. Dredging.....	11
F. Standard Conditions of Approval.....	11
G. Exempt/Qualified Exempt Projects	12
H. Reconstructions of Existing Structures	12
I. California Public Trust Easement	13
J. Tahoe Keys Enforcement & Permitting	13
Chapter 3. Boating Enforcement Program	14
A. No-Wake Enforcement Strategy	14
B. Noise Enforcement Strategy	15
C. Mooring Enforcement Program	17
Chapter 4. Boater Education Program.....	19
Chapter 5. Environmental Monitoring	22
A. Noise Monitoring.....	22
B. Water Quality Monitoring.....	23
C. Recreation Monitoring	24
D. Boat Use Data Collection	24
E. Adaptive Management	24
Chapter 6. Aquatic Invasive Species Control	25
Chapter 7. Enhanced Watercraft Inspection Program	26
Chapter 8. Greenhouse Gas Emissions Reduction Plan	27
Chapter 9. Fees.....	28
A. Shoreline Program Fees	28
B. Shorezone Structure Mitigation Fees	28
Attachment A. Existing Environmental Monitoring Programs	31

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Introduction

In 2015, the Tahoe Regional Planning Agency (TRPA) and critical stakeholder partners launched a collaborative planning process to develop a Lake Tahoe Shoreline Plan with development caps and guidelines for appropriate uses along the lake's 72 miles of shoreline. If approved by the TRPA Governing Board, the plan will update regulations for shoreline structures including piers, buoys, boat ramps, and marinas to support water-dependent recreation at Lake Tahoe and ensure effective natural resource management for continued environmental threshold attainment. Several years of collaborative work with Shoreline Steering Committee partners and the public resulted in the five key policy areas that are addressed in the Shoreline Plan: boating, access, marinas, piers, and low lake level adaptation.

This report demonstrates how the Shoreline Plan would be implemented in the years following its approval by the TRPA Governing Board, and how possible impacts identified in the Shoreline Plan environmental review and analysis will be successfully mitigated. The report provides more details on a variety of essential new shoreline programs, how these programs will be funded through fees fairly apportioned to various shoreline user groups, and how these programs will improve the environment along Lake Tahoe's shoreline and improve recreation access, safety, and experiences at the lake.

Chapter 1. Summary of Impacts

The Environmental Impact Statement (EIS) identified potential environmental impacts in response to the Shoreline Plan. As a result, a variety of program elements and mitigation measures have been put in place. These changes and measures are summarized both in this report as well as the proposed amendments to the TRPA Code of Ordinances shown in table 1.

TABLE 1. ENVIRONMENTAL IMPACTS & MITIGATION MEASURES GUIDE		
POTENTIAL IMPACT	PROGRAM ELEMENT/MITIGATION MEASURE	ADDITIONAL DETAILS CAN BE FOUND IN:
<p><u>Fisheries and Aquatic Biological Resources</u></p> <p>The EIS identified an increased risk of Aquatic Invasive Species (AIS) spread due to an increase in boating.</p> <p>Inclusion of the proposed AIS fee and mitigation measure would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • An AIS fee increase will contribute to AIS control projects throughout the lake. This fee would be collected at the boat inspection stations. • TRPA will continue to promote the development of AIS-resistant boats. • TRPA will require marinas to develop AIS management plans within three years of adoption of the plan. 	<p>Chapter 6, Aquatic Invasive Species Control (Page 27)</p> <p>Proposed Code Section 84.6.2.B.1.</p>
<p><u>Water Quality</u></p> <p>The EIS identified a significant impact related to interference with littoral processes from new or redeveloped shoreline structures.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • TRPA will specify floating pier design standards to assure that floating pier sections are not rigidly moored to the lake bottom. • TRPA will require littoral drift analyses in necessary locations and incorporate design recommendations for floating piers longer than 25 feet. 	<p>Proposed Code Section 84.4.3.A.9.</p>
<p><u>Recreation</u></p> <p>The EIS identified a potentially significant impact resulting from public piers extending beyond the 600-foot no wake zone.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • TRPA will revise the design standards for public piers that extend 600 feet or more from the high-water elevation to provide lateral nonmotorized recreation access within the 600-foot no-wake zone. 	<p>Proposed Code Section 84.4.3.D.1.A.</p>

<p><u>Scenic Resources</u> The EIS identified a significant impact from alteration of views of the shore from Lake Tahoe due to additional structures.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • TRPA will require buoy owners to offset visible mass of buoys. Each buoy would be required to mitigate the equivalent of 83 square feet of visible mass through the payment of an annual in lieu fee of \$47. • TRPA will establish color standards for piers so that they are either matte medium to dark gray OR alternative colors that blend with the background of the project site. Pier applications are subject to the appropriate project-level environmental review and permitting. 	<p>Chapter 2, Section B. Moorings (Page 10)</p> <p>Proposed Code Section 84.4.3.A.5.</p>
<p><u>Air Quality</u> The EIS identified potentially significant impacts from short term construction emissions of ROG, Nox, PM10, and PM2.5.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • TRPA will include best construction practices for emissions in the standard conditions of approval for shoreline projects. These practices include dust control, prohibition on burning vegetation, limiting idling time, and use of clean-fuel generators. 	<p>Chapter 2, Section F. Standard Conditions of Approval (Page 14)</p>
<p><u>Greenhouse Gas Emissions and Climate Change</u> The EIS identified a significant impact from increased emissions associated with the construction and demolition of boating facilities and on-road motor vehicle trips to and from new boating facilities.</p> <p>The impact would be significant and unavoidable.</p>	<ul style="list-style-type: none"> • Develop and implement a GHG reduction policy within 12 months of adoption of the Shoreline Plan. The policy will require implementation of measures for the reduction of greenhouse gas emissions generated by demolition and construction activity in the shorezone and in associated upland areas, by on-road motor vehicle trips directly associated with the operation of boating facilities, and by ongoing operation of recreational watercraft. Potential actions included in the GHG Emissions Reduction Plan include minimizing GHG emissions by requiring or incentivizing construction contractors to use cleaner construction equipment and public facilities to include infrastructure for electric vehicles and bicycles as part of their project. 	<p>Chapter 8, Greenhouse Gas Emissions Reduction Plan (Page 29)</p>
<p><u>Noise</u> The EIS identified a significant impact from construction vibration related to pile driving.</p>	<ul style="list-style-type: none"> • TRPA will require vibration reduction measures for shoreline projects. These measures include locating construction equipment away from vibration-sensitive uses, phasing ground-disturbance, and setbacks. 	<p>Chapter 2, Section F. Standard Conditions of Approval (Page 14)</p>

<p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>		
<p><u>Wildlife</u> The EIS identified significant impacts to osprey, bald eagle, and waterfowl from construction and recreational uses.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • Avoid construction disturbances to nesting osprey and bald eagle, install interpretive signage, and prepare and implement habitat enhancement plans or other compensatory measures for unavoidable activities within TRPA-designated disturbance zones. • Conduct preconstruction surveys for waterfowl and implement a limited operating period, if necessary. 	<p>Chapter 2, Section F. Standard Conditions of Approval (Page 14)</p>
<p><u>Vegetation</u> The EIS identified a significant impact to Tahoe Yellow Cress due to construction and recreation disturbance.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • Conduct preconstruction surveys, avoid potential construction impacts, and avoid potential recreation impacts to Tahoe Yellow Cress plants. • This would be implemented by project-specific planning, design and environmental review, fencing and educational signage around known plant populations. 	<p>Proposed Code Section 82.5.1.J.</p> <p>Proposed Code Section 80.4.8.</p>
<p><u>Public Health and Safety</u> The EIS identified a potentially significant impact from watercraft accidents due to increased boating and navigational hazards.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • TRPA will revise the design standards for public piers that extend 600 feet or more from the high-water elevation to provide lateral nonmotorized recreation access within the 600-foot no-wake zone. 	<p>Proposed Code Section 84.4.3.D.1.</p>
<p><u>Cultural Resources</u> The EIS identified a potentially significant impacts to historic and archeological resources from development on properties that could contain known or unknown resources.</p> <p>The EIS also identified a potentially significant impact resulting from degradation of ethnic and cultural values.</p> <p>Inclusion of the proposed mitigation would result in a less than significant impact.</p>	<ul style="list-style-type: none"> • Avoid potential effects on historic resources through site-specific identification and evaluation of historic resources and avoidance. • Avoid potential effects on archaeological resources through site-specific evaluation and archeological surveys, and avoidance. 	<p>Proposed Code Section 80.4.6.</p>

Chapter 2. Permitting

Development along the shoreline of Lake Tahoe has been the subject of decades of study and controversy. Multiple agencies with jurisdiction over Lake Tahoe’s shoreline have an interest in the development that takes place in the shorezone. Today’s Shoreline Plan process emphasizes continuous coordination with agencies that have jurisdiction of the shorezone including California State Lands Commission (CSLC), Nevada Division of State Lands (NDSL), and the Army Corps of Engineers. Under the Shoreline Plan, TRPA will review applications for new structures in the shorezone, including piers, moorings, ramps, and activities and structures at marinas while coordinating permitting with federal and state agencies through the Shoreline Review Committee. The Committee is made up of representatives from agencies that have jurisdiction of the shorezone to review all shoreline projects to assure they meet all applicable regulations.

To streamline the multi-permitting process for applicants, TRPA will also be responsible for maintaining a website with information on the permitting process and links to other agency applications. To the extent possible, TRPA permitting will be available electronically through Lake Tahoe Info (<https://laketahoeinfo.org/>), TRPA’s platform designed to connect the public with information to improve decision making in the Lake Tahoe Basin. Lake Tahoe residents can currently find information specific to their parcel on the ‘Parcel Tracker’ page.

This section of the Shoreline Implementation Program provides details on the number of new structures, eligibility criteria, location standards, and other applicable information on specific structures. More detailed information and requirements on each structure can be found in proposed TRPA Code of Ordinances Chapter 84.

A. Piers

Allocation

The Shoreline Plan will allow for a maximum of 10 new public piers and 128 new private piers. Up to 12 new private piers may be permitted every two years with any remaining balance rolling over to subsequent years. The Shoreline Plan prioritizes multiple-use private piers that serve two or more property owners. Of the 128 additional private piers, no more than 20 percent (25 piers) may be single-parcel piers. Table 2 shows the number of private piers released each year under the plan. Public piers may be permitted on a first come, first serve basis.

TABLE 2. 16-YEAR RELEASE SCHEDULE FOR NEW PRIVATE PIERS			
Implementation Years	Total	Maximum New Private Piers	
		Multiple-Parcel	Single-parcel
2019 – 2020	12	7	5
2021-- 2022	12	8	4
2023 – 2024	12	9	3
2025 – 2026	12	11	1
2027 – 2028	12	11	1
2029 – 2030	12	11	1
2031 – 2032	12	11	1
2033 – 2034	12	10	2
Total	96	78	18

If fewer than 12 additional piers are permitted in a given two-year period, remaining piers from that two-year period will be available during the subsequent two-year period. Following the initial 16-year period shown in Table 2, TRPA may permit three additional multiple-use piers for every eight littoral parcels that retire future pier development potential through a deed restriction, up to the 128 total private pier cap.

Location & Eligibility

Private pier eligibility is based on a variety of parcel characteristics including location, setbacks, and deed restrictions as set forth in proposed Code Section 84.4.2. New piers are prohibited within 200 feet of stream inlets. In most cases, applications for multiple-use private piers will be prioritized over single-parcel private piers.

TRPA will permit the additional 128 private piers according to geographic divisions and the location of Visually Sensitive Areas. Only multiple-parcel piers are allowed in Visually Sensitive Areas, the total number of which is shown in Table 3.

TABLE 3. MAX ADDITIONAL PRIVATE PIERS IN VISUALLY SENSITIVE AREAS			
State	Quadrant	Total	In Visually Sensitive Areas
California	Placer	58	7
	El Dorado	28	6
Nevada	Washoe	21	3
	Douglas/Carson	21	3

Permitting Schedule

Private Single – Parcel Piers

TRPA may authorize up to 5 single-parcel piers, through the issuance of permits, during the first two years after Shoreline Plan approval. Subsequent two-year periods will see the allotment for single-parcel piers diminish by one potential pier every two years. TRPA will accept for review single-parcel pier applications based on a lottery system per proposed Code Section 84.4.4.C.1 and the distribution limits set forth in Section 84.4.4.D. Table 4 lists the deadlines and details for pier proposals/applications for the applicable permitting year.

TABLE 4. SINGLE-PARCEL PROJECT PROPOSAL REVIEW AND ALLOTMENT SCHEDULE	
<i>Due Date</i>	<i>Review Period</i>
June 1 – June 30	TRPA will accept project proposals for new single-parcel piers for a 30-day period, consistent with the criteria outlined below (30 Days) .
July 1 – July 16	TRPA will review the project proposals for new single-parcel piers based on the criteria outlined below (15 Days) .

July 17 – September 15	If TRPA receives more proposals for single-parcel piers than the 2-year allotment number, TRPA will conduct a random drawing selecting the appropriate amount of single-parcel pier projects to move forward with review. Chosen proposals will have 60 days from the date of the drawing to submit a complete application for a new single-parcel pier to TRPA (60 Days) .*
September 16	Deadline for selected proposals to submit a complete new single-use pier application to TRPA. Standard project review times will apply and will include Hearings Officer meeting per Section 2.2.2.F (2)(b) of the TRPA Code of Ordinances.

* Incomplete applications at the end of the 60-day review period will result in forfeited allotments. Any unused allotments will roll over to the subsequent two-year period within their respective multi-use or single-use categories.

Private Multiple-Use Piers

TRPA may authorize up to seven multiple-use piers, through the issuance of permits, during the first two years after Shoreline Plan approval. Subsequent two-year periods will see the allotment for multiple-parcel piers increase every year, until years 15 – 16 of the Shoreline Plan, when there will be a slight decrease. TRPA will accept for review and prioritize multiple-parcel pier applications based on the prioritization criteria in proposed Code Section 84.4.4.C.2. Table 5 lists the deadlines and details for pier proposals/applications for the applicable permitting year.

TABLE 5. MULTIPLE-USE PIER PROJECT PROPOSAL REVIEW AND ALLOTMENT SCHEDULE	
<i>Due Date</i>	<i>Review Period</i>
June 1	TRPA will accept project proposals for new multiple-parcel piers for a 30-day period, consistent with the criteria outlined below (30 Days) .
July 1 – July 16	TRPA will review the project proposals for new multiple-parcel piers with the criteria set forth below (New Pier Application Criteria) (15 Days) .
July 17 – September 15	TRPA will prioritize the project proposals received based on the criteria below (Prioritization Criteria). The top seven applications based on the application and prioritization criteria will be chosen for project review (allotment numbers will change depending on the program implementation year). Chosen proposals will have 60 days to from the date of the drawing to submit a complete application for a new multiple-parcel pier to TRPA (60 Days) .*
September 16	Deadline for selected projects to submit a complete new multiple-parcel pier application to TRPA, standard review times apply.

* Incomplete applications at the end of the 60-day review period will result in forfeited allotments. Any unused allotments will roll over to the subsequent two-year period within their respective multi-use or single-use categories.

B. Moorings

Allocation & Permitting

The Shoreline Plan will require that all new and existing moorings on Lake Tahoe be permitted and registered. Moorings include buoys, boat lifts, and boat slips. There are currently an estimated 8,731 existing moorings on Lake Tahoe (including slips in the Tahoe Keys).

First, the plan calls for the implementation of a buoy recognition program to identify existing buoys with a TRPA, federal, or state permit, or evidence of clear existence before 1972. Under the 2008 Shorezone Ordinance, TRPA received applications for 4,412 buoys, 3,421 of which were approved and 981 of which were pending when the program ended. Permits approved under the 2008 ordinance will be considered valid and will only require a review if changes are being proposed (to anchor locations, for example). The first year of the plan (2019) will focus on the following:

- Registering moorings to the permitting system
- Permitting buoys that have an existing State Lands (CA or NV) or U.S. Army Corps of Engineers permit
- Launching the tracking and mooring enforcement program
- Identifying and removing unauthorized moorings

Second, TRPA will authorize new moorings for permitting only after determining the status of existing moorings. This likely will require a full permitting season so that new mooring applications will not be processed until 2020. Over the 20-year life of the Shoreline Plan, up to 2,116 additional moorings could be distributed to the following pools:

- 1,486 for private littoral parcels and HOAs
- 330 for marinas
- 300 for public agencies

To assure adequate mitigation of environmental effects, the plan calls for a phased program for new mooring applications in the first 10 years based on a priority system not to exceed 15 percent of remaining moorings in the pool every year, beginning in 2020. Moorings not allocated in a given year will roll over to the following year. The number of moorings released in the first 10 years of the program are shown in Table 6. The phasing system will be removed following the initial 10-year period and all remaining moorings could be allocated.

TABLE 6. MOORING RELEASE SCHEDULE	
Program Year	# of Moorings Released
2020	317
2021	270
2022	229
2023	195
2024	166
2025	141
2026	120
2027	102

2028	86
2029	74

The Shoreline Plan requires that best management practices (BMPs) to reduce erosion and stormwater pollution be in place on upland properties prior to submitting applications for new moorings.

Location & Eligibility

The Shoreline Plan will generally allow up to two moorings per littoral parcel at one time. TRPA may authorize additional permanent anchor blocks to accommodate low water levels or when harbors are inaccessible due to sediment accumulation, according to the provisions set forth in Code Section 84.3.3.F. There are no new private boat slips or boat houses allowed under the plan.

New buoys are prohibited within 200 feet of stream inlets listed in Code Section 84.4.3.A. Additionally, the plan includes a set of development, eligibility and setback standards for buoys associated with a buoy field and buoys not associated with a buoy field.

Mooring Tags

All moorings would be required to be registered and permitted under the Shoreline Plan. TRPA would issue unique identification tags for each authorized mooring to track and differentiate among permitted moorings. TRPA identified RFID technology as a potential tool for tagging that will help identify each specific mooring to the right property owner.

Data from different permitting agencies with jurisdiction will be coordinated and shared. TRPA will coordinate with the local/state agencies to develop and link to a shared database for mooring information, including location, owner, TRPA permit number, state lands lease/permit number, etc. The database will also track the location coordinates of the mooring. State lands and local law enforcement agencies will have access to the database by entering the permit/lease information through TRPA’s GIS Portal.

Permit Registration

All moorings would be required to be registered biennially with an annual fee. This process would be completed by the property owner through the online registration portal on Lake Tahoe Info. TRPA will develop enforcement protocols to contact property owners who have not registered their moorings. Failure to pay may result in forfeiture of the mooring and fines.

New Buoy Permits

New applications for buoys would be submitted through an online portal on Lake Tahoe Info. Once the mooring application has been approved, TRPA will issue a permit along with an RFID tag to be placed on the mooring. New moorings will then be registered in the online system by TRPA staff. Once registered, the property owner will renew each mooring registration online every two years.

Mooring Registration Fee

In order to provide additional programs under the Shoreline Plan needed to mitigate boating effects including enforcement of unauthorized moorings, no-wake zone education and enforcement, and

additional control measures for AIS, the Shoreline Steering Committee recommended an annual fee of \$43 for new and existing moorings. Additional details on the mooring registration fee can be found in Chapter 9, Fees.

Buoy Scenic Mitigation Fee

Through the scenic resources threshold, TRPA aims to maintain and restore the scenic qualities of the Lake's natural landscape and improve public viewing opportunities. TRPA achieves this by requiring that development in the Shoreline be designed to blend with the natural environment. While structures on land can be designed to blend in with the shoreline or be screened, it is more difficult to mitigate the scenic impacts of a boat on a buoy. Instead of requiring that each buoy owner mitigate 83 square feet of visible mass (the average area of a boat on a buoy) on land, the Steering Committee recommended that scenic impact be offset by a buoy fee contributing to the Scenic Quality Improvement Program (SQIP). The fee represents the average cost to mitigate 83 square feet of visible mass.

The SQIP identifies projects that improve the scenic environment of the shorezone, shoreland, and background view visible from Lake Tahoe. Such projects have included undergrounding of utilities, screening or recoloring of infrastructure, replacement of dilapidated structures or removal of structures on public land. The Scenic Quality Improvement Program considers opportunities for permanent or long-term scenic improvement. Additional details on the buoy scenic mitigation fee can be found in Chapter 9, Fees.

C. Ramps

Allocation & Permitting

The Shoreline Plan will allow for a maximum of two new public boat ramps. Existing ramps could be relocated to deeper water to avoid sensitive resources and dredging, provided the standards set forth in proposed Code Section 84.5.2 and 84.5.3 are met.

Location & Eligibility

Public littoral parcels are eligible for a boat ramp if the parcel does not already have an existing boat ramp and the applicant can demonstrate a need for a ramp, such as a capacity analysis. New boat ramps should be located in areas that promote geographic distribution of lake access, and where feasible, be associated with clustered development and/or transportation hubs. Only parcels located in areas exhibiting specific shoreline conditions set forth in proposed Code Section 84.5.3.4 will be eligible for a new ramp.

D. Marinas

Allocation & Permitting

There are 14 existing marinas located on Lake Tahoe. No new marinas will be allowed under the Shoreline Plan. Under the Shoreline Plan, the existing process of a Marina Master Plan is no longer required. Instead, specific marina development standards are put in place to foster environmental upgrades. Marinas that have existing approved Marina Master Plans may continue to implement the Master Plan. Provisions are made for low lake adaptation and flexibility in design. Environmental improvements are required at marinas based on the scale of the project and increase in capacity.

Major marina projects are generally considered those that expand the use or could have a potential environmental impact. Examples of these projects include new dredging, reconfiguration of facilities that result in expansion of use, permanent pier extensions, and alterations that accommodate public health and safety access. In addition to meeting the requirements for a minor project, major projects must implement one or more of the environmental improvements listed in Code Section 84.6.2.B.3.

Marina projects that are considered minor are generally projects that do not expand, or temporarily expand existing use. Examples of minor projects include reconfiguration or conversion of existing facilities, low lake level adaptation including additional buoy anchors, temporary pier extensions, and establishing concessions that do not expand use. These projects may be permitted if they meet TRPA and other applicable permitting agencies' standards and requirements.

Environmental Improvements

All marinas will be required to implement an Aquatic Invasive Species (AIS) Management Plan within three years of the adoption of the Shoreline Plan. The AIS Management Plan must identify strategies to prevent, control, and reduce existing aquatic invasive species or the threat of aquatic invasive species. The plan also includes monitoring, early detection, and public education components.

Smaller projects within marinas may be approved if the marina has documented to TRPA that it is certified as a Clean Marina. The Clean Marine Program strives to maintain a healthy, pollution-free environment by certifying marinas that provide services that support clean boating, educating customers about clean boating practices, and training staff to be partners in the Clean Marine Program. Marinas in both California and Nevada can be certified through the Clean Marine Program.

E. Dredging

The Shoreline Plan will continue to allow maintenance dredging that complies with TRPA's approved dredging best management practices (BMPs) and installation of all upland BMPs. New dredging would be allowed only at marinas, public boat ramps, and essential public health and safety facilities.

Additional details on filling and dredging can be found in proposed Code Section 84.9.

Permitting Program Funding and Timeline

A shorezone activity is reviewed either as a project or some form of exempt activity. Different categories of actions are subject to differing levels of review depending upon the potential for new environmental effects. The permitting program for all shorezone structures listed in this chapter are primarily funded by permit application fees (i.e., the costs of reviewing individual applications are borne by the applicants). A portion of the annual mooring fees will be used to develop a permitting portal on Lake Tahoe Info.

F. Standard Conditions of Approval

TRPA currently requires certain conditions to be met before a project or activity in the shorezone can commence. As part of the Shoreline Plan, TRPA will update its Standard Conditions of Approval for Shorezone Projects (TRPA Permit Attachment S) to ensure all possible environmental impacts are avoided.

Standard Conditions of Approval will be revised to include best construction practices for wildlife, air quality, and ground vibration. Projects that are located within TRPA-designated disturbance zones for nesting osprey and bald eagle must prepare and implement habitat enhancement plans or other compensatory measures for unavoidable impacts. Measures relating to air quality and ground vibration include phasing of ground disturbances, setbacks, prohibition on burning vegetation, limiting equipment idling time, and the use of clean-fuel generators.

G. Exempt/Qualified Exempt Projects

The Tahoe Regional Planning Compact requires that all “projects” be reviewed and approved by TRPA prior to being undertaken. The Compact and Code set forth which activities may occur without detailed TRPA review and approval. These activities are known as Exempt and Qualified Exempt activities (See current Code Chapter 2). Compliant Exempt activities may be undertaken without notice to TRPA; qualified exempt actions must first submit a declaration to TRPA attesting that the described activity will be undertaken consistent with the code requirements. TRPA has five days to notify the QE applicant that they may not proceed; if no notice from TRPA is received, the applicant may proceed with the action without further TRPA review.

The line between detailed review and exempt activity generally depends on the potential for below water or lakebed disturbance. In general, activities on existing structures that occur only above waterline may be undertaken as an exempt activity regardless of cost. **Exempt** shorezone activities covers maintenance and repairs of existing structures. Activities that also occur below water and with minimal lake bottom disturbance may proceed as Qualified Exempt activities but only if a strict set of conditions are met. **Qualified Exempt** activities are generally repairs occurring below water (e.g., pile replacement). Actions involving significant substrate disturbance can only be undertaken after review and approval by TRPA as a project.

For Qualified Exempt activities, the applicant must submit a Qualified Exempt Declaration that includes a description and characteristics of the proposed activity, supporting evidence of existing structures, and prior project approvals. In some cases, a Qualified Exempt Declaration may be reviewed over the counter. Certain maintenance, repair, reconstruction, or demolition activities in the shorezone, even if they are Qualified Exempt, may require more time to review. Exempt and Qualified Exempt projects must comply with standard conditions of approval including Tahoe Yellow Cress, wildlife, cultural and historic resource survey requirements.

More details on Exempt and Qualified Exempt projects can be found in proposed Code Section 82.4 and 82.5.

H. Reconstructions of Existing Structures

Reconstructions in kind of shorezone structures are generally considered a project eligible for express check review. Existing shorezone structures are classified as either conforming or non-conforming structures. Non-conforming structures, such as a rock crib pier (currently 43 on Lake Tahoe), are structures that were once legally established but now no longer meet location and design standards. Conforming structures are compliant with the allowed uses and meet the applicable location and design standards set forth in the Code.

The Shoreline Plan would allow reconstructions of both existing conforming and nonconforming structures to be considered for an express check permit. Express Check Permitting provides quick review

for projects that are limited in scope and have minimal environmental impacts. The project must meet the standards of the express check eligibility criteria included in the express check permits information packet, http://www.trpa.org/wp-content/uploads/EXPRESS-CHECK-INFO-PACKET_050218_FINAL.pdf.

I. California Public Trust Easement

On the California side of Lake Tahoe, the public may access areas along the shoreline between high and low water – i.e., along the Public Trust easement. No similar public right exists on the Nevada side of the lake.

The Shoreline Plan requires that TRPA and California State Lands Commission (CSLC) (the state agency in charge of implementing the Public Trust easement in California at Lake Tahoe) enter into a memorandum of understanding (MOU) prior to TRPA implementing a pier permitting system in California on March 1, 2019:

No permits shall be issued for new pier construction, non-exempt modification, or expansion in California until TRPA has a valid agreement with the California State Lands Commission governing pier development activities within the shorezone in California. This requirement for such an agreement only governs and applies to the California side of Lake Tahoe, and in no way affects, or is intended to affect, the Nevada side of Lake Tahoe or the sovereign interests of the State of Nevada.

During pier permitting, the MOU process ensures CSLC the opportunity to work with the pier project applicant to require measures that will protect reasonable public access along the shore. Since CSLC is charged with protection of the public trust through its leasing and other opportunities and TRPA must review all pier projects, the MOU provides all concerned parties with a coordinated process by which pier permit approval conditions can be aligned.

More details can be found in proposed Code Section 84.4.F.

J. Tahoe Keys Permitting & Registration Administration

Approximately one-fifth of the moorings serving boats that use Lake Tahoe are in the Tahoe Keys lagoons. Under the Shoreline Plan, all existing Tahoe Keys motorized boat moorings must register and pay the annual mooring fee to offset the identified environmental effects of motorized boating on Lake Tahoe. For decades, the Tahoe Keys Property Owners Association (TKPOA) has administered its own architectural and design criteria for structures within the lagoons of the Keys. Once the Shoreline Plan is approved and implemented underway for the lake proper, TRPA and TKPOA will enter into a separate and updated agreement (MOU) delegating the administration of moorings and lagoon structures to the POA's Architecture and Review Committee. Mooring registration and fee payment will be required but may or may not be accepted as a delegated responsibility under the MOU.

Chapter 3. Boating Enforcement Program

History and experience at Lake Tahoe proves that the most successful enforcement programs take a step-wise approach. First, public users are fully educated on the program and its reasons, in order to create voluntary behavior change that is compliant with new rules. “Soft enforcement,” with education and warnings, is later followed by formal targeted enforcement of continuing violations. That general approach will be pursued for the Shoreline Plan.

600 Foot No-Wake Zone

In June 1997, the TRPA Governing Board approved a no-wake zone delineation prohibiting speeds in excess of 5 MPH by motorized watercraft within 600 feet of the waterline of Lake Tahoe. The rule was created to address noise impacts, water quality impacts, on-water recreation conflicts, boating safety impacts, and wildlife impacts. The no-wake zone speed limit would be sufficient to allow people on the beach to have a conversation at normal speech volume, to prevent recreational conflicts among users, swimmers, fisherman, and watercraft, and to provide for increased boating safety in congested areas. With the growing mix of motorized and non-motorized boaters on the lake, TRPA has identified an opportunity to increase enforcement and education of boater safety regulations.

Today, the TRPA watercraft team primarily uses educational techniques for compliance with the no-wake zone. They display “slow, no-wake zone” signs to boaters who are violating speed limits and stop and educate boaters whenever possible. Due to safety concerns and the nature of TRPA’s civil authority, the watercraft team does not chase down violators. The team also spends significant amount of time educating the public on boater safety regulations at boat ramps and marinas.

Listed below, TRPA has identified areas with of heightened recreation user conflict and a higher likelihood of boaters violating the TRPA no-wake zone. The watercraft team focuses its attention on these areas; however, they have a limited presence due to the size of the lake.

- Nevada Beach State Park
- Tahoe Keys
- Camp Richardson Marina
- D.L. Bliss State Park
- Sugar Pine Point State Park
- Tahoe City
- Emerald Bay
- Kings Beach
- Incline Village
- Sand Harbor State Park
- Cave Rock
- Zephyr Cove

A. No-Wake Enforcement Strategy

Under the Shoreline Plan, TRPA would increase enforcement of the no-wake zone, create additional no-wake buffer zones, and strengthen coordination with local law enforcement agencies on Lake Tahoe. Similar to the successful two-stroke watercraft enforcement strategy, the primary focus for enforcement will initially be education through informative stops followed by more consequential enforcement mechanisms such as corrective actions or civil penalties.

- *Additional TRPA Watercraft Team*

TRPA will add capacity to its no-wake zone education and enforcement program by putting in service its second boat and watercraft crew beginning during boating season 2019. The second crew will work on Lake Tahoe five days a week including weekends, eight hours per day from Memorial Day through Labor Day weekend, doubling the amount of time the TRPA watercraft team currently spends on enforcement and education of the no-wake zone rules.

The primary responsibility of the second TRPA watercraft will be to patrol and educate boaters who are speeding within 600 feet of the shore. The team will first engage violators as a warning. Repeat offenders are subject to corrective actions or civil penalties. Penalty amounts could be up to \$5,000 per violation. Repeat offenders are also subject to local law enforcement fines. The watercraft team will also spend time at ramps and marinas educating boaters entering the lake.

- *Additional No-Wake Buffer zones*

The Shoreline Plan includes a number of added measures that expand no-wake zones to provide additional safety in conflict areas. The Shoreline Plan includes new regulations on no-wake buffer zones¹ that adds an expanded no-wake zone to all of Emerald Bay (speeds limited to 5mph throughout). It also creates a 100-foot moving no-wake zone buffer around non-motorized boaters or swimmers, and 200-foot no-wake zone buffer around structures (piers, buoys, swim floats, etc.). The additional safety zones create more consistency between TRPA regulations and current state laws already enforced by local law enforcement and provides better safety for non-motorized recreators and swimmers.

- *Coordination with local law enforcement agencies*

TRPA is entering into an enforcement coordination MOU with all other agencies with boat patrol and law enforcement presence on the Lake: The Coast Guard, Nevada Department of Wildlife (NDOW), Nevada State Parks, Douglas County Sheriff's Office, Washoe County Sheriff's Office, Placer County Sheriff's Office, El Dorado County Sheriff's Office, and the City of South Lake Tahoe Police Department. The new coordination MOU will focus on each local jurisdiction committing to enforce its applicable no-wake zone and/or speed limit laws as well as assisting with education of TRPA ordinances. A newly established watercraft task force, made up of MOU member representatives, will meet throughout the boating season to discuss issues and conflict areas, and coordinate strategies for compliance of boating regulations on the lake. The purpose of this agreement is to better coordinate and prioritize enforcement strategies across the different jurisdictions. This MOU will be in place within six months of Shoreline Plan adoption.

[More details on the no-wake safety zones can be found in proposed Code Section 84.10.1.C.]

B. Noise Enforcement Strategy

TRPA uses the maximum level recorded on a noise meter, L-MAX, to measure single noise events. Watercraft must meet each of the separate threshold measurement standards defined in existing TRPA Code Section 68.3.1.C.

¹ California and Nevada state law provide that boaters must be 100-feet from active bathers, and 200 feet from a beach frequented by bathers.

Most excessive noise associated with motorized watercraft can be attributed to engine operation and exhaust. The operation of motorized watercraft inside of the established 600-foot no-wake zone may cause exceedances of the maximum allowable noise levels when measured from the shoreline.

TRPA currently utilizes monitoring equipment in several locations around the lake to determine areas with continuous levels of noise exceedance from watercraft. Once identified, the TRPA watercraft team increases its presence in these ‘problem areas’ to educate boaters on TRPA noise ordinances. On-the-lake education is the current primary mechanism for noise compliance. The Shoreline Plan adds the following:

- *Boat Noise*

The Shoreline Plan prohibits vessels that have an exhaust system that discharges directly to the air and generate noise that exceeds TRPA or applicable state standards from operating on Lake Tahoe. This regulation is consistent with State of Nevada regulation (NRS 488.195) and State of California vehicle code (CA Harbors and Navigation Code, Section 654A), which requires that vessels be equipped with a permanently installed, constantly operating muffler system that effectively prevents exceedances of the maximum noise levels described above. Exceptions to this regulation would be given to antique boats.

Under the Shoreline Plan, boats inspected at watercraft inspection stations, boat launching facilities, and marinas and identified with open air or altered exhaust systems that create noise in excess of maximum noise levels. Boats with such exhaust systems will be informed that their system is not compliant with state law and TRPA Code. Boaters will be notified that they will not be allowed to launch the boat unless it is repaired or altered (e.g. muffler, disabled “Captain’s Call”) or the boater shows proof that the system meets TRPA noise standards.

- Increased wake zone/additional resources

The existing 600-foot no-wake zone and additional no-wake buffer zones around buoys, structures, swimmers, and non-motorized watercraft will keep boats farther away from the shore and help minimize the noise impacts of motorized watercraft on residents, visitors and wildlife. The TRPA watercraft team will increase its enforcement of the no-wake zone (as described above) during the boating season as an additional noise reduction effort.

- *Violations for Repeat Offenders*

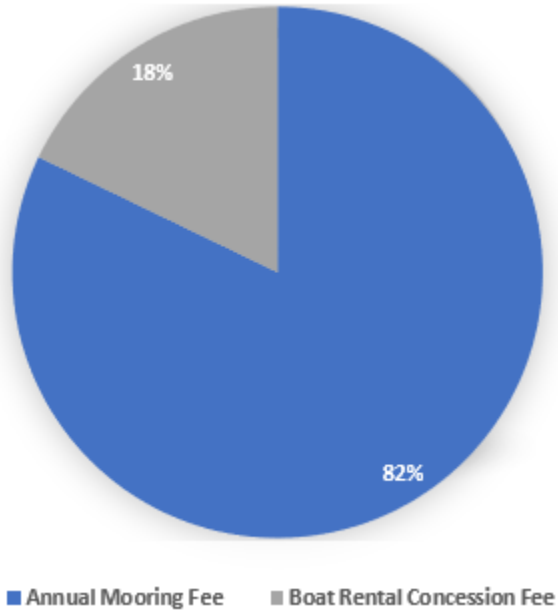
TRPA would issue corrective actions including possible civil penalties for those vessels found to be repeatedly exceeding noise standards. Fine amounts could be up to \$5,000 per violation.

Funding and Timeline

Total Annual Program Cost: \$112,000

The No-Wake Zone and Noise Enforcement Program would primarily be funded through the annual mooring fee as well as increases to the boat rental concession fee. An additional TRPA watercraft will be placed on the water during the 2019 boating season. The MOU with enforcement agencies is anticipated to be in effect by the adoption of the program.

No-Wake & Noise Enforcement Program



No Wake Enforcement Program
<ul style="list-style-type: none">• Estimated annual budget \$112,000• One-time cost to develop mobile application• Advertising and signage for Take Care campaign, other education and signage programs• Additional TRPA Boat Crew for no wake enforcement

C. Mooring Enforcement Program

The Shoreline Plan provides for a coordinated mooring enforcement among TRPA and agencies in California and Nevada. The permit and registration status of all buoys and other moorings will be tracked, illegal buoys removed, and other illegal moorings otherwise taken out of use. TRPA has an existing MOU with NDSL and the Nevada Department of Fish and Wildlife (NDOW) allowing the agencies to cooperatively identify unauthorized buoys, notify the applicable owner, and remove the buoy if it is deemed unauthorized.

A similar agreement is being executed on the California side of Lake Tahoe, allowing TRPA to work with the California State Lands Commission (CSLC) to identify and remove unauthorized buoys. Under this MOU, TRPA will contact CSLC to share all known information about an unauthorized buoy. The CSLC will determine whether the identified buoy is authorized by the commission. In the event it is unauthorized, the CSLC will prepare a 30-day notice for TRPA to attach to the buoy. If the buoy is deemed abandoned at the end of the 30-day notice period, CSLC can request that TRPA remove the buoy, or contract to have the buoy removed by a third party. The MOU with CSLC must be in place within six months of the Shoreline Plan approval.

In addition to agreements with California and Nevada, better technology will assist in the identification of unauthorized moorings. An RFID tagging system will be used to identify and support the information needed to remove unauthorized moorings. As described in the Mooring section, the tagging system will include a database of all permitted buoys which can be shared with other agencies and local law

enforcement. The RFID tag and database will enable TRPA and other agencies to identify the specific properties and owners associated with specific buoys.

TRPA will continue to investigate unauthorized moorings through complaints and random audits. With the additional TRPA watercraft team, there will be increased mooring enforcement capacity to investigate these complaints.

Funding and Timeline

Total Annual Program Cost: \$240,000

The mooring enforcement program would be fully funded by the annual mooring fee. Funds would be used for the RFID tagging system to more efficiently identify unauthorized moorings, personnel and the additional TRPA watercraft crew to administer the program and tag every mooring, and noticing, removal, and storage of unauthorized buoys.

TRPA would begin implementing the program on March 1, 2019. Identification of illegal moorings would begin during the 2019 boating season and continue as TRPA registers more buoys.

Chapter 4. Boater Education Program

The Shoreline Plan includes a strategic outreach campaign to educate the public on recreation and boating safety regulations, including the 600-foot no-wake zone and no-wake buffer zones. Among these strategies, the Shoreline Plan will create a new partnership with the Lake Tahoe Water Trail, a designated water route along the 72-mile shoreline that connects public launch and landing sites to help paddlers have a safe recreation experience while practicing good stewardship. The Lake Tahoe Water Trail develops and distributes educational materials including paddling and kayaking best practices, navigation aids, maps of access points, landmarks, and boating laws. The Shoreline Plan will include approximately \$40,000 of funding annually to the Water Trail. Funding will be used to distribute materials at boat rentals (motorized and non-motorized) and at boating access points including marinas and ramps.



Other key components of the outreach and education campaign include:

- *Lake Tahoe Boating Map/Brochure (targeting motorized boaters)*

TRPA will update its educational materials targeting motorized boaters. This material would include maps of the no-wake zone and high priority/conflict areas in addition to state parks, ramps, and marinas (fueling stations). There will also be information on motorized boating laws and aquatic invasive species prevention.

- *Lake Tahoe Boating App*

TRPA is partnering with the League to Save Lake Tahoe to develop a Lake Tahoe boating mobile phone application. The Lake Tahoe Boating app will help boaters better navigate around the lake and identify no-wake zones, conflict areas, public access points, marinas ramps, and other landmarks or hazards. The Lake Tahoe boating app will include an interactive map that shows a boater's GPS location relative to the 600-foot no-wake zone allowing boaters not familiar with TRPA boating rules to easily identify or avoid no-wake zones and conflict areas. Important information about boating safety, aquatic invasive species, and emergency contacts will be available as well as the location of key services such as fuel stations and bathrooms. The app will also include viewpoints to help boaters find their way and real-time weather alerts and warnings to notify boaters about changing weather conditions.

- *No Beaching Zones*

The Shoreline Plan includes a prohibition on beaching boats in spawning habitat. For compliance, spawning habitat has been mapped as "protected no-beaching zones" on boating maps, in on-site signage, and in the Lake Tahoe boating app. TRPA would distribute educational materials to be provided to boaters at aquatic invasive species inspection stations, boat rental concessions, and boat launch facilities. These measures would provide additional protection for fish spawning habitat and would reduce the likelihood that spawning habitat would be degraded because of boat beaching.

- Take Care Message

The basin partnership’s Take Care slogan for boaters will be shared at all boat facilities and aquatic invasive species inspection stations for public awareness of no-wake zone regulations before launching.

Signs with the Take Care message will be installed at marinas, ramps, and aquatic invasive species inspection stations. Stickers with the message will be distributed at boat rental facilities and placed on rental boats. Other promotional materials for boaters could incorporate the Take Care message including key floats, towels, hats, etc.

- Concessionaire Training and Compliance Checks

Working with and through implementing partners, TRPA will train non-motorized and motorized concessionaires on how to educate renters of boats on boating safety and resource protection laws and best practices. Renters must provide a signature when renting a boat acknowledging that they understand and will follow the TRPA 600-foot no-wake zone and other no-wake buffer zones. Renters can download the Lake Tahoe Boating App (when available) that shows the boat’s location relative to the 600-foot no-wake zone. TRPA will spot check concessions throughout the year to ensure compliance with these rules.

- Increased Education & Training

Working with and through implementing partners, aquatic invasive species inspection station personnel, and marina and ramp operators will receive training from TRPA on boating safety and laws.

- Website Updates

TRPA’s Current Planning Division will enhance its online resources to include shoreline permitting information and boating regulations.

- Demarcation Buoys (optional)

TRPA and/or public agencies may place limited demarcation buoys to identify the 600-foot no-wake zone in locations that have been identified as high priority conflict areas for no-wake zone education and enforcement.

- Additional Seasonal Staff (optional)

The Shoreline Plan may fund added seasonal TRPA staff or contractors to monitor impacts of the plan, take surveys, and continue to educate people at marinas and boat ramps about the 600-foot no-wake zone.



Draft Take Care Message

Funding and Timeline

Total Annual Program Cost: \$34,000 - \$75,000

The Education and Outreach Program would be funded by the annual mooring fee and increases to the aquatic invasive species boat sticker fee. Educational materials as well as training and compliance checks for concessionaires will be rolled out during the 2019 boating season. This will be done primarily by TRPA in conjunction with the basinwide partnership's Take Care Campaign for certain educational components.

Chapter 5. Environmental Monitoring

Consistent with TRPA’s mission to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region, the Shoreline Plan makes a commitment to continuously monitor the Plan’s potential environmental impacts. TRPA currently partners with local, state, and federal agencies and organizations around the lake to collect data and provide knowledge for sound stewardship and decision making. A full list of current noise, water quality, and air quality monitoring programs in the Basin can be found in Attachment A.

The purpose of this section is to provide an overview of the current and proposed environmental monitoring through the Shoreline Plan, which includes enhancements to existing noise, nearshore turbidity, and recreation monitoring programs.

A. Noise Monitoring

TRPA currently monitors noise along the shoreline of Lake Tahoe, in all local Plan Areas in the Basin, and along major highways. Details on TRPA’s shoreline noise monitoring program is shown in Table 7.

TABLE 7. TRPA LAKE TAHOE SHORELINE NOISE MONITORING	
Investigator	TRPA
Years	2000-Present
Funders	TRPA
Description	TRPA monitors noise from motorized watercraft along Lake Tahoe’s shoreline. Noise from boats along Lake Tahoe’s shoreline is monitored to ensure noise is not damaging to the public’s enjoyment of the lake and does not damage wildlife. Under TRPA code, noise from boats is not allowed to exceed 75 dB for a “one-time event” (a boat passing by, for example).
Constituents Measured	TRPA uses a single-event noise threshold to assess whether noise levels are being exceeded in the shoreline. All noise events over 75 dB are automatically recorded, and then listened to by a noise technician to differentiate between noise from boats and non-boats (waves, airplanes, etc.). Noise monitors are generally placed in the shoreline for 2+ weeks during peak noise periods (July 4 th to Labor Day).
Monitoring location(s)	TRPA monitors 10 shoreline locations all around the lake at least once every 2 years.

Proposed Noise Monitoring Program Enhancements

The Shoreline Plan will enhance TRPA’s existing Shoreline Noise Monitoring Program to include necessary staff and equipment. The plan would upgrade TRPA’s current monitoring equipment to include noise and photo identification (not now available) to allow evidence of the source of noise exceedances at locations of concern such as Rubicon Point, allowing identification of vessels that may be repeatedly causing excessive noise. Monitoring equipment can be moved or repositioned in locations based on response to complaints or certain activities.

Upgraded equipment would be purchased during the 2019 boating season. The additional proposed monitoring would have an estimated annual cost of \$30,000, funded by the annual mooring fee and increases to the boat sticker fee.

B. Water Quality Monitoring

1. Nearshore Turbidity

Boating activity in shallow water has the potential to re-suspend sediment from the lake bottom and increase water turbidity. Sediment resuspension is unlikely to impact mid-lake clarity but could impact nearshore clarity for short periods of time. Currently, UC Davis and the Tahoe Environmental Research Center (TERC) provide continuous nearshore turbidity monitoring at 11 locations around Lake Tahoe, with the goal to install at least 10 additional stations as funding becomes available. The Desert Research Institute is also working to identify effective methods for measuring turbidity in the nearshore. Table 8 and Table 9 include details on current nearshore monitoring programs.

TABLE 8. NEARSHORE MONITORING NETWORK	
Investigator	Public/ private partnership
Years	2015-Current
Funders	Public/ private partnership, Lahontan
Description	There are 11 continuous monitors deployed in Lake Tahoe’s nearshore which primarily focus on factors contributing to nearshore clarity decline.
Constituents Measured	Turbidity, chlorophyll, dissolved oxygen, temperature, electrical conductivity, and wave height

TABLE 9. PILOT IMPLEMENTATION OF LAKE TAHOE NEARSHORE MONITORING FRAMEWORK	
Investigator	Desert Research Institute (DRI)
Funders	Nevada Division of State Lands (NDSL)
Years	2017-Current
Description	DRI measures turbidity in the nearshore of Lake Tahoe in this pilot program. The focus of this effort is to develop and refine methods for data collection.
Constituents Measured	Turbidity, light transmissivity, chlorophyll

Proposed Nearshore Turbidity Monitoring Program Enhancements

The 600-foot no-wake zone reduces boat speed in most of the shallow areas of the lake which limits the potential impact of turbidity. However, there are some areas of the shallow nearshore that extend beyond the no-wake zone. The proposed monitoring is intended to compare turbidity in those shallow areas outside the no-wake zone with turbidity in areas of the nearshore that are governed by the no-wake zone. The data could be used in conjunction with other nearshore sensors to assess whether or to what extent boating contributes to exceedances of the nearshore turbidity standard, and to provide additional information on drivers of nearshore turbidity.

TRPA will partner with UC Davis and TERC to fund the installation of two turbidity monitors and cameras in 2019. This includes a one-time cost estimated at \$130,000, to be paid from fees collected in the 2008-2010 shorezone program.

2. Monitoring of Gasoline Constituents

Elevated levels of hydrocarbons or other contaminants in Lake Tahoe could result from increased boating and boating facilities. Gasoline and diesel fuels contain hydrocarbon contaminants, including the group of volatile organic compounds collectively known as BTEX (Benzene, Toluene, Ethylbenzene, and Xylenes). While also occurring in raw fuel,

polyaromatic hydrocarbons (PAHs) are primarily produced during the combustion process in an engine. Hydrocarbons can enter the water from boating activities via exhaust emissions, fueling spills, and other accidental spills.

The EIS analyzed BTEX and PAH data collected during a two-year period from 2009-2001 to predict boat emissions in the EIS. Given the rapid rate of biodegradation of hydrocarbon compounds, the low levels measured in the lake, and current TRPA regulations pertaining to control of discharges of contaminants from boating facilities, the increased amount of boating activity under the Shoreline Plan would have a less than significant impact on water quality. In order to confirm the results of previous data collection and ensure the data used in the EIS analysis is sufficient, TRPA will partner with UC Davis to monitor BTEX and PAH for one season during the most popular boating days at the more popular locations, beginning in 2019. This monitoring includes a one-time cost estimated at \$10,000, to be paid from fees collected in the 2008-2010 shorezone program.

C. Recreation Monitoring

In response to public concern of recreation impacts, the Shoreline Plan creates an opportunity for TRPA to further analyze levels of use at recreation facilities, recreation conflicts between motorized and non-motorized boaters, and general access to recreation on Lake Tahoe.

TRPA's recreation threshold protects the qualities of undeveloped shorezone and maintains a fair share of recreational capacity for the public. TRPA evaluates compliance with thresholds every four years, measuring both recreation quality and experience and access to recreational opportunities as well as fair share distribution of recreation capacity in the Tahoe Basin. To measure these, TRPA currently partners with multiple local and federal agencies and organizations to collect recreation surveys about user satisfaction, recreation experiences, and facilities.

The Shoreline Plan includes visitor capacity surveys and expanded recreation surveys including questions relating to visitor experience, user conflicts, and motorized/non-motorized interactions, among others. The additional information collected would point to potential problem sites with problems that may require added management actions, such as additional enforcement or adaptive regulation such as an expanded no-wake zone. Data collected will also help inform TRPA's Recreation Threshold Evaluation and inform TRPA's Sustainable Recreation Program.

The data from the Shoreline Plan's enhanced recreation monitoring would be directed to and coordinated with the threshold evaluation reporting and the ongoing development of the sustainable recreation program. The enhanced recreation monitoring would begin during the 2019 boating season. The estimated annual cost of this program is \$15,000 and would be funded by the annual mooring fee and increases to the boat sticker fee.

D. Boat Use Data Collection

The Shoreline Plan includes boating and boat use surveys at the watercraft inspection stations, boat ramps, marinas and on the lake to assure that boating assumptions used in the EIS are valid. Survey components would include collecting boat engine hours, boat manufacture year and type, boat engine rating, buoy occupancy rate, and boat ramp launch data.

E. Adaptive Management

The Shoreline Plan will implement an adaptive management strategy linking monitoring of boating levels and emissions and the number of new mooring permits issued to assure that the assumptions made in the EIS emissions modeling were not unreasonable and no significant impacts will occur.

Chapter 6. Aquatic Invasive Species Control

TRPA invests significant resources in the collaborative effort to prevent and control aquatic invasive species regionally and inter-regionally through the Lake Tahoe Aquatic Invasive Species Management Plan. The Watercraft Inspection Program has been highly successful in ensuring no new aquatic invasive species enter the lake. Under the Management Plan, TRPA also partners with multiple agencies in the basin to control invasive populations that have already been introduced. The prevention portion of the program (boat inspections) costs about \$1.5 million annually, funded by both public and private sources, while the control portion of the program expended an estimated \$774,000 in 2017 (similar expenditures are expected for 2018), also a mix of mostly public but also private monies.

In addition to the existing funding for aquatic invasive species, the Shoreline Plan establishes an increment of new funding for the aquatic invasive species control program through an increase in the aquatic invasive species boat sticker fee. The added increment will be used for early detection and rapid response of aquatic invasive species as well as longer-term projects that reduce the abundance and distribution of existing aquatic invasive species in Lake Tahoe, including Asian clams, Eurasian watermilfoil, curly-leaf pondweed, coontail, among others. The new funding increment would allow for approximately three added acres of aquatic invasive species control treatment in Lake Tahoe annually and is needed to address the increased risk of spread of AIS due to increased boating under the Shoreline Plan.

Projects will be prioritized by the multi-stakeholder Lake Tahoe Aquatic Invasive Species Coordinating Committee, informed by the Lake Tahoe Aquatic Invasive Species Implementation Plan, the Eyes on the Lake citizen monitoring program, and future monitoring results. Potential treatments that could be used include installation of gas permeable benthic barriers that block photosynthesis from occurring (rubber bottom barriers), diver assisted suction, and diver hand pulling to treat invasive aquatic plants. For Asian clam treatments, funds would support the installation of gas impermeable benthic barriers that suffocate the clams. Funds may also be used to control invasive fish populations through electrofishing.

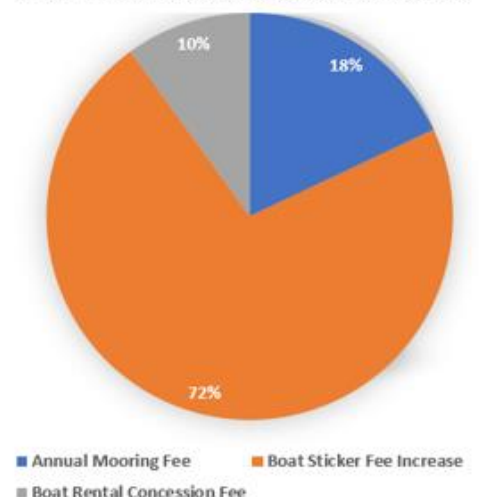
TRPA will continue to support the development of AIS-resistant boats within the watercraft industry and community of Lake Tahoe. AIS resistant technologies include ballast tank filters, heated ballast water intakes in engines, and better draining ballast tanks. Some of these innovations are not yet commercially viable but may be by the full buildout of the Shoreline Plan.

Funding and Timeline

Total Annual Program Cost: \$150,000

The Aquatic invasive species Control Program associated with the Shoreline Plan would be funded primarily through a \$12 increase in aquatic invasive species boat sticker fees as well as annual mooring and boat rental concession fees. TRPA anticipates collecting funds from these sources as the permitting program is implemented, beginning in March 2019.

Aquatic Invasive Species Control Program



Chapter 7. Enhanced Watercraft Inspection Program

The Watercraft Inspection Program aims to prevent the introduction of aquatic invasive species before boats are launched into Lake Tahoe while also providing public education of the program. The Watercraft Inspection Program is an important component – prevention of new species introduction -- of the larger aquatic invasive species program described above. Boat inspectors are responsible for checking pumps, engines, bilge pads, and raw water systems for evidence of new invaders, and decontaminating boats to prevent introduction.

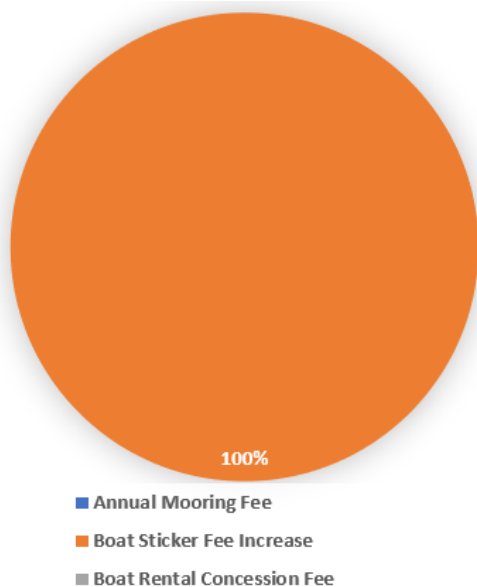
Under the Shoreline Plan, inspectors would expand their check to include watercraft exhaust type and proper sewage disposal. In addition, the Shoreline Plan would prohibit vessels that have an exhaust system that discharges directly to the air and generates noise that exceeds TRPA or applicable state standards from operating on Lake Tahoe. This regulation is consistent with Nevada State regulation (NRS 488.195) and State of California vehicle code (CA Harbors and Navigation Code, Section 654 A), which requires that vessels be equipped with a permanently installed, constantly operating muffler system that effectively prevents exceedances of the maximum noise levels described above. Boats that are likely to exceed noise standards will be identified at watercraft inspection stations and would be targeted for outreach through the Watercraft Inspection Program as well as the TRPA watercraft crew. See also Chapter 3.B, Noise Enforcement.

Funding and Timeline

Total Annual Program Cost: \$35,000

The enhanced watercraft inspections program would be fully funded through the \$12 increase in the boat sticker fee. Program implementation would begin in the 2019 boating season and would be conducted by TRPA through its contract with the Tahoe Resource Conservation District.

Enhanced Watercraft Inspection Program



Watercraft Inspection Program

- Estimated annual budget \$35,000
- Expands AIS inspections to include inspection for noise, exhaust, and sewage

Chapter 8. Greenhouse Gas Emissions Reduction Plan

The environmental impact statement calls for a Greenhouse Gas Emissions Reduction Plan within 12 months of adoption that will apply to new construction in the shorezone. TRPA will coordinate the implementation of this plan through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments addressing best construction practices. Until the Greenhouse Gas Emissions Reduction Plan is adopted, TRPA will continue its existing practice to require site specific mitigation measures developed for individual projects.

The plan will require implementation of measures to reduce greenhouse gas emissions generated by three main activities in the shorezone:

- Construction in the shorezone and associated upland areas
- Motor vehicles associated with watercraft facilities
- Operation of recreational watercraft

The Greenhouse Gas Emissions Reduction Plan will include measures to reduce emissions generated by demolition and construction activity in the shorezone and in associated upland areas. These measures may include requirements for cleaner diesel-powered engines (Tier 4 emission standards or above), the use of cleaner diesel fuel or electric powered construction equipment, and/or purchasing mitigation credits to offset greenhouse gas emissions.

In order to minimize greenhouse gas emissions associated with motor vehicle trips to watercraft facilities, the plan will include a measure requiring electric charging stations and secure bike facilities be installed at parking lots that serve public piers and marinas.

Lastly, measures intended to reduce emissions from operation of recreational watercraft may include requirements or incentives for marinas to use electric rental boats, install electric boat charging stations, and install solar panels on marina buildings. The Shoreline Plan also includes a phased approach to permitting new piers and moorings that will further control the increased amount of emissions from boating each year.

Chapter 9. Fees

A. Shoreline Program Fees

The Shoreline Plan programs in Chapter two through nine are funded by fees collected from boating related structures and activities. Environmental impacts from the program are either related to the construction or placement of shoreline structures or the boating use associated with these structures. When determining which uses would be subject to fees and how to collect the fees, the Shoreline Steering Committee recommended the following principles:

- The amount of fees collected should be proportional to the impacts
- The responsibility for fees should be shared across boaters that launch, moor and use shoreline facilities being permitted under the plan
- Fee programs must be feasible to implement and administer

Fees would be collected from users at different administration points: through annual mooring registration, through the boat sticker fee collected at the aquatic invasive species boat inspection stations, and through a boat rental concession fee. Fees collected from the Shoreline Plan would pay for the following:

1. Essential program elements needed to implement the Shoreline Plan and subsequent permitting programs; and
2. Programs identified in the environmental analysis to mitigate environmental impacts associated with the plan.

A breakdown of each fee source, frequency and distribution is shown below in Table 10.

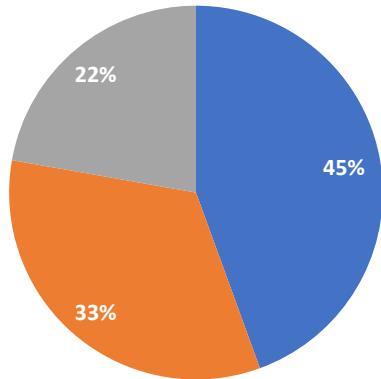
B. Shorezone Structure Mitigation Fees

The environmental threshold for fisheries includes a management standard requiring restoration of fish habitat in Lake Tahoe as well as a standard for nondegradation of fish habitat in Lake Tahoe. To assist in providing funds for restoration of fish habitat and to mitigate any possible degradation, TRPA currently collects mitigation fees for the new construction and expansion of piers, boat ramps, and marinas, as set forth in proposed TRPA Rules of Procedure Section 10.8.5. TRPA is proposing an increase to those existing mitigation fees to provide additional funding for projects that increase public access to the shoreline.

Table 10. Shoreline Program Fee Overview²					
Fee		Fee Amount	Nexus	Fee Frequency	Fee Distributed to:
Mooring Registration Fee	Moorings (Buoys, Lifts/Slips)	\$43	<ul style="list-style-type: none"> • Need for mooring enforcement program • Boats on moorings create boat trips 	Per mooring/year	<ul style="list-style-type: none"> • Mooring enforcement • No-wake zone enforcement • Aquatic invasive species control • Monitoring • Education/outreach
Buoy Scenic Mitigation Fee	Buoys	\$47 (\$90 total annual fee for buoys)	<ul style="list-style-type: none"> • Boats on buoys adds an average of 83 sq. ft. visual mass 	Per buoy/year	<ul style="list-style-type: none"> • Scenic mitigation projects (SQIP)
Boat Rental Concession Fee	Tier 1 (CARB 3+ Star Rating)	\$75	<ul style="list-style-type: none"> • Average rental boat generates about 4 times more trips than the average moored boat • Majority of renters are visitors from outside the basin and do not know about the 600-foot no-wake zone • Rentals can contribute to spread of aquatic invasive species • Program helps fund outreach campaign to educate visitors on best practices and ordinances 	Per rental boat/year	<ul style="list-style-type: none"> • Aquatic invasive species control • No-wake zone enforcement • Education/outreach
	Tier 2 (Lower/No CARB Star Rating)	\$150		Per rental boat/year	
Boat Sticker Fee Increase		+\$12	<ul style="list-style-type: none"> • Boat sticker fees primarily fund aquatic invasive species control & inspection costs • Small portion of fee will fund aquatic invasive species monitoring 	Per sticker/year	<ul style="list-style-type: none"> • Aquatic invasive species control • Watercraft inspection costs • Monitoring

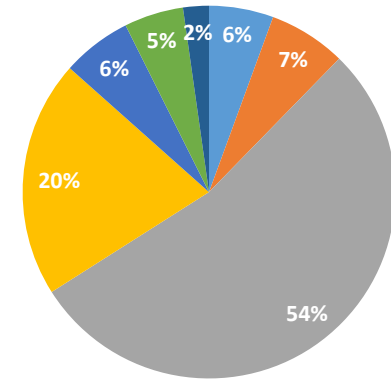
² Fees listed are TRPA fees only. Additional charges would be collected for the use and lease of state lands from CA State Lands Commission or NV Division of State Lands for placement of mooring structures.

Boat Rental Concession Fee



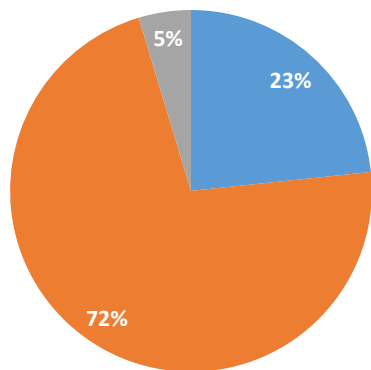
■ No Wake Enforcement ■ AIS Control ■ Education/Outreach

Annual Mooring Fee



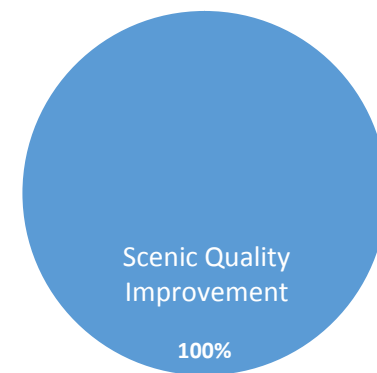
■ Administration/Tracking
 ■ Permit Renewals/Late Payment Enforcement
 ■ Mooring Enforcement
 ■ No Wake Zone Enforcement
 ■ AIS Control
 ■ Monitoring (Noise, Turbidity)
 ■ Education/Outreach

Boat Sticker Fee Increase



■ Inspection Costs ■ AIS Control ■ Monitoring

Buoy Scenic Fee



Attachment A. Existing Environmental Monitoring Programs

Noise Monitoring Programs

Project:	TRPA Plan Area Noise Monitoring
Investigator	TRPA
Years	1982-Present
Funders	TRPA
Description	TRPA monitors background noise levels in all local Plan Areas in the Tahoe Basin to ensure noise levels are not disturbing people and wildlife, and to maintain the unique characteristics of the Basin. Each local Plan Area has its own allowable noise level in TRPA's thresholds, with maximum average 24-hour allowable noise levels ranging from 45 decibels (dB) in wilderness areas to 65 dB in industrial areas.
Constituents Measured	TRPA uses a Community Noise Equivalent Level (CNEL) measure to assess whether noise levels are being exceeded in Plan Areas. The CNEL averages decibel levels over a 24-hour period, with excess noise late at night and early in the morning being weighted greater due to humans and wildlife being more sensitive to noise at these times. Noise monitors are generally placed in Plan Areas for 1-2 weeks during peak noise periods.
Monitoring location(s)	TRPA monitors 35 Area Plans per year, and re-visits each site once every 4 years (140 total local Plan Areas are monitored).

Project:	TRPA Highway Noise Monitoring
Investigator	TRPA
Years	2001-Present
Funders	TRPA
Description	TRPA monitors background noise levels along all major highways in the Tahoe Basin including Highways 50, 28, 431, 267, 89, and 207. Highway noise is monitored to ensure local Plan Areas are not overly impacted by highway noise. Each highway has its own allowable noise level in TRPA's thresholds at 300 feet from the highway edge, with maximum average 24-hour allowable noise levels ranging from 55 decibels (dB) on more rural highways (Mt. Rose highway) to 65 dB on major highways (Hwy 50 in South Lake Tahoe).
Constituents Measured	TRPA uses a Community Noise Equivalent Level (CNEL) measure to assess whether noise levels are being exceeded along highways. The CNEL averages decibel levels over a 24-hour period, with excess noise late at night and early in the morning being weighted greater due to humans and wildlife being more sensitive to noise at these times. Noise monitors are generally placed along highways for 1-2 weeks during peak noise periods.
Monitoring location(s)	TRPA monitors 7 to 8 highway locations per year, and re-visits each site once every 4 years (30 total highway locations monitored; multiple locations along each highway).

Water Quality Monitoring

Project:	Secchi Depth and Pelagic Monitoring
Investigator	UC-Davis
Years	1968-Present
Funders	TRPA / UC-Davis
Description	UC Davis collects water quality data mostly focused on the clarity and nutrients in pelagic Lake Tahoe.
Constituents Measured	Secchi Depth, VEC, SEC, Dissolved Oxygen, Nitrate, Soluble Phosphorus, Chl _a , fluorescence, primary productivity, temperature
Waterbody	Lake Tahoe

Project:	Atmospheric Deposition into Lake Tahoe
Investigator	UC-Davis
Years	1968-Present
Funders	TRPA / UC-Davis
Description	UC Davis measures the direct atmospheric deposition of nutrients and particulate matter that reduce the clarity of Lake Tahoe.
Constituents Measured	Nutrients and particulate matter from atmospheric deposition into Lake Tahoe.
Waterbody	Lake Tahoe

Project:	Periphyton/ Phytoplankton Species Composition and Algal Growth Potential/Nearshore network
Investigator	UC-Davis
Years	2000-Present
Funders	Lahontan /UC-Davis
Description	UC Davis measures attached algae all around the nearshore of Lake Tahoe to determine changes in nutrient loading and eutrophication, as well as lake trophic status.
Constituents Measured	Attached algae (periphyton)
Waterbody	Lake Tahoe

Project:	Regional Stormwater Monitoring Program
Investigator	Tahoe – Resource Conservation District (RCD)
Years	2001-2011 (UCD) 2013-present Tahoe RCD
Funders	SNPLMA, State Water Board, EDC, CSLT, Placer, Washoe, Douglas, NDOT, Caltrans
Description	The RSWMP program measures sediments load and nutrients at selected stormwater discharge locations, some in tributaries to Lake Tahoe and some that flow into Lake Tahoe itself.
Constituents Measured	Suspended sediment and nutrients
Waterbody	Stormwater basins

Project:	Lake Tahoe Interagency monitoring Program LTIMP
Investigator	United States Geological Survey (USFS)
Years	2000 – current
Funders	USGS/TRPA/Lahontan/CTC
Description	LTIMP measures sediment and nutrients in 7 of the largest tributaries to Lake Tahoe.
Constituents Measured	Sediment load, water temperature, nutrient load
Waterbody	Tributaries

Project:	Stream Bioassessment
Investigator	TRPA, Lahontan Water Board, Nevada Department of Environmental Protection
Years	2009-current
Funders	TRPA
Description	TRPA monitors stream habitat and benthic macroinvertebrates in tributaries to Lake Tahoe to determine changes in stream habitat and water quality.
Constituents Measured	Benthic macroinvertebrates (indicators of water quality) and stream habitat (fish habitat)
Waterbody	Tributaries

Project:	Community Structure Pilot Monitoring
Investigator	University of Nevada Reno (UNR)
Funders	Lahontan, Nevada Division Environmental Protection (NDEP), TRPA
Years	2017-current
Description	This pilot program examined plants, fish, crayfish and macro-invertebrates in the Lake Tahoe nearshore, and the preliminary report gives the Lahontan Water Board and its partners the first opportunity to view the health of these organisms in one unified report.
Constituents Measured	Aquatic vertebrates and macroinvertebrates
Waterbody	Lake Tahoe

Project:	Pilot Metaphyton Monitoring
Investigator	UC-Davis
Funders	Nevada Division of State Lands (NDSL)
Years	2017-current
Description	Metaphyton is algae that are neither attached nor planktonic. Along with periphyton, it is cited as a nuisance in the nearshore. UCD-TERC is conducting a pilot monitoring effort focusing on developing methods to estimate the distribution and biomass of metaphyton washing up on three beaches; Round Hill Pines Beach, NV, El Dorado Beach, CA and Regan Beach, CA.
Constituents Measured	Unattached algae (metaphyton)
Waterbody	Lake Tahoe

Project:	Nearshore Human Health Monitoring
Investigator	Nevada Tahoe Conservation District, Tahoe Resource Conservation District (RCD), Desert Research Institute (DRI)
Funders	Lahontan
Years	2018-current
Description	NTCD will conduct periodic monitoring of harmful microorganisms and toxins that affect human health in Lake Tahoe's nearshore.
Constituents Measured	Microorganisms and toxins such as coliform and cyanotoxins.
Waterbody	Lake Tahoe

Project:	Lake Tahoe Drinking Water Monitoring (Lake Tahoe surface water used as drinking water)
Investigator	Lake Tahoe Water Suppliers Association
Years	Current
Funders	Lake Tahoe Water Suppliers Association
Description	All water suppliers in Lake Tahoe that collect drinking water from Lake Tahoe (10 suppliers serving 27,000 people) itself are required to monitor water quality at the drinking water intakes in Lake Tahoe. This monitoring does not apply to Lake Tahoe's largest drinking water supplies, South Lake Tahoe Public Utility District, because they get their water from wells, not Lake Tahoe surface water.
Constituents Measured	Turbidity, arsenic, and dozens of bacterial constituents. Herbicides are not measured at these intakes which is a concern if the Water Suppliers Association if herbicides are used to control AIS in the Tahoe Keys.
Waterbody	Lake Tahoe

Project:	Incline Village Beaches Water Quality Monitoring
Investigator	Incline Village General Improvement District
Years	Current
Funders	Incline Village General Improvement District
Description	IVGID monitors water quality at tributaries and in the nearshore of Lake Tahoe in and around its' recreational beaches.
Constituents Measured	Temperature, turbidity, total coliform, fecal coliform, total dissolved solids, and dissolved oxygen
Waterbody	Lake Tahoe

Project:	Lake Tahoe "Clean Marina" Water Quality Monitoring
Investigator	Lahontan Water Quality Control Board and private
Years	All
Funders	Lahontan Water Quality Control Board and private
Description	Lahontan requires Lake Tahoe marinas on the California side to monitor discharge into the lake before and after storm events and in the surface waters of Lake Tahoe.
Constituents Measured	Stormwater: Total Nitrogen, Total Phosphorous, Iron, Turbidity, Oil and Grease, pH, Total Suspended Solids, Hardness, Aluminum, Copper, Lead, and Zinc Surface water: Total nitrogen, total phosphorus, turbidity, aluminum, copper, iron, lead, mercury, zinc, pH and hardness. Additional four samples between July 1 and August 1 of each year within five feet of the fueling docks for total petroleum hydrocarbon (gasoline and diesel), and (combined) oil and grease. Five samples must be taken between July 1 and August 1 of each year for bacteria (fecal and E. coli).
Waterbody	Lake Tahoe

Project:	Lake Tahoe Tributary Algae Monitoring
Investigator	Lahontan Water Quality Control Board
Years	2000-current
Funders	Lahontan Water Quality Control Board
Description	The Lahontan Water Board occasionally monitors algal growth in tributaries to Lake Tahoe, as well as harmful bacteria such as fecal coliform if a problem is suspected.
Constituents Measured	Algae, fecal coliform
Waterbody	Tributaries

Project:	Nevada Department of Environmental Protection Tributary Water Quality Monitoring
Investigator	Nevada Division Environmental Protection (NDEP)
Years	1992-current
Funders	NDEP
Description	NDEP samples tributaries on the Nevada side of Lake Tahoe on a regular basis for bacteria, nutrients, as well as some biological elements such as dissolved oxygen.
Constituents Measured	Measurements are taken on chloride, nitrate, nitrite, phosphorus, sulfate, hardness, total dissolved solids (TDS), alkalinity, total coliform, fecal coliform, and Escherichia coli (E. coli), temperature, pH, and dissolved oxygen. Qualitative information is also collected on substances attributable to domestic or industrial waste or other controllable sources including settleable solids that form bottom or sludge deposits; floating debris, oil, grease, scum, and other floating materials; odor, color, turbidity, or other conditions.
Waterbody	Tributaries

Table 5. Nearshore Monitoring Network	
Investigator	Public/ private partnership
Years	2015-current
Funders	Public/ private partnership, Lahontan
Description	There are 11 continuous monitors deployed in Lake Tahoe’s nearshore which mostly focus on factors contributing to nearshore clarity decline.
Constituents Measured	turbidity, chlorophyll, DO, temp, EC, and wave height

Table 6. Pilot Implementation of Lake Tahoe Nearshore Monitoring Framework	
Investigator	Desert Research Institute (DRI)
Funders	Nevada Division of State Lands (NDSL)
Years	2017-current
Description	In this pilot program, DRI measures turbidity in the nearshore of Lake Tahoe. The focus of this effort is to develop and refine methods for data collection.
Constituents Measured	Turbidity, light transmissivity, chlorophyll

Air Quality Monitoring Programs

Project:	Tahoe Ambient Air Monitoring Program
Investigator	Desert Research Institute (DRI) / Tahoe Regional Planning Agency / UC Davis Nuclear Laboratory / US Forest Service
Years	2011-Present
Funders	TRPA, US Forest Service
Brief Description	Baseline ambient air quality conditions and track air quality trends.
Constituents Measured	Ozone (O3), Oxides of Nitrogen (NO2), Carbon Monoxide (CO), Particulate Matter (PM 2.5 and PM 10)
Monitoring location(s)	<p>There are 3 locations operated jointly by TRPA, DRI, and UC Davis, as well as one station that is operated with the US Forest Service's help:</p> <ul style="list-style-type: none"> • Stateline, NV station (TRPA / DRI): The station at Stateline monitors CO, NO2, O3, and PM 2.5. • DL Bliss State Park, CA station (USFS / TRPA / DRI / UC Davis): The station on the west shore of Lake Tahoe monitors O3, PM2.5, PM 10, and visibility. It is also part of a national network of monitors (IMPROVE network) that analyze visibility at the nation's most treasured visual resources, most of which are national parks. • Lake Tahoe Community College, CA station (TRPA / LTCC / DRI / UC Davis): This station in South Lake Tahoe monitors PM 2.5, PM 10, O3, and visibility. It is also part of a national network of monitors (IMPROVE network) that analyze visibility at the nation's most treasured visual resources, most of which are national parks.

Project:	Local Jurisdiction Air Quality Monitoring
Investigator	California Air Resources Board (CARB), Washoe County, Placer County
Years	2011-Present
Funders	California Air Resources Board, Washoe County, Placer County, TRPA
Brief Description	Baseline ambient air quality conditions and track air quality trends.
Constituents Measured	Ozone (O3), Particulate Matter (PM 2.5 and PM 10)
Monitoring location(s)	<p>There are 3 locations operated by local jurisdictions in the Lake Tahoe Basin:</p> <ul style="list-style-type: none"> • Incline Village, NV station (Washoe County): This site monitors ozone (O3). • Tahoe City, CA station (Placer County / TRPA): This site monitors O3 and PM 2.5. • South Lake Tahoe, CA station (CARB): This site monitors PM10.

Monitoring Site	Site Administrator (s)	Pollutant					Visibility
		O ₃	CO	NO _x	PM _{2.5}	PM ₁₀	
Incline Village, NV (northeast)	Washoe County	X					
Sandy Way, South Lake Tahoe, CA	CARB					X	
Tahoe City, CA (northwest)	Placer County	X			X		
Stateline (TRPA office), NV (Southeast)	TRPA/DRI	X	X	X	X		
Bliss State Park, CA (west)	TRPA/DRI/USFS/UC DAVIS	X			X	X	X
Lake Tahoe Community College, CA (south)	TRPA/DRI/UC DAVIS	X			X	X	X

**ATTACHMENT C:
Findings Documents**

**ATTACHMENT C 1:
Findings for Certification of the Shoreline Plan Environmental Impact Statement**

**Findings for Certification of the Shoreline Plan
Environmental Impact Statement**

Pursuant to TRPA Rules of Procedure, certification of the Final Environmental Impact Statement (Final EIS) is defined as a finding that the Final EIS is in compliance, procedurally and substantially, with Article VII of the Compact, Chapter 3 of the Code, and Article 6 of the Rules of Procedure. The following findings, when made affirmatively, certify that the Shoreline Plan Final EIS is in compliance with the applicable criteria.

1. Code Section 3.7.1 (see also TRPA Compact VII(a)(1,3,4, and 5), and TRPA Compact VII(b)) Preparation of EIS:

When preparing an EIS, TRPA shall:

1. Finding: Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment.

Rationale: The Final EIS utilizes a systematic interdisciplinary approach that insures the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

(See Draft EIS Executive Summary chapter; Chapter 1, Introduction; Chapter 2, Description of Proposed Project and Alternatives; and Chapter 17, Cumulative Impacts).

2. Finding : Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.

Rationale: The Final EIS developed and analyzed a range of policy and project Alternatives, which are described in Chapter 3, "Description of Proposed Project and Alternatives", of the EIS. Pursuant to TRPA requirements for the consideration of alternatives, the Draft EIS evaluates the potential impacts of four different alternatives, each of which takes a different approach to supporting recreation along the shoreline, refining permitting processes for shorezone structures and standards for the design of new and redeveloped structures, and providing policies and regulations that govern watercraft operations that accelerate the attainment and maintenance of threshold standards. The Draft Shoreline Plan was reflected in the Draft EIS as "Alternative 1 - Proposed Shoreline Plan."

3. Finding: Consult with and obtain the comments of any federal, state or local

agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such states and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.

Rationale: The EIS consultant and TRPA staff consulted with and obtained comments from representative federal, state, and local agencies that have jurisdiction by law or special expertise with respect to any environmental impact involved with the Shoreline Plan location. The Draft EIS was circulated through the California State Clearinghouse of the Governor's Office of Planning and Research and the Nevada State Clearinghouse. In addition, TRPA staff met with numerous relevant federal, state, and local agencies to provide information on the alternatives, answer questions, and solicit written comments. Copies of written comments on the environmental analysis obtained from the various federal, state, and local agencies that are authorized to enforce environmental standards have been made available to the public and were reviewed at the various stages of the environmental review and have been incorporated into the Final EIS.

(See Final EIS Chapter 3, Comments and Responses.)

4. Findings: Consult the public during the environmental impact statement process and solicit views during a public comment period of not less than 60 days.

Rationale: TRPA used several methods to solicit input on the Draft EIS. A Notice of Preparation was issued to inform agencies and the public that an EIS was being prepared for the Shoreline Plan and to solicit their views regarding the scope and content of the EIS. The NOP was distributed on July 12, 2017, and comments were received through August 16, 2017. Scoping meetings were held with the TRPA Advisory Planning Commission and the TRPA Governing Board to provide information on the environmental analysis and to obtain oral comments. Public input on the scope of the Shoreline Plan also was obtained through the Joint Fact-Finding Committee. All written and oral comments received during EIS scoping were summarized by TRPA and included in the Scoping Summary Report in Appendix B of the Draft EIS.

On May 8, 2018, the Draft EIS was released for public review and comment for a 62-day period (ending July 9, 2018). The Draft EIS and/or a Notice of Availability was distributed directly to public agencies (including potential responsible and trustee agencies), interested parties, and organizations, and approximately 33,000 notices were mailed out to each property owner in the Lake Tahoe Region. The Draft EIS was made available for review during normal business hours at the TRPA offices in Stateline, NV. The Draft EIS was also available online at the TRPA website

(www.trpa.org/document/projects-plans/), and the Shoreline Plan website (www.shorelineplan.org). Oral comments were provided at the TRPA Governing Board and Advisory Planning Commission (APC) meetings in May and June 2018. Written comments were also received at two public workshops in June 2018. At each of these meetings, TRPA staff made presentations to describe the proposed Shoreline Plan and to discuss key environmental issues identified in the Draft EIS.

(See Final EIS Section 1.1, Background; Chapter 2, Revisions to the Proposed Shoreline Plan; Chapter 3, Comments and Responses; and Chapter 4, Corrections and Revisions to the Draft EIS.)

5. Finding: Make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment.

Rationale: The Final EIS makes available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the Region's environment. Table ES-1 of the Executive Summary chapter of the Draft EIS summarizes the potential environmental impacts that would result from implementation of Alternatives 1 - 4 of the Shoreline Plan. Chapters 4 - 17 of the Draft EIS describe in detail for each of 13 technical topics the environmental impacts that would result from implementation of Alternatives 1 - 4 for the Shoreline Plan. These sections each contain information relevant to that topic on the regulatory setting, affected environment, environmental consequences, and feasible mitigation measures that could reduce potentially significant impacts.

(See Draft EIS Executive Summary, Table ES-1 Summary of Impacts and Mitigation Measures, at pgs. ES-4 through ES-32, and Chapter 17, Cumulative Impacts).

(2) Code Section 3.7.2 (see also TRPA Compact VII(a)(2))

Contents of EIS: An EIS shall include, at a minimum, the following:

1. Finding: Description of project:

Rationale: The Final EIS includes a description of the project.

(See Draft EIS Chapter 2, Description of Proposed Project and Alternatives; and Final EIS Chapter 2, Revisions to the Proposed Shoreline Plan)

2. Finding: The significant environmental impacts of the proposed project.

- Rationale: The Final EIS includes the identified significant environmental impacts of the proposed Shoreline Plan. The Draft EIS identified a number of significant and potentially significant environmental effects (or impacts) that each Shoreline Plan alternative would cause or contribute to. These significant effects can generally be avoided or substantially lessened through the adoption of feasible mitigation measures.
- (See Draft EIS Executive Summary chapter, Table ES-1 Summary of Impacts and Mitigation Measures)
3. Finding: Any significant adverse environmental effects which cannot be mitigated should the project be implemented.
- Rationale: Most adverse effects could be mitigated to less-than-significant levels. However, even with the application of feasible mitigation measures, implementation of all of the alternatives would result in a significant and unavoidable impact related to greenhouse gas emissions and climate change. This impact is summarized below.
- Greenhouse Gas Emissions and Climate Change:* GHG emissions resulting from construction and demolition of boating facilities and on-road motor vehicle trips to and from new boating facilities could be substantial over the build-out period of the Shoreline Plan. Implementation of Mitigation Measure 11-1 would reduce some of the anticipated future GHG emissions at buildout. Given the uncertainty about the magnitude of the increase in GHG emissions from projects accommodated by the Shoreline Plan and the uncertain effect of these mitigation measures, it is possible that the Shoreline Plan could have a considerable contribution to the cumulative impact of GHG emissions and climate change. This finding is consistent with the RPU EIS analysis for GHGs.
- (See Draft EIS Executive Summary chapter; and Chapter 11, Greenhouse Gas Emissions and Climate Change)
4. Finding: Alternatives to the proposed project.
- Rationale: The Final EIS includes an analysis of alternatives to the Shoreline Plan. See Certification Findings 1(2) above.
- (See Draft EIS Executive Summary chapter; Draft EIS Chapter 2, Proposed Project and Alternatives; and Final EIS Chapter 4, Corrections and Revisions to the Draft EIS)
5. Finding: Mitigation measures which must be implemented to assure meeting standards of the region.
- Rationale: The Final EIS includes an analysis of mitigation measures that must be

implemented to assure meeting standards of the Region. All required mitigation measures that are specific to the Shoreline Plan have been incorporated into the Final Shoreline Plan, the Shoreline Implementation Program, and Final Draft Code Amendments. In adopting these findings, the Governing Board hereby adopts and commits to implement the Mitigation Measures as incorporated into the Final EIS. The mitigation measures as incorporated into the Final Shoreline Plan and the Final Draft Code Amendments represent binding commitments with which TRPA must comply.

(See Draft EIS Executive Summary chapter, Table ES-1 Summary of Impacts and Mitigation Measures; Final EIS Chapter 4, Corrections and Revisions to the Draft EIS)

6. Finding: The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

Rationale: The Final EIS includes an analysis of the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

The Draft EIS describes the effects of the Shoreline Plan alternatives, which balance recreational opportunities with preservation of the environment through allocation and regulation of shorezone facilities. The Draft EIS analyses impacts at a specificity appropriate for the program-level parameters identified in the alternatives. Individual projects would be further assessed at the project level as they are proposed. Short-term use of the environment is generally limited to construction, while long-term commitment of raw land would be required for new structures.

(See Draft EIS Chapter 18, Section 18.2, Relationship between the Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity)

7. Finding: Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented.

Rationale: The Final EIS includes an analysis of any significant irreversible and irretrievable commitments of resources which would be involved in each of the alternatives should they be implemented.

The Shoreline Plan alternatives balance environmental preservation and restoration with new shorezone development and propose a range of development levels. Development under the alternatives would require varying degrees of nonrenewable resources, including fossil fuels and raw materials. Landscape disruption would also result from placement of new

shorezone structures, resulting in changes in air quality, coverage, and water quality, which would be irreversible.

(See Draft EIS Chapter 18, Section 18.3, Irreversible and Irretrievable Commitments of Resources and Significant Irreversible Environmental Changes)

8. Finding: The growth-inducing impact if the proposed project.

Rationale: The Final EIS includes an analysis of the growth-inducing impact of the alternatives.

The Regional Plan caps growth in the Tahoe Region through development caps on commodities. The types of shorezone structures proposed under the Shoreline Plan alternatives relate to the recreational experience at Lake Tahoe and would neither accommodate nor facilitate an increase in the capacity of the Region to support new residents, visitors, workers, or students. The increase in the number of day-use visitors to the Region could increase with development of new public access facilities; however, longer-duration visitation would not be influenced by the Shoreline Plan, as it is largely driven by the availability of overnight accommodations.

(See Draft EIS Chapter 18, Section 18.4, Growth-Inducing Impacts)

(3) Code Section 3.7.3 (see also TRPA Compact VII(c))

Inclusion of Other Data and Information

1. Finding: An environmental impact statement need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

Rationale: The Final EIS refers to the entirety of information and data which are relevant to the preparation of the document and are a matter of public record or are generally available to the public. Such information or data is briefly described in the EIS and its relationship to the EIS is so indicated.

(See EIS and Appendices, including Draft EIS Chapter 19, References and Persons Consulted, and Final EIS Chapter 5, References)

(4) Rules of Procedure 6.13

Draft EIS:

1. Finding: The draft EIS shall include, at a minimum, the elements listed in subsection 3.7.2 of the Code and a list of all federal, state and local agencies or other organizations and individuals consulted in preparing the draft.

Rationale: The Draft EIS includes the elements listed in subsection 3.7.2 of the TRPA Code and a list of all federal, state, and local agencies or other organizations and individuals consulted in preparing the draft.

(See Section 2 Findings for Subsection 3.7.2 of the Code above regarding contents of the EIS, Section 1(3) Finding above regarding federal, state, and local agencies consulted, and Final EIS Chapter 1, Section 1.3, List of Commenters. Also see Final EIS Chapter 3 Comments and Responses)

2. Finding: Summary: A draft EIS in excess of 30 pages shall include a summary, preferably less than 10 pages in length, which identifies at a minimum: a brief project description; each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect; and areas of controversy known to TRPA.

Rationale: The Draft EIS includes a summary that includes a brief description of the proposed project and alternatives, including each significant adverse effect with a summary of proposed mitigation measures or alternatives that would reduce or avoid that effect, and areas of controversy known to TRPA.

(See Draft EIS, Executive Summary, pgs. ES-2 to ES-32)

3. Finding: Comment Period: The draft EIS shall be circulated for public comment for a period not less than 60 days. TRPA may hold a public hearing on the draft EIS.

Rationale: TRPA made the Draft EIS available to public agencies, citizen groups, and interested individuals for a 62-day public review period, from May 8, 2018 through July 9, 2018. Copies of the Draft EIS were available for public review during normal business hours at the TRPA offices. Copies of the Draft EIS were also available for review online at the TRPA website (www.trpa.org/document/projects-plans/), and the Shoreline Plan website (www.shorelineplan.org). In addition, the public was consulted with in a series of three public hearings and two public workshops during the public comment period on the Draft EIS.

During the review period, the public was invited to public comment meetings held by APC and Governing Board and public workshops hosted by TRPA. Three public meetings were held to solicit comments on the Draft EIS: (1) TRPA Governing Board Meeting on May 23, 2018; (2) TRPA

APC Meeting on June 13, 2018; and (3) TRPA Governing Board Meeting on June 27, 2018. Public workshops to receive written comments were held on June 4, 2018 at the TRPA offices in Stateline, Nevada and on June 6, 2018 at the North Tahoe Events Center in Kings Beach, California. The public was asked to provide written or oral comments at the meetings or written comments before closure of the public review period. In response to the call for review and public comment on the draft documents, 149 comment letters and presentations of oral testimony were received: five comment letters from public agencies, 15 comment letters from stakeholder organizations (including environmental and business organizations), 68 comment letters from individuals, nine comment forms from open houses, and 52 oral comments received at TRPA public meetings and open houses.

(See Final EIS Chapter 1, Introduction; Chapter 2, Revisions to the Proposed Shoreline Plan; and Chapter 3, Comments and Responses)

4. Finding: Notice of Comment Period: The comment period shall not commence before the date of publication of a notice in a newspaper whose circulation is general through the region. The notice shall include a brief description of the project or matter under consideration, the date the comment period commences, the date by which comments must be received, and that copies of the draft EIS may be obtained by contacting TRPA and are available for public review at TRPA's offices. Copies of the draft EIS shall be mailed to California and Nevada state clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Notice of the comment period shall be given to affected property owners pursuant to Article XII of these Rules.

Rationale: The Draft EIS Notice of Comment Period was properly noticed by TRPA. All procedures were followed regarding the availability of the Draft EIS for the public's review, and copies of the Draft EIS were mailed to California and Nevada State Clearinghouses and appropriate federal agencies, on or before the beginning date of the comment period. Copies of the Draft EIS were available for public review during normal business hours at TRPA. Copies of the Draft EIS were also available for review on the TRPA and Shoreline Plan websites. Notice of the Draft EIS was also aired on Capital Public Radio on May 7, 2018 and published in the Tahoe Daily Tribune on May 12, 2018. Additionally, approximately 33,000 notices were mailed out to each property owner in the Lake Tahoe Region. Notice of the comment period was given to the public in accordance with Article XII of TRPA's Rules of Procedure.

(See May 8, 2018 Notice of Availability)

5. Finding: Request for Comments: TRPA shall request comments on draft EIS's from

any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Notice of a request for comments shall be given by deposit of the request, in the U.S. Mail, first class mail, postage prepaid. Notice shall be given no later than the date the comment period commences. Separate notice under this section is not necessary if notice of the draft EIS has been given to the agency pursuant to subsection 6.13.3 above.

Rational: TRPA provided notice of the Draft EIS pursuant to subsection 6.13.3, as described in the Section 1(4) Finding above.

(See Final EIS Chapter 3, Comments and Responses)

(5) Rules of Procedure 6.14

Final EIS:

1. Finding: At the conclusion of the comment period, TRPA shall prepare written responses to all written comments received during the comment period and may respond to oral or late comments. The response to comments may be in the form of a revision to the draft EIS, or may be a separate section in the final EIS that shall note revisions to the draft EIS, if any. The final EIS shall include, at a minimum: the draft EIS, or a revision; comments received on draft, either verbatim or in summary; the response to comments; and a list of persons, organizations and agencies commenting in writing on the draft EIS.

The final EIS may incorporate by reference computer data recorded on disk, videotape, slides, models and similar items provided summaries of such items are included in the final EIS. The final EIS may also include oral testimony given at APC or Board hearings.

Rationale: At the conclusion of the comment period, TRPA prepared written responses to all written comments received during the comment period and responded to all oral comments. The Final EIS includes a section (Chapter 3, Corrections and Revisions to the Draft EIS) that notes revisions to the Draft EIS. Additional revisions to the Draft EIS are incorporated by reference in Final EIS Chapter 3, Comments and Responses. The Final EIS includes:

- (a) List of Commenters (Final EIS Chapter 1, Section 1.3). This includes a list of persons, organizations, and agencies commenting in writing or through oral testimony on the Draft EIS and responses to these comments (Final EIS Chapter 3, Comments and Responses).
- (b) Revisions to the Proposed Shoreline Plan (Final EIS Chapter 2, Revisions to the Proposed Shoreline Plan). This chapter describes changes to the proposed Shoreline Plan that TRPA and the Steering

Committee have developed to address comments raised on the May 8, 2018 version of the proposed Shoreline Plan.

- (c) Revisions and Corrections to the Draft EIS. This chapter notes revisions to the Draft EIS (Final EIS, Chapter 4 Revisions and Corrections to the Draft EIS.
- (d) Public Comments on the Draft EIS. This includes all comments received on the Draft EIS, verbatim as to written comments and oral testimony (Final EIS, Chapter 3 Comments and Responses).

The Final EIS incorporates by reference computer data recorded on disk, videotape, slides, models, and similar items and has provided summaries of such items in the Final EIS (See Draft EIS Chapter 19, References and Persons Consulted, and Final EIS Chapter 5, References).

**ATTACHMENT C 2:
Required Findings for Adoption of the Shoreline Plan**

REQUIRED FINDINGS FOR ADOPTION OF THE SHORELINE PLAN

Required Findings: The following Chapters 3 and 4, findings must be made prior to adoption of the proposed Shoreline Plan (Plan):

Chapter 3 Findings: Prior to approving a project for which an EIS was prepared, TRPA shall make either of the following findings for each significant adverse effect identified in the EIS:

1. Finding: Changes or alterations have been required in or incorporated into such project to avoid or reduce the significant adverse environmental effects to a less-than-significant level; or

Specific considerations, such as economic, social, or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

Rationale: TRPA has prepared the Shoreline Plan to amend the TRPA Regional Plan, to regulate development along the shoreline of Lake Tahoe in order to achieve and maintain the environmental thresholds.

All of the adverse environmental effects associated with the proposed Shoreline Plan may be avoided or reduced to a less-than-significant level with the adoption of the mitigation measures set forth in the EIS, with the exception of Impact 11-1, Greenhouse Gas (GHG) Emissions and Climate Change.

The Findings provided in Table C-1 (at the end of this document) summarize the significant environmental effects presented in the EIS and a discussion of the rationale supporting these findings. Additional rationale supporting these findings is included below.

The Shoreline Plan EIS analyzes the environmental effects of four alternatives, including the proposed Shoreline Plan and the no project alternative (Alternative 2 - Maintain Existing TRPA Shorezone Regulations). Each of the Shoreline Plan alternatives represents a different approach to achieving the purpose and objectives of the Shoreline Plan and attaining and maintaining thresholds. The alternatives address structures that could be developed or situated in the shorezone, including marinas, piers, buoys, and boat ramps. With consideration of the comments received on the Draft EIS, minor changes were added to the proposed Shoreline Plan and Final EIS. These revisions included changes to mitigation measures related to recreation (Mitigation Measure 8-1a: Maintain nonmotorized navigation within the no-wake zone), scenic resources (Mitigation Measure 9-1a: Offset the visible mass of buoys), biological resources (Mitigation Measure 14-2: Conduct preconstruction surveys, avoid potential construction impacts, avoid potential recreation impacts to Tahoe yellow cress plants, and compensate for unavoidable loss of Tahoe Yellow Cress), and public health and safety (Mitigation Measure 15-1a: Maintain nonmotorized navigation within the no-wake zone).

In considering revisions to the proposed Shoreline Plan (i.e., Alternative 1), TRPA has been cognizant of its obligation under the Compact to avoid or reduce the significant adverse environmental effects to a less-than-significant level, to the extent feasible. The Governing Board's discretionary action to incorporate these revisions into the Final Shoreline Plan involve the consideration of whether the proposed suggestion relates to an environmental effect discussed in the Draft EIS; if the proposed language represents a clear improvement, from an environmental standpoint, over the Draft Shoreline Plan; if the recommendations are feasible from an economic, technical, and legal standpoint; and if the proposed revision is consistent with the objectives of the Shoreline Plan. Chapter 4 of the Final EIS describes the changes in the proposed Shoreline Plan, which was analyzed as Alternative 1 (as modified in the Final EIS).

Some comments on the Draft EIS proposed new mitigation measures or refinements to mitigation measures for impacts found to be less than significant. The Final EIS reflects TRPA's response to all such proposals. The Final EIS provides a detailed description of how revisions to mitigation measures were incorporated in response to comments, and the rationale describing why other recommended measures were infeasible. The Governing Board notes that, because many impacts have already been determined to be less than significant, TRPA need not adopt new or additional mitigation measures with respect to such impacts.

Alternatives Considered

The EIS evaluated four alternatives to present a reasonable range of options. The range of alternatives considered in the EIS complies with Article VII(a)(3) of the Tahoe Regional Planning Compact and Section 3.7 of the TRPA Code of Ordinances (Code). Each alternative is potentially feasible, based on relevant economic, environmental, social, technological, and legal factors. The alternatives were presented and accepted by the Regional Plan Implementation Committee (RPIC) at the RPIC meeting on April 25, 2017. A reasonable range of alternatives that best met the objectives of the Shoreline Plan, and that offered an environmental advantage over the proposed project by avoiding or reducing at least one significant impact, were selected for evaluation.

The proposed Shoreline Plan is evaluated as Alternative 1 (as modified in the Final EIS). Other alternatives include reasonable variations in features of the Shoreline Plan.

The alternatives, described in detail below, are:

- Alternative 1 – Proposed Shoreline Plan
- Alternative 2 – Maintain Existing TRPA Shorezone Regulations (No Project)
- Alternative 3 – Limit New Development
- Alternative 4 – Expand Public Access and Reduce Existing Development

A good faith effort was made to evaluate a range of feasible alternatives in the EIS that are reasonable alternatives to the proposed Shoreline Plan, even when the alternatives might not fully achieve the Shoreline Plan objectives or might be more costly. As a result, the scope of alternatives analyzed in the EIS is not unduly limited or narrow.

The EIS analyzed Alternatives 1, 2, 3, and 4. The EIS contains a detailed analysis of the impacts of each of these alternatives including detailed responses to all public comments on the adequacy or completeness of the environmental review. Table ES-1 in the Draft EIS summarizes the EIS conclusions concerning the impacts of, and mitigation measures applicable to, each alternative. All changes to Table ES-1 are included in Chapter 4, Corrections and Revisions to the Draft EIS, in the Final EIS. The EIS analysis of the alternatives is summarized as follows:

Alternative 1 – Proposed Shoreline Plan

Alternative 1 was developed through a collaborative process to obtain consensus from stakeholders, to the extent possible. A steering committee of state, federal, and regional agency leadership representatives and other stakeholders developed the proposed Shoreline Plan through a series of mediated discussions, incorporating feedback from the TRPA RPIC. The proposed Shoreline Plan includes provisions for most aspects of development within the shorezone, including buoys, piers, marinas, boat ramps, and dredging activities, and it aims to adapt shoreline access and use to lower lake levels that are anticipated in the future.

The final proposed Shoreline Plan (Alternative 1 as modified in the Final EIS) will result in one beneficial impact, 29 less-than-significant impacts, 13 significant or potentially significant impacts that will be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. The significant and unavoidable impact is in the area of GHG emissions and climate change.

The goal of this alternative is to enhance the recreational experience at Lake Tahoe, while protecting the environment and responsibly planning for the future. The Shoreline Plan will meter out new private and public development over time. At buildout, it will allow for up to 2,116 new moorings (buoys, lifts or public slips), 128 new private piers, 10 new public piers, and two new public boat ramps. Some new and existing buoys could be converted to slips and vice versa at facilities open to the public (such as marinas).

The Shoreline Plan will implement the TRPA Lake Tahoe Regional Plan adopted in December 2012, in many ways, including but not limited to:

- protecting and where feasible enhancing the environment,
- providing a fair and reasonable system of access,
- adapting to changing lake levels,
- preserving high-quality recreation and public safety, and
- implementing predictable and consistent rules.

Alternative 2 – Maintain Existing TRPA Shorezone Regulations (No Project)

The No Project Alternative would retain the existing shorezone regulations, including the Shorezone Subelement of the Regional Plan goals and policies, and the existing TRPA Shorezone Code (Chapters 80–86 of the TRPA Code). This alternative balances access and environmental protection by applying the approach that was developed under the 1987 Regional Plan. This alternative would lift the temporary moratorium on new shoreline structures that has been in place since 2010, and development of shoreline structures would occur in accordance with the existing code (Chapters 80–86).

The existing shorezone regulations are largely centered around prohibitions of shoreline structures (piers, boat ramps, and moorings) within TRPA-designated prime fish habitat. The existing TRPA Shorezone Code identifies the mechanism by which development projects in the shorezone are reviewed and defines all permissible uses and types of structures in the shorezone. The major elements of the code that are under consideration for revision with the Shoreline Plan are the development standards for shorezone structures.

Alternative 2 would result in one beneficial impact, 25 less-than-significant impacts, 16 significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, one significant and unavoidable impact, and one impact topic that would not be affected. This alternative would result in the same significant and unavoidable impact as Alternative 1 related to GHG emissions and climate change. Thus, this alternative would not avoid the significant and unavoidable impact of the proposed Shoreline Plan (Alternative 1).

This alternative would not include a numeric cap on shoreline structures but would prohibit new structures within TRPA-designated prime fish habitat. This alternative would allow more shorezone structures than any other alternative and is the only alternative that would allow new marinas. At buildout, it would potentially allow for up to 6,936 new moorings, 476 new piers, six new boat ramps, and two new marinas.

This alternative does not reduce the significant and unavoidable impact of the proposed Shoreline Plan and would result in fewer less-than-significant impacts and more significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation.

Alternative 3 – Limit New Development

Alternative 3 reduces the potential for environmental impacts by limiting new shoreline development. This alternative would seek to concentrate motorized watercraft access at marinas and public facilities rather than at individual private facilities, and to maximize the number of people served by each new shoreline structure. This alternative would authorize fewer structures than Alternatives 1 or 2, with up to 365 new public buoys or slips, five new public piers, and one new

public boat ramp. This alternative would authorize 86 new private piers, but they would be restricted to multiple-use piers.

Alternative 3 would result in one beneficial impact, 28 less-than-significant impacts, 14 significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, and one significant and unavoidable impact. This alternative would result in the same significant and unavoidable impact as Alternative 1 related to GHG emissions and climate change. Thus, this alternative would not avoid the significant and unavoidable impact of the proposed Shoreline Plan (Alternative 1).

Relative to the proposed Shoreline Plan, this alternative would result in one fewer less-than-significant impact and one more significant or potentially significant impact that would be reduced to a less-than-significant level with mitigation.

Alternative 4 – Expand Public Access and Reduce Existing Development

Alternative 4 expands public access to Lake Tahoe by providing new public piers and reducing existing shoreline development through transfer ratios that could reduce the overall number of shoreline structures on the lake. This alternative would allow 15 new public piers and no other new shoreline structures. The alternative would include transfer ratios that would allow some private shoreline structures to be removed and rebuilt in different locations provided the project resulted in a 2:1 reduction in the number of structures. Because this alternative would authorize no new moorings or boat ramps, it would not result in an increase in boat use. Alternative 4 includes a combination of elements from Alternative 1, the proposed Shoreline Plan, and from Alternative 3.

Alternative 4 would result in one beneficial impact, 24 less-than-significant impacts, 11 significant or potentially significant impacts that would be reduced to less-than-significant levels with mitigation, one significant and unavoidable impact, and seven impact topics that would not be affected. Alternative 4 would not authorize new boating access structures and would not have the beneficial effect related to recreation, that the proposed Shoreline Plan would. This alternative would result in the same significant and unavoidable impact, related to GHG emissions and climate change, as the proposed Shoreline Plan. It does not affect seven impact topics that are affected by the other alternatives.

Chapter 4 Findings: The following findings must be made prior to adopting the Shoreline Plan:

1. Finding: The proposed Shoreline Plan is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: Based on the analysis in the Shoreline Plan Final EIS; the 2015 Threshold Evaluation (TRPA 2016); Findings 2, 3, and 4, below; and Table C-1, the Governing Board finds the proposed amendments to the Code of Ordinances

and implementation programs associated with the Shoreline Plan are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable goals and policies, local plans (i.e., plan area statements, community plans, and area plans) adopted for the purpose of implementing the Regional Plan and their maps, the TRPA Code, and other TRPA plans and programs (as amended).

As described in the Shoreline Plan Final EIS and Finding 4, below, the proposed Shoreline Plan complements and accelerates implementation of the Regional Plan and its objectives: achievement and maintenance of thresholds while providing opportunities for orderly growth consistent with the thresholds. As explained in the Final EIS, Finding 4, below, and Table C-1, the proposed Shoreline Plan, along with the mitigation measures included in the Final EIS, is consistent with and will not adversely affect all applicable compliance measures, indicators, additional factors and supplemental compliance measures and attainment of target dates as identified in the 2015 Threshold Evaluation and in Attachment D of the Staff Summary.

Based on the rationale provided herein and Findings 2, 3, and 4 below, the Governing Board finds that adopting the proposed Shoreline Plan will not adversely affect implementation of the entire Regional Plan, including all applicable goals and policies, local plans and maps, the TRPA Code, and other TRPA plans and programs (as amended).

2. Finding: The proposed Shoreline Plan will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: Based on the analysis in the Shoreline Plan Final EIS, 2015 Threshold Evaluation (TRPA 2016), Findings 3 and 4, below, and Table C-1, the Governing Board finds the amendments to Code of Ordinances and implementation programs associated with the Shoreline Plan will not cause the environmental threshold carrying capacities to be exceeded.

As demonstrated in the Shoreline Plan EIS, there are no unmitigated adverse impacts to the thresholds. The Final EIS evaluated the proposed Shoreline Plan's potential impacts on environmental threshold carrying capacities. All applicable environmental threshold carrying capacities are incorporated into the criteria of significance for each applicable resource evaluation in Chapters 4 through 17 of the Draft EIS. As explained in the findings portion of Table C-1, included at the end of these findings, changes or alterations have been required or incorporated into the proposed Shoreline Plan that avoid or reduce any significant adverse environmental effects of the proposed amendments to a less-than-significant level with the exception of Impact 11-1: Greenhouse Gas Emissions. TRPA has not established environmental threshold carrying capacities for GHG emissions. Therefore, this significant and unavoidable impact of the Shoreline Plan will not cause any environmental threshold carrying capacities to be exceeded.

3. Finding: Wherever federal, state or local air and water quality standards applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: Based on the analysis in the Shoreline Plan Final EIS, the 2015 Threshold Evaluation (TRPA 2016), Finding 4, below, and Table C-1, the Governing Board finds the amendments to the Code of Ordinances and associated implementation programs of the Shoreline Plan will not cause the applicable federal, state, and local air and water quality standards applicable to the Region to be exceeded.

The Shoreline Plan does not affect or change the federal, state, or local air and water quality standards applicable to the Region. As disclosed in the Draft EIS (Chapters 6 and 10), these standards were used as criteria of significance where applicable and no unmitigable impacts were found.

Based on the Shoreline Plan EIS and 2015 Threshold Evaluation Report, no applicable federal, state or local air or water quality standard will be exceeded by adoption of the Shoreline Plan. The proposed Shoreline Plan does not affect or change federal, state, or local air or water quality standards applicable to the Region. Projects implemented under the Shoreline Plan will be required to meet the strictest applicable air or water quality standards and implement water quality improvements consistent with TRPA best management practices (BMP) requirements, the Lake Tahoe Total Maximum Daily Load (TMDL), and the county and city Pollutant Load Reduction Plan (PLRP) in California and Stormwater Load Reduction Plan (SLRP) in Nevada. Federal, state, and local air and water quality standards remain applicable to all parcels that fall within the Shoreline Plan, thus ensuring environmental standards will be achieved or maintained pursuant to the Tahoe Regional Planning Compact.

4. Finding: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Rationale: **I. Introduction**

In 1980, Congress amended the Compact to accelerate the pace of environmental progress in the Tahoe Region by tasking TRPA with adopting a regional plan and implementing regulations that protect the unique national treasure that is Lake Tahoe. First, Article V (b) required that TRPA, in collaboration with Tahoe's other regulatory agencies, adopt "environmental threshold carrying capacities" (thresholds or standards) establishing goals for a wide array of environmental criteria. Second, Article V(c) directed TRPA to adopt a regional plan to "achieve and maintain" these thresholds, and to "continuously review and maintain" implementation of the plan.

The 1980 Compact instated an era of establishing and enforcing rigorous controls on new development. In 1982, TRPA adopted the necessary thresholds for the Tahoe Region. These thresholds are a mix of both long- and

short-term goals for the Tahoe Region. The Region was in attainment of a number of these thresholds shortly after the adoption of the Regional Plan and remains in attainment today. Other thresholds address more intractable problems; for example, TRPA established numeric water quality standards that, even under best-case conditions, could not be attained for decades. *See, e.g., League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F. Supp. 2d 1260, 1265 (E.D. Cal. 2010).

The second phase in this process was establishing a regional plan that, when implemented through rules and regulations, would ultimately achieve and maintain these thresholds over time. In 1987, following years of negotiation and litigation, TRPA adopted its Regional Plan. The 1987 Regional Plan employed a three-pronged approach to achieve and maintain the adopted environmental standards. First, the plan established a ceiling on development in the Region. It restricted the placement, timing, and extent of new development outside of the shorezone, but did not address the total amount of development that could occur within the shorezone. Second, the plan sought to prevent new harm to the environment as well as repair the environmental damage caused by existing development, particularly for projects that predated TRPA's existence. To this end, the plan created incentives to redevelop urbanized sites under more protective regulations and to transfer development out of sensitive areas that would then be restored. Third, TRPA adopted a capital investment program that was largely but not exclusively publicly funded to achieve and maintain thresholds by improving infrastructure and repairing environmental damage. In 1997, TRPA replaced this program with the Environmental Improvement Program (EIP). In subsequent years, TRPA generated investments of well over \$1 billion in public and private money to restore ecosystems and improve infrastructure under the EIP. Recent litigation confirmed that the Regional Plan as established in 1987 and subsequently amended over time will achieve and maintain the adopted environmental thresholds. *Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F.Supp.2d 1098 (E.D. Cal. 2013) [Homewood litigation].

2012 Regional Plan Update

Even though implementation of the 1987 Regional Plan would achieve and maintain the thresholds, in 2004 TRPA began public outreach and analysis of the latest science and monitoring results to identify priority areas in which the Regional Plan could be comprehensively strengthened to accelerate the rate of threshold attainment. TRPA's policymakers realized that the challenges facing the Region differed from those confronting the agency when it adopted its original Regional Plan in 1987. Uncontrolled new growth that had been the primary threat decades earlier had been brought into check by the strict growth limitations in the 1987 Regional Plan. Contemporary problems differed, resulting from the continuing deterioration and lack of upgrades to existing legacy development. In essence, to make the greatest environmental difference, the Tahoe Basin needed to fix what was already in place. In addition, TRPA realized some existing land-use controls could be improved to remove barriers to redevelopment that would address ongoing environmental

degradation caused by sub-standard development constructed before TRPA had an adopted Regional Plan or even came into existence. Land use regulations and public and private investment remain essential to attaining the thresholds for Lake Tahoe.

Furthermore, TRPA recognized that the social and economic fabric of the Tahoe Region could not support the level of environmental investment needed. The economic foundation of gaming had fallen away, and the level of environmental investment needed could not be supported solely by an enclave of second homes for the wealthy. Businesses and the tourism sector were faltering. Affordable housing and year-round jobs were scarce. Local schools were closing, and unemployment was unusually high. In light of these realities, TRPA sponsored an ongoing outreach program to obtain input on how to advance TRPA's environmental goals. Between 2004 and 2010, TRPA conducted over 100 public meetings, workshops, and additional outreach. More than 5,000 people provided input regarding their vision for TRPA's updated Regional Plan. Based on this input, TRPA identified a number of priorities to be addressed by the updated Regional Plan. On December 12, 2012, TRPA's nine-year effort culminated with the approval of the first comprehensive update to the Regional Plan since 1987.

The updated Regional Plan includes multiple strategies targeting environmental improvements to accelerate achieving and maintaining threshold standards in the Region. First, it maintains both regulatory and implementation programs that have proven effective in protecting Lake Tahoe's environment. TRPA's regional growth control regulatory system, strict environmental development standards, and inter-agency partnerships for capital investment and implementation (e.g., EIP) remain in place.

In addition, the Regional Plan promotes sensitive land restoration, redevelopment, and increases the availability of multi-modal transportation facilities. The implementation of the Regional Plan facilitates transferring existing development from outlying, environmentally-sensitive areas into existing developed community centers. The Regional Plan provides incentives so that private capital can be deployed to speed this transformation. As noted above, a variety of strategies in the Regional Plan work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, scenic quality advances, and efforts to continue maintenance and attainment of air quality standards. TRPA found that the updated Regional Plan would achieve and maintain the thresholds, and would accelerate the pace at which thresholds are achieved (see the Regional Plan Update Findings (TRPA 2012a)).

The Need for a Shoreline Plan

The 1987 Regional Plan included a Shorezone Subelement and implementing ordinances that regulated some aspects of development along the shoreline. The 1987 ordinances recognized that there was uncertainty regarding the effect of shoreline structures on fisheries. Because of this uncertainty, the

ordinances called for a study to evaluate the effects of shoreline structures on fish habitat and spawning and, in the interim, prohibited new structures in areas identified as prime fish habitat. The 1987 Regional Plan did not establish a limit on the total amount of shoreline development that could occur, and instead called for this issue to be considered after completion of the fish studies.

By the early 1990s, the studies called for in the 1987 ordinance had been completed, and they found that the placement of piers and buoys in spawning or feed/cover habitat has limited effect on fish populations and those effects can be mitigated (Byron et al. 1989; Beauchamp et al. 1991, 1994). These studies indicated that the 1987 Regional Plan's interim prohibition of structures in prime fish habitat was not supported by the best available science.

While the 2012 update to the Regional Plan strengthened and improved many of the regional strategies to achieve and maintain thresholds, it did not address the Shoreline, or regulate the amount, location, timing, or design of structures within the shorezone. The current Regional Plan effectively limits the total amount of development everywhere in the Region, except in the shorezone, where the interim provisions from the 1987 Regional Plan still apply. While the existing Regional Plan will achieve and maintain thresholds (see TRPA 2012a), the Shoreline Plan is necessary because the existing moratorium is no longer tenable and to 1) ensure the ongoing ability of the Regional Plan to achieve and maintain thresholds by managing the use and development of the shoreline consistent with the best available science, 2) comply with the Compact's mandate to allow for the orderly development where consistent with the thresholds, and 3) complete the regional growth control system by establishing growth caps and related standards for lake access structures in the shorezone.

The Shoreline Planning Process

Beginning in the 1990's, TRPA initiated multiple shorezone planning efforts to replace the interim provisions of the 1987 Regional Plan. Each effort sought to enact a comprehensive shoreline plan based on current science that establishes growth caps for the shoreline, achieves and maintains the threshold standards, and allows for the orderly development of lake access structures consistent with the thresholds. Due to the inherent controversy of regulating development on the shores of Lake Tahoe, and the disparate views of the many agencies, organizations, and individuals with an interest in the shoreline, none of the planning efforts in the past 30 years resulted in an implementable shoreline plan.

In 2016, TRPA launched a collaborative process to develop the proposed Shoreline Plan. TRPA, along with partner agencies and organizations, engaged a third-party mediator to convene stakeholders and develop a consensus-based planning process. As part of this process, extensive public input was collected, and a Steering Committee was convened to frame key shoreline

issues, identify the approach to address them, and develop policy recommendations. TRPA also convened a Joint Fact-Finding Committee comprised of technical experts from public agencies, universities, and stakeholder organizations to provide scientific and technical recommendations to inform the Shoreline Plan.

The Shoreline Plan

The proposed Shoreline Plan is the result of this consensus-based planning initiative. It includes a set of policy concepts to guide resource management and development within the shorezone and lakezone of Lake Tahoe. These concepts will be implemented through amendments to the TRPA Code and through implementation programs conducted by TRPA and partner organizations. These concepts, TRPA Code provisions, and implementation programs are collectively referred to as the Shoreline Plan. The Shoreline Plan will involve amendments to sections of the TRPA Code that address uses and development in the shorezone of Lake Tahoe (TRPA Code Chapters 80–86); related amendments to TRPA Code Chapters 1, 2, 10, 14, 50, 63, 66, and 90; and revisions to Article 10 of the Rules of Procedure to establish program implementation and mitigation fees.

The Shoreline Plan will enhance the recreational experience along Lake Tahoe’s shores while protecting the environment and responsibly planning for the future. As an element of the Regional Plan, the Shoreline Plan, in combination with other elements of the Regional Plan and implementation programs, is intended to achieve and maintain the environmental thresholds while allowing for orderly access to the lake consistent with those thresholds. The Shoreline Plan will manage the use and development of the shoreline consistent with the best available science. It completes the regional growth control system by establishing limits on the number, location, type, design, and timing of lake access structures in the shorezone. The next section of this finding establishes how the Regional Plan and all of its implementing programs, as amended by the Shoreline Plan, fulfills its role in achieving and maintaining the thresholds.

II. The Regional Plan, as amended by the Shoreline Plan, will achieve and Maintain the Environmental Threshold Carrying Capacities

The information contained herein supports the required findings set forth in Chapter 4, Section 4.4.1 of the Code of Ordinances. The discussion demonstrates that the Regional Plan, Code of Ordinances, and all other components of the Regional Plan, as amended by the Shoreline Plan, will achieve and maintain the environmental threshold carrying capacities. The effects of the Regional Plan, as amended by the Shoreline Plan, on the environmental threshold carrying capacities are addressed for the following: air quality, water quality, soil conservation, vegetation, fisheries, wildlife, scenic resources, noise, and recreation. The discussion below summarizes the following for each of the nine threshold resources:

- A list of the indicator reporting categories;
- A discussion of the current attainment status and the effects of the proposed Shoreline Plan for each indicator reporting category;
- A discussion of the threshold effects of the proposed Shoreline Plan;
- A discussion of other regional planning strategies that contribute to threshold gain; and
- A conclusion statement regarding whether the Regional Plan, as amended by the Shoreline Plan, would achieve and maintain the thresholds.

A. Air Quality

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for air quality. The following Indicator Reporting Categories for air quality have been established by TRPA:

- ▲ Carbon Monoxide (CO),
- ▲ Ozone,
- ▲ Visibility,
- ▲ Respirable and Fine Particulate Matter (PM),
- ▲ Nitrate Deposition, and
- ▲ Odor.

According to 2015 Threshold Evaluation, the majority of air quality indicators in the Lake Tahoe Basin were at or better than attainment with adopted thresholds and standards. In total, 16 of 20 indicators were in attainment with almost all having improving trends. Two indicators had insufficient data to make a determination (TRPA 2016).

Effects of the Shoreline Plan on Air Quality Thresholds

CO, Ozone, and PM Thresholds

The Highest 8-hour Average Concentration of Ozone and Highest 24-hour PM₁₀ Concentration Thresholds are not in attainment. The remaining ozone and PM thresholds, as well as the CO and visibility thresholds, are in attainment. As explained in Impact 10-1 in the EIS, the increase in long-term operational emissions associated with the Shoreline Plan would primarily be a function of the increase in recreational boating activity that would occur, and, to a lesser degree, any new roadway vehicle trips associated with that activity. The projected increase in boating would generate additional CO, nitrogen oxides (NO_x), reactive organic gases (ROG), PM₁₀, and PM_{2.5} emissions, which could affect the associated threshold standards. However, any increase in boating activity and associated roadway vehicle travel resulting from the Shoreline Plan will be more than offset by fleet turnover (i.e., the retirement of older and higher-emitting vehicles) and the increasingly stringent California and federal emissions standards for recreational watercraft. Because of the long-term reduction in emissions of ozone precursors, CO, PM₁₀ and PM_{2.5} that will result from stricter standards and cleaner engines over time, implementation of the

Shoreline Plan will not result in the deterioration of ambient air quality or the exceedance of an applicable air quality standard.

As analyzed in Impact 10-2, construction activities will be required to comply with TRPA's Standard Conditions of Approval for Shorezone Projects (TRPA Permit Appendix S). These conditions include dust control measures, including covering mounds of loose soil, revegetating disturbed areas, and avoiding track out. The types of construction activities that will be associated with the development of a new boat ramp or pier, or dredging activities generate equipment exhaust and fugitive dust emissions. Implementation of Mitigation Measure 10-2, will require TRPA to revise the Standard Conditions of Approval for Shorezone Projects (TRPA Permit Attachment S) to require that minimum construction emission reduction best practices be implemented for all projects within the shorezone. Implementation of Mitigation Measure 10-2 will further reduce fugitive PM₁₀ and PM_{2.5} dust emissions for each project and minimize dispersion beyond a given property boundary. Implementation of Mitigation Measure 10-2, as prescribed, will also reduce diesel equipment exhaust emissions of NO_x and PM₁₀ by restricting idling times for diesel equipment. These best practices will be effective in substantially reducing construction-generated emissions. Additionally, projects located in the jurisdictions regulated by the Placer County Air Pollution Control District (PCAPCD) or El Dorado County Air Quality Management District (EDCAQMD) must demonstrate, as a condition of approval, that emissions will be mitigated to levels below the respective district-applicable threshold standards for construction emissions.

Because long-term operational emissions associated with the Shoreline Plan will decrease, the Shoreline Plan will support continued achievement and maintenance of air quality thresholds. Because the Shoreline Plan will include additional and revised construction best practices for air quality emissions (as required by Mitigation Measure 10-20), short-term emissions of CO, Ozone, and PM associated with shoreline construction will decrease.

Nitrate Deposition Threshold

The threshold standard related to nitrate deposition is a management standard that calls for TRPA to reduce the transport of nitrates into the Basin and reduce NO_x produced in the Basin. This threshold is in attainment.

In general, gaseous emissions of nitrogen compounds that could undergo atmospheric deposition are associated with combustion processes from automobiles and other sources. The thresholds limit vehicle miles of travel (VMT) as a proxy for nitrate deposition. The target value for the VMT threshold is a 10 percent reduction from 1981 levels, or no more than 2,030,938 daily VMT (TRPA 2016). The 2017 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) determines that the monitoring of VMT, and release of commodity allocations contingent on achievement of the TRPA VMT threshold standard (as required by Chapter 50 of the TRPA Code) will prevent region-wide VMT from exceeding the threshold standard of 2,030,938.

Because the Shoreline Plan is consistent with the RTP and the VMT threshold

standard is maintained through monitoring and controlled release of commodity allocations, the Shoreline Plan will be consistent maintenance of the nitrate deposition threshold.

Odor Threshold

TRPA has adopted a policy statement to reduce fumes from diesel engines in the Lake Tahoe Basin to the extent possible (TRPA 2012). This threshold is in attainment. A review of current adopted policies, ordinances, and rules of TRPA, state, and federal agencies has found that this policy statement has been implemented. These agencies have adopted policies and measures that address diesel odor, and there is evidence that the associated regulatory measures are effective in reducing diesel fuel emissions at regional, state, and national scales. As discussed in the EIS in Impact 10-4, operations under the Shoreline Plan will not result in any new permanent odor sources, and odors associated with project construction (e.g., diesel exhaust from the use of heavy-duty off-road equipment) will be temporary and will generally not be produced in the same locations for an extended period. Furthermore, such odorous emissions generally disperse rapidly with distance from the source. The Shoreline Plan will not result in the introduction of new odor sources or new odor exposure problems in the Lake Tahoe Basin. Therefore, the Shoreline Plan will be consistent with policy statements associated with the Odor Threshold Standard.

Air Quality Threshold Gain from the Shoreline Plan

The Shoreline Plan includes a commitment to develop and implement a Greenhouse Gas (GHG) reduction policy (as required in Mitigation Measure 11-1). This GHG reduction policy will result in secondary benefits related to the reduction of CO, ozone, PM, and nitrate emissions that will contribute to the maintenance and accelerate attainment of for air quality thresholds. As part of the Shoreline Plan, TRPA will develop and coordinate implementation of a GHG Emission Reduction Policy that will be implemented through TRPA-approved plans, project permitting, or projects/programs. The policy will require implementation of measures for the reduction of GHG emissions generated by demolition and construction activity in the shorezone and in associated upland areas, by on-road motor vehicles trips directly associated with the operation of boating facilities, and by ongoing operation of recreational watercraft. Measures that could be implemented as part of this policy could include those that will minimize construction-related GHG emissions, GHG emissions associated with on-road vehicle to watercraft facilities, and GHG emissions generated by recreational watercraft. Mitigation Measure 11-1 includes additional specific GHG reduction measures that could be implemented as part of this policy. Measures that reduce GHG emissions, will also reduce emissions of NO_x, PM, and Ozone, and will contribute to the maintenance and accelerated attainment of these thresholds.

Other Regional Planning Strategies that Contribute to Air Quality Threshold Gain

The Lake Tahoe Regional Plan and Regional Transportation Plan include a suite

of strategies to help the Region achieve and maintain air quality threshold standards (TRPA Goals and Policies: Air Quality Subelement at pages 2-33 to 2-35; Regional Transportation Plan Chapter 3, *Sustainable Communities Strategy*, Chapter 5, *Transportation Management Programs*, and Chapter 6, *Funding and Implementation Strategy*). While there are many programs and policies that contribute to air quality threshold attainment, the major regional strategies include:

- ▲ Supporting environmental redevelopment. Land Use policies outlined in the Regional Plan support clustering population and employment in compact Town Centers that are well served by transit, pedestrian, and bicycle infrastructure. The Regional Plan achieves this by incentivizing redevelopment and transfers of development from outlying and sensitive areas into existing Town Center areas. (TRPA Goals and Policies: Chapter 2, Land Use Element.)
- ▲ Creating walkable communities and increased alternative transportation options. The Regional Plan and the Regional Transportation Plan: Mobility 2035, outlines the policies, programs and projects that provide a transportation system that supports this compact form of development and that will help to create an environment where walking, biking, and transit are convenient modes of transportation. (Mobility 2035: Funding and Implementation Strategy Chapter, page 6-1; Goals and Policies, page 2-1.) The combination of compact land-uses and convenient, diverse transportation options will allow more travel to be conducted on foot, by bicycle, or by transit, resulting in fewer and shorter vehicle trips per person and reducing negative impacts to air quality associated with motor vehicle travel. The benefits of these two strategies are further articulated in the Sustainable Communities Strategy chapter of Mobility 2035 (page 3-1). Additionally, the Regional Plan Update (RPU) EIS and Regional Transportation Plan EIS demonstrated that the combination of improvements will allow the Region to achieve and maintain air quality thresholds (see Regional Plan Update Draft EIS, Chapter 3.3: Transportation, and Chapter 3.4: Air Quality; Regional Transportation Plan Draft EIS, Chapters 3.3: Transportation and Chapter 3.4: Air Quality).
- ▲ The Lake Tahoe Environmental Improvement Program (EIP) is implemented by a number of partners, including federal, state, and local agencies, private interests, and the Washoe Tribe, and includes projects that implement the Regional Plan and help achieve and maintain thresholds. The Air Quality and Transportation Focus Area of the EIP includes projects that benefit air quality thresholds, such as construction of new bicycle trails and improvements to public transportation systems.
- ▲ TRPA implements an air quality mitigation program in which air quality mitigation fees are collected for certain types of projects and then used to fund EIP projects that help reduce traffic and improve air quality.

- ▲ TRPA has partnered with local agencies to implement a replacement program for older wood stoves and fireplace inserts (TRPA 2018a). The smoke emitted from incomplete wood combustion contains fine particulate matter, GHGs, CO, nitrogen, and toxic air pollutants. Replacing older, inefficient wood-burning appliances with more efficient wood-burning or other heating appliances substantially reduces emissions and contributes to attainment for CO, ozone, PM, and nitrate deposition thresholds.
- ▲ Policies, ordinances, and programs that address maintenance of the Odor Threshold Standard have been implemented in the Basin. These include vehicle idling restrictions, exemptions, and compliance programs adopted in the TRPA Code, Chapter 65. Additionally, TRPA works with local public transportation providers to fund and support the purchase of alternative fuel buses in support of this ordinance (TRPA 2016).

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the Regional Transportation Plan, the 2017 Regional transportation Plan Threshold Evaluation Summary, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the air quality thresholds.

B. Water Quality

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for water quality. The following Indicator Reporting Categories for water quality have been established by TRPA:

- ▲ Pelagic Lake Tahoe,
- ▲ Littoral Lake Tahoe,
- ▲ Tributaries,
- ▲ Surface Runoff (discharge to a water body),
- ▲ Groundwater (discharge to), and
- ▲ Other Lakes.

Threshold standards that could be affected by the Shoreline Plan are discussed below. Strategies included in the Shoreline Plan that will contribute to threshold gain are also identified.

Effects of the Shoreline Plan on Water Quality Thresholds

Pelagic Lake Tahoe Thresholds

The secchi depth threshold standard related to transparency is not in attainment. Attainment of this threshold is expected to take many years and is the focus of many Regional Plan programs, including the Lake Tahoe Total Maximum Daily Load (TMDL). The vertical extinction coefficient threshold related to clarity is in attainment.

As discussed in Impacts 6-1 and 6-2 of the Shoreline Plan Draft EIS, construction and dredging activities associated with any proposed or existing facility under the Shoreline Plan will be required to conform to applicable state, federal, and TRPA regulations for the protection of water quality (e.g., TRPA Standard Conditions for Approval for Shorezone Projects), the future projects under the Shoreline Plan will not adversely affect the attainment of these thresholds. As described in Chapter 6 of the Shoreline Plan Draft EIS, the increased motorized boating with implementation of the Shoreline Plan will not adversely affect these thresholds.

Phytoplankton Primary Productivity

The phytoplankton primary productivity threshold is not in attainment. As discussed in Impact 6-3, NO_x and PM are byproducts of exhaust generated from boat engines (see Chapter 10, "Air Quality," of the Draft EIS). Increases in nitrogen stimulate algal growth (i.e., increase primary productivity). Impact 10-1 concludes that peak-day boating emissions of NO_x and PM will decrease under the Shoreline Plan as the increased boating hours are offset by fleet turnover, by which older boat engines are retired over time and replaced by cleaner and more fuel-efficient models that meet current emission standards. In spite of an increase in boating that will occur under the Shoreline Plan, emission rates for recreational watercraft on Lake Tahoe will decrease substantially over the planning horizon of the Shoreline Plan, thereby contributing to attainment of the phytoplankton primary productivity threshold.

Nearshore Turbidity

The nearshore turbidity (no stream influence) and nearshore turbidity (stream influence) thresholds are in attainment.

The effects of the Shoreline Plan on nearshore turbidity thresholds will be similar to those discussed above for the pelagic Lake Tahoe clarity and transparency thresholds. Because construction and dredging activities associated with any proposed or existing facility under the Shoreline Plan will be required to conform to applicable state, federal, and TRPA regulations (e.g., TRPA Standard Conditions for Approval for Shorezone Projects) for the protection of water quality, the future projects under the Shoreline Plan will be consistent with the continued maintenance of these thresholds.

With implementation of the Shoreline Plan, TRPA will increase boater education and enforcement of the current no-wake zone, expand existing nearshore monitoring to assess causes of nearshore water clarity conditions and their potential relationship to boating, and implement management actions informed by research to avoid the hydrodynamic effects from motorized boating (i.e., boat wake or propeller wash), all of which will support the continued maintenance of these thresholds.

Attached Algae

In 2012, the TRPA Governing Board adopted a new standard for the nearshore environment to address attached algae (periphyton) growing to submerged surfaces in the lake. The 2015 Threshold Evaluation indicated that the status

and trend for attached algae could not be assessed due to insufficient data given the lack of defined numerical targets.

The effects of the Shoreline Plan on attached algae thresholds will be similar to those discussed above for the pelagic Lake Tahoe phytoplankton primary productivity threshold. Increases in nitrogen stimulate algal growth. Impact 10-1 in the Shoreline Plan Draft EIS concludes that peak-day boating emissions of NO_x and PM will decrease under the Shoreline Plan as the increased boating hours are offset by fleet turnover and older boat engines are retired over time and replaced by cleaner and more fuel-efficient models that meet current emission standards. In spite of an increase in boating that will occur under the Shoreline Plan, emission rates for recreational watercraft on Lake Tahoe will decrease substantially over the planning horizon of the Shoreline Plan, thereby contributing to improvement in the nearshore waters of Lake Tahoe and a reduction in attached algae.

Aquatic Invasive Species

The 2015 Threshold Evaluation Report determined that insufficient data exists to assess the trend with respect to the majority of the aquatic invasive species (AIS) standards. However, no new aquatic invasive species have been documented in Lake Tahoe since the standard was adopted.

As discussed in Impact 5-1 in the Draft EIS, the rigorous and effective AIS prevention programs (including boat inspection, decontamination, outreach, and education) will continue under the Shoreline Plan. The inspection program will continue to function under the existing funding system, which will be adequate to accommodate the expected increase in inspections associated with the increase in boating activity.

The Shoreline Plan will provide a new funding source to increase the amount of AIS control treatments completed each year. It will also require that each marina implement measures to reduce the risk of new infestations and control or eradicate existing infestations. These provisions will reduce the amount of AIS in the lake.

The Shoreline Plan will also encourage the eventual widespread adoption of ballast tank filters, heated ballast water intakes in engines, better draining ballast tanks, and/or other technologies that reduce the potential for recreational boats to spread Asian clams or other AIS. These measures will substantially reduce the potential for the spread of AIS lake-wide from marinas.

Surface Runoff Thresholds

The 2015 Threshold Evaluation Report indicated that the status and trend for thresholds related to suspended sediment concentration, nutrient concentrations, suspended sediment load, and nutrient loads could not be assessed.

The effects that the Shoreline Plan could have on surface runoff quality thresholds will generally be associated with construction activities. The potential for increased erosion resulting from future projects implemented

under the Shoreline Plan will be reduced through compliance with county, TRPA, and Lahontan Regional Water Quality Control Board (RWQCB) or Nevada Division of Environmental Protection (NDEP) code requirements, permit conditions, and regulations. For example, temporary BMPs that comply with the TRPA *Best Management Practices Handbook* must be implemented on construction sites and maintained throughout the construction period until winterization, and permanent BMPs must be installed once construction has been finalized. For these reasons, the Shoreline Plan will support attainment of surface runoff quality thresholds.

Groundwater Thresholds

The 2015 Threshold Evaluation Report indicated that the status and trends for groundwater thresholds (suspended sediment load, fine sediment load, and nutrient loads) could not be assessed.

As discussed in Impact 7-2 of the Draft EIS, construction of some shorezone structures could require excavation beyond 5 feet in depth (e.g., placement of landward pier footings). Excavation beyond 5 feet in depth will be evaluated on a project-by-project basis. TRPA Code Section 33.3.6 allows excavation deeper than 5 feet in limited circumstances, provided that a soils/hydrologic report has been completed that demonstrates that the excavation will not interfere with or intercept groundwater, no damage occurs to mature trees or stream environment zone (SEZ) vegetation, excavated material is disposed of properly (as defined in TRPA Code Section 33.3.4), and the project site's natural topography is maintained. Future projects implemented under the Shoreline Plan will be required to with county, TRPA, and Lahontan RWQCB or NDEP code requirements, permit conditions, and regulations that protect groundwater. Thus, the Shoreline Plan will support attainment of groundwater thresholds.

Tributaries and Other Lakes Thresholds

The threshold for suspended sediment concentration for tributaries is in attainment. The thresholds for phosphorus and nitrogen concentrations vary between in attainment and nonattainment depending on the data collection location. The 2015 Threshold Evaluation indicated that the status and trends for suspended sediment load, fine sediment load, and nutrient loads could not be assessed. Implementation of the Shoreline Plan will not result in new structures or activities in tributaries or other lakes in the Tahoe Basin that would affect attainment thresholds related to tributaries and other lakes.

Water Quality Threshold Gain from the Shoreline Plan

The Shoreline Plan will contribute to threshold gain related to water quality thresholds by:

- ▲ Requiring upland BMPs prior to the reconstruction of a pier;
- ▲ Requiring water quality improvements at marinas as a condition of a marina expansion;

- ▲ Restricting new motorized watercraft rental concessions to within marinas;
- ▲ Regulating fueling practices at marinas;
- ▲ Implementing stringent requirements for new dredging;
- ▲ Increasing enforcement of the no-wake zone;
- ▲ Expanding the no-wake zone to include all of Emerald Bay, 200 feet around shoreline structures, and 100 feet around nonmotorized watercraft and swimmers;
- ▲ Expanding monitoring to guide adaptive management of nearshore water quality;
- ▲ Increasing boater education related to appropriate watercraft operations and maintenance; boater safety; AIS; no-wake zone; and bilge, ballast, and fuel practices at all public motorized boat access points;
- ▲ Training staff at marinas and motorized watercraft rental concessions on appropriate watercraft operations and maintenance;
- ▲ Requiring staff at marinas and motorized watercraft rental concessions to educate customers about the no-wake zone and appropriate watercraft operations;
- ▲ Expanding monitoring to guide adaptive management of nearshore water quality;
- ▲ Requiring marinas to demonstrate a reduction in AIS habitat conditions and/or reduced need for dredging for marina expansions;
- ▲ Providing ongoing funding to increase AIS control;
- ▲ Requiring implementation of AIS management plans for all marinas;
- ▲ Supporting the widespread adoption of boating technologies that will reduce the risk of AIS spread;
- ▲ Prohibiting placement of new piers within Stream-mouth Protection Zones around the inlet of the 24 major streams and rivers that drain into Lake Tahoe;
- ▲ Providing incentives for the transfer of piers out of Stream Mouth Protection Zones and scenic travel units that are not in attainment of thresholds; and

- ▲ Implementing a GHG reduction policy to reduce GHG emissions (which will also reduce other types of air pollution that could affect water quality).

The provisions of the Shoreline Plan listed above will benefit water quality thresholds. These will support the continued attainment of those thresholds that are in attainment and will accelerate the attainment of those water quality thresholds that are not already in attainment.

Other Regional Planning Strategies that Contribute to Water Quality Threshold Gain

The goals and policies in the Regional Plan that provide direction for attainment of the Water Quality Thresholds are contained in the Water Quality Subelement of the Land Use Element. Goals include the reduction of sediment and nutrients to Lake Tahoe and the elimination or reduction of other pollutants (See pages 2-37 through 2-44 in Chapter 2, Land Use Element, of the TRPA Regional Plan Goals and Policies). Regional Plan strategies for water quality protection and shorezone conservation include the Lake Tahoe TMDL program; water quality protection regulations in the Code of Ordinances; regulations of state, federal, and local agencies; and implementation programs including the Watersheds, Habitat, and Water Quality programs of the EIP. While there are many programs and policies that contribute to air quality threshold attainment, the major regional strategies include:

- ▲ The Lake Tahoe TMDL guides the actions of agencies in the Region to reduce inputs of nutrients and sediments into Lake Tahoe (Lahontan and NDEP 2014). As part of the TMDL implementation, each jurisdiction in the Region prepares a load reduction plan (pollutant load reduction plans in California and stormwater load reduction plans in Nevada) that detail the steps to achieve the specified load reductions. Achievement of these load reductions is expected to result in the eventual attainment of the secchi depth threshold standard and other water quality thresholds.
- ▲ The Code of Ordinances requires implementation of BMPs for all new development projects, and includes BMP retrofit regulations for developed properties. For example, Section 60.4.6.A.1 of the TRPA Code requires properties be able to infiltrate the 20-year, one-hour storm into groundwater. The BMP Retrofit Program represents the private contribution to the environmental improvement program. TRPA's Stormwater Management Program staff provide free assistance to property owners, private businesses, and government agencies to advance effective BMP design and implementation on developed properties.
- ▲ The Regional Plan includes a growth control system and transfer of development program to limit growth and shift development from sensitive to less-sensitive lands. This results in the restoration of sensitive

land, reducing fine sediment and nutrient runoff, and increasing the natural infiltration of runoff.

- ▲ The Regional Transportation Plan complements these Regional Plan features by encouraging use of public transit and alternative transportation modes, and reducing reliance on the private automobile, thereby reducing atmospheric deposition of pollutants.
- ▲ Water quality mitigation fees, collected on projects that create new land coverage, support erosion and stormwater pollution control projects.
- ▲ The EIP includes numerous projects that help achieve attainment of the water quality thresholds, including the following types of projects:
 - restoration or enhancement of stream channels;
 - retrofit or decommissioning roads;
 - restoration or enhancement of disturbed forested uplands;
 - inspection and maintenance of unpaved non-urban roads;
 - issuing BMP certificates to commercial, multi-family and single-family residential properties;
 - implementing public outreach and educational campaigns (such as the “Take Care” campaign) that highlight for residents and visitors what they can do to maintain a healthy environment;
 - TRPA’s grant funded Stormwater Management Program (SMP) that focuses on compliance and maintenance verification activities on priority commercial and large multi-family residential properties in coordination with local jurisdictions; and
 - street sweeping, which reduces fine sediment and nutrient loading from roadway stormwater runoff.
- ▲ The Lake-Friendly Business Program highlights and encourages patrons to visit businesses that are doing their part to help protect Lake Tahoe by installing and maintaining their water quality BMPs.
- ▲ The Nearshore Agency Working Group (including representatives of TRPA, the U.S. Environmental Protection Agency, Lahontan RWQCB, and NDEP) is preparing a nearshore work plan, called the Nearshore Resource Allocation Plan, to guide nearshore monitoring and coordination needed to understand and manage nearshore conditions. The Nearshore Agency Working Group is considering the range of issues that affect nearshore water quality, such as stormwater runoff, land coverage, and fertilizer use.

- ▲ Additionally, TRPA is leading a collaborative effort to prevent new AIS as well as control existing invasive species, such as Asian clam and certain aquatic weeds. Management of AIS at the Lake is guided by the Lake Tahoe Region Aquatic Invasive Species Management Plan. Within the plan, management of AIS is broadly classed into prevention, monitoring and rapid response, and control (TRPA 2014).
- ▲ Every motorized boat is required to be inspected for aquatic invasive species prior to launching in Lake Tahoe. Tahoe Resource Conservation District (TRCD) implements the boat inspection program at four roadside stations during the summer boating season.
- ▲ “Eyes on the Lake” is a citizen science program, led by the League to Save Lake Tahoe (League), designed to report the incidence of AIS in Tahoe’s waters. League staff train community members how to identify and report the location and presence of aquatic plants in the lake.
- ▲ The “Tahoe Keepers” self-inspection and decontamination training program provides paddlers and hand-launched watercraft users with the information and training to help prevent the introduction and spread of AIS from non-motorized watercraft.
- ▲ The Tahoe Keys Property Owners Association is developing an integrated weed management plan to address AIS in the Tahoe Keys.
- ▲ All of the strategies that benefit Air Quality thresholds (described in section A, above), also benefit water quality thresholds by reducing the amount of atmospheric deposition into waterbodies.

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the Lake Tahoe TMDL, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the water quality thresholds.

C. Soil Conservation

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for soil conservation. The following Indicator Reporting Categories for soil conservation have been established by TRPA:

- ▲ Impervious Cover, and
- ▲ Stream Environment Zone.

Effects of the Shoreline Plan on Soil Conservation Thresholds

Impervious Cover Thresholds

The 2015 Threshold Evaluation Report indicated that the land capability

district (LCD) standards are all in attainment (at or better than target), with the exception of LCDs 1b and 2.

As discussed in Impact 7-1 in the Draft EIS, the proposed Shoreline Plan will allow for a total of up to 10 new public piers, 128 private piers, and two new public boat ramps that will require new access paths (or connection points to upland areas) in the backshore. These structures will create coverage in the backshore (LCD 1b). The extent of new coverage resulting from implementation of the Shoreline Plan is estimated to be 0.3 acres. All projects implemented under the Shoreline Plan will be required to demonstrate their compliance with existing TRPA land coverage regulations (see TRPA Code Sections 81.3.2, 83.7.2.E, and 85.5.4), including restoration of 1.5 times the amount of LCD 1b coverage created by the project. Through compliance with TRPA regulations, implementation of the Shoreline Plan will result in the restoration of an estimated 0.45 acres of coverage for a net reduction of 0.15 acres of coverage within LCD 1b. For this reason, future projects implemented under the Shoreline Plan will contribute to attainment of the impervious cover thresholds.

Stream Environment Zones Threshold

The 2015 Threshold Evaluation Report indicated that the SEZ threshold is not in attainment.

As discussed in Impact 7-1 of the Draft EIS, Shorezone Tolerance District 1 is treated as SEZ (TRPA Code Section 83.7.2.E). In compliance with TRPA Code, projects implemented under the Shoreline Plan will only be permitted to increase coverage in Shorezone Tolerance District 1 if the coverage is associated with a footpath that provides access to the shoreline and the footpath is designed to minimize environmental effects. Such projects will be required to demonstrate compliance with existing TRPA land coverage regulations, including SEZ restoration of at least 1.5 times the area of Shorezone Tolerance District 1 disturbance created by the project. This will result in a net increase in the amount of restored and functioning SEZ. For this reason, future projects implemented under the Shoreline Plan will contribute to attainment of the SEZ threshold.

Soil Conservation Threshold Gain from the Shoreline Plan

The Shoreline Plan will encourage the removal of coverage from stream mouths and SEZ areas by encouraging the transfer of existing piers out of Stream Mouth Protection Zones through incentives, including allowing relocated single-use piers to qualify for multiple-use design standards (i.e., those standards that will apply to a pier serving two parcels) or providing upland scenic credits for relocated piers. When a pier is transferred or relocated, the old pier will be removed, and the area restored to a natural condition. In the case of pier transfers, the sending parcel will become deed-restricted to prevent future pier development. This will directly contribute to attainment of soil conservation thresholds.

In addition, as described above, the construction of shorezone structures will

comply with land coverage and SEZ regulations that result in a net reduction in land coverage in LCD 1b, and a net increase in the amount of restored and functional SEZ. This will contribute to attainment of the soil conservation thresholds.

Other Regional Planning Strategies that Contribute to Soil Conservation Threshold Gain

The Goals and Policies in the Regional Plan that provide direction for attainment of the soil conservation thresholds are contained in the Soils, Shorezone, and SEZ Subelements of the Land Use Element. See pages 2-7 through 2-8 in Chapter 2, Land Use Element; pages 4-15 through 4-20 and 4-26 through 4-29 in Chapter 4, Conservation; and pages 7-8 through 7-9 in Chapter 7, Implementation Element, of the Lake Tahoe Regional Plan Goals and Policies. These goals and policies generally direct the location of impervious cover and limit its extent and prevent soil erosion from the Region's watersheds by focusing development on more suitable soil types. The SEZ goals and policies call for the long-term preservation, enhancement, and restoration of SEZ lands as a means of achieving various environmental thresholds. The policy statements direct the restoration, preservation, and management of SEZ lands by setting numeric goals for restoration of degraded/developed SEZ lands and requiring their protection and management for natural functions and values. While there are many programs and policies that contribute to soil conservation threshold attainment, the major regional strategies include:

- ▲ TRPA requires parcel-level verification of a site's land capability class and coverage (see Code Chapter 30). New land coverage is only permitted if it is in compliance with the threshold standards as applied to a project site. Existing coverage is removed or mitigated through the excess coverage mitigation program. This is the primary mechanism through which development in the Basin adheres to the Bailey land capability system upon which the land cover threshold is based.
- ▲ The California and Nevada land banks remove land coverage and restore SEZs through the Excess Coverage Mitigation Program. These land banks purchase and restore sensitive lands and permanently retire land coverage.
- ▲ The Transfer of Development Rights Program (see Code Chapters 50 through 52) is a central part of TRPA's growth management system and an important strategy used to attain multiple environmental thresholds, by providing an incentive to transfer coverage to less sensitive lands. This program preserves undeveloped sensitive land and provides incentives for the restoration of developed private lands containing SEZ.
- ▲ TRPA is regularly updating the Code of Ordinances to provide new mechanisms to remove excess coverage on sensitive lands. For example, TRPA recently amended the Code to allow coverage transfers across

Hydrologically Related Area (HRA) boundaries if it is removed from sensitive lands and sent to lands that are non-sensitive. In addition, TRPA recently revised the excess coverage mitigation program to require that the land banks give preference to the retirement of coverage in sensitive lands.

- ▲ The EIP Watershed Management Program is a multi-sector program that results in the restoration of SEZ. This program preserves SEZs through strategic public acquisition sensitive lands. Disturbed SEZs occur in both urban and non-urban environments and actions to restore these are ongoing. The program has a primary focus on protecting and restoring meadows, wetlands, rivers, and streams. Since 1997, more than 3,099 acres of SEZ/sensitive lands have been acquired by state and federal agencies in the Region (TRPA 2016). In the past six years, nearly 380 acres of SEZ have been restored or enhanced through this program (TRPA 2018).
- ▲ The reservation of naturally functioning SEZ and accomplished through TRPA, Lahontan RWQCB, and U.S. Army Corps of Engineers (USACE) regulations that limit development and other disturbances in these areas.

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the soil conservation thresholds.

D. Vegetation

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for vegetation. The following indicator reporting categories for vegetation have been established by TRPA:

- ▲ Common Vegetation,
- ▲ Uncommon Plant Communities,
- ▲ Sensitive Plants, and
- ▲ Late Seral and Old Growth.

Effects of the Shoreline Plan on Vegetation Thresholds

Common Vegetation Thresholds

As reported in the 2015 Threshold Evaluation Report, many of the common vegetation thresholds are in attainment with the exception of relative abundance of meadow and wetland vegetation, deciduous riparian vegetation, yellow pine forest in seral stages other than mature, and red fir forest in seral stages other than mature.

Common natural terrestrial habitats within the shorezone consist primarily of beach (with variable composition of sand, gravel, and cobble, depending on

location) and a mix of conifer forest (Jeffrey pine, lodgepole pine, Sierran mixed conifer), scattered conifer trees, and snags. Additionally, urban/developed and ruderal (disturbed) areas are distributed throughout the shorezone where existing facilities (e.g., boat ramps, marinas, buildings, trails) and lake access are present.

As discussed in Impact 14-3 of the Draft EIS, the footprints of new piers and boat ramps will likely cover mostly unvegetated areas (beach/sand), disturbance or permanent loss of vegetation will be minor and incidental; and any temporarily disturbed areas will be restored following construction. TRPA's *Best Management Practices Handbook* and standard conditions of approval require minimizing the disturbance footprint and amount of native vegetation removed by a project, temporarily fencing retained vegetation, and revegetating any temporarily disturbed areas.

The terrestrial vegetation communities and habitats that may be affected are common and widely distributed in the Tahoe Basin and elsewhere in the Sierra Nevada, and the amount of habitat disturbance and loss will be very small relative to the total amount available in the area. Additionally, any tree removal that may be required will not substantially affect overall canopy cover or reduce the abundance of this vegetation type on the landscape.

Potential disturbance or removal of terrestrial vegetation from future projects permitted under the Shoreline Plan will not substantially reduce the quantity or quality of vegetation communities and habitats in the Region and will not result in a change in diversity or distribution of species in the region. Additionally, Shoreline Plan implementation will not result in a substantial change in local population numbers of any common plant or tree species.

Consequently, implementing the Shoreline Plan will not reduce the distribution, abundance, richness, or quality of common vegetation types over the Region in a manner that will affect the attainment status of the common vegetation threshold standard.

Uncommon Plant Communities Threshold

The 2015 Threshold Evaluation Report indicated that some of the individual locations of uncommon plant communities are in nonattainment (e.g., deepwater plants of Lake Tahoe, Freel Peak cushion plant community, and the Upper Truckee Marsh). For the remaining uncommon plant communities, there is insufficient data to determine status and trend.

The proposed Shoreline Plan will designate some public lands as Shorezone Preservation Areas (Exhibit 2-12) and will prohibit construction of private shorezone structures in such areas. Some of these types of plant communities, such as the Upper Truckee Marsh and Taylor Creek Marsh, intersect with some sections of the shorezone around Lake Tahoe (see Exhibit 2-12 on page 2-25 of the Draft EIS). These areas are located within Stream Mouth Protection Zones and shorezone preservation areas. Pope Marsh is located within a shorezone preservation area. The TRPA Code (Sections 84.5.1.B, 84.6.1.B, 84.7.1.B, 84.8.1.B, and 84.9.2) prohibits the placement of new piers, boat ramps, buoys, floating platforms, and general multiple-use facilities within Stream Mouth

Protection Zones surrounding the inlet of the 24 major streams and rivers that drain into Lake Tahoe. The Shoreline Plan will maintain the prohibition on these shorezone structures in Stream Mouth Protection Zones and will expand the provision to encompass all mooring types.

As discussed in the 2015 Threshold Evaluation, although the factors that affect distribution and abundance of deep water plants are not well understood, it is anticipated that water quality in the lake is a contributing factor to their survival (i.e., suspended particles, atmospheric deposition, nutrient loading, urban development, and local/regional climate change; (TRPA 2016)). Additionally, removal of crayfish in the lake may also support increases in spatial and depth extent of deep water plant beds. As discussed for the air quality and water quality thresholds, above, implementation of the Shoreline Plan will contribute to maintenance of these threshold standards. Additionally, due to the depth of the deepwater plant populations, ranging between 30 and 55 meters (between 98 and 180 feet), construction of shorezone structures will not disturb these populations.

For these reasons, the implementation of the Shoreline Plan will not affect maintenance or attainment of the uncommon plant community threshold.

Sensitive Plants Threshold

The latest Threshold Evaluation indicated that almost all of the sensitive plants thresholds, including for Tahoe yellow cress (TYC), are in attainment. The threshold for Galena Creek rockcress is not in attainment.

TYC is a sensitive plant species found only on the sandy beaches of Lake Tahoe. As discussed in Impact 14-2 in the Draft EIS, with implementation of the Shoreline Plan, TYC plants that are present in areas of potential disturbance be identified before construction and disturbances to those plants will be avoided. To protect TYC plants from potential long-term increased beach use and disturbance as an indirect result of increased recreation activity in the shorezone, protective fencing and educational signage about the need to avoid these areas will be installed around all TYC clusters on beaches that may be affected.

Tahoe draba, long-petaled lewisia, Cup Lake draba, and Galena Creek rockcress are not located within the shorezone. Therefore, implementation of the Shoreline Plan will not remove or degrade population sites for any of these species. For these reasons, the Shoreline Plan will not affect the attainment status of the sensitive plants threshold.

Late Seral and Old Growth Thresholds

The 2015 Threshold Evaluation Report indicated that the late seral and old growth forest ecosystem thresholds are not in attainment.

As discussed on page 14-1 of Chapter 14, Terrestrial Biological Resources (Wildlife and Vegetation), in the Draft EIS, implementation of the Shoreline Plan will not generate construction or uses that will affect old growth forest ecosystems; and, any future tree removal required for the construction of new facilities (e.g., marinas, piers, and boat ramps) in the shorezone will be

relatively minor and likely similar in magnitude to potential effects that could occur under current ordinances. Therefore, the Shoreline Plan will not affect the attainment status of the late seral and old growth thresholds.

Vegetation Threshold Gain from the Shoreline Plan

The Shoreline Plan will designate some public lands as Shorezone Preservation Areas and will prohibit construction of private shorezone structures in such areas, which will protect vegetation communities in those areas. To protect TYC plants from disturbance in the shorezone, protective fencing and educational signage about the need to avoid these areas will be installed around all TYC clusters on beaches. This will provide new protection for these TYC clusters and promote the continued maintenance of the threshold. Also see the discussion under the headers “Benefits of the Shoreline Plan Related to the Air Quality Thresholds” and “Benefits of the Shoreline Plan Related to the Water Quality Thresholds,” which describes features of the Shoreline Plan that could have secondary benefits for vegetation in the shorezone.

Other Regional Planning Strategies that Contribute to Vegetation Threshold Gain

The Goals and Policies in the Regional Plan provide direction for attainment of vegetation thresholds and are contained in the Vegetation Subelement of the Conservation Element. See pages 4-2 through 4-9 in Chapter 4, Conservation, of the Lake Tahoe Regional Plan Goals and Policies. The Vegetation Subelement goals and policies support preservation and protection of certain plant communities and species while permitting increased opportunities to manage the vegetation for diversity, fire prevention, and health. These goals and policies provide for a wide mix and increased diversity of plant communities; protection, maintenance, and restoration of wetlands, meadows, and other riparian vegetation; conserving threatened, endangered, and sensitive-plant species and uncommon plant communities; increasing the amount of late seral/old-growth stands; and appropriate stocking level and distribution of snags and coarse woody debris. While there are many programs and policies that contribute to vegetation threshold attainment, the major regional strategies include:

- ▲ The TRPA Code requires the protection and maintenance of all native vegetation types. TRPA Code Section 61.3, Vegetation Protection and Management, provides for the protection of SEZ vegetation, other common vegetation, uncommon vegetation, and sensitive plants in SEZs. No project or activity may be implemented within the boundaries of an SEZ except as otherwise permitted for habitat improvement, dispersed recreation, vegetation management, or as provided in TRPA Code Chapter 30, Land Coverage. TRPA can require the preparation and implementation of a remedial vegetation management plan, where the need has been identified, for the purposes of threshold standard maintenance or attainment. In addition, TRPA Code Section 61.4, Revegetation, specifies minimum criteria for revegetation programs. TRPA Code Section 61.1, Tree Removal, regulates the management of forest resources to achieve and

maintain the environmental threshold standards for species and structural diversity, to promote the long-term health of natural resources, to restore and maintain suitable habitats for native wildlife species, and to reduce accumulations of hazardous fuels to decrease the likelihood of catastrophic wildfire events.

- ▲ TRPA regulates the management of forest resources in the Tahoe Basin to achieve and maintain the threshold standards for species and structural diversity, to promote the long-term health of the resources, and to create and maintain suitable habitats for diverse wildlife species. Tree removal is subject to review and approval by TRPA. Provisions for tree removal are provided in the following chapters and sections of the TRPA Code: Chapter 61, Vegetation and Forest Health; Section 61.1, Tree Removal; Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction; Section 61.4, Revegetation; Chapter 36, Design Standards; Chapter 33, Grading and Construction; and Section 33.6, Vegetation Protection During Construction. The USFS, Tahoe Fire and Fuels Team (TFFT), Conservancy, CSP, NDF, and the five fire protection districts and one fire department in the Lake Tahoe Region manage fuels reduction treatments and follow all applicable local, state, and federal laws, and employ resource professionals to plan and implement their projects. Entities implementing forestry projects in the Region follow the TRPA Code and work closely with TRPA foresters when planning and implementing projects. When protection measures required by TRPA differ from local, state, or federal laws, the strictest protection measures are implemented.
- ▲ The EIP has a fuels reduction and ecosystem restoration program. To date more than 59,000 acres of forest treatments have been completed in the Region in support of sustaining native vegetation communities (TRPA 2016). Treatments primarily include understory tree removal, biomass mastication, prescribed broadcast burning, and pile burning. Forest fuel treatments have been shown to reduce both the severity and tree mortality of forest fires. Tree mortality in the absence of fires has also been found to be lower in lower density stands. Prevention of catastrophic wildfires is essential to maintaining the diversity and richness of vegetation in the Region (TRPA 2016).
- ▲ The Home Landscaping Guide for Lake Tahoe and Vicinity provides guidance for homeowners and includes landscaping recommendations for balancing erosion control with fire defensible space.
- ▲ In response to the placement of TYC on the candidate list under Endangered Species Act in 1999, a multi-agency and private interest group task force was formed to develop and implement a conservation strategy to promote the recovery and conservation of TYC through adaptive management and cost sharing. The TYC Adaptive Management Working Group (AMWG) includes representatives from TRPA, USFS, U.S. Fish and Wildlife Service (USFWS), CSP, Conservancy, California Department of Fish

and Wildlife (CDFW), California State Lands Commission (CSLC), NDSL, Nevada Division of State Parks, Nevada Division of Forestry, Nevada Natural Heritage Program, Tahoe Lakefront Owner's Association, and the League to Save Lake Tahoe. Other agencies have also participated. The Conservation Strategy for TYC was originally finalized in 2002 and is being implemented by the 13 entities listed as monitoring partners above under a memorandum of understanding/conservation agreement (MOU/CA). The revised Conservation Strategy for TYC was completed in October 2015 (Stanton and TYCAMWG 2015). The conservation strategy represents both a synthesis and significant expansion of TYC information and includes sections on TYC ecology, threats, conservation history, management goals and actions, the stewardship program, and regulatory framework. A field research program that extended from 2003 to 2010 increased the understanding of TYC ecology and identified the optimal planting techniques, plant characteristics, habitat conditions, and logistical factors that influence restoration/mitigation success. The suite of management and restoration actions described in the revised conservation strategy provides options for avoiding, minimizing, and mitigating impacts to TYC and its habitat on public and private lands. It also recognizes the critical role of private landowners in ensuring the long-term survival of TYC, and presents the TYC Stewardship Program, which is aimed at gaining landowner participation and implementing strategies that respect private property rights.

- ▲ The soil conservation threshold strategies described in Section C, above, result in the protection and restoration of sensitive lands and directly contribute to the attainment of vegetation thresholds.

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the vegetation thresholds.

E. Fisheries

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for fisheries. The following indicator reporting categories for fisheries have been established by TRPA:

- ▲ Lake Habitat,
- ▲ Stream Habitat,
- ▲ Instream Flows, and
- ▲ Lahontan Cutthroat Trout (*Oncorhynchus clarki henshawi*).

Effects of the Shoreline Plan on Fisheries Thresholds

Lake Habitat Threshold

The 2015 Threshold Evaluation indicated that the lake habitat threshold is in attainment. The lake habitat threshold standard is listed as a management standard with a numeric target to achieve the equivalent of 5,948 acres of “prime” fish habitat. Prime fish habitat includes spawning habitat and feed and cover habitat. Spawning habitats are composed of relatively small diameter gravel substrates used by native minnows for spawning and rearing fry. Feed and cover habitats are composed of larger diameter cobbles, rocks, and boulders, used by fish as foraging habitat and to provide refuge from predation.

As described in Impact 5-2 in the Draft EIS, the Shoreline Plan will require that projects implement prime fish habitat replacement at a 1.5:1 ratio. Using the assumptions described in the “Methods and Assumptions” on pages 5-20 and 5-21 of the Draft EIS and Table 5-2 on page 5-27, the Shoreline Plan will result in the creation of 18,009 sq. ft. (or 0.41 acre) of prime fish habitat, benefitting the Lake Habitat Threshold.

Based on the evaluation in Chapter 5, “Fisheries and Aquatic Biological Resources” in the Draft EIS, the Shoreline Plan will not result in other significant impacts to fisheries. For these reasons, implementation of the Shoreline Plan will contribute to maintenance of the Lake Habitat Threshold.

Stream Habitat and Instream Flow Thresholds

The 2015 Threshold Evaluation Report indicated that the threshold for miles of stream habitat in excellent condition is in attainment. The thresholds for miles of stream habitat in good condition and miles of stream habitat in marginal condition are not in attainment. The instream flow thresholds are in attainment.

Implementation of the Shoreline Plan will not result in new structures within stream habitats or result in changes to instream flows. Currently, TRPA recognizes 24 stream mouths from which shore development is prohibited within 200 feet on either side of the stream. TRPA Code (Sections 84.5.1.B, 84.6.1.B, 84.7.1.B, 84.8.1.B, and 84.9.2) prohibits the placement of new piers, boat ramps, buoys, floating platforms, and general multiple-use facilities within Stream Mouth Protection Zones around the inlet of the 24 major streams and rivers that drain into Lake Tahoe (Exhibit 2-12 on page 2-24 of the Draft EIS). As discussed on page 2-23 in Chapter 2, Description of Proposed Project and Alternatives, of the Draft EIS, the proposed Shoreline Plan will maintain the prohibition on these shorezone structures in Stream Mouth Protection Zones and will expand the provision to encompass all mooring types. It will also provide new incentives to encourage the relocation of existing piers from these areas, by allowing relocated single-use piers to qualify for multiple-use design standards (i.e., those standards that will apply to a pier serving two parcels; see Table 2-5 on page 2-27 of the Draft EIS) and by offering upland scenic credits for relocated piers. Implementation of the Shoreline Plan will contribute to the attainment and maintenance of the

stream habitat thresholds and will not interfere with maintenance of the instream flow thresholds.

Lahontan Cutthroat Trout Threshold

The 2015 Threshold Evaluation Report indicated that the Lahontan cutthroat trout (LCT) threshold is in attainment. The potential impacts from implementation of the Shoreline Plan on LCT are analyzed in the Draft EIS in Impacts 5-3, 5-4, and 5-5. Nearshore construction activities and permanent habitat modification from nearshore structures under the Shoreline Plan have little to no potential to adversely affect adult and subadult LCT because they occupy habitats near the lake bottom in deep waters through the year. Adult LCT occurrence in nearshore habitat will primarily occur during spawning migrations into tributary streams, which generally occurs from February through July. However, the Shoreline Plan includes a buffer limiting construction near stream mouths which will provide protection from potential construction impacts for migrating LCT. Furthermore, construction activities associated with placement of shorezone structures will be required to implement resource protection provisions (Table 2-3 in Chapter 2, Description of Proposed Project and Alternatives, of the Draft EIS), and to adhere to the provisions of the Standard Conditions of Approval for Shorezone Structures and the TRPA *Best Management Practices Handbook*.

Construction-related effects to migrating juvenile LCT will be minimal because: (1) they will move laterally along the shoreline, away from construction disturbance (i.e., turbidity or noise), to nearshore areas of the lake that are unaffected; and (2) construction disturbance will be temporary in nature. Nearshore structures resulting in permanent habitat modification under the Shoreline Plan will have minimal effects on migrating juvenile LCT because the area of habitat disturbance will be very small relative to the available habitat and for many of the same reasons that construction-related effects will be minimal.

Recreation-related effects to LCT will be limited because adult and subadult LCT are open water species that do not generally use nearshore habitat where increased angling from piers and direct contact from boating is anticipated to occur. Also, adult and subadult LCT generally use the colder, deeper portions of the lake in the summer and will not be susceptible to entrainment or propeller strikes. Recreation-related effects to juvenile LCT will be limited for a number of reasons, including juvenile LCT will not be expected to use nearshore habitats within marinas; they utilize vegetated nearshore habitats and due to their small size they will not be targeted by recreational anglers; boat noise and disturbance will be temporary; and nearshore boating-related propeller entrainment and substrate disturbance effects to LCT will be minimal and will not be expected to affect population size.

For the reasons described herein, and further assessed in Impacts 5-3, 5-4, and 5-5 in the Draft EIS, implementation of the Shoreline Plan will support the continued maintenance of threshold standards for LCT.

Fisheries Threshold Gain from the Shoreline Plan

The Shoreline Plan requires that projects in areas designated by TRPA as prime fish habitat to replace disturbed prime fish habitat at a 1.5:1 ratio. Habitat replacement could occur on site or elsewhere adjacent to existing prime fish habitat and will involve the creation of physical habitat by placing gravel, cobble, or boulder substrate. Habitat replacement will replace the same type of substrate affected by the project. This will result in a net increase in the amount of prime fish habitat, directly benefiting the Lake Habitat Threshold.

The Shoreline Plan will also provide new incentives to encourage the relocation of existing piers from sensitive areas, by allowing relocated single-use piers to qualify for multiple-use design standards and by offering upland scenic credits for relocated piers as part of the new scenic credit banking program, as described below. The Shoreline Plan will maintain the TRPA Code prohibition on shorezone structures in Stream Mouth Protection Zones and will expand the provision to encompass all mooring types. Resource protection measures included in the Shoreline Plan (Table 2-3 in Chapter 2, Description of Proposed Project and Alternatives, of the Draft EIS) will also contribute to threshold gain for the fisheries thresholds. The water quality benefits of the Shoreline Plan, described in Section B, above, will also benefit fisheries thresholds.

Other Regional Planning Strategies that Contribute to Fisheries Threshold Gain

The Goals and Policies in the Regional Plan that support attainment and maintenance of the fisheries thresholds and are contained in the Fisheries Subelement of the Conservation Element. See pages 4-12 through 4-14 in Chapter 4, Conservation, of the Lake Tahoe Regional Plan Goals and Policies. The Fisheries Subelement goals and policies support improving aquatic habitat essential for the growth, reproduction, and perpetuation of existing and threatened fish resources in the lake, such as fish habitat. While there are many programs and policies that contribute to fisheries threshold attainment, the major regional strategies include:

- ▲ TRPA regulates projects and activities in Lake Tahoe's shorezone and littoral zone that may affect lake fish habitat. Both prevention and control efforts related to AIS in the lake help maintain habitat for native species. Watershed restoration work that reduces sediment loads in the Basin's lakes and waterways can help prevent spawning substrates from being covered in fine sediment. The water quality and soil conservation strategies described above also benefit the fisheries thresholds.
- ▲ The EIP includes program areas that implement projects that will contribute to threshold gain for the fisheries thresholds, including the Stormwater Management Program; Watershed Management Program; Threatened, Endangered, and Sensitive Species Program; and Invasive Species Program. From 2011 through 2017, over 16 miles (approximately 85,000 linear feet) of stream have been restored or enhanced through the Watershed Management Program of the EIP (Lake Tahoe Info 2018a).

Under the EIP, the USFS and other agencies, such as the Conservancy, have implemented and are planning several large-scale stream restoration projects at Cook House Meadow, Big Meadow Creek, Blackwood Creek, Cold Creek, Angora Creek, Trout Creek and Meeks Creek, as well as the Upper Truckee River. Projects that benefit fish habitat completed by EIP partners between 2009 and 2015 have:

- BMP retrofitted 120.55 miles of road and decommissioned 7.4 miles of road;
 - Restored or enhanced 120 acres of disturbed forested uplands;
 - Inspected 108.72 miles and maintained 98.2 miles of unpaved non-urban roads; and
 - Issued 18,076 BMP certificates to commercial, multi-family, and single-family residential properties.
- ▲ TRPA and other agencies (e.g., Lahontan RWQCB, CDFW, and USACE) regulate projects and activities in SEZs, including activities in the stream itself.
 - ▲ Several agencies in the Tahoe Basin are implementing restoration and research projects to support recovery of LCT (TRPA 2016). In 2002, the USFWS introduced LCT to Fallen Leaf Lake in a pilot project to learn what conditions are necessary for successful restoration of LCT in a lake environment. In 2008, the USFS began implementing the Upper Truckee River Lahontan Cutthroat Trout Restoration Project downstream of the existing Meiss meadows population referred to as the “expansion area”. In 2011, the Nevada Department of Wildlife stocked approximately 22,000 LCT in Lake Tahoe as part of the work to begin stocking native aquatic species for the benefit of anglers.

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the fisheries thresholds.

F. Wildlife

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for wildlife. The following indicator reporting categories for wildlife have been established by TRPA:

- ▲ Special Interest Species, and
- ▲ Habitats of Special Significance.

Effects of the Shoreline Plan on Wildlife Thresholds

Special Interest Species Thresholds

The 2015 Threshold Evaluation Report indicated that threshold standards for osprey, bald eagles, peregrine falcons, and disturbance free zones management standards are in attainment. The waterfowl population sites threshold is in nonattainment. The attainment status for northern goshawk, golden eagle, and deer thresholds is unknown due to insufficient information.

With implementation of the Shoreline Plan, effects on the overall Tahoe Basin osprey and bald eagle populations is not expected to be substantial (see Impact 14-1 in the Draft EIS). Future projects implemented under the Shoreline Plan will be required to implement Mitigation Measure 14-1a, that requires conducting preconstruction surveys for nesting ospreys and bald eagles and implementing measures to avoid or minimize effects of construction-related disturbance on nesting activity and breeding success. This measure also requires avoiding the placement of new shorezone structures within TRPA-designated disturbance zones for osprey and bald eagle, to the extent feasible. For projects and uses that may result in unavoidable increased human intrusion into the terrestrial/upland portions of TRPA osprey or bald eagle disturbance zones, signage that describes the sensitivity of the area and discourages users to leave established trails or access routes or otherwise disturb nesting osprey or bald eagle will be designed and installed. For projects that may cause unavoidable long-term degradation of habitat within osprey or bald eagle disturbance zones, this measure also requires coordination with TRPA to occur to identify and implement appropriate compensatory measures that are effective and feasible for achieving TRPA's nondegradation standard for disturbance zones. Despite steady levels of recreation activity and other uses in the shorezone over the last several decades, the osprey and bald eagle population has been increasing and the number of active nests has been consistently well above TRPA's threshold standard for the species. Therefore, the Shoreline Plan will support continued maintenance of the thresholds for osprey and bald eagle.

Because existing TRPA regulations prevent new projects from directly degrading wetland and riparian habitats, including mapped waterfowl population sites (TRPA Code Section 62.3.3), the construction of future shorezone facilities within TRPA waterfowl population sites that could degrade waterfowl habitat conditions will not be permitted under the Shoreline Plan. Future projects implemented under the Shoreline Plan will be required to implement Mitigation Measure 14-1b, that requires completion of preconstruction surveys for waterfowl. If avoidance of an active nest is not feasible or conflicts with project objectives, a limited operating period shall apply to avoid disturbances during the sensitive nesting season. Construction shall be prohibited within a minimum of 500 feet (or at a distance directed by the appropriate regulatory agency) of the nest to avoid disturbance until the

nest is no longer active.

With implementation of these measures, the Shoreline Plan will contribute to maintenance of the osprey, bald eagle, and waterfowl thresholds.

Other special interest species (e.g., northern goshawk, golden eagle, peregrine falcon, and deer) could use or occur in portions of the shorezone area but are not expected to be affected considerably by implementation of the Shoreline Plan (see page 14-11 in Chapter 14, Terrestrial Biological Resources, of the Draft EIS). Therefore, implementing the Shoreline Plan will not affect the attainment status for northern goshawk, golden eagle, peregrine falcon, or deer thresholds.

Wildlife Threshold Gain from the Shoreline Plan

Because the Shoreline Plan is focused on the shorezone and lakezone, it provides little opportunity to achieve threshold gain for terrestrial wildlife species, which primarily occur outside of this area. The Shoreline Plan's benefits to soil conservation, fisheries, and vegetation (as described above) will all indirectly benefit wildlife thresholds.

Other Regional Planning Strategies that Contribute to Wildlife Threshold Gain

The Goals and Policies in the Regional Plan that provide direction for attainment of the wildlife thresholds are contained in the Wildlife Subelement of the Conservation Element. See pages 4-10 through 4-11 in Chapter 4, Conservation Element, of the TRPA Regional Plan Goals and Policies. These goals and policies provide direction for maintaining suitable habitat for wildlife species and preserving, enhancing, and expanding habitats for threatened, endangered, rare, or sensitive species found in the Region. While there are many programs and policies that contribute to wildlife threshold attainment, the major regional strategies include:

- ▲ Chapter 62 of the TRPA Code includes the following requirements for protection of wildlife movement and migration corridors.
- ▲ SEZs adjoining creeks and major drainages that link islands of habitat will be managed, in part, for use by wildlife as movement corridors. Structures, such as bridges, proposed within these movement corridors will be designed to avoid impairment of wildlife movement.
- ▲ Projects and activities in the vicinity of deer migration areas will be required to mitigate or avoid significant adverse impacts.
- ▲ Chapter 62 of the TRPA Code also contains several provisions regarding critical habitat, which applies to habitat for special-interest species native to the Tahoe Basin whose breeding populations have been extirpated but could return or be reintroduced. The TRPA Code includes the following critical-habitat provisions.

- ▲ No project or activity will cause, or threaten to cause, the loss of any habitat component considered critical to the survival of a particular wildlife species.
- ▲ No project or activity will threaten, damage, or destroy nesting habitat of raptors and waterfowl or fawning habitat of deer.
- ▲ Wetlands shall be preserved and managed for their ecological significance, including their value as nursery habitat to fishes, nesting and resting sites for waterfowl, and as a source of stream recharge, except as permitted pursuant to Chapter 30 of the TRPA Code.
- ▲ TRPA does not permit projects that will disturb nesting osprey, spotted owl, bald eagle, or peregrine falcon or their habitat within a non-disturbance zone surrounding known nests. The USFS monitors active nests for these species and has initiated public outreach in collaboration with local rock climbers to limit the use of rock climbing routes near active peregrine falcon nests.
- ▲ Three EIP programs directly benefit wildlife thresholds: watershed management; threatened, endangered and sensitive species; and invasive species. These programs actively restore wildlife habitat and protect sensitive wildlife species. These programs have resulted in the following accomplishments (TRPA 2018):
 - ▲ Protected over 1,400 acres of sensitive species habitat since 2011,
 - ▲ Restored or enhanced over 11,600 acres of wildlife habitat since 2007,
 - ▲ Re-established 28 sites containing special status species since 2009,
 - ▲ Acquired more than 3,099 acres of SEZ and wetland habitat.
 - ▲ Restored or enhanced nearly 380 acres of SEZ habitat since 2012, and
 - ▲ Treated over 1,300 acres to control terrestrial invasive species since 2009.
- ▲ In addition, the threshold attainment strategies described in Sections C, D, and E, above, for the soil conservation, vegetation, and fisheries thresholds, also benefit wildlife thresholds.

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the wildlife thresholds.

G. Scenic Resources

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for scenic resources. The following indicator reporting categories for scenic resources have been established by TRPA:

- ▲ Roadways and Shoreline Units,
- ▲ Other Areas (including bike trail and public recreation areas), and
- ▲ Built Environment or Community Design.

Effects of the Shoreline Plan on Scenic Resources Thresholds

Roadways and Shoreline Units, and Other Areas Thresholds

The 2015 Threshold Evaluation Report indicated that most of the shoreline travel units are in attainment with the exception of Rubicon Bay, Ward Creek, Tahoe City, Lake Forest, Cedar Flat, Carnelian Bay, Brockway, Crystal Bay, Cave Rock, Lincoln Park, and Edgewood (see Exhibit 9-4 on page 9-5 and of the Draft EIS). More than half of the roadway travel units are in attainment. Roadway travel units with views of the lake that are not in attainment include Crystal Bay, Outlet (Placer County), Meeks Bay, Tahoma, Homewood, and Sunnyside (see Exhibit 9-6 on page 9-8 of the Draft EIS). As stated in the latest Threshold Evaluation, 381 of the 390 public recreation areas and bike trail scenic resources are in attainment.

Impact 9-1 in the Draft EIS analyzed the effects of implementation of the Shoreline Plan on views of the shore from Lake Tahoe. Impact 9-2 analyzed the effects on views of Lake Tahoe from the shore. Implementation of the Shoreline Plan will authorize new shorezone structures that could affect views from Lake Tahoe toward the shore or views of the lake from the shore. New, modified, or expanded shoreline structures will be required to comply with applicable design standards. The visible mass of piers will be restricted, and all piers, boat lifts, boat ramps, marinas, or other similar structures will be required to offset increases in visible mass at ratios that will result in a net reduction in the amount of visible mass that can be seen from Lake Tahoe. In addition, these structures will be evaluated under the visual magnitude system in TRPA Code Section 66.3. New or expanded structures will require scenic improvements in the shoreland to achieve minimum required contrast ratings.

Mitigation Measure 9-1a will require the payment of annual scenic mitigation fees for all buoys. These funds will be used to fund scenic improvement projects in shoreline travel units that are not in attainment. Mitigation Measure 9-1b will require that piers be a color that does not contrast with the background view of the project site. With implementation of these mitigation measures, buildout of the Shoreline Plan, in combination with the other design standards, visible mass offsets, scenic improvements required to attain required contrast ratings, and project-level scenic analysis requirements will result in a net reduction the mass of human-made structures visible from Lake

Tahoe, and scenic improvements to existing development in the shoreland. For these reasons, the Shoreline Plan will contribute to the maintenance and attainment of the roadway and shoreline units and public recreation areas and bike trails thresholds.

Built Environment Thresholds

The TRPA community design threshold is a policy statement that applies to the built environment and is intended to ensure that design elements of buildings are compatible with the natural, scenic, and recreational values of the Region. The 2015 Threshold Evaluation Report indicated that this threshold is being implemented.

As described above under “Roadways, Shoreline Units, and Other Areas Thresholds,” implementation of future projects under the Shoreline Plan will be required to comply with applicable design standards and the Shoreline Plan will establish color standards for new or expanded piers to ensure that piers will better blend into the background. Because future shorezone structures will be required to comply with design standards established by TRPA for implementation of this threshold standard, the Shoreline Plan will contribute to maintenance of this threshold.

Scenic Resources Threshold Gain from the Shoreline plan

The Shoreline Plan will establish new limits on the amount of visible mass allowable with a pier. It will also increase the required visible mass offset requirements from the current maximum of 1:1.5 to 1:3, a doubling of the maximum required visible mass offsets. As described in the Draft EIS (page 9-25), this will result in an estimated net reduction of approximately 95,000 square feet of visible mass associated with piers, boat lifts, and boat ramps, which will directly benefit scenic thresholds.

The Shoreline Plan will also include an annual buoy scenic mitigation fee. This fee will be assessed on all mooring buoys, including existing buoys already on the lake. It will provide an ongoing funding source that will be dedicated to implementing scenic improvement projects along the shoreline. These projects will be located within the 11 shoreline travel units that are not in attainment of threshold standards and will directly contribute to bringing those units into attainment with scenic thresholds.

In addition, the Shoreline Plan will require that applicants for new, expanded, or modified piers meet minimum contrast ratings under the TRPA Visual Magnitude System. This system has resulted in steady improvements in scenic threshold ratings for shoreline travel units, and the Shoreline Plan requirement will accelerate the pace of this scenic improvement.

Other Regional Planning Strategies that Contribute to Scenic Threshold Gain

The goals and policies in the Regional Plan that provide direction for attainment of the scenic thresholds are contained in the Scenic Subelement of the Conservation Element. See pages 4-18, 4-20, and 4-22 through 4-23 in Chapter 4, Conservation Element, of the TRPA Regional Plan Goals and Policies. In addition, the Shorezone Subelement includes goals and policies

that address the scenic quality of the shoreline. These goals and policies provide direction for maintaining and restoring the scenic qualities of the natural landscape and improving opportunities for viewing the lake from roadways. While there are many programs and policies that contribute to scenic threshold attainment, the major regional strategies include:

- ▲ The TRPA Code specifies design standards and guidelines for new development and redevelopment projects that are tailored to the character of unique communities around the Region. The TRPA Code also includes minimum design standards for development or redevelopment in upland areas that could be visible from Lake Tahoe. Chapter 66 of the TRPA Code (i.e., Scenic Shoreland Ordinances) includes design standards to protect shoreline areas from scenic degradation due to development and is intended to attain the threshold standards as older development is gradually replaced with newer development that has reduced visual impacts. The 2015 Threshold Evaluation Report found that these ordinances were responsible for the improving trend in scenic threshold scores (TRPA 2016).
- ▲ Area plans and community plans provide specific design standards and guidelines applicable to local areas. As necessary, specific measures to improve the aesthetics of individual projects are required by TRPA or a local jurisdiction as a condition of the permit that is issued.
- ▲ The existing shorezone partial permitting program screening criteria require a pier rebuild project to offset any increase in visible mass at a 1:1 ratio in shoreline travel units that are in attainment of threshold standards, and at a 1.5:1 ratio in units that are not in attainment (TRPA 2011). As described above, this ration will be increased to a maximum of 1:3 under the Shoreline Plan.
- ▲ The Scenic Quality Improvement Program (SQIP) was adopted by TRPA to provide a program for implementing physical improvements to the built environment. The SQIP contributes to the attainment of the scenic thresholds and serves as an implementation guide for the Regional Plan.
- ▲ The EIP incorporates elements of the SQIP. The EIP includes a list of specific projects throughout the Basin that are needed to improve scenic conditions and achieve scenic threshold targets (TRPA 2010). The EIP includes program elements to improve the scenic quality of roadways and shorelines.
- ▲ The USFS designs new recreation facilities in compliance with its national Built Environment Image Guide.

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS,

Regional Plan Update Final EIS, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the scenic thresholds.

H. Noise

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for noise. The following indicator reporting categories for noise have been established by TRPA:

- ▲ Single Noise Events, and
- ▲ Cumulative Noise Events.

Effects of the Shoreline Plan on Noise Thresholds

Single Noise Events Threshold

Single noise event threshold standards adopted by TRPA are based on the numerical value associated with the maximum measured level in acoustical energy during an event. This threshold establishes maximum noise levels for aircraft, watercraft, motor vehicles, motorcycles, off-road vehicles, and snowmobiles. The 2015 Threshold Evaluation Report indicated that the thresholds for aircraft departures/arrivals and watercraft shoreline test are not in attainment. The attainment status for the remaining single noise events thresholds, including for watercraft (stationary test) and watercraft (pass-by-test), is unknown due to insufficient information. Generally, adopted noise threshold standards for these noise sources are the same as those adopted by state and local jurisdictions and represent noise levels from properly maintained and unmodified equipment. Implementation of the Shoreline Plan will not increase trips made by aircraft, motorcycles, off-road vehicles, and snowmobiles and, thus, will not affect attainment of thresholds related to these single-event noise sources.

Impacts 12-3 and 12-4 in the Draft EIS address single-event noise impacts from increases in operation-related watercraft noise and operation-related traffic noise, respectively. Primary factors influencing single noise event exceedances for these sources of noise include modified exhaust systems, engine type, and individual boater behavior. Under the Shoreline Plan, TRPA will expand enforcement of current regulations and boater education designed to reduce single-event boat noise within the no-wake zone through additional boat crews, signage, and increased boater education, which will reduce or avoid boater behaviors that contribute to exceedances of single-event noise standards. The Shoreline Plan will also establish new restrictions on boats that exceed noise standards and will enhance noise monitoring and adaptive management capabilities.

Implementation of the Shoreline Plan will result in an estimated 632 daily vehicle trips during peak boating season. As discussed under Impact 12-3 in

the Draft EIS, a doubling of a noise source results in a 3-dBA increase in noise. Of the 24 study roadway segments, the lowest existing traffic volume of 3,400 daily trips occurs on State Route (SR) 89 from U.S. 50 to Pomo Street. Even in the highly unlikely situation that all new trips occurred on this segment, existing volumes will not double and traffic noise increases will be less than 3 dBA. For the reasons described above, the Shoreline Plan will not affect attainment of single noise event standards.

Cumulative Noise Events Thresholds

TRPA adopted Community Noise Equivalent Level (CNEL) standards for different zones within the Region to account for varying degrees of noise sensitivity and desired levels of serenity. Different CNEL levels apply to different land use categories and transportation corridors. The specific CNEL standards for each location are identified within the applicable plan area statement, community plan, or area plan. TRPA threshold evaluations consider large areas of land uses. As of the latest Threshold Evaluation, many of the land use categories and some of the transportation corridor CNEL thresholds are in attainment. Areas not in attainment of the CNEL thresholds include: high-density residential areas; critical wildlife habitat areas; the South Lake Tahoe Airport; and the SR 28, SR 89, SR 207, and SR 267 transportation corridors.

Construction noise and vibration impacts from implementation of the Shoreline Plan are addressed in Impacts 12-1 and 12-2 of the Draft EIS. Construction activities will be consistent with TRPA's standard permit conditions that require measures to minimize the exposure of nearby receptors to construction-related noise. One of the key required measures is to limit noise-generating construction activity to the hours between 8:00 a.m. and 6:30 p.m. In addition, the construction activities associated with all project components will be relatively minor, temporary, localized, and intermittent, not resulting in a substantial temporary increase in noise. Because construction activities will occur during exempted hours, the TRPA CNEL thresholds will not apply.

As discussed in Impact 12-3 of the Draft EIS, boating is generally a daytime activity and increases in boating activity will be distributed across the lake. Therefore, boating will have a negligible effect on CNEL, which considers noise levels in a given location over a 24-hour period. Additionally, increased enforcement of the no-wake zone will reduce boat noise near the shoreline, which will reduce the overall effect of boat noise on the CNEL standards. Thus, increases in boating activity will have little to no effect on land use-based CNEL threshold standards.

Noise Threshold Gain from the Shoreline Plan

The Shoreline Plan will increase enforcement of the no-wake zone, which will reduce boat noise near the shore. A new funding source will be created to establish an additional TRPA boat crew to increase enforcement of the no-wake zone. New signage will be installed in key areas along the shoreline such as marinas and state parks to remind boaters of the no-wake zone rules, and TRPA will increase education and training for staff at boat inspection sites and

motorized rental concessions to increase public awareness of the no-wake zone rules around the lake. The Shoreline Plan will prohibit the use of certain boats that exceed single-event noise standards, which will directly reduce the number of single-event noise exceedances. The Shoreline Plan will also fund enhanced shoreline noise monitoring including equipping noise monitors with cameras that can positively identify boats that cause noise exceedances. This expended monitoring, will allow TRPA to more effectively enforce noise regulations and adaptively manage activities that contribute to noise exceedances.

Other Regional Planning Strategies that Contribute to Noise Threshold Gain

The goals and policies in the Regional Plan that provide direction for attainment of the noise thresholds are contained in the Noise Subelement of the Land Use Element. See pages 2-29 through 2-31 in Chapter 2, Land Use Element, of the TRPA Regional Plan Goals and Policies. The Noise Subelement of the Goals and Policies document includes a goal and associated policies to attain and maintain single-event noise standards and a goal and associated policies to attain and maintain community noise equivalent levels. While there are many programs and policies that contribute to noise threshold attainment, the major regional strategies include:

- ▲ TRPA's Watercraft Team enforces a 600-foot no-wake zone for the shorezone to reduce shoreline noise levels.
- ▲ Code Section 68.8.3 requires that certain roadway projects in transportation corridors that are not in attainment of CNEL standards must include design features to achieve the applicable CNEL standard.
- ▲ Strategies that reduce VMT (described in Section A, above) reduce traffic-generated noise.
- ▲ TRPA and local jurisdictions conduct project-level environmental review and only approve individual projects that can demonstrate compliance with TRPA's adopted thresholds.
- ▲ TRPA has adopted aircraft type limitations for the South Lake Tahoe Airport based on tested arrival and departure decibel levels. TRPA also established noise threshold standards for arrival and departures depending on time of day or night. The City of South Lake Tahoe has published noise abatement guidelines for all pilots located on the South Lake Tahoe Airport website.

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the noise thresholds.

I. Recreation

This section summarizes the effects of implementing the Regional Plan, as amended by the Shoreline Plan, on the thresholds established for recreation. The following indicator reporting categories for recreation have been established by TRPA:

- ▲ Quality of Recreation Experience, and
- ▲ Fair Share Distribution of Recreation Capacity.

Effects of the Shoreline Plan on Recreation Thresholds

Quality of Recreation Experience and Access to Recreational Opportunities Threshold

The 2015 Threshold Evaluation Report indicates that the quality of recreation experience and access to recreational opportunities threshold is in attainment. Impact 8-1 in the Draft EIS analyzed effects of the Shoreline Plan related to the quality of recreation experience and Impacts 8-2 and 8-3 assessed effects related to access to recreational opportunities. Additional analysis of the effects of the Shoreline Plan on recreation is provided in the Final EIS in Master Response 2 – “Effects on Recreation”.

The Shoreline Plan includes expanded no-wake zones and density and location standards for moorings and piers that will help preserve scenic areas around the lake and maintain the quality of recreation experience. It will maintain space for lateral navigation by nonmotorized recreationists within the no-wake zone and reduce the potential for user conflicts. Most new shorezone facilities will be constructed throughout shoreline areas with existing development, which will not change the character of undeveloped shoreline recreation areas. The increase in motorized watercraft on the lake from implementation of the Shoreline Plan will not substantially change the quality of the recreation experience.

The Shoreline Plan will increase access and opportunities for motorized boating. Nonmotorized watercraft access will not be limited by implementation of the proposed Shoreline Plan, because more than half of the shoreline around Lake Tahoe is public land and nonmotorized craft do require access facilities. As part of the Shoreline Plan, TRPA and CSLC will adopt an MOU that details a process to coordinate review of applications for new and modified piers and other shorezone structures in California. The MOU will require design features to accommodate lateral access where it is otherwise legally allowed.

For these reasons, the Shoreline Plan will support continued maintenance of the recreation thresholds.

Fair Share Distribution of Recreation Capacity Threshold

The 2015 Threshold Evaluation Report found that the fair share distribution of recreation capacity threshold is in attainment. Impact 8-4 in the Draft EIS

analyzed the effects of the Shoreline Plan on fair-share distribution of recreation capacity. The existing distribution of land ownership in the shorezone is approximately 55 percent public and 45 percent private ownership. The Shoreline Plan will not change the proportion of land along the shoreline that is publicly owned. Buildout of new shorezone structures allowed with the plan will maintain approximately the same existing distribution of facilities under public and private ownership (see Table 8-5 on page 8-32 of the Draft EIS). At buildout of the Shoreline Plan, publicly-accessible shorezone structures will generate approximately 50 percent of all boat trips on the lake (see Table 8-6 on page 8-32 of the Draft EIS). The Shoreline Plan will contribute to the continued maintenance of the fair share distribution of recreation capacity threshold.

Recreation Threshold Gain from the Shoreline Plan

The Shoreline Plan will benefit the recreation thresholds through the following measures:

- ▲ Increases in public and private shorezone facilities on the lake that will increase recreation access.
- ▲ Increased enforcement of the no-wake zone to enhance the quality of recreation experience and reduce user conflicts.
- ▲ Increased education to motorized boat users, including education about the no-wake zone and boater safety. Education will occur at boat inspections, at rental concessions, and at popular access points.
- ▲ Expansion of the 600-foot no-wake zone to include all of Emerald Bay.
- ▲ Establish a 100-foot no-wake buffer around swimmers and nonmotorized watercraft.
- ▲ Establish a 200-foot no-wake zone around shoreline structures.
- ▲ Design standards to protect nonmotorized navigation, shoreline areas from scenic degradation, and shoreline preservation areas.
- ▲ Limit new motorized boat rental concessions to within existing marinas, preserving more beach space for nonmotorized recreation.
- ▲ Allow for storage racks for kayaks, paddleboards, and other nonmotorized watercraft.
- ▲ TRPA will provide a portion of the education and outreach funds collected through the proposed Shoreline Plan to support paddler access and education programs of the Lake Tahoe Water Trail.
- ▲ Recreation monitoring of visitor experience and user conflicts related to shorezone/lakezone activities through regular recreation user

satisfaction surveys and adaptive management based on the results of the surveys. The monitoring will begin in 2019 and be coordinated with the TRPA threshold evaluation program and the development of the sustainable recreation program.

Other Regional Planning Strategies that Contribute to Recreation Threshold Gain

The Recreation Element includes goals and policies that are implemented through the TRPA Code, the EIP, and the plans and programs of recreation providers. See pages 5-1 through 5-9 of the Regional Plan Goals and Policies. Goals and policies that contribute to recreation threshold attainment address access to dispersed recreation opportunities, the quality of the recreation experience, the fair share distribution of recreation capacity, and the development of recreation facilities. While there are many programs and policies that contribute to recreation threshold attainment, the major regional strategies include:

- ▲ Public agencies, including the Conservancy, NDSL, and USFS, have land acquisition programs to purchase suitable land and make it available to the public for dispersed recreation. Between 1996 and 2009, these agencies purchased over 3,000 acres of land (TRPA 2009).
- ▲ The EIP Recreation Program focuses on bringing additional acres of natural lands and miles of Lake Tahoe shoreline into public ownership and enable the implementation of new beach access, developed and retrofitted facilities, and recreational trails. Recent contributions to increasing the public shoreline included the addition of 191 linear feet of shoreline in California in 2014 and 425 linear feet of shoreline in Nevada in 2016 (Lake Tahoe Info 2018b).
- ▲ The 2012 Regional Plan amendments to the land use and conservation elements of the Goals and Policies, and revisions to the TRPA Code, directly support implementation of the recreation threshold policy statements. These amendments include revisions that encourage the creation of additional non-motorized trails (see TRPA Code Section 30.4.6.D.3), which is expected to accelerate the implementation of the comprehensive recreational trail system plan encompassed within the Regional Plan. The 2012 Regional Plan update also created an area plan framework that promotes community-level planning and includes requirements to connect developed areas to the regional bicycle and pedestrian trail network (see TRPA Code Chapter 13) that will increase access to recreation areas.
- ▲ TRPA and partner organizations administer numerous plans and programs that promote high-quality recreation on and around Lake Tahoe. These plans and programs address recreation opportunities, facilities, and access for the full range of recreation activities and users in the Region and include:

- ▲ Sustainable Recreation Collaborative, which is in the process of developing a Region-wide sustainable recreation strategic plan.
- ▲ Recreation in California state parks is guided by general plans for individual parks, the State Parks Department Operations Manual, and other regulations and guidance.
- ▲ Nevada State Parks manages land within the Lake Tahoe Nevada State Park. Management of recreation in this park is guided by a General Management Plan.
- ▲ The U.S. Forest Service-Lake Tahoe Basin Management Unit (LTBMU) Land Management Plan includes a recreation program strategy that provides for a range of recreation opportunities and considers changing trends and user needs while maintaining the natural setting (USFS 2016).
- ▲ The Lake Tahoe Water Trail (Water Trail) is a designated water route along the 72-mile shoreline that connects public launch/landing sites to help paddlers have a safe, responsible, and fun recreation experience while practicing good stewardship that protects the watershed. The Water Trail promotes access for non-motorized watercraft around the lake.
- ▲ Proposed projects are evaluated under an Initial Environmental Checklist (IEC). The IEC contains questions designed to identify whether a proposed project will require additional recreation related services or facilities, create additional demand for recreational facilities, or create additional recreation capacity (see TRPA Initial Environmental Checklist, Questions 14 and 19). Projects that will have a significant negative effect related to these topics are required to mitigate the impact and can only be approved if they will not cause this threshold standard to be degraded.
- ▲ California State Bill (SB) 630 (2013) provides funding to promote and enhance public access to the lake. Under SB 630 (2013), the Conservancy receives funding for, “Near-shore aquatic invasive species projects and projects to improve public access to sovereign land in Lake Tahoe, including planning and site improvement or reconstruction projects on public land, and land acquisitions from willing sellers.”

Conclusion

For the reasons described above, and based on the Shoreline Plan EIS, Regional Plan Update Final EIS, the 2015 Threshold Evaluation Report, and Regional Plan Update Threshold Findings (TRPA 2012a), the Regional Plan, as amended by the Shoreline Plan, will continue to maintain the recreation thresholds.

III. Conclusion

Based on the rationale described above, the Shoreline Plan EIS, the 2015 Threshold Evaluation, and the findings made on December 12, 2012 for the RPU, TRPA finds the Regional Plan and all of its elements, (as amended by the Shoreline Plan) achieves and maintains the thresholds. As described in more detail above, the Regional Plan will, over time, achieve and maintain the thresholds. The Shoreline Plan will maintain existing Regional Plan policies and programs and will result in no significant impacts to thresholds. The Shoreline Plan also includes specific strategies, programs, and resource protection measures that will accelerate attainment and maintenance of thresholds. Thus, the Regional Plan, as amended by the Shoreline Plan, will continue to achieve and maintain the thresholds.

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TABLE C-1: SHORELINE PLAN
TABLE OF SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND COMPACT AND CODE FINDINGS

Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
LTS = Less than significant	PS = Potentially significant S = Significant SU = Significant and unavoidable		
5 Fisheries and Aquatic Biological Resources			
<p>Impact 5-1: Increased risk of AIS introduction or spread (S) The increase in boat launches under the Shoreline Plan could increase the risk of AIS introductions, but this risk would not be substantial because the rigorous and effective prevention programs (including boat inspection, decontamination, outreach, and education) would continue. However, the increases in recreational boating would increase the risk that invasive macrophytes and Asian clams already in Lake Tahoe would be spread within the lake, creating new populations and increasing the abundance and distribution of AIS.</p>	<p>Mitigation Measure 5-1a: Require marina aquatic invasive species management plans TRPA will require that all marinas prepare and implement an AIS management plan within 3 years of adoption of the Shoreline Plan. The AIS management plans shall, at a minimum, (1) identify strategies to prevent the establishment of invasive macrophytes and Asian clams within the marina (e.g., improved water circulation), (2) include an AIS monitoring, early detection, and response program within the marina, which could be in partnership with resource management agencies and/or organizations, and (3) include a public education component. For marinas that already contain AIS, the AIS management plan shall identify measures to control or eradicate existing AIS and reduce the potential for spread.</p> <p>Mitigation Measure 5-1b: Promote the development of AIS-resistant boats TRPA will continue to regularly communicate with representatives of the watercraft industry, including trade associations and manufacturers of watercraft or watercraft components, to promote the development and widespread commercial utilization of technologies that lower the potential for the spread of AIS. Innovations such as ballast tank filters, heated ballast water intakes in engines, and better draining ballast tanks are currently being developed by various manufacturers, but they are not yet commercially available on a widespread basis. Although many of these innovations are not yet commercially viable, they may be by the full buildout of the Shoreline Plan. TRPA will regularly coordinate with representatives of the watercraft industry to advocate for and demonstrate a commercial interest in the continued development and adoption of such technologies. TRPA will enact policies to encourage or require the use of such technologies when they become feasible.</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: Implementation of the Shoreline Plan would increase boat traffic at marinas, where AIS can be most dense, which would increase the risk that boats would spread AIS, creating new populations and increasing AIS abundance and distribution. With implementation of Mitigation Measure 5-1a marinas would implement measures to reduce the risk of new infestations and control or eradicate existing infestations. Mitigation Measure 5-1b would encourage the eventual widespread adoption of ballast tank filters, heated ballast water intakes in engines, better draining ballast tanks, and/or other technologies that reduce the potential for recreational boats to spread Asian clams or other AIS. This mitigation measure will reduce potential impacts to a less-than-significant level.</p>

LTS =Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable

Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable			
(Draft EIS, pp. 5-21 to 5-26)			
6 Hydrology and Water Quality			
<p>Impact 6-5: Interference with littoral processes from new or redeveloped shoreline structures</p> <p>(S) The Shoreline Plan would allow for the addition or expansion of piers that could disrupt existing wave and current circulation patterns near the shoreline. Waves and current motion are the primary agents of littoral drift, the process by which sediment is transported and deposited in the nearshore area. The Shoreline Plan would revise existing pier design standards in the TRPA Code (Section 84), but do not define design standards for public piers. Other structures, such as jetties, groins, breakwaters, and fences that could affect littoral processes, are generally not allowed. The Shoreline Plan may allow for other structures as part of a habitat restoration project or as part of a marina environmental improvement project.</p> <p>Previous analysis (TRPA 2004) demonstrated that significant impacts on littoral drift processes can occur from floating piers. Because the Shoreline Plan does not specify design standards for floating piers such that impacts on littoral drift would be completely avoided, and because the plan does not define the environmental analysis procedures for assessing littoral drift processes associated with public pier applications or allowable deviations for multiple-use pier applications that include floating pier sections, design standards in their current form could allow for piers that interfere with existing littoral drift processes.</p>	<p>Mitigation Measure 6-5a: Specify floating pier design standards</p> <p>TRPA will augment the design standards summarized in Table 2-5 in Chapter 2, "Project Description," to include the following standard for floating piers:</p> <ul style="list-style-type: none"> ▲ Floating pier sections rigidly moored to the lake bottom shall be prohibited. <p>Mitigation Measure 6-5b: Require littoral drift analyses and incorporate design recommendations for floating piers longer than 25 feet</p> <p>TRPA will require all new pier and pier extension applications that include floating pier sections longer than 25 feet submit a site-specific littoral drift and wave analysis. The analysis will assess the dimensions of the proposed floating pier section and the ability of waves to initiate and sustain the movement of sediment along the lake bottom under conditions of low lake level (6,223 feet), mid-lake level (6,226 feet), and high lake level (6,229 feet) Lake Tahoe Datum. The lake level condition with the greatest effect on littoral transport and backshore stability shall be used to design the floating pier section. Floating piers may only be approved if they are designed so that wave heights are not reduced by more than 50 percent and the floating pier section is no greater than 50 percent of the length of the site-specific design wavelength, and if the littoral drift analysis finds that the pier will not otherwise substantially disrupt littoral transport.</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: The Shoreline Plan does not specify design criteria for floating piers or limitations and does not define the environmental analysis procedures for assessing littoral drift processes associated with public pier applications; thus, existing littoral drift processes may not be maintained. Mitigation Measure 6-5a would prohibit piers with floating sections from being rigidly fixed to the lakebed. Mitigation Measure 6-5b would require that pier applications allowed to deviate from those design standards would need to demonstrate no effect on littoral drift along the shoreline through a defined and site-specific analysis. This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p style="text-align: right;">(Draft EIS, pp. 6-31 to 6-34)</p>
8 Recreation			
<p>Impact 8-1: Alter the quality of recreational experiences or create user conflicts</p>	<p>Mitigation Measure 8-1a: Maintain nonmotorized navigation within the no-wake zone</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline</p>

LTS =Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable

Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
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<p>(PS) The Shoreline Plan would result in construction of new shoreline structures. The plan includes density and location standards for moorings and piers that would help preserve scenic areas around the lake and maintain the quality of recreation experience. The plan would not result in a substantial change to quality of recreation experience. Implementation of the Shoreline Plan could result in public piers extending beyond the 600-foot no-wake zone, which could create potential conflicts between nonmotorized recreation (i.e., nonmotorized watercraft and swimmers) and motorized watercraft.</p>	<p>TRPA will revise the pier design standards for piers that extend 600 feet or more from the high-water elevation to provide lateral nonmotorized recreation access within the 600-foot no-wake zone. Lateral nonmotorized recreation access within the 600-foot no-wake zone will be provided by the following:</p> <ul style="list-style-type: none"> ▲ The pier design standards would require public piers (for Alternatives 1, 3, and 4) and multiple-use piers (for Alternative 2) to accommodate lateral nonmotorized access by limiting the pier length to within the 600-foot no-wake zone and providing at least 10 feet between the end of the pier and the no-wake zone boundary to allow nonmotorized recreationists to stay within the no-wake zone. The applicant for a new multiple-use pier that extends to within 30 feet of the no-wake zone would also be required to install one or more navigational buoys to identify the location of the no-wake zone relative to the pier. Additional pier length could only be granted if necessary for public health and safety facilities or waterborne transit provided TRPA makes the following findings: <ul style="list-style-type: none"> ➤ The additional pier length is necessary to provide for public health and safety or public transit, and ➤ All feasible measures have been taken to minimize interference with nonmotorized navigation. 		<p>Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: The Shoreline Plan would allow for public piers that could extend beyond the no-wake zone, which could affect navigation for nonmotorized activities creating conflicts between motorized watercraft and nonmotorized watercraft or swimmers. Mitigation Measure 8-1a requires that public piers, except for those that would serve public health and safety or public transit purposes, to limit their length to within the 600-foot no-wake zone and providing at least 10 feet between the end of the pier and the no-wake zone boundary to allow nonmotorized recreationists to stay within the no-wake zone. This mitigation measure will reduce potential impacts to a less-than-significant level. Additionally, as identified in Chapter 2, Revisions to the Proposed Shoreline Plan, of the Final EIS, the plan includes nonmotorized recreation elements, such as establishing a 100-foot no-wake zone around swimmers and nonmotorized craft on the lake; a 200-foot no-wake zone around all piers and other structures; TRPA would provide support for the Lake Tahoe Water Trail;</p>

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Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
<p style="text-align: center;">LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable</p>			
			<p>and TRPA would conduct regular recreation user satisfaction surveys. Each of these elements would further reduce risks of conflicts with motorized watercraft and support nonmotorized recreation access on the lake.</p> <p>(Draft EIS, pp. 8-11 to 8-24; Final EIS, Master Response 2 – Effects on Recreation.)</p>
<p>9 Scenic Resources</p>			
<p>Impact 9-1: Alter views of the shore from Lake Tahoe (S) The effects the Shoreline Plan on views from Lake Tahoe would vary based on the location, intensity, and other characteristics of future projects. In some scenarios under the Shoreline Plan, the scenic threshold ratings would increase due to required scenic improvements in the shoreland, visible mass reductions, and redevelopment of existing shorezone structures consistent with proposed design standards. In other scenarios, scenic quality could be unchanged or degraded due to additional visible mass associated with new buoys, redeveloped piers that are a contrasting color.</p>	<p>Mitigation 9-1a: Offset the visible mass of buoys TRPA will require that all new buoys offset the visible mass associated with the buoy and boat. The average visible mass of a buoy and boat is estimated at 83 square feet. Each new buoy will require removal or screening of a minimum of 83 square feet of existing mass visible from Lake Tahoe. The visible mass of a buoy will be offset through the payment buoy scenic mitigation fee that will be used to reduce visible mass, as described below.</p> <p>TRPA will assess an annual scenic mitigation fee on all buoys to offset the visible mass of the buoy. TRPA will set a fee amount that is adequate to remove or visually screen 83 square feet of existing visible mass for each buoy. TRPA will use the fee to acquire and remove or screen existing visible mass visible from shoreline scenic travel units that are not in attainment of threshold standards. The funds will be dedicated to projects that TRPA determines will have the greatest benefit to scenic threshold standards and will be prioritized for use in the following order: 1) in the shorezone, 2) in the shoreland, and 3) to improve background views visible from Lake Tahoe.</p> <p>To identify specific scenic improvement projects that could be funded by the in-lieu fee, TRPA will update the Scenic Quality Improvement Program (SQIP) within one year of adoption of the Shoreline Plan. The update would, at a minimum, update those elements of the SQIP that identify scenic improvement opportunities within the eleven shoreline</p>	<p>LTS</p>	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: The Shoreline Plan would allow for new buoys to be placed farther from the shore than under existing conditions and the visible mass of the buoys and associated boats would not be offset and projects adding buoys would not be required to implement scenic improvements through the visual magnitude system. Additionally, scenic threshold ratings associated with views of the shore from Lake Tahoe could occur due to additional visible mass associated with new buoys, and/or new or redeveloped piers that are a color that contrasts with the background view.</p>

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Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
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	<p>travel units that are not in attainment of scenic thresholds as of the 2015 Threshold Evaluation Report. Within each of these travel units, the SQIP will identify specific opportunities for scenic improvements that would increase the scenic threshold ratings. Scenic improvement opportunities could include improvements on private land, such as the acquisition, removal, or screening of private development; s well as opportunities on public land, such as the undergrounding of utilities, revegetation of road scars, screening or recoloring of infrastructure, or removal of structures on public land. The SQIP will consider opportunities for permanent or long-term scenic improvement. TRPA will consider the scenic improvement opportunities identified in the SQIP when authorizing the expenditure of scenic mitigation funds.</p> <p>Funds could be used to implement projects directly or through grants, contracts, or other agreements with partner organizations. TRPA could also authorize mitigation funds for projects that permanently reduce the visual magnitude of shoreland development when the project contributes to the attainment of scenic thresholds and is not otherwise required. Visible mass mitigation projects that could be funded by the in-lieu fee include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ scenic improvement projects identified in the the most recent version of the SQIP; ▲ lakefront recreation projects with scenic improvements such as replacing dilapidated structures or relocating structures (public gathering areas and waterfront public access scenic improvements); ▲ scenic improvement of existing rip rap and retaining walls along visible roadway cuts (e.g., recoloring of light-colored rip rap); ▲ permanent removal of existing shorezone and shoreland structures; ▲ permanent screening of roadside parking areas, roadways, and infrastructure through the planting of native vegetation and creation of vegetated berms; ▲ undergrounding of utility lines that are visible from the lake; and 		<p>Mitigation Measure 9-1a will require the payment of a mitigation fee that will fund the removal or visual screening of existing visible mass in scenic travel units that are not in attainment to offset the additional visible mass that could result from new buoys. The funds will be dedicated to projects that TRPA determines will have the greatest benefit to scenic threshold standards. Mitigation Measure 9-1b will require TRPA to modify the proposed design standards to regulate the color of piers and these standards will be enforced for all new or expanded piers. After implementation of the required mitigation measures, future projects under the Shoreline Plan would reduce visible mass and prevent new structures from degrading scenic threshold ratings. This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 9-19 to 9-52; Final EIS, p. 2-5, see also responses to comments 012-18 and 012-36 .)</p>

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Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
LTS = Less than significant	PS = Potentially significant S = Significant SU = Significant and unavoidable		
	<p>▲ improving existing shoreland structures and deed restricting those parcels such that visual magnitude of existing development is permanently reduced.</p> <p>Mitigation 9-1b: Establish color standards for piers TRPA will modify the proposed design standards to regulate the color of piers. These standards will be enforced for all new or expanded piers. The standards will require that piers be a matte medium to dark gray. The standards will also allow TRPA to require alternate colors that TRPA determines would better blend into the background view of the project site.</p>		
<p>Impact 9-2: Alter views of Lake Tahoe from the shore (S) The scenic effects on views from the shore would vary based on the location, intensity, and other characteristics of future projects. In some scenarios under the Shoreline Plan, the scenic threshold ratings would increase due to required scenic improvements in the shoreland, visible mass reductions, and redevelopment of existing shorezone structures consistent with design standards. In other scenarios, scenic quality would not substantially change, or the scenic threshold ratings could be reduced. This potential reduction in scenic threshold ratings would be due to additional visible mass associated with new buoys.</p>	<p>Mitigation 9-2a: Implement Mitigation Measure 9-1a to offset the visible mass of buoys TRPA will implement Mitigation Measure 9-1a, "Offset the visible mass of buoys," as described above.</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: The Shoreline Plan would allow for new buoys to be placed farther from the shore than under existing conditions and the visible mass of the buoys and associated boats would not be offset and projects adding buoys would not be required to implement scenic improvements through the visual magnitude system. Additionally, scenic threshold ratings associated with views of the shore from Lake Tahoe could occur due to additional visible mass associated with new buoys. Mitigation Measure 9-2a will require the removal or visual screening of existing visible mass near the project site or in scenic travel units that are not in</p>

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Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
LTS = Less than significant	PS = Potentially significant S = Significant SU = Significant and unavoidable		
			<p>attainment to offset the additional visible mass that could result from new buoys. Alternatively, buoy applicants will have the option to pay an in-lieu fee to offset the additional visible mass of the buoy. The funds will be dedicated to projects that TRPA determines will have the greatest benefit to scenic threshold standards. After implementation of the required mitigation measure, future projects under the Shoreline Plan would reduce visible mass and prevent new structures from degrading scenic threshold ratings.</p> <p>This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 9-53 to 9-69; Final EIS, response to comment A1-22.)</p>
10 Air Quality			
<p>Impact 10-2: Short-term construction emissions of ROG, NO_x, PM₁₀, and PM_{2.5} (PS) Implementation of the Shoreline Plan would result in the construction of new piers, boat ramps, marinas, and/or boat houses. Given the number of new facilities that could be developed and the limited construction season in the Tahoe Region (i.e., May 1 to October 15), it is possible that a substantial amount of construction activity could occur at one time. Thus, equipment exhaust and fugitive dust emissions could violate or contribute substantially to an existing or projected air quality violation, especially considering the nonattainment status of the LTAB with respect to the CAAQS and TRPA numeric threshold standards for ozone and PM₁₀.</p>	<p>Mitigation Measure 10-2: Add best construction practices for emissions to the standard conditions of approval for shoreline projects TRPA will revise the Standard Conditions of Approval for Shorezone Projects (TRPA Permit Attachment S) to require that minimum construction emission reduction best practices be implemented for all projects within the shorezone. The Standard Conditions of Approval for Shorezone Projects will be amended to add the following best construction practices:</p> <ul style="list-style-type: none"> ▲ Fugitive dust shall not exceed 40 percent opacity and not go beyond the property boundary at any time during project construction. ▲ No open burning of removed vegetation shall occur during infrastructure improvements. 	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: Emissions associated with the construction of future individual development projects under the Shoreline Plan would have the potential to exceed Placer County Air Pollution Control District (PCAPCD), El Dorado County Air Quality Management District</p>

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	<ul style="list-style-type: none"> ▲ Idling time for all diesel-powered equipment shall not exceed 5 minutes. ▲ Water shall be applied as needed to prevent dust impacts from extending off-site. Operational water truck(s) shall be on-site, as required, to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site. ▲ Existing power sources or clean-fuel generators rather than temporary diesel power generators shall be used wherever feasible. 		<p>(EDCAQMD), and Washoe County Health District regulations and TRPA numeric threshold standards. These projects could potentially violate or contribute substantially to the nonattainment status of the LTAB with respect to the CAAQS for ozone and PM₁₀. Mitigation Measures 10-2 would require that the Standard Conditions of Approval for Shorezone Projects be revised such that projects under the Shoreline Plan incorporate measures to reduce short-term construction-generated emissions of NO_x, PM₁₀, and PM_{2.5} to levels below PCAPCD and EDCAQMD threshold standards. This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 10-20 to 10-22)</p>
11 Greenhouse Gas Emissions and Climate Change			
<p>Impact 11-1: Greenhouse gas emissions (PS) Implementation of the Shoreline Plan would result in GHG emissions associated with the construction and demolition of boating facilities and on-road motor vehicle trips to and from new boating facilities. Implementation of the Shoreline Plan would also result in an increase in GHG-emitting boating activity. It is not feasible to know whether the fleet of motorized boats on Lake Tahoe will become more GHG efficient and, if it does, whether the improvement in GHG efficiency would be enough to offset the GHGs associated with construction activity, the increase in on-road motor vehicle travel, and the projected increase in boating activity.</p> <p>The development and implementation of a GHG Reduction Policy, as required by Mitigation Measure 11-1, would reduce GHG emissions,</p>	<p>Mitigation Measure 11-1: Develop and implement a GHG reduction policy Within 12 months of adoption of the Shoreline Plan, TRPA will coordinate the implementation of a GHG Emission Reduction Policy through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments addressing Best Construction Practices and ongoing operational efficiencies. Until that time, TRPA will continue its existing practice to require measures developed on a project-by-project basis. The policy will require implementation of measures for the reduction of GHG emissions generated by demolition and construction activity in the shorezone and in associated upland areas, by on-road motor vehicles trips directly associated with the operation of boating facilities, and by ongoing</p>	SU	<p>Finding: Specific considerations, such as economic, social, or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement (EIS) for the project.</p> <p>Rationale: Boating activity, construction-related emissions, and associated on-road mobile-source GHG emissions at buildout of the Shoreline Plan has the potential to result in a substantial contribution to GHG emissions. Implementation of Mitigation Measure</p>

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<p>but the extent of this reduction depends on participation rates, available funding, and available technology.</p>	<p>operation of recreational watercraft. Where local ordinances already require GHG emission reductions consistent with the policy, no further action is necessary. Where local government ordinances do not adequately address GHG reduction practices, those practices will be implemented through local government and/or TRPA permitting activities or implementation program. Such measures may include, but are not limited to, the following:</p> <p>Minimize Construction-Related GHG Emissions</p> <ul style="list-style-type: none"> ▲ All diesel-powered construction equipment shall have engines that comply with Tier 4 emission standards or better. ▲ Require all construction contractors to use renewable diesel (RD) fuel for all diesel-powered construction equipment (off-road land- and water-based). Any RD product that is considered for use by the construction contractors shall comply with California's Low Carbon Fuel Standards and be certified by the California Air Resources Board Executive Officer. RD fuel must also meet the following criteria: <ul style="list-style-type: none"> ➤ Be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., nonpetroleum sources), such as animal fats and vegetables; ➤ Contain no fatty acids or functionalized fatty acid esters; and ➤ Have a chemical structure that is identical to petroleum-based diesel which ensures RD will be compatible with all existing diesel engines; it must comply with American Society for Testing and Materials (ASTM) D975 requirements for diesel fuels. ▲ Use electric powered equipment instead of fossil fuel-based generators. ▲ Purchase mitigation credits from the Climate Action Reserve's GHG Mitigation Credit Program to offset construction-generated GHG emissions. <p>Minimize GHG Emissions Associated with On-Road Vehicle to Watercraft Facilities</p>		<p>11-1 would reduce some of the anticipated future GHG emissions at buildout. Some of these measures would also be consistent with those identified in the Sustainability Action Plan (Lake Tahoe Sustainable Communities Program 2013). However, the effectiveness of these measures would depend on participation rates, available funding, and available technology. Given the uncertainty about the magnitude of the increase in GHG emissions from projects accommodated by the Shoreline Plan and the uncertain effect of these mitigation measures, it is possible that the Shoreline Plan could have a considerable contribution to the cumulative impact of GHG emissions and climate change.</p> <p>The Governing Board finds that legal, economic, social, and technical considerations make further mitigation of this impact infeasible. Therefore, this impact is considered significant and unavoidable.</p> <p>The Governing Board further finds that specific considerations make infeasible, any reasonable alternatives that would both meet the objectives of the Shoreline Plan and reduce the significant and unavoidable impact on GHG emissions and climate change. To meet TRPA requirements for the consideration of alternatives, the Draft EIS evaluated the potential impacts of</p>

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	<ul style="list-style-type: none"> ▲ Provide charging stations for electric vehicles and bike lockers at parking lots that serve public piers and marinas. ▲ Minimize GHG Emissions Generated by Recreational Watercraft ▲ Require or incentivize businesses that rent motorized watercraft to convert their rental fleet to watercraft with electric engines. ▲ Require or incentivize charging stations at marinas and public piers for electric-motor watercraft. ▲ Require or incentivize the installation of charging stations for electric-motor watercraft at private piers, boat houses, and boat lifts. ▲ Require solar panels on all marina buildings. <p>This measure will apply to new construction occurring under the Shoreline Plan. TRPA will also initiate a funding program to apply these measures to existing facilities within the Tahoe Basin.</p>		<p>four Shoreline Plan alternatives, including the no project alternative (Alternative 2). No feasible alternatives, in addition to those proposed in the Draft EIS, have been identified that would attain the objectives of the Shoreline Plan and reduce the significant and unavoidable impact on GHG emissions and climate change. The Final Shoreline Plan and mitigation measures in the Final EIS reduce the GHG emissions and climate change impact to the extent feasible. Thus, the Governing Board finds that all reasonable alternatives were reviewed, analyzed, and discussed in the EIS review process.</p> <p>(Draft EIS, pp. 10-20 to 10-22; also see Master Response 4 – Watercraft Emissions and response to comment A1-26, O2-20, O2-21, and O10-15)</p>
12 Noise			
<p>Impact 12-2: Construction vibration impacts (S) Construction activities would occur under the Shoreline Plan. Construction activities associated with new shorezone structures, including new piers, pier modifications, marinas, and new boat ramps would generate varying levels of vibration. Pile driving would be required for pier construction/modification and marina construction, resulting in vibration levels that could potentially damage existing structures if located within 55 feet. In accordance with TRPA standard construction practices, all construction activity would take place during the day, minimizing the potential for disturbance during noise-sensitive evening and nighttime hours. However, because specific</p>	<p>Mitigation Measure 12-2: Vibration reduction measures To address potential vibration impacts associated with shorezone projects that involve pile driving activity, TRPA shall revise TRPA Permit Attachment S, “Standard Conditions of Approval for Shorezone Projects,” to incorporate the following vibration reduction measures:</p> <ul style="list-style-type: none"> ▲ All construction equipment, including vibration-inducing impact equipment, on construction sites shall be operated as far away from vibration-sensitive uses as reasonably possible. ▲ Earthmoving and ground-disturbing operations shall be phased so as not to occur simultaneously in areas close to sensitive uses, to the extent feasible. The total vibration level 	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: Implementation of the Shoreline Plan might result in some new piers to be located within 55 feet of existing structures, potentially exposing them to ground vibration levels</p>

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<p>locations of pile driving activity is unknown, there is a potential that existing structures could be exposed to excessive vibration levels that could result in structural damage.</p>	<p>produced could be significantly less if each vibration source is operated at separate times.</p> <ul style="list-style-type: none"> ▲ To prevent structural damage, minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving) for the purpose of preventing damage to nearby structures shall be established based on the proposed pile driving activities and locations, once determined. Factors to be considered include the specific nature of the vibration producing activity (e.g., type and duration of pile driving), local soil conditions, and the fragility/resiliency of the nearby structures. Established setback requirements (i.e., 55 feet) can be breached if a project-specific, site specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage would occur at nearby buildings or structures or provides further recommendations (e.g., alternative pile driving methods, site monitoring requirements) to avoid damaging nearby structures. 		<p>exceeding the recommended level of 0.2 in/sec PPV with respect to structural damage.</p> <p>Mitigation Measure 12-2 would reduce vibration exposure at nearby receptors by locating equipment as far from receptors as possible and by phasing operations for shorezone projects that are close enough to each other to combine to produce greater vibration levels. If pile driving would be required near existing structures or sensitive receptors, a site-specific analysis for projects that require pile driving would be required to determine appropriate measures that would prevent structural damage.</p> <p>This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 12-13 to 12-15)</p>
<p>14 Terrestrial Biological Resources (Wildlife and Vegetation)</p>			
<p>Impact 14-1: Disturbances to osprey, bald eagle, and waterfowl from construction and recreational uses</p> <p>(S) Osprey, bald eagle, and waterfowl are designated by TRPA as special interest species and use the shorezone and adjacent locations for breeding and foraging. Potential effects of the Shoreline Plan on osprey and bald eagle could include construction-related disturbances to nesting activities from new piers and boat ramps, long-term increased disturbance to osprey and bald eagle and suitable habitat from boating and other recreational uses, and habitat degradation within TRPA-designated osprey and bald eagle disturbance zones. Although suitable nesting habitat for waterfowl is</p>	<p>Mitigation Measure 14-1a: Avoid construction disturbances to nesting osprey and bald eagle, install interpretive signage, and prepare and implement habitat enhancement plans or other compensatory measures for unavoidable activities within TRPA-designated disturbance zones</p> <ul style="list-style-type: none"> ▲ Surveys for nesting osprey and bald eagle will be conducted prior to construction of new shorezone facilities, to identify active nests that could be disturbed during construction. No construction activities will occur within 0.25 mile of active osprey nests and 0.5 mile of bald eagle nests during the breeding season (approximately April to August), unless surveys confirm that the birds are not nesting. A qualified 	<p>LTS</p>	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: The Shoreline Plan could allow for construction and operation of new shorezone structures within osprey or bald eagle disturbance zones that would degrade habitat quality, without</p>

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<p>limited in the shorezone where new projects would be permitted (e.g., outside of TRPA-designated waterfowl population sites), construction-related activities that may occur within suitable habitat could disturb nesting attempts of waterfowl.</p>	<p>biologist can amend the start and end dates of this limited operating period (LOP) with concurrence from appropriate agencies if it can be determined that breeding has not started or that fledglings have left the nest. Additionally, with concurrence from appropriate agencies, the LOP could be waived in locations where construction disturbance is not expected to increase ambient levels or disturbance to an active nest through presence of visual screening or other factors.</p> <ul style="list-style-type: none"> ▲ During project-specific planning, design, and environmental review of new shorezone facilities, avoid siting projects within TRPA-designated disturbance zones for osprey and bald eagle, to the extent feasible. ▲ For projects and uses that may result in unavoidable increased human intrusion into the terrestrial/upland portions of TRPA osprey or bald eagle disturbance zones, signage that describes the sensitivity of the area and discourages users to leave established trails or access routes or otherwise disturb nesting osprey or bald eagle will be designed and installed. ▲ For projects that could cause unavoidable long-term degradation of habitat within TRPA osprey or bald eagle disturbance zones, coordination with TRPA will occur to identify and implement appropriate compensatory measures that are effective and feasible for achieving TRPA's nondegradation standard for disturbance zones. <p>Potential approaches to mitigating adverse effects and enhancing habitat within disturbance zones include preparation and implementation of a habitat enhancement and management plan that includes objectives, measures, techniques, performance standards, and adaptive management to enhance osprey habitat. Habitat enhancement would be implemented within the affected TRPA osprey or bald eagle disturbance zones and/or other osprey or bald eagle disturbance zones in the Tahoe Basin where enhancement opportunities and benefits to the regional osprey or eagle population</p>		<p>appropriate habitat enhancement objectives or mitigation, would conflict with the nondegradation standard for osprey or bald eagle disturbance zones. Additionally, it is possible that if waterfowl use any future shorezone areas for nesting, disturbances associated with construction and operation of new shorezone structures could result in the loss of active nests and injury or mortality to individuals. Mitigation measure 14-1a would require conducting preconstruction surveys for nesting osprey and bald eagles and implementing an appropriate exclusionary buffer and limited operating period to avoid or minimize effects of construction-related disturbance on nesting activity and breeding success. Mitigation measure 14-1a also requires avoiding placement of new shorezone structures within TRPA-designated disturbance zones, to the extent feasible. For projects that may result in unavoidable increased human intrusion into upland portions of TRPA osprey and bald eagle disturbance zones, applicants will be required to coordinate with TRPA to identify and implement appropriate compensatory measures to achieve TRPA's nondegradation standard for disturbance zones. Mitigation Measure 14-1b will require avoidance measures to avoid disturbance of any active nests</p>

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	<p>could be maximized. Coordination with TRPA would occur to determine whether more focused measures to achieve habitat enhancement as part of the project could be implemented, or whether the current project design may benefit osprey or bald eagle habitat, in lieu of a formal habitat enhancement and management plan.</p> <p>Mitigation Measure 14-1b: Conduct preconstruction surveys for waterfowl and implement a limited operating period, if necessary For construction activities that would occur in suitable habitat during the nesting season (generally April 1–August 31, depending on snowpack and other seasonal conditions), a qualified wildlife biologist shall conduct focused surveys for waterfowl nests no more than 14 days before construction activities are initiated each construction season. If an active nest is located during the preconstruction surveys, the biologist shall notify TRPA. If necessary, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives shall be evaluated and implemented to the extent feasible. If avoidance is not feasible or conflicts with project objectives, a limited operating period shall apply to avoid disturbances during the sensitive nesting season. Construction shall be prohibited within a minimum of 500 feet (or at a distance directed by the appropriate regulatory agency) of the nest to avoid disturbance until the nest is no longer active. These recommended buffer areas may be reduced through consultation with TRPA.</p>		<p>in order to avoid the loss of individuals and nests of waterfowl species. This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 14-16 to 14-23; also see responses to comments A3-12 and A3-13)</p>
<p>Impact 14-2: Disturbance or loss of Tahoe yellow cress (S) Tahoe yellow cress (TYC) is a sensitive plant species found only on the sandy beaches of Lake Tahoe. This species is designated as a sensitive plant and threshold indicator species by TRPA, and is state-listed as critically endangered and endangered by the states of Nevada and California, respectively. The Shoreline Plan would result in construction and operation of new shoreline structures within beach habitats. Depending on the specific locations and size of individual projects in relation to TYC occurrences and suitable habitat, construction-related activities that may occur within or adjacent to beach habitat occupied by TYC could result in the direct removal of</p>	<p>Mitigation Measure 14-2: Conduct preconstruction surveys, avoid potential construction impacts, and avoid potential recreation impacts to Tahoe yellow cress plants, and compensate for unavoidable loss of Tahoe yellow cress.</p> <p>To avoid potential adverse effects on TYC plants resulting from construction activities and potential increased use of beaches that support TYC, the following actions shall be implemented:</p> <p>(A) During project-specific planning, design, and environmental review of new shorezone facilities, avoid siting projects within areas known to support TYC occurrences, to the extent feasible. Project</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: Implementation of future projects under the Shoreline Plan will include construction activity in the shorezone that could result in the direct removal of TYC plants or other</p>

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<p>TYC plants, or other disturbances through inadvertent trampling, soil disturbance, and dust deposition. Over the long term, the additional recreation capacity for motorized watercraft, nonmotorized watercraft, anglers, swimmers, and beachgoers could increase the frequency of recreationists within occupied TYC habitat, which could result in additional trampling, degradation, or loss of existing TYC, and adversely affect current or future TYC habitat suitability. Subsection 61.3.6 of the TRPA Code states that “all projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat, shall fully mitigate their significant adverse effects. Those projects or activities that cannot fully mitigate their significant adverse effects are prohibited.” Additionally, in California, because TYC is listed as endangered under the California Endangered Species Act (CESA), any take of TYC would require authorization by California Department of Fish and Wildlife (CDFW) through a California Fish and Game Code Section 2081 incidental take permit.</p>	<p>proponents shall follow the project review guidelines in Appendix H of the 2015 TYC Conservation Strategy (Stanton et al. 2015).</p> <p>(B) For any projects that could affect TYC, a qualified biologist familiar with the vegetation of the Tahoe Basin and identification of TYC shall conduct a focused preconstruction survey for TYC in all beach habitat where construction-related disturbance could occur in the vicinity of TYC populations during that year. Surveys shall be conducted between June 15 and September 30, when TYC is clearly identifiable, and shall follow the survey protocol provided in Appendix D and project review guidelines in Appendix H of the 2015 TYC Conservation Strategy. Surveys shall be completed for each year that construction activities could occur in beach habitat. If no TYC stems are found during the survey, the results of the survey shall be documented in a letter report to TRPA and the TYC AMWG that shall become part of the project environmental record, and no further actions shall be required.</p> <p>(C) If TYC stems are documented during the survey in areas potentially disturbed by construction activities, the stems shall be clearly identified in the field and protected from impacts associated with construction activities. Protective measures shall include installing high-visibility fencing around known stem locations during construction. No construction-related activities shall be allowed in areas fenced for avoidance, and construction personnel shall be briefed about the presence of the stems and the need to avoid effects on the stems.</p> <p>(D) To protect TYC plants from potential long-term increased beach use and disturbance as an indirect result of increased recreation activity in the shorezone, protective fencing and educational signage about the need to avoid these areas shall be installed around all TYC clusters. In addition to beaches occupied by TYC where new shorezone facilities would be constructed and operated, other beach areas that support TYC that are likely to receive increased recreation uses as a result of the projects shall be identified and subject to these measures.</p> <p>(E) Long-term fencing and signage will be periodically monitored and maintained, as necessary, to ensure that they remain effective and in good working condition. Also, because locations and</p>		<p>disturbances. Additional recreation capacity could increase the frequency of recreationists within occupied TYC habitat that could result in additional trampling, degradation, or loss of existing TYC, and adversely affect current or future TYC habitat suitability. Mitigation Measure 14-2 will require identification and avoidance of TYC plants present in areas of potential disturbance by construction activities. To protect TYC plants from potential long-term increased beach use and disturbance as an indirect result of increased recreation activity in the shorezone, protective fencing and educational signage would be installed around all TYC clusters on beaches that may be affected. This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 14-23 to 14-25; Final EIS, responses to comments A2-7, A5-3, 06-4, 012-41, and I59-1 through I59-4.)</p>

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	<p>concentrations of TYC could shift over time, the locations and configurations of fencing relative to TYC distribution shall be evaluated periodically. If necessary, fencing shall be moved or added in response to changes in TYC distribution to ensure that TYC plants are protected over time. The locations of TYC plants and shifts in their locations relative to fencing can be determined by surveys as part of the ongoing AMWG TYC monitoring program. The installation and maintenance of long-term protective fencing and signage will be designed to not interfere with necessary operations and maintenance activities at facilities.</p> <p>(F) If complete avoidance of TYC is not feasible, then adaptive management or compensatory actions for any significant project-related loss of TYC shall be identified, designed, and implemented in coordination with the TYC AMWG and TRPA. Potential compensatory actions could include or require seed collection, nursery/greenhouse propagation and outplanting of container-grown TYC, or translocation of naturally occurring TYC either on-site or at a suitable off-site location, as discussed in the 2015 TYC Conservation Strategy.</p> <p>(G) If a project on the California side of the Lake Tahoe shorezone may result in the loss of TYC, consultation with California Department of Fish and Wildlife would be required to ensure compliance with the California Endangered Species Act, and obtaining an incidental take permit pursuant to California Fish and Game Code Section 2081 may be required prior to project implementation. If a project on the Nevada side of Lake Tahoe shorezone may result in the loss of TYC, a special permit from the Nevada State Forester Firewarden would be required to ensure compliance with the federal Endangered Species Act. Mitigation Measure 14-2: Conduct preconstruction surveys, avoid potential construction impacts, and avoid potential recreation impacts to Tahoe yellow cress plants.</p>		
15 Public Health and Safety			
Impact 15-1: Increase in watercraft accidents due to increased boating and navigational hazards	Mitigation Measure 15-1a: Maintain nonmotorized navigation within the no-wake zone	LTS	Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would

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<p>(PS) Implementation of the Shoreline Plan would increase the number of annual and peak day boat trips on the lake. Increased levels of boating activity would add to the factors that contribute to boating accidents, such as more watercraft, higher boating density at popular shoreline areas and lake access points, and greater potential for conflicts between motorized and nonmotorized recreation. While the additional boating activity resulting from the Shoreline Plan would aggravate the factors that contribute to boating accidents, the 600-foot no-wake zone, improved public boating safety education programs, and compliance with California and Nevada boating safety laws would reduce the risks and associated impacts.</p> <p>Implementation of any of the Shoreline Plan could lead to public piers extending beyond the 600-foot no-wake zone, which could create navigational hazards and conflicts between motorized and nonmotorized watercraft and swimmers.</p>	<p>TRPA will implement Mitigation Measures 8-1a and 8-1c as described in Chapter 8, "Recreation." These mitigation measures require that TRPA revise the pier design standards, such that the length of new public piers shall be limited to within the 600-foot no-wake zone and provide at least 10 feet between the end of the pier and the no-wake zone boundary, to provide lateral nonmotorized recreation access within the 600-foot no-wake zone and provide for a 200-foot buffer between motorized watercraft in motion and nonmotorized recreationists in areas outside of no-wake zones.</p>		<p>avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: The Shoreline Plan would allow public piers to extend beyond the 600-foot no-wake zone, which could cause nonmotorized watercraft and swimmers to move outside of the no-wake zone as they pass the pier if the pier does not provide sufficient space for them to pass underneath. Motorized watercraft traveling at higher speeds outside of the no-wake zone may have more trouble seeing nonmotorized watercraft and swimmers, creating a greater potential for accidents. Mitigation Measure 15-1a requires that public piers limit their length to within the 600-foot no-wake zone and provide at least 200 feet between the end of the pier and the no-wake zone boundary to allow nonmotorized recreationists to stay within the no-wake zone. This mitigation measure will reduce potential impacts to a less-than-significant level. Additionally, as identified in Chapter 2, Revisions to the Proposed Shoreline Plan, of the Final EIS the plan includes nonmotorized recreation elements, such as establishing a 100-foot no-wake zone around swimmers and nonmotorized craft on the lake; a 200-foot no-wake zone around all piers and</p>

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			<p>other structures; and TRPA would conduct regular recreation user satisfaction surveys. Each of these elements would further reduce risks of accidents or conflicts between motorized watercraft and nonmotorized recreationists.</p> <p>(Draft EIS, pp. 15-16 to 15-20; Final EIS, Master Response 2 – Effects on Recreation and responses to comments 02-9 and 010-9)</p>
16 Cultural Resources			
<p>Impact 16-1: Cause the alteration of, or adversely affect a historical site, structure, object, or building (PS) Implementation of the Shoreline Plan would result in development on properties that could contain known or unknown historic resources, are associated with historically-significant events or individuals, or result in adverse physical or aesthetic effects to a significant historical site, structure, object, or building. Because the Shoreline Plan would result in some new construction, it has the potential to disturb, disrupt, or destroy historic resources through implementation.</p>	<p>Mitigation 16-1: Avoid potential effects on historic resources Once the exact location of the new piers, boat ramps, and any other land-based development has been determined and before commencement of earth-disturbing activities for construction, applicants shall identify and evaluate all historic-age (over 45-years in age) buildings and structures that are proposed to be removed and/or modified as part of a historic determination application with TRPA or applicable local jurisdiction. This may include preparation of an historic resource assessment and evaluation of resources to determine their eligibility for recognition under state, federal, or local criteria. If required, the assessment shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. If resources are eligible for inclusion in the NRHP, CRHR, or a local register are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed mitigation measures to avoid impacts.</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: Implementation of the Shoreline Plan would allow development of new structures in locations that are not yet specified, and site-specific surveys were not conducted. The demolition, alteration, or disturbance of existing sites, buildings, and structures that are designated historic resources, eligible for listing as historic resources, or that have not yet been evaluated, could result in the change in its historical significance. Mitigation Measure 16-1 would reduce potentially significant impacts to historic resources because</p>

LTS =Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable

Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable			
			<p>mitigation would avoid, move, record, or otherwise treat a discovered resource appropriately, in accordance with pertinent laws and regulations. This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 16-11 to 16-13; also see responses to comments O12-14 through O12-47)</p>
<p>Impact 16-2: Cause the alteration of, or adversely affect an archaeological resource (PS) Implementation of the Shoreline Plan would result in development that could take place on properties that contain, be associated with, or result in adverse effects to known or unknown archaeological resources. Because the Shoreline Plan would result in some new construction over the planning period, it has the potential to disturb, disrupt, or destroy archaeological resources through implementation of specific projects.</p>	<p>Mitigation 16-2: Avoid potential effects on archaeological resources Once the exact location of the new piers, boat ramps, dredging, or any other ground-disturbing development (excluding buoys) has been determined and before commencement of earth-disturbing activities for construction, applicants shall retain a qualified archaeologist to conduct archaeological surveys of the site as part of a historic determination application with TRPA or applicable local jurisdiction. To ensure that new or expanded facilities and uses do not adversely affect potentially buried archaeological deposits, an underwater archaeological survey shall also be conducted to identify, evaluate, and protect significant submerged cultural resources prior to activities that would disturb the lakebed.</p> <p>The applicant shall follow recommendations identified in the survey, which may include activities such as subsurface testing, designing, and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place.</p> <p>All projects shall include the following requirements as a condition of approval: If evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted and the appropriate jurisdiction and TRPA shall be notified immediately. A qualified archaeologist shall be retained to assess the significance of the</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: Implementation of the Shoreline Plan could result in project construction that could encounter previously undiscovered or unrecorded archaeological sites and materials during project-related preconstruction or construction-related ground-disturbing activities. These activities could damage or destroy these archaeological resources. Mitigation Measure 16-2 would require future projects to avoid, move, record, or otherwise treat a discovered resource appropriately, in accordance with pertinent laws and regulations.</p>

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Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
LTS = Less than significant	PS = Potentially significant S = Significant SU = Significant and unavoidable		
	find. If the find is a prehistoric archeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet NRHP, NVSRHP, or CRHR standards of significance, as applicable, for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the recordation forms required by the applicable SHPO and location information to the appropriate information center.		This mitigation measure will reduce potential impacts to a less-than-significant level. (Draft EIS, pp. 16-13 to 16-14; also see responses to comments O12-14 through O12-47)
<p>Impact 16-3: Degrade ethnic and cultural values (PS) Because the project could result in physical changes to historic and prehistoric sites, unique ethnic cultural values could be affected, and historic or prehistoric religious or sacred uses within the Plan area could be restricted. Consultation with the Washoe Tribe is required by TRPA regulations; however, project activities could still uncover or destroy historic or archaeological resources as identified in Impact 16-1 (historic) and Impact 16-2 (archaeological).</p>	<p>Mitigation 16-3: Implement Mitigation Measures 16-1 and 16-2 TRPA will implement Mitigation Measure 16-1, "Avoid potential effects on historic resources," and 16-2, "Avoid potential effects on archaeological resources," as described above.</p>	LTS	<p>Finding: Changes or alterations have been incorporated into the Shoreline Plan such that future projects would avoid or reduce the significant adverse environmental effects to a less-than-significant level.</p> <p>Rationale: Implementation of the Shoreline Plan would result in project construction-related activities, both ground-disturbing and staging access, that could encounter previously undiscovered or unrecorded resources or restrict access to known resources. These activities could result in physical changes to sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people. Mitigation Measure 16-3 would reduce</p>

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Environmental Impact (Level of Significance Before Mitigation)	Adopted Mitigation Measure(s)	Level of Significance after Mitigation	Findings of Fact
LTS = Less than significant	PS = Potentially significant S = Significant SU = Significant and unavoidable		
			<p>potentially significant impacts to historic resources because mitigation would avoid, move, record, or otherwise treat a discovered resource appropriately, in accordance with pertinent laws and regulations.</p> <p>This mitigation measure will reduce potential impacts to a less-than-significant level.</p> <p>(Draft EIS, pp. 16-15 to 16-16; also see responses to comments 012-14 through 012-47)</p>

LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable

**ATTACHMENT D:
Threshold Indicators and Compliance Measures Tables**

**ATTACHMENT D 1:
Threshold Indicators Table**

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
1	Air Quality	Carbon Monoxide (CO)	8-hour Carbon Monoxide	Considerably Better Than Target	Moderate Improvement	Moderate	Maintain carbon monoxide concentrations at or below 6 parts per million (7 mg/m3) averaged over 8 hours.	First and second highest CO concentration measured at Stateline, NV monitoring station	Parts Per Million (ppm)	2015 Threshold Evaluation
2	Air Quality	Carbon Monoxide (CO)	1-hour Carbon Monoxide	Considerably Better Than Target	Moderate Improvement	Moderate	No Adopted Standard - State standard	Highest CO concentration measured at Stateline, NV monitoring station	Parts Per Million (ppm)	2015 Threshold Evaluation
3	Air Quality	Carbon Monoxide (CO)	Winter Traffic Volume	Considerably Better Than Target	Moderate Improvement	Moderate	Reduce traffic volumes on the U.S. 50 Corridor by 7 percent during the winter from the 1981 base year between 4:00 p.m. and 12:00 midnight, provided that those traffic volumes shall be amended as necessary to meet the respective state standards.	Percent increase/decrease from 1981 winter (December through March) traffic volumes enumerated on Highway 50 at Park Avenue	Percent (%)	2015 Threshold Evaluation
4	Air Quality	Ozone (O ₃)	1-hour Ozone	At or Somewhat Better Than Target	Moderate Improvement	High	Maintain ozone concentrations at or below 0.08 parts per million averaged over 1 hour.	Highest 1-hour average ozone concentration measured within a year at any monitoring station	Parts Per Million (ppm)	2015 Threshold Evaluation
5	Air Quality	Ozone (O ₃)	8-hour Ozone	Somewhat Worse Than Target	Moderate Improvement	High	No Adopted Standard - State standard	Highest 8-hour average ozone concentration measured within a year at any monitoring station	Parts Per Million (ppm)	2015 Threshold Evaluation
6	Air Quality	Ozone (O ₃)	Oxides of Nitrogen	Considerably Better Than Target	Moderate Improvement	Moderate	Maintain oxides of nitrogen (NO _x) emissions at or below the 1981 level.	Nitrogen Dioxide Annual Average	Parts Per Billion (ppb)	2015 Threshold Evaluation
7	Air Quality	Ozone (O ₃)	Ozone 3-year Average	At or Somewhat Better Than Target	Moderate Improvement	Moderate	Federal: The 3-year average of the 4th-highest daily maximum must not exceed concentration standard of 0.075 ppm.	3-year average of the 4th-highest daily maximum ozone concentration in parts per million (ppm) at any monitoring location.	Parts Per Billion (ppb)	2015 Threshold Evaluation
8	Air Quality	Ozone (O ₃)	Ozone highest one-hour concentration	Considerably Better Than Target	Moderate Improvement	Moderate	California: highest one-hour, not to exceed 0.18 ppm; Nevada/Federal: highest one-hour NO ₂ concentration not to exceed 0.10 ppm.	highest one hour NO ₂ concentration	Parts Per Million (ppm)	2015 Threshold Evaluation
9	Air Quality	Ozone (O ₃)	Ozone Annual concentration	Considerably Better Than Target	Little or No Change	Moderate	California: Annual average NO ₂ concentration not to exceed 0.030 ppm,	annual average NO ₂ concentration	Parts Per Million (ppm)	2015 Threshold Evaluation
10	Air Quality	Regional Visibility	Bliss State Park 50%	At or Somewhat Better Than Target	Little or No Change	Moderate	Achieve an extinction coefficient of 25 Mm ⁻¹ at least 50 percent of the time as calculated from aerosol species concentrations measured at the Bliss State Park monitoring site (visual range of 156 km, 97 miles); Calculations will be made on three year running periods using the existing 1991-1993 monitoring data as the performance standards to be met or exceeded.	Extinction coefficient and distance of visibility	Light extinction (Mm ⁻¹) and Miles or Kilometers	2015 Threshold Evaluation
11	Air Quality	Regional Visibility	Bliss State Park 90%	At or Somewhat Better Than Target	Little or No Change	Moderate	Achieve an extinction coefficient of 34 Mm ⁻¹ at least 90 percent of the time as calculated from aerosol species concentrations measured at the Bliss State Park monitoring site (visual range of 115 km, 71 miles). Calculations will be made on three year running periods using the existing 1991-1993 monitoring data as the performance standards to be met or exceeded.	Extinction coefficient and distance of visibility	Light extinction (Mm ⁻¹) and Miles or Kilometers	2015 Threshold Evaluation
12	Air Quality	Sub-Regional Visibility	South Lake 50%	No status determination	Insufficient Data to Determine Trend	N/A	Achieve an extinction coefficient of 50 Mm ⁻¹ at least 50 percent of the time as calculated from aerosol species concentrations measured at the South Lake Tahoe monitoring site (visual range of 78 km, 48 miles); Calculations will be made on three year running periods. Beginning with the existing 1991-93 monitoring data as the performance standards to be met or exceeded.)	Extinction coefficient and distance of visibility	Light extinction (Mm ⁻¹) and Miles or Kilometers	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
13	Air Quality	Sub-Regional Visibility	South Lake 90%	No status determination	Insufficient Data to Determine Trend	N/A	Achieve an extinction coefficient of 125 Mm ⁻¹ at least 90 percent of the time as calculated from aerosol species concentrations measured at the South Lake Tahoe monitoring site (visual range of 31 km, 19 miles). Calculations will be made on three year running periods. Beginning with the existing 1991-93 monitoring data as the performance standards to be met or exceeded.)	Extinction coefficient and distance of visibility	Light extinction (Mm ⁻¹) and Miles or Kilometers	2015 Threshold Evaluation
14	Air Quality	Respirable and Fine Particulate Matter	PM10 24-hour	Somewhat Worse Than Target	Little or No Change	Moderate	Maintain Particulate Matter ₁₀ at or below 50µg/m ³ measured over a 24-hour period using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.	Highest 24 hour PM ₁₀ Concentrations	microgram/cubic meter (ug/m ³)	2015 Threshold Evaluation
15	Air Quality	Respirable and Fine Particulate Matter	PM10 Annual Average	Considerably Better Than Target	Moderate Improvement	Moderate	Maintain Particulate Matter ₁₀ at or below annual arithmetic average of 20µg/m ³ using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.	Annual Average Concentration of PM ₁₀	micrograms/cubic meter (ug/m ³)	2015 Threshold Evaluation
16	Air Quality	Respirable and Fine Particulate Matter	PM2.5 24-hour	At or Somewhat Better Than Target	Little or No Change	Moderate	Maintain Particulate Matter _{2.5} at or below 35µg/m ³ measured over a 24-hour period using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.	24-hour PM _{2.5} Concentration	micrograms/cubic meter (ug/m ³)	2015 Threshold Evaluation
17	Air Quality	Respirable and Fine Particulate Matter	PM2.5 Annual Average	Considerably Better Than Target	Little or No Change	Moderate	Maintain Particulate Matter _{2.5} at or below annual arithmetic average of 12µg/m ³ using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.	Annual Average Concentration of PM _{2.5}	microgram/cubic meter (ug/m ³)	2015 Threshold Evaluation
18	Air Quality	Nitrate Deposition	Vehicle Miles Traveled	At or Somewhat Better Than Target	Moderate Improvement	Moderate	Reduce vehicle miles of travel in the Basin by 10% of the 1981 base year values	Percent increase/decrease in vehicle miles travel from 1981 levels. Indicator values estimated from peak summer traffic volume data multiplied by a constant of 3.42.	Percent (%)	2015 Threshold Evaluation
19	Air Quality	Nitrate Deposition	Nitrate Deposition	Implemented	N/A	N/A	Reduce the transport of nitrates into the Basin and reduce oxides of nitrogen (NOx) produced in the Basin consistent with the water quality thresholds.	Implementation of management standard into the Regional Plan	N/A	2015 Threshold Evaluation
20	Air Quality	Odor	Odor	Implemented	N/A	N/A	It is the policy of the TRPA Governing Board in the development of the Regional Plan to reduce fumes from diesel engines to the extent possible.	Implementation of policy statement into the Regional Plan	N/A	2015 Threshold Evaluation
Impact of Project on Air Quality Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan EIS analyzed potential impacts to air quality and found no significant affect or change to the federal, state, or local air and water quality standards applicable to the Region. As disclosed in the Draft EIS (Chapters 6 and 10), these standards were used as criteria of significance where applicable and no unmitigable impacts were found. Because long-term operational emissions associated with the Shoreline Plan will decrease, the Shoreline Plan would support continued achievement and maintenance of air quality thresholds. Because the Shoreline Plan is consistent with the RTP, and the VMT threshold standard is maintained through monitoring and controlled release of commodity allocations, the Shoreline Plan will be consistent maintenance of the nitrate deposition threshold. The Shoreline Plan EIS also evaluated the impacts related to Greenhouse Gas Emissions. While the analysis found that impacts related to GHG would be significant and unavoidable, there is no specific threshold indicator that would be affected. The Shoreline Plan includes a commitment to develop and implement a Greenhouse Gas (GHG) reduction policy (as required in Mitigation Measure 11-1). This GHG reduction policy would result in secondary benefits related to the reduction of CO, ozone, PM, and nitrate emissions that would contribute to the maintenance and accelerate attainment of for air quality thresholds. Measures that reduce GHG emissions, would also reduce emissions of NOx, PM, and Ozone, and would contribute to the maintenance and accelerated attainment of these thresholds.						
WATER QUALITY										
21	Water Quality	Deep Water (Pelagic) Lake Tahoe	Pelagic nitrogen loading	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen (N) loading from all sources by 25 percent of the 1973-81 annual average.	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
22	Water Quality	Deep Water (Pelagic) Lake Tahoe	Annual Average Secchi Disk	Somewhat Worse Than Target	Little or No Change	Moderate	The annual average deep water (pelagic) transparency as measured by Secchi disk shall not be decreased below 29.7 meters (97.4 feet), the average levels recorded between 1967 and 1971 by the University of California, Davis.	Secchi disc depth	Meters (m)	2015 Threshold Evaluation
23	Water Quality	Deep Water (Pelagic) Lake Tahoe	Vertical Extinction Coefficient	At or Somewhat Better Than Target	Little or No Change	Moderate	No Adopted Standard - State standard	Vertical Extinction Coefficient	The percentage of the light absorbed or scattered in a meter-long vertical column of water	2015 Threshold Evaluation
24	Water Quality	Deep Water (Pelagic) Lake Tahoe	Primary Productivity	Considerably Worse Than Target	Rapid Decline	High	Maintain annual mean phytoplankton primary productivity at or below: 52gmC/m2/yr.	grams Carbon/m2/yr.	grams/m2/yr.	2015 Threshold Evaluation
25	Water Quality	Deep Water (Pelagic) Lake Tahoe	Recognition of Threshold Standard exceedance	Implemented	N/A	N/A	This threshold is currently being exceeded and will likely continue to be exceeded until some time after full implementation of the loading reductions prescribed by the thresholds.	N/A	N/A	2015 Threshold Evaluation
26	Water Quality	Deep Water (Pelagic) Lake Tahoe	Pelagic phosphorus loading - pp & clarity	No status determination	N/A	N/A	Reduce the loading of dissolved phosphorus, iron, and other algal nutrients from all sources as required to achieve ambient standards for primary productivity and transparency	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
27	Water Quality	Deep Water (Pelagic) Lake Tahoe	Pelagic nitrogen loading - pp & clarity	No status determination	N/A	N/A	Reduce the loading of dissolved phosphorus, iron, and other algal nutrients from all sources as required to achieve ambient standards for primary productivity and transparency	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
28	Water Quality	Deep Water (Pelagic) Lake Tahoe	Pelagic iron loading - pp & clarity	No status determination	N/A	N/A	Reduce the loading of dissolved phosphorus, iron, and other algal nutrients from all sources as required to achieve ambient standards for primary productivity and transparency	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
29	Water Quality	Deep Water (Pelagic) Lake Tahoe	Pelagic nitrogen loading surface runoff	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out-of basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
30	Water Quality	Deep Water (Pelagic) Lake Tahoe	Pelagic nitrogen loading groundwater	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out-of basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
31	Water Quality	Deep Water (Pelagic) Lake Tahoe	Pelagic nitrogen loading atmospheric sources	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out-of basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
32	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral Total DIN Loading	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen loading to Lake Tahoe from all sources by 25 percent of the 1973-81 annual average.	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
33	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral nitrogen loading surface runoff	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out of Basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
34	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral nitrogen loading groundwater	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out of Basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.	Metric tons of DIN/year	MT/year	2015 Threshold Evaluation
35	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral nitrogen loading atmospheric sources	No status determination	N/A	N/A	Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out of Basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.	Metric tons of nutrients loaded via rain and snow deposition ("wet deposition") at Ward Creek site per year from atmospheric sources	g/hectare/year or MT/year	2015 Threshold Evaluation
36	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral Turbidity - stream zone	At or Somewhat Better Than Target	Insufficient Data to Determine Trend	Moderate	Decrease sediment load as required to attain turbidity values not to exceed three NTU. In addition, turbidity shall not exceed one NTU in shallow waters of the Lake not directly influenced by stream discharges.	Turbidity	Nephelometric Turbidity Unit (NTU)	2015 Threshold Evaluation
37	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral Turbidity - non-stream	At or Somewhat Better Than Target	Insufficient Data to Determine Trend	Moderate	Decrease sediment load as required to attain turbidity values not to exceed three NTU. In addition, turbidity shall not exceed one NTU in shallow waters of the Lake not directly influenced by stream discharges.	Turbidity	Nephelometric Turbidity Unit (NTU)	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
38	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral phosphorus loading - pp & periphyton	No status determination	N/A	N/A	Reduce the loading of dissolved inorganic nitrogen, dissolved phosphorus, iron, and other algal nutrients from all sources to meet the 1967-71 mean values for phytoplankton primary productivity and periphyton biomass in the littoral zone.	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
39	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral nitrogen loading - pp & periphyton	No status determination	N/A	N/A	Reduce the loading of dissolved inorganic nitrogen, dissolved phosphorus, iron, and other algal nutrients from all sources to meet the 1967-71 mean values for phytoplankton primary productivity and periphyton biomass in the littoral zone.	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
40	Water Quality	Nearshore (Littoral) Lake Tahoe	Littoral iron loading - pp & periphyton	No status determination	N/A	N/A	Reduce the loading of dissolved inorganic nitrogen, dissolved phosphorus, iron, and other algal nutrients from all sources to meet the 1967-71 mean values for phytoplankton primary productivity and periphyton biomass in the littoral zone.	Total annual load	Concentration: mg/L Load kg/yr.	2015 Threshold Evaluation
41	Water Quality	Attached Algae	Attached Algae	No status determination	Little or No Change	Low	Support actions to reduce the extent and distribution of excessive periphyton (attached) algae in the nearshore (littoral zone) of Lake Tahoe.	Areal extent and density of periphyton	Periphyton biomass index (PBI)	2015 Threshold Evaluation
42	Water Quality	Aquatic Invasive Species	AIS Prevention	No status determination	Little or No Change	Low	Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.	Number of new AIS / Areal extent AIS.	# of AIS / M2 of	2015 Threshold Evaluation
43	Water Quality	Aquatic Invasive Species	AIS Abundance	No status determination	N/A	N/A	Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.	N/A	N/A	2015 Threshold Evaluation
44	Water Quality	Aquatic Invasive Species	AIS Distribution	No status determination	N/A	N/A	Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.	N/A	N/A	2015 Threshold Evaluation
45	Water Quality	Aquatic Invasive Species	AIS ecological impacts	No status determination	N/A	N/A	Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.	N/A	N/A	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
46	Water Quality	Aquatic Invasive Species	AIS social impacts	No status determination	N/A	N/A	Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.	N/A	N/A	2015 Threshold Evaluation
47	Water Quality	Aquatic Invasive Species	AIS economic impacts	No status determination	N/A	N/A	Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.	N/A	N/A	2015 Threshold Evaluation
48	Water Quality	Aquatic Invasive Species	AIS public health impacts	No status determination	N/A	N/A	Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.	N/A	N/A	2015 Threshold Evaluation
49	Water Quality	Tributaries	Nitrogen Concentration - streams	Somewhat Worse Than Target	Little or No Change	Moderate	Attain applicable state standards for concentrations of dissolved inorganic nitrogen, dissolved phosphorus, and dissolved iron. Attain a 90 percentile value for suspended sediment concentration of 60 mg/1.	Same as most stringent state standard. Proportion of individual measurements that exceed 60 mg/L of suspended sediment	Milligrams/Liter (mg/L) for nutrients; percentage of individual measurements exceeding 60 mg/L for sediment	2015 Threshold Evaluation
50	Water Quality	Tributaries	Phosphorus concentration - streams	Somewhat Worse Than Target	Little or No Change	Moderate	Attain applicable state standards for concentrations of dissolved inorganic nitrogen, dissolved phosphorus, and dissolved iron. Attain a 90 percentile value for suspended sediment concentration of 60 mg/1.	Annual Total Phosphorus Concentration	mg/l and number of standard exceedances	2015 Threshold Evaluation
51	Water Quality	Tributaries	Iron concentration streams	No status determination	N/A	N/A	Attain applicable state standards for concentrations of dissolved inorganic nitrogen, dissolved phosphorus, and dissolved iron. Attain a 90 percentile value for suspended sediment concentration of 60 mg/1.	Annual Dissolved Iron Concentration	mg/l and number of standard exceedances	2015 Threshold Evaluation
52	Water Quality	Tributaries	Suspended Sediment concentration streams	Considerably Better Than Target	Little or No Change	Moderate	Attain applicable state standards for concentrations of dissolved inorganic nitrogen, dissolved phosphorus, and dissolved iron. Attain a 90 percentile value for suspended sediment concentration of 60 mg/1.	Suspended Sediment Concentration	mg/l and number of standard exceedances	2015 Threshold Evaluation
53	Water Quality	Tributaries	Nitrogen load streams	No status determination	Little or No Change	Low	Reduce total annual nutrient and suspended sediment load to achieve loading thresholds for littoral and pelagic Lake Tahoe.	Annual load of nitrogen (and nitrogen species)	MT/year or kg/year	2015 Threshold Evaluation
54	Water Quality	Tributaries	Phosphorus load streams	No status determination	Moderate Improvement	Low	Reduce total annual nutrient and suspended sediment load to achieve loading thresholds for littoral and pelagic Lake Tahoe.	Annual load of total phosphorus (and phosphorus species)	MT/year or kg/year	2015 Threshold Evaluation
55	Water Quality	Tributaries	Suspended sediment loads streams	No status determination	Moderate Improvement	Low	Reduce total annual nutrient and suspended sediment load to achieve loading thresholds for littoral and pelagic Lake Tahoe.	Annual load of suspended sediment from all monitored tributaries	MT/year or kg/year	2015 Threshold Evaluation
56	Water Quality	Surface Runoff	Dissolved inorganic nitrogen concentrations - storm water	No status determination	Insufficient Data to Determine Trend	Low	Achieve a 90 percentile concentration value for dissolved inorganic nitrogen of 0.5 mg/1, for dissolved phosphorus of 0.1 mg/1, and for dissolved iron of 0.5 mg/1 in surface runoff directly discharged to a surface water body in the Basin.	Concentration of Inorganic Nitrogen	mg/l	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
57	Water Quality	Surface Runoff	Phosphorus concentration -storm water	No status determination	Insufficient Data to Determine Trend	Low	Achieve a 90 percentile concentration value for dissolved inorganic nitrogen of 0.5 mg/1, for dissolved phosphorus of 0.1 mg/1, and for dissolved iron of 0.5 mg/1 in surface runoff directly discharged to a surface water body in the Basin.	concentration of total phosphate	mg/l	2015 Threshold Evaluation
58	Water Quality	Surface Runoff	Iron concentration -storm water	No status determination	N/A	N/A	Achieve a 90 percentile concentration value for dissolved inorganic nitrogen of 0.5 mg/1, for dissolved phosphorus of 0.1 mg/1, and for dissolved iron of 0.5 mg/1 in surface runoff directly discharged to a surface water body in the Basin.	concentration of total iron	mg/l	2015 Threshold Evaluation
59	Water Quality	Surface Runoff	Suspended Sediment concentration -storm water	No status determination	Insufficient Data to Determine Trend	Low	Achieve a 90 percentile concentration value for suspended sediment of 250 mg/1.	Proportion of individual measurements that exceed 250 mg/l	Percentage	2015 Threshold Evaluation
60	Water Quality	Surface Runoff	Suspended Sediment load storm water	No status determination	Insufficient Data to Determine Trend	Low	Reduce total annual nutrient and suspended sediment loads as necessary to achieve loading thresholds for tributaries and littoral and pelagic Lake Tahoe.	Total annual load	kg/yr.	2015 Threshold Evaluation
61	Water Quality	Surface Runoff	FSP load storm water	No status determination	Little or No Change	Low	Reduce total annual nutrient and suspended sediment loads as necessary to achieve loading thresholds for tributaries and littoral and pelagic Lake Tahoe.	Total annual load	kg/yr.	2015 Threshold Evaluation
62	Water Quality	Surface Runoff	Phosphorus load storm water	No status determination	Insufficient Data to Determine Trend	Low	Reduce total annual nutrient and suspended sediment loads as necessary to achieve loading thresholds for tributaries and littoral and pelagic Lake Tahoe.	Total annual load	kg/yr.	2015 Threshold Evaluation
63	Water Quality	Surface Runoff	Nitrogen load storm water	No status determination	Insufficient Data to Determine Trend	Low	Reduce total annual nutrient and suspended sediment loads as necessary to achieve loading thresholds for tributaries and littoral and pelagic Lake Tahoe.	Total annual load	kg/yr.	2015 Threshold Evaluation
64	Water Quality	Groundwater	Discharge to groundwater - nitrogen	No status determination	N/A	N/A	Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =5 mg/L; total phosphate =1 mg/L; iron= 4 mg/L; turbidity = 200 JTU; grease and oil = 40 mg/L.	mg/L or NTU	2015 Threshold Evaluation
65	Water Quality	Groundwater	Discharge to groundwater - phosphorus	No status determination	N/A	N/A	Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =5 mg/L; total phosphate =1 mg/L; iron= 4 mg/L; turbidity = 200 JTU; grease and oil = 40 mg/L.	mg/L or NTU	2015 Threshold Evaluation
66	Water Quality	Groundwater	Discharge to groundwater - iron	No status determination	N/A	N/A	Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =5 mg/L; total phosphate =1 mg/L; iron= 4 mg/L; turbidity = 200 JTU; grease and oil = 40 mg/L.	mg/L or NTU	2015 Threshold Evaluation
67	Water Quality	Groundwater	Discharge to groundwater - turbidity	No status determination	N/A	N/A	Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =5 mg/L; total phosphate =1 mg/L; iron= 4 mg/L; turbidity = 200 JTU; grease and oil = 40 mg/L.	mg/L or NTU	2015 Threshold Evaluation
68	Water Quality	Groundwater	Discharge to groundwater- grease and oil	No status determination	N/A	N/A	Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =5 mg/L; total phosphate =1 mg/L; iron= 4 mg/L; turbidity = 200 JTU; grease and oil = 40 mg/L.	mg/L or NTU	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
69	Water Quality	Groundwater	Discharge to lake - nitrogen	No status determination	N/A	N/A	Where there is a direct and immediate hydraulic connection between ground and surface waters, discharges to groundwater shall meet the guidelines for surface discharges, and the Uniform Regional Runoff Quality Guide lines shall be amended accordingly.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =.5 mg/L; total phosphate =.1 mg/L; iron= 0.5 mg/L; turbidity = 20 JTU; grease and oil = 2 mg/L.	mg/L or NTU	2015 Threshold Evaluation
70	Water Quality	Groundwater	Discharge to lake - phosphorus	No status determination	N/A	N/A	Where there is a direct and immediate hydraulic connection between ground and surface waters, discharges to groundwater shall meet the guidelines for surface discharges, and the Uniform Regional Runoff Quality Guide lines shall be amended accordingly.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =.5 mg/L; total phosphate =.1 mg/L; iron= 0.5 mg/L; turbidity = 20 JTU; grease and oil = 2 mg/L.	mg/L or NTU	2015 Threshold Evaluation
71	Water Quality	Groundwater	Discharge to lake - iron	No status determination	N/A	N/A	Where there is a direct and immediate hydraulic connection between ground and surface waters, discharges to groundwater shall meet the guidelines for surface discharges, and the Uniform Regional Runoff Quality Guide lines shall be amended accordingly.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =.5 mg/L; total phosphate =.1 mg/L; iron= 0.5 mg/L; turbidity = 20 JTU; grease and oil = 2 mg/L.	mg/L or NTU	2015 Threshold Evaluation
72	Water Quality	Groundwater	Discharge to lake - turbidity	No status determination	N/A	N/A	Where there is a direct and immediate hydraulic connection between ground and surface waters, discharges to groundwater shall meet the guidelines for surface discharges, and the Uniform Regional Runoff Quality Guide lines shall be amended accordingly.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =.5 mg/L; total phosphate =.1 mg/L; iron= 0.5 mg/L; turbidity = 20 JTU; grease and oil = 2 mg/L.	mg/L or NTU	2015 Threshold Evaluation
73	Water Quality	Groundwater	Discharge to lake- grease and oil	No status determination	N/A	N/A	Where there is a direct and immediate hydraulic connection between ground and surface waters, discharges to groundwater shall meet the guidelines for surface discharges, and the Uniform Regional Runoff Quality Guide lines shall be amended accordingly.	Maximum concentration of constituent in waters infiltrated into soils: Total nitrogen =.5 mg/L; total phosphate =.1 mg/L; iron= 0.5 mg/L; turbidity = 20 JTU; grease and oil = 2 mg/L.	mg/L or NTU	2015 Threshold Evaluation
74	Water Quality	Other Lakes	Attain existing water quality standards.	No status determination	N/A	N/A	Attain existing water quality standards.	Same as State standards	mg/L; meters (m)	2015 Threshold Evaluation
Impact of Project on Water Quality Indicators/Targets/Other Factors (Y/N)		N	Comments	<p>The Shoreline Plan EIS analyzed potential impacts to Water Quality and found the impacts to be less than significant. The Shoreline Plan would contribute to threshold gain related to water quality by incorporating program elements and mitigation measures such as requiring upland BMP's be in place prior to permitting new structures, requiring water quality improvements at marinas as a condition of a marina expansion; Restricting new motorized watercraft rental concessions to within marinas; Regulating fueling practices at marinas; Implementing stringent requirements for new dredging; Increasing enforcement of the no-wake zone; Expanding the no-wake zone to include all of Emerald Bay, 200 feet around shoreline structures, and 100 feet around nonmotorized watercraft and swimmers; Expanding monitoring to guide adaptive management of nearshore water quality; Increasing boater education related to appropriate watercraft operations and maintenance; boater safety; AIS; no-wake zone; and bilge, ballast, and fuel practices at all public motorized boat access points; Training staff at marinas and motorized watercraft rental concessions on appropriate watercraft operations and maintenance; Requiring staff at marinas and motorized watercraft rental concessions to educate customers about the no-wake zone and appropriate watercraft operations; Expanding monitoring to guide adaptive management of nearshore water quality; Requiring marinas to demonstrate a reduction in AIS habitat conditions and/or reduced need for dredging for marina expansions; Providing ongoing funding to increase AIS control; Requiring implementation of AIS management plans for all marinas; Supporting the widespread adoption of boating technologies that would reduce the risk of AIS spread; Prohibiting placement of new piers within stream mouth protection zones of 24 major streams and rivers that drain into Lake Tahoe; Providing incentives for the transfer of piers out of stream mouth protection areas and scenic travel units that are not in attainment of thresholds; and Implementing a GHG reduction policy to reduce GHG emissions (which would also reduce other types of air pollution that could affect water quality).</p> <p>The provisions of the Shoreline Plan listed above would benefit water quality thresholds. These would support the continued attainment of those thresholds that are in attainment, and would accelerate the attainment of those water quality thresholds that are not already in attainment.</p>						
2015 THRESHOLD EVALUATION-SOIL CONSERVATION										
75	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 1a	Considerably Better Than Target	Little or No Change	Moderate	Bailey Land Coverage – Class 1a (1%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
76	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 1b	Considerably Worse Than Target	Moderate Improvement	Moderate	Bailey Land Coverage - Class 1b (1%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
77	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 1c	At or Somewhat Better Than Target	Little or No Change	Moderate	Bailey Land Coverage - Class 1c (1%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
78	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 2	Somewhat Worse Than Target	Little or No Change	Moderate	Bailey Land Coverage - Class 2 (1%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
79	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 3	Considerably Better Than Target	Little or No Change	Moderate	Bailey Land Coverage - Class 3 (5%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
80	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 4	Considerably Better Than Target	Little or No Change	Moderate	Bailey Land Coverage - Class 4 (20%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
81	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 5	Considerably Better Than Target	Little or No Change	Moderate	Bailey Land Coverage - Class 5 (25%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
82	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 6	Considerably Better Than Target	Little or No Change	Moderate	Bailey Land Coverage - Class 6 (30%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
83	Soil Conservation	Impervious Cover	Bailey Land Coverage Class 7	Considerably Better Than Target	Little or No Change	Moderate	Bailey Land Coverage - Class 7 (30%)	Percent impervious cover in land capability class	Percent (%)	2015 Threshold Evaluation
84	Soil Conservation	Stream Environment Zone	Preserve SEZ function	Implemented	Little or No Change	Moderate	Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands.	Evidence of TRPA actions that support the Management Standard		2015 Threshold Evaluation
85	Soil Conservation	Stream Environment Zone	Restore undeveloped SEZ	No status determination	Insufficient Data to Determine Trend	N/A	Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands.	N/A		2015 Threshold Evaluation
86	Soil Conservation	Stream Environment Zone	Restore 25% disturbed SEZ	Considerably Worse Than Target	Moderate Improvement	Moderate	Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands.	Stream Restoration Acres in the Urban and Rural Areas (also expressed as percent of stream environment zone acres restored within the urban and rural context)	% Area	2015 Threshold Evaluation
87	Soil Conservation	Stream Environment Zone	5% increase SEZ function	At or Somewhat Better Than Target	Moderate Improvement	Moderate	Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands.	Stream Restoration Acres in the Urban and Rural Areas (also expressed as percent of stream environment zone acres restored within the urban and rural context)	% Area	2015 Threshold Evaluation
Impact of Project on Soil Conservation Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan analyzed potential impacts to soils and found that the impacts would be less than significant. The Shoreline Plan does not include provisions to alter or revise regulations pertaining to grading and soil disturbance. Furthermore, The Shoreline Plan would encourage the removal of coverage from stream mouths and SEZ areas by encouraging the transfer of existing piers out of stream mouth protection areas through incentives. This would directly contribute to attainment of soil conservation thresholds. The construction of shorezone structures would comply with land coverage and SEZ regulations that result in a net reduction in land coverage in LCD 1b, and a net increase in the amount of restored and functional SEZ. This would contribute to attainment of the soil conservation thresholds.						

2015 THRESHOLD EVALUATION-VEGETATION

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
88	Vegetation	Common Vegetation	Vegetation Community Richness	At or Somewhat Better Than Target	Little or No Change	Moderate	Maintain the existing species richness of the basin by providing for the perpetuation of the following plant associations [9 vegetation associations]: <ul style="list-style-type: none"> • Yellow Pine Forest: Jeffrey pine, white fir, incense cedar, sugar pine. • Red Fir Forest: red fir, Jeffrey pine, lodgepole pine, western white pine, mountain hemlock, western juniper. • Subalpine Forest: whitebark pine, mountain hemlock, mountain mahogany. • Shrub Association: greenleaf and pinemat manzanita, tobacco brush, Sierra chinquapin, huckleberry oak, mountain whitethorn. • Sagebrush Scrub Vegetation: basin sagebrush, bitterbrush, Douglas chaenactis. • Deciduous Riparian: quaking aspen, mountain alder, black cottonwood, willow. • Meadow Associations (Wet and Dry Meadow): mountain squirrel tail, alpine gentian, whorled penstemon, asters, fescues, mountain brome, corn lilies, mountain bentgrass, hairgrass, marsh marigold, elephant heads, tinker's penny, mountain timothy, sedges, rushes, buttercups. • Wetland Associations (Marsh Vegetation): pond lilies, buckbean, mare's tail, pondweed, common bladderwort, bottle sedge, common spikerush. • Cushion Plant Association (Alpine Scrub): alpine phlox, dwarf ragwort, draba. 	Species Richness (Number of Major Vegetation Associations)	% Area	2015 Threshold Evaluation
89	Vegetation	Common Vegetation	Abundance of Red Fir Forest in Seral Stages	Considerably Worse Than Target	Little or No Change	Moderate	Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain 15-25% of the Red Fir Forest in seral stages other than mature.	Acres (and percent cover) of vegetation types meeting small diameter (<10.9" dbh) red fir classification	Acres and percent (%)	2015 Threshold Evaluation
90	Vegetation	Common Vegetation	Abundance of Yellow Pine Forest in Seral Stages	Considerably Worse Than Target	Little or No Change	Moderate	Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain 15-25% of the Yellow (Jeffrey) Pine Forest in seral stages other than mature.	Acres (and percent cover) of vegetation types meeting small diameter (<10.9" dbh) Jeffrey pine classification	Acres and percent (%)	2015 Threshold Evaluation
91	Vegetation	Common Vegetation	Abundance of Meadow and Wetlands	Somewhat Worse Than Target	Little or No Change	Moderate	Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain at least 4% meadow and wetland vegetation.	Acres (and percent cover) of vegetation types meeting meadow and wetland classification type	Acres and percent (%)	2015 Threshold Evaluation
92	Vegetation	Common Vegetation	Abundance of Shrubs	Considerably Better Than Target	Insufficient Data to Determine Trend	Low	Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain no more than 25% dominant shrub association vegetation.	Acres (and percent cover) of vegetation types meeting shrub classification	Acres and percent (%)	2015 Threshold Evaluation
93	Vegetation	Common Vegetation	Abundance of Riparian Deciduous	Considerably Worse Than Target	Little or No Change	Low	Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain at least 4% deciduous riparian vegetation	Acres (and percent cover) of Riparian Deciduous Hardwoods	Acres and percent (%)	2015 Threshold Evaluation
94	Vegetation	Common Vegetation	Size of New Forest Openings	Implemented	N/A	N/A	Provide for the proper juxtaposition of vegetation communities and age classes by: 1. Limiting acreage size of new forest openings to no more than eight acres. 2. Adjacent openings shall not be of the same relative age class or succession stage to avoid uniformity in stand composition and age	Evidence of TRPA actions that support the Management Standard		2015 Threshold Evaluation
95	Vegetation	Common Vegetation	Stand composition and age	Implemented	N/A	N/A	Provide for the proper juxtaposition of vegetation communities and age classes by: 1. Limiting acreage size of new forest openings to no more than eight acres. 2. Adjacent openings shall not be of the same relative age class or succession stage to avoid uniformity in stand composition and age	N/A		2015 Threshold Evaluation
96	Vegetation	Common Vegetation	SEZ non-degradation	Implemented	N/A	N/A	A non-degradation standard to preserve plant communities shall apply to native deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations to be consistent with the SEZ threshold.	Evidence of TRPA actions that support the Management Standard		2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
97	Vegetation	Common Vegetation	Bailey Capability	Implemented	N/A	N/A	Native vegetation shall be maintained at a maximum level to be consistent with the limits defined in the Land Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide for Planning, Bailey, 1974, for allowable impervious cover and permanent site disturbance.	Evidence of TRPA actions that support the Management Standard		2015 Threshold Evaluation
98	Vegetation	Common Vegetation	Appropriate management	Implemented	N/A	N/A	It shall be a policy of the TRPA Governing Board that a nondegradation standard shall permit appropriate management practices.	Evidence of TRPA support for policy		2015 Threshold Evaluation
99	Vegetation	Late Seral/ Old growth Ecosystems	Total Old growth	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Attain and maintain a minimum percentage of 55% by area of forested lands within the Tahoe Region (excluding TRPA designated urban areas) in a late seral or old growth condition, and distributed across elevation zones. To achieve the 55%, the elevation zones shall contribute as follows: <ul style="list-style-type: none"> • The Sub-alpine zone (greater than 8,500 feet elevation) will contribute 5% (7,600 acres) of the late seral acres (61% of the Subalpine zone must be in a late seral or old growth condition); • The Upper Montane zone (between 7,000 and 8,500 feet elevation) will contribute 30% (45,900 acres) of the late seral acres (60% of the Upper Montane zone must be in a late seral or old growth condition); • The Montane zone (lower than 7,000 feet elevation) will contribute 20% (30,600 acres) of the late seral acres (48% of the Montane zone must be in a late seral or old growth condition). 	Percent of subalpine, upper montane and montane zone stand acres that are dominated by late seral or old growth characteristics (tree size >24" dbh)	Acres and percent (%)	2015 Threshold Evaluation
100	Vegetation	Late Seral/ Old growth Ecosystems	Sub-Alpine old growth	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Attain and maintain a minimum percentage of 55% by area of forested lands within the Tahoe Region (excluding TRPA designated urban areas) in a late seral or old growth condition, and distributed across elevation zones. To achieve the 55%, the elevation zones shall contribute as follows: <ul style="list-style-type: none"> • The Sub-alpine zone (greater than 8,500 feet elevation) will contribute 5% (7,600 acres) of the late seral acres (61% of the Subalpine zone must be in a late seral or old growth condition); • The Upper Montane zone (between 7,000 and 8,500 feet elevation) will contribute 30% (45,900 acres) of the late seral acres (60% of the Upper Montane zone must be in a late seral or old growth condition); • The Montane zone (lower than 7,000 feet elevation) will contribute 20% (30,600 acres) of the late seral acres (48% of the Montane zone must be in a late seral or old growth condition). 	Percent of subalpine, upper montane and montane zone stand acres that are dominated by late seral or old growth characteristics (tree size >24" dbh)	Acres and percent (%)	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
101	Vegetation	Late Seral/ Old growth Ecosystems	Upper Montane old growth	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Attain and maintain a minimum percentage of 55% by area of forested lands within the Tahoe Region (excluding TRPA designated urban areas) in a late seral or old growth condition, and distributed across elevation zones. To achieve the 55%, the elevation zones shall contribute as follows: <ul style="list-style-type: none"> • The Sub-alpine zone (greater than 8,500 feet elevation) will contribute 5% (7,600 acres) of the late seral acres (61% of the Subalpine zone must be in a late seral or old growth condition); • The Upper Montane zone (between 7,000 and 8,500 feet elevation) will contribute 30% (45,900 acres) of the late seral acres (60% of the Upper Montane zone must be in a late seral or old growth condition); • The Montane zone (lower than 7,000 feet elevation) will contribute 20% (30,600 acres) of the late seral acres (48% of the Montane zone must be in a late seral or old growth condition). 	Percent of subalpine, upper montane and montane zone stand acres that are dominated by late seral or old growth characteristics (tree size >24" dbh)	Acres and percent (%)	2015 Threshold Evaluation
102	Vegetation	Late Seral/ Old growth Ecosystems	Montane old growth	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Attain and maintain a minimum percentage of 55% by area of forested lands within the Tahoe Region (excluding TRPA designated urban areas) in a late seral or old growth condition, and distributed across elevation zones. To achieve the 55%, the elevation zones shall contribute as follows: <ul style="list-style-type: none"> • The Sub-alpine zone (greater than 8,500 feet elevation) will contribute 5% (7,600 acres) of the late seral acres (61% of the Subalpine zone must be in a late seral or old growth condition); • The Upper Montane zone (between 7,000 and 8,500 feet elevation) will contribute 30% (45,900 acres) of the late seral acres (60% of the Upper Montane zone must be in a late seral or old growth condition); • The Montane zone (lower than 7,000 feet elevation) will contribute 20% (30,600 acres) of the late seral acres (48% of the Montane zone must be in a late seral or old growth condition). 	Percent of subalpine, upper montane and montane zone stand acres that are dominated by late seral or old growth characteristics (tree size >24" dbh)	Acres and percent (%)	2015 Threshold Evaluation
103	Vegetation	Uncommon Plant Communities	Deepwater plants	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 1) the deep-water plants of Lake Tahoe	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation
104	Vegetation	Uncommon Plant Communities	Grass Lake	No status determination	Insufficient Data to Determine Trend	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 2) Grass Lake (sphagnum fen).	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation
105	Vegetation	Uncommon Plant Communities	Osgood Swamp	No status determination	Insufficient Data to Determine Trend	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 3) Osgood Swamp,	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation
106	Vegetation	Uncommon Plant Communities	Freel Peak	Somewhat Worse Than Target	Rapid Decline	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 4) the Freel Peak Cushion Plant Community.	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation
107	Vegetation	Uncommon Plant Communities	Hell Hole	No status determination	Insufficient Data to Determine Trend	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 5) Hell Hole (sphagnum fen)	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
108	Vegetation	Uncommon Plant Communities	Upper Truckee Marsh	Somewhat Worse Than Target	Little or No Change	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 6) Upper Truckee Marsh.	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation
109	Vegetation	Uncommon Plant Communities	Taylor Creek Marsh	No status determination	Insufficient Data to Determine Trend	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 7) Taylor Creek Marsh.	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation
110	Vegetation	Uncommon Plant Communities	Pope Marsh	No status determination	Insufficient Data to Determine Trend	Low	Provide for the nondegradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to 8) Pope Marsh.	The natural qualities of the community (as determined by a qualified expert).	Presence/Absence	2015 Threshold Evaluation
111	Vegetation	Sensitive Plants	Galena Rock Cress - Arabis rigidissima v. demote	Considerably Worse Than Target	Little or No Change	Low	Arabis rigidissima var. demota – Galena Creek rockcress (7)	The number of population sites that are maintained as suitable habitat for sensitive plant species (as determined by a qualified expert).	Number of occupied sites	2015 Threshold Evaluation
112	Vegetation	Sensitive Plants	Tahoe Draba - Draba asterophora v. asterophora	Considerably Better Than Target	Little or No Change	Moderate	Draba asterophora var. asterophora – Tahoe Draba (5)	The number of population sites that are maintained as suitable habitat for sensitive plant species (as determined by a qualified expert).	Number of occupied sites	2015 Threshold Evaluation
113	Vegetation	Sensitive Plants	Cup Lake Drabe - Draba asterophora v. macrocarpa	Considerably Better Than Target	Little or No Change	Moderate	Draba asterophora var. macrocarpa – Cup Lake Draba (2)	The number of population sites that are maintained as suitable habitat for sensitive plant species (as determined by a qualified expert).	Number of occupied sites	2015 Threshold Evaluation
114	Vegetation	Sensitive Plants	Long-petaled Lewisia - Lewisia pygmaea longipetala	Considerably Better Than Target	Little or No Change	Moderate	Lewisia pygmaea longipetala – Long-petaled lewisia (2)	The number of population sites that are maintained as suitable habitat for sensitive plant species (as determined by a qualified expert).	Number of occupied sites	2015 Threshold Evaluation
115	Vegetation	Sensitive Plants	Tahoe Yellow Cress - Rorippa subumbellata	Considerably Better Than Target	Moderate Improvement	High	Rorippa subumbellata – Tahoe yellow cress (26)	The number of population sites that are maintained as suitable habitat for sensitive plant species (as determined by a qualified expert).	Number of occupied sites	2015 Threshold Evaluation
Impact of Project on Vegetation Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan EIS analyzed potential impacts to vegetation and found that the impacts would be less than significant. The Shoreline Plan will not reduce the distribution, abundance, richness, or quality of common vegetation types over the Region in a manner that will affect the attainment status of the common vegetation threshold standard. The Shoreline Plan would designate some public lands as Shorezone Preservation Areas and would prohibit construction of private shorezone structures in such areas, which would protect vegetation communities in those areas. Sensitive plants, such as the Tahoe Yellow Cress, would be protected pursuant to the 2015 Tahoe Yellow Cress Conservation Strategy. Benefits to air and water quality could also have secondary benefits for vegetation in the shorezone. This would contribute to the attainment of the vegetation threshold.						
2015 THRESHOLD EVALUATION-FISHERIES										
116	Fisheries	Lake Habitat	Lake Habitat	At or Somewhat Better Than Target	Insufficient Data to Determine Trend	Low	A nondegradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat ⁵ as indicated by the Prime Fish Habitat Overlay Map dated 5/19/97 as may be amended from time to time.	Acres of "prime" habitat (rocky substrates in littoral zone)	Acres of fish habitat within the nearshore of Lake Tahoe - defined by substrate size	2015 Threshold Evaluation
117	Fisheries	Stream Habitat	Excellent Stream Habitat	Considerably Better Than Target	Insufficient Data to Determine Trend	Low	Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitat as indicated by the §Stream Habitat Quality Overlay map, amended May 1997, based upon the re-rated stream scores set forth in Appendix C-1 of the 1996 Evaluation Report.	Miles of stream in "excellent" condition class	Miles of stream habitat in different condition classes (excellent, good and poor)	2015 Threshold Evaluation
118	Fisheries	Stream Habitat	Good Stream Habitat	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitat as indicated by the §Stream Habitat Quality Overlay map, amended May 1997, based upon the re-rated stream scores set forth in Appendix C-1 of the 1996 Evaluation Report.	Miles of stream in "good" condition class	Miles of stream habitat in different condition classes (excellent, good and poor)	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
119	Fisheries	Stream Habitat	Marginal Stream Habitat	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitat as indicated by the Stream Habitat Quality Overlay map, amended May 1997, based upon the re-rated stream scores set forth in Appendix C-1 of the 1996 Evaluation Report.	Miles of stream in "marginal" condition class	Miles of stream habitat in different condition classes (excellent, good and poor)	2015 Threshold Evaluation
120	Fisheries	Instream Flow	Instream Flow	Implemented	N/A	N/A	Until instream flow standards are established in the Regional Plan to protect fishery values, a nondegradation standard shall apply to instream flows.	Evidence of TRPA support for Management Standard.	Number of criteria satisfied	2015 Threshold Evaluation
121	Fisheries	Instream Flow	Stream diversion	Implemented	N/A	N/A	It shall be a policy of the TRPA Governing Board to seek transfers of existing points of water diversion from streams to Lake Tahoe.	Evidence of TRPA support for Management Standard.	Number of criteria satisfied	2015 Threshold Evaluation
122	Fisheries	Lahontan Cutthroat Trout	Lahontan Cutthroat Trout	Implemented	N/A	N/A	It shall be the policy of the TRPA Governing Board to support, in response to justifiable evidence, state and federal efforts to reintroduce Lahontan cutthroat trout.	Evidence of TRPA support for Management Standard.	Number of criteria satisfied	2015 Threshold Evaluation
Impact of Project on Fisheries Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan EIS analyzed potential impacts to biological resources, including fisheries, and found impacts to be less than significant. The Shoreline Plan will require that projects implement prime fish habitat replacement at a 1:5 to 1 ratio. The Shoreline Plan will not result in other significant impacts to fisheries. For these reasons, implementation of the Shoreline Plan will contribute to maintenance of the Lake Habitat Threshold. Stream habitat would also be protected by continuing to prohibit the placement of structures in stream mouth protection zones. The Shoreline Plan also includes resource protection measures that will contribute to threshold gain for the fisheries threshold. The water quality benefits for the Shoreline Plan will also benefit fisheries.						
2015 THRESHOLD EVALUATION-WILDLIFE										
123	Wildlife	Special Interest Species	Goshawk population sites	No status determination	Insufficient Data to Determine Trend	Low	Maintain a minimum number of population sites for each of eight special status species or species assemblage. The minimum number of population sites is as follows: · Goshawk (12 population sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
124	Wildlife	Special Interest Species	Osprey population sites	Considerably Better Than Target	Rapid Improvement	Moderate	Maintain a minimum number of population sites for each of eight special status species or species assemblage. The minimum number of population sites is as follows: · Osprey (4 population sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
125	Wildlife	Special Interest Species	Bald Eagle Wintering population sites	Considerably Better Than Target	Rapid Improvement	Low	Maintain a minimum number of population sites for each of eight special status species or species assemblage. The minimum number of population sites is as follows: · Bald Eagle Wintering (2 population sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
126	Wildlife	Special Interest Species	Bald Eagle Nesting population sites	At or Somewhat Better Than Target	Little or No Change	Moderate	Maintain a minimum number of population sites for each of eight special status species or species assemblage. The minimum number of population sites is as follows: · Bald Eagle Nesting (1 population site)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
127	Wildlife	Special Interest Species	Golden Eagle population sites	No status determination	Insufficient Data to Determine Trend	Low	Maintain a minimum number of population sites for each of eight special status species or species assemblage. The minimum number of population sites is as follows: · Golden Eagle (4 population sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
128	Wildlife	Special Interest Species	Peregrine population sites	Considerably Better Than Target	Rapid Improvement	Moderate	Maintain a minimum number of population sites for each of eight special status species or species assemblage. The minimum number of population sites is as follows: · Peregrine (2 population sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
129	Wildlife	Special Interest Species	Waterfowl population sites	Somewhat Worse Than Target	Little or No Change	Low	Maintain a minimum number of population sites for each of eight special status species or species assemblage. The minimum number of population sites is as follows: · Waterfowl (18 population sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
130	Wildlife	Special Interest Species	Goshawk disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Goshawk (0.5 mile radius around nest sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
131	Wildlife	Special Interest Species	Osprey disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Osprey (0.25 mile radius around nest sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
132	Wildlife	Special Interest Species	Bald Eagle Wintering disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Bald Eagle Wintering (mapped areas)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation

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133	Wildlife	Special Interest Species	Bald Eagle Nesting disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Bald Eagle Nesting (0.5 mile radius around nest sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
134	Wildlife	Special Interest Species	Golden Eagle disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Golden Eagle (0.25 mile radius around nest sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
135	Wildlife	Special Interest Species	Peregrine disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Peregrine (0.25 mile radius around nest sites)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
136	Wildlife	Special Interest Species	Waterfowl disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Waterfowl (mapped areas)	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
137	Wildlife	Special Interest Species	Deer disturbance zone	Implemented	N/A	N/A	Maintain disturbance zones in which activities that would disturb special status species are regulated. Disturbance zones apply to mapped areas or specific distances around population sites. Deer (mapped areas corresponding to "meadows")	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
138	Wildlife	Habitats of Special Significance	Riparian habitat	Implemented	N/A	N/A	A nondegradation standard shall apply to significant wildlife habitat consisting of deciduous trees, wetlands, and meadows while providing for opportunities to increase the acreage of such riparian associations.	Evidence of TRPA support for Management Standard.		2015 Threshold Evaluation
Impact of Project on Wildlife Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan EIS analyzed potential impacts to biological resources, including wildlife, and found the impacts would be less than significant. The Shoreline Plan includes mitigation to ensure that nesting osprey and bald eagle are protected. Projects are also prohibited from degrading wetland and riparian habitats, including mapped waterfowl population sites. With implementation of these measures, the Shoreline Plan will contribute to the maintenance of the osprey, bald eagle, and waterfowl thresholds. The Shoreline Plan's benefits to soil conservation, fisheries, and vegetation will all indirectly benefit wildlife thresholds. New, expanded, or modified piers would need to be blend in with the scenic background along the shoreline and be required to meet the minimum contrast ratings under the TRPA Visual Magnitude System. This would contribute to attainment of the scenic threshold.						
2015 THRESHOLD EVALUATION-RECREATION										
139	Recreation	Quality of Recreation Experience and Access to Recreational Opportunities	Recreation Experience	Implemented	N/A	N/A	shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high-quality recreational experience including preservation of high-quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high-quality undeveloped areas for low density recreational uses	Evaluation Criteria and Evidence	Number of criteria Satisfied	2015 Threshold Evaluation
140	Recreation	Fair Share Distribution of Recreation Capacity	Distribution of Recreation	Implemented	N/A	N/A	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public."	Evaluation Criteria and Evidence	Number of criteria Satisfied	2015 Threshold Evaluation
Impact of Project on Recreation Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan analyzed potential impacts to recreation and found the impacts to be less than significant. The Shoreline Plan includes expanded no wake zones and density and location standards for moorings and piers that will help preserve scenic areas around the lake and maintain the quality of recreation experience. TRPA and California State Lands Commission will adopt an MOU that details a process to coordinate review of applications for new and modified piers and other shorezone structures in California. The MOU will require design features to accommodate lateral access where it is otherwise legally allowed. This would contribute to attainment of the recreation threshold.						
2015 THRESHOLD EVALUATION-SCENIC RESOURCES										
141	Scenic Resources	Built Environment	Built Environment	Implemented	N/A	N/A	It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region	Evaluation Criteria and Evidence	Number of criteria Satisfied	2015 Threshold Evaluation

ID	Threshold Category	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed	Status (2015)	Trend (2015)	Confidence (2015)	Adopted TRPA Threshold Standard (TRPA Resolution 82-11)	TRPA Indicator	Unit of Measure	Source
142	Scenic Resources	Other Areas	Scenic Quality of Other Areas (Recreation Sites and Bike Trails)	At or Somewhat Better Than Target	Little or No Change	High	Maintain or improve the numerical rating assigned to each identified scenic resource, including individual subcomponent numerical ratings, for views from bike paths and other recreation areas open to the general public as recorded in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.	Average of unit composite scores	Composite Score	2015 Threshold Evaluation
143	Scenic Resources	Roadway and Shoreline Units	Roadway Scenic Resources	At or Somewhat Better Than Target	Little or No Change	High	Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Draft Study Report.	Average of unit composite scores	Composite Score	2015 Threshold Evaluation
144	Scenic Resources	Roadway and Shoreline Units	Roadway Travel Units	At or Somewhat Better Than Target	Moderate Improvement	High	Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Draft Study Report.	Average of unit composite scores	Composite Score	2015 Threshold Evaluation
145	Scenic Resources	Roadway and Shoreline Units	Shoreline Scenic Resources	At or Somewhat Better Than Target	Little or No Change	High	Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Draft Study Report.	Average of unit composite scores	Composite Score	2015 Threshold Evaluation
146	Scenic Resources	Roadway and Shoreline Units	Shoreline Travel Units	At or Somewhat Better Than Target	Moderate Improvement	High	Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8 and 13-9 of the Draft Study Report.	Average of unit composite scores	Composite Score	2015 Threshold Evaluation
Impact of Project on Scenic Resources Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan analyzed potential impacts to scenic resources and found the impacts to be less than significant. The Shoreline Plan will result in the doubling of the maximum required visible mass offsets for projects implemented under the Plan. The Shoreline Plan will also include an annual buoy scenic mitigation fee dedicated to implementing scenic improvement projects along the shoreline. These projects will be located within the 11 shoreline travel units that are not in attainment, and will directly contribute to bringing those units into attainment with scenic thresholds. New, expanded, or modified piers would be required to blend in with the shoreline and meet minimum contrast ratings under the TRPA Visual Magnitude System which will accelerate the pace of scenic threshold attainment.						

2015 THRESHOLD EVALUATION-NOISE

147	Noise	Single Noise Events	Aircraft Noise Departure/Arrival (8am to 8pm)	Somewhat Worse Than Target	Insufficient Data to Determine Trend	Low	The following maximum noise levels are allowed: All values are in decibels	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
148	Noise	Single Noise Events	Aircraft Noise Departure/Arrival (8pm to 8am)	No status determination	Insufficient Data to Determine Trend	Low	The following maximum noise levels are allowed: All values are in decibels	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
149	Noise	Single Noise Events	Watercraft-Pass By Test	No status determination	N/A	N/A	50 ft.-engine at 3,000 rpm	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
150	Noise	Single Noise Events	Watercraft-Shoreline Test	Somewhat Worse Than Target	Little or No Change	Low	Microphone 5 ft. above water, 2 ft., above curve of shore, dock or platform. Watercraft in Lake, no minimum distance.	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
151	Noise	Single Noise Events	Pre-1993 Watercraft-Stationary Test	No status determination	N/A	N/A	88 dBA Lmax for boats manufactured before January 1, 1993; Microphone 3.3 feet from exhaust outlet - 5 feet above water.	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
152	Noise	Single Noise Events	Post 1992 Watercraft-Stationary Test	No status determination	N/A	N/A	90 dBA Lmax for boats manufactured after January 1, 1993 Microphone 3.3 feet from exhaust outlet - 5 feet above water.	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
153	Noise	Single Noise Events	Motor Vehicles Less than 6,000 GV for speeds less than 35 mph	No status determination	N/A	N/A	76 dBA Less Than 35 MPH	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
154	Noise	Single Noise Events	Motor Vehicles Less Than 6,000 GVW for speeds greater than 35 mph	No status determination	N/A	N/A	82 dBA Greater Than 35 MPH	dBa Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation

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155	Noise	Single Noise Events	Motor Vehicles Greater than 6,000 GVW for speeds less than 35 mph	No status determination	N/A	N/A	82 dBA Less Than 35 MPH	dBA Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
156	Noise	Single Noise Events	Motor Vehicles Greater than 6,000 GVW for speeds greater than 35 mph	No status determination	N/A	N/A	86 dBA greater Than 35 MPH	dBA Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
157	Noise	Single Noise Events	Motorcycles for speeds less than 35 mph	No status determination	N/A	N/A	77 dBA Less Than 35 MPH	dBA Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
158	Noise	Single Noise Events	Motorcycles for speeds greater than 35 mph	No status determination	N/A	N/A	86 dBA greater Than 35 MPH	dBA Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
159	Noise	Single Noise Events	Off-Road Vehicles for speeds less than 35 mph	No status determination	N/A	N/A	72 dBA Less Than 35 MPH	dBA Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
160	Noise	Single Noise Events	Off-Road Vehicles for speeds greater than 35 mph	No status determination	N/A	N/A	86 dBA greater Than 35 MPH	dBA Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
161	Noise	Single Noise Events	Snowmobiles	No status determination	N/A	N/A	82 dBA Less Than 35 MPH	dBA Level and Number of Exceedances of Standard	decibels - dBA	2015 Threshold Evaluation
162	Noise	Cumulative Noise Events	Wilderness and Roadless Areas	At or Somewhat Better Than Target	Moderate Improvement	Moderate	Average Noise Level Or CNEL range (dBA) -45	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
163	Noise	Cumulative Noise Events	Critical Wildlife Habitat Areas	Considerably Worse Than Target	Insufficient Data to Determine Trend	Low	Average Noise Level Or CNEL range (dBA) -45	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
164	Noise	Cumulative Noise Events	Low Density Residential Areas	At or Somewhat Better Than Target	Little or No Change	Moderate	Average Noise Level Or CNEL range (dBA) -50	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
165	Noise	Cumulative Noise Events	Rural Outdoor Recreation Areas	At or Somewhat Better Than Target	Little or No Change	Low	Average Noise Level Or CNEL range (dBA) - 50	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
166	Noise	Cumulative Noise Events	High Density Residential Areas	Somewhat Worse Than Target	Little or No Change	Moderate	Average Noise Level Or CNEL range (dBA) - 55	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
167	Noise	Cumulative Noise Events	Urban Outdoor Recreation Areas	At or Somewhat Better Than Target	Little or No Change	Moderate	Average Noise Level Or CNEL range (dBA) - 55	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
168	Noise	Cumulative Noise Events	Hotel/Motel Areas	At or Somewhat Better Than Target	Little or No Change	Moderate	Average Noise Level Or CNEL range (dBA) - 60	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
169	Noise	Cumulative Noise Events	Commercial Areas	At or Somewhat Better Than Target	Little or No Change	Moderate	Average Noise Level Or CNEL range (dBA) - 60	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
170	Noise	Cumulative Noise Events	Industrial Areas	At or Somewhat Better Than Target	Little or No Change	Moderate	Average Noise Level Or CNEL range (dBA) - 65	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
171	Noise	Cumulative Noise Events	Transportation corridors	Implemented	N/A	N/A	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
172	Noise	Cumulative Noise Events	South Lake Tahoe Airport Transportation Corridor	Somewhat Worse Than Target	Insufficient Data to Determine Trend	Low	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
173	Noise	Cumulative Noise Events	State Route 28 Transportation Corridor	Somewhat Worse Than Target	Insufficient Data to Determine Trend	Moderate	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
174	Noise	Cumulative Noise Events	Highway 50 Transportation Corridor	At or Somewhat Better Than Target	Insufficient Data to Determine Trend	Moderate	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
175	Noise	Cumulative Noise Events	State Route 89 Transportation Corridor	Somewhat Worse Than Target	Insufficient Data to Determine Trend	Moderate	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation

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176	Noise	Cumulative Noise Events	State Route 207 Transportation Corridor	Somewhat Worse Than Target	Insufficient Data to Determine Trend	Moderate	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
177	Noise	Cumulative Noise Events	State Route 267 Transportation Corridor	Somewhat Worse Than Target	Insufficient Data to Determine Trend	Moderate	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
178	Noise	Cumulative Noise Events	State Route 431 Transportation Corridor	At or Somewhat Better Than Target	Insufficient Data to Determine Trend	Moderate	It shall be the policy of the TRPA Governing Body in development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	2015 Threshold Evaluation
Impact of Project on Noise Indicators/Targets/Other Factors (Y/N)		N	Comments	The Shoreline Plan analyzed potential impacts related to noise and found the impacts to be less than significant. The Shoreline Plan will increase enforcement of the no-wake zone, which will reduce boat noise near shore. The Shoreline Plan will also prohibit the use of certain boats that exceed single-event noise standards and will implement enhanced noise monitoring. These programs will contribute to attainment of the noise threshold.						

**ATTACHMENT D 2:
Compliance Measures Table**

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	Y	The Shoreline Plan does not alter existing provisions related to BMP compliance. All projects in the shorezone will be subject to the BMP requirements in Chapter 60 of the TRPA Code of Ordinances. In addition, the Shoreline Plan will require that upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Furthermore, the impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.
2	BMP implementation program -- existing streets and highways: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	Y	
3	BMP implementation program -- existing urban development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	Y	
4	BMP implementation program -- existing urban drainage systems: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	Y	
5	Capital Improvement Program for Erosion and Runoff Control	WQ, Soils/SEZ, Trans, Fish	N	The Shoreline Plan will not change existing Capital Improvement Program in Chapter 15 of the TRPA Code of Ordinances.
6	Excess coverage mitigation program: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The Shoreline Plan will not change the excess land coverage mitigation program.
7	Effluent limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): <i>Code of Ordinances</i> Chapter 5	WQ, Soils/SEZ, Fish	N	The effluent (discharge) limitation in Chapter 60 of the TRPA Code of Ordinances is not being modified.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	WQ, Soils/SEZ, Rec, Scenic	N	The Shoreline Plan does not alter provisions related to subdivision of land.
9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	WQ, Soils/SEZ, Trans, Scenic	Y	The Shoreline Plan does not alter provisions related to land use planning. All future projects in the shorezone would be subject to the Land Use Element and Code of Ordinance Chapters 11, 12, 13, 14, and 21.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	WQ, Soils/SEZ	N	The Shoreline Plan does not alter the provisions related to residential development priorities or the Individual Parcel Evaluation System (IPES).
11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	WQ, Soils/SEZ, Scenic	Y	The Shoreline Plan does not alter limits on land coverage for new development. Projects in the shorezone will continue to be subject to the provisions regarding land coverage identified in Chapter 30.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	Y	The Shoreline Plan does not alter provisions related to transfer of development.
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 30	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	Y	The Shoreline Plan does not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code, Chapter 30: <i>Land Coverage</i> . Projects in the Shorezone that involve construction or the placement of infrastructure near SEZ or that could alter vegetation would be subject to these provisions.
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	Y	The Shoreline Plan does not affect or alter the SEZ restoration program.
15	SEZ setbacks: <i>Code of Ordinances</i> Chapter 53	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	SEZ setback requirements in the TRPA Code Section 53.9 will not be altered by the Shoreline Plan.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	Y	Reporting requirements for fertilizer and water quality mitigation will remain in effect.
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	Y	The amendments will benefit water quality through policies and provisions that require water quality mitigation for specific projects in the shorezone. Mitigation is required for projects that create a disturbance to prime fish habitat.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The Regional Plan does not currently include limits on development within the shorezone. The Shoreline Plan sets new restrictions on rate and amount of development associated with projects in the shorezone. The Plan does not address restrictions or rate of development outside of the shorezone.
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	Y	All projects in the shorezone will be subject to the BMP requirements in Chapter 60 of the TRPA Code of Ordinances. In addition, the Shoreline Plan will require that upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Furthermore, the impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	Y	The Shoreline Plan would not negatively impact funding for the water quality, soils/SEZ projects in the EIP. The Plan includes additional funding for EIP projects included in the Scenic Quality Improvement Program.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	There are no changes to the artificial wetlands/runoff treatment program proposed within the Shoreline Plan.
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	Y	See response to Compliance Measure 14.
23	Improved mass transportation	WQ, Trans, Noise	N	The Shoreline Plan will not modify the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	Y	The Shoreline Plan includes policies that encourage redevelopment of dilapidated structures in the shorezone as well as retirement of development potential in the shorezone. The amendments would not affect provisions in Chapter 13 related to Area Plans.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The Shoreline Plan does not alter these Compliance Measures. Existing TRPA Code provisions will remain in effect.
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
28	Effluent limitations	WQ, Soils/SEZ	N	
29	Regulation of wastewater disposal at sites not connected to sewers: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	N	
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	N	

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N	The Shoreline Plan does not change the BMP implementation program relating to snow and ice control practices. All projects in the shorezone will continue to be subject to the BMP requirements in Chapter 60 of the TRPA Code of Ordinances. In addition, the Shoreline Plan will require that all upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Furthermore, the impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ, Fish	N	The Shoreline Plan will not modify reporting requirements for highway abrasives and deicers or Goals and Policies: Land Use Element and Code of Ordinances Chapter 60.
35	BMP implementation program--roads, trails, skidding, logging practices: <i>Code of Ordinances</i> Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	N	The Shoreline Plan does not change the BMP implementation program; all projects in the shorezone will continue to be subject to the BMP requirements in Chapter 60 of the TRPA Code of Ordinances. In addition, the Shoreline Plan will require that all upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Furthermore, the impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.
36	BMP implementation program--outdoor recreation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	
37	BMP implementation program--livestock confinement and grazing: <i>Code of Ordinances</i> Chapter 21, Chapter 60, Chapter 64	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	
38	BMP implementation program--pesticides	WQ, Soils/SEZ	N	

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
39	Land use planning and controls -- timber harvesting: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	N	The Shoreline Plan does not alter timber harvesting and outdoor recreation provisions.
40	Land use planning and controls - outdoor recreation: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic	N	
41	Land use planning and controls-- ORV use: Goals and Policies: Recreation Element	WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic	N	Regional Plan Policy R-1.5 states that "Off-road vehicle (ORV) use is prohibited in the Lake Tahoe Region except on specified roads, trails, or designated areas where the impacts can be mitigated." The Shoreline Plan does not include alteration or expansion of ORV use.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	No changes are being proposed that would impact this compliance measure. The existing TRPA Code provisions will remain in effect.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	Y	The Shoreline Plan will not modify control on shorezone encroachment and vegetation alteration provisions as set forth in Chapter 83.
44	BMP implementation program-- shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	Y	The Shoreline Plan does not modify the shorezone areas of the BMP Implementation Program as set forth in Chapter 60. The amendments include provisions requiring that all upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	Y	The Shoreline Plan does not modify the dredging and construction sections of the BMP implementation program as set forth in Chapter 60. The amendments include provisions requiring maintenance dredging to comply with dredging BMPs as well as the installation of all upland BMPs in Code Section 84.9.3.
46	Restrictions and conditions on filling and dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Soils/SEZ, Fish	Y	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish, Scenic	Y	The Shoreline Plan amendments will allow additional structures in the shorezone however, location standards for new piers and moorings are prohibited within Stream-Mouth Protection Zones.
48	Marina master plans: <i>Code of Ordinances</i> Chapter 14	WQ, AQ/Trans, Fish, Scenic	Y	The Shoreline Plan includes amendments to Chapter 14: <i>Specific and Master Plans</i> . The Plan removes the requirement for a marina master plan. This has been replaced with provisions that provide specific marina development standards. Provisions are made for low lake adaptation and flexibility in design. Environmental improvements are required at marinas based on the scale of the project and increase in capacity. All marinas are required to implement an Aquatic Invasive Species Management Plan within three years of adoption of the plan.
49	Additional pump-out facilities: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	Y	The Shoreline Plan does not modify language regarding pump-out facilities in Chapter 60. The Plan will expedite the construction of pump-out facilities through provisions requiring marinas to provide pump-out facilities for boat sewage with any expansion of mooring capacity, as set forth in Chapter 84.
50	Controls on anti-fouling coatings: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The Shoreline Plan will not modify controls of anti-fouling coatings as set forth in Chapter 60.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
51	Modifications to list of exempt activities	WQ, Soils/SEZ	Y	<p>The Shoreline Plan includes amendments to Chapter 82 to include exempt and qualified exempt activities, which will replace those shorezone-specific standards currently in Chapter 2 of the Code of Ordinances. Compliant Exempt activities may be undertaken with notice to TRPA; qualified exempt actions must first submit a declaration to TRPA attesting that the described activity will be undertaken consistent with the Code requirements.</p> <p>In general, activities on existing structures that occur only above waterline may be undertaken as an exempt activity regardless of cost. Exempt shorezone activities covers maintenance and repairs of existing structures. Activities that also occur below water and with minimal lake bottom disturbance may proceed as Qualified Exempt activities but only if a rigid set of conditions are met. QE activities are repairs occurring below water (e.g., pile replacement) and reconstructions.</p>

WATER QUALITY/SEZ - SUPPLEMENTAL

52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The Shoreline Plan does not include any provisions that would impact Compliance Measures 52 through 57.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	
56	Control of upwind pollutants	WQ, Soils/SEZ, AQ	N	
57	Additional controls on combustion heaters	WQ, Soils/SEZ, AQ	N	

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
58	Improved exfiltration control program	WQ, Soils/SEZ	N	The Shoreline Plan does not include any provisions that would impact Compliance Measures 58 though 61.
59	Improved infiltration control program	WQ, Soils/SEZ	N	
60	Water conservation/flow reduction program	WQ, Soils/SEZ, Fish	N	
61	Additional land use controls	WQ, Soils/SEZ, Wildlife	N	
AIR QUALITY/TRANSPORTATION - IN PLACE				
62	Fixed Route Transit - South Shore: STAGE	Trans, Rec	N	The Shoreline Plan does not include any provisions that would impact the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan, and Lake Tahoe Region Bicycle and Pedestrian Plan.
63	Fixed Route Transit - North Shore: TART	Trans, Rec	N	
64	Demand Responsive Transit - South Shore: Bus Plus, STAGE	Trans	N	
65	Seasonal Trolley Services - North and South Shores: South Shore TMA and Truckee-North Tahoe TMA	Trans, Rec	N	
66	Social Service Transportation	Trans	N	
67	Shuttle programs	Trans	N	
68	Ski shuttle services	Trans, Rec	N	
69	Intercity bus services	Trans	N	
70	Passenger Transit Facilities: South Y Transit Center	Trans	N	
71	Bikeways, Bike Trails	Trans, Noise, Rec, Scenic	N	
72	Pedestrian facilities	Trans, Rec, Scenic	N	
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The Shoreline Plan does not include any provisions that would impact Code Chapter 65 or compliance measures 73 through 75.
74	Gas heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
75	Stationary source controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
76	U.S. Postal Service Mail Delivery	Trans	N	The Shoreline Plan does not include any provisions that would impact U.S. Postal Service Delivery.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	See response to Compliance Measures 16 and 17.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
79	Vehicle Emission Limitations(State/Federal)	WQ, AQ	N	The Shoreline Plan does not include any provisions related to vehicle emission limitations established by the State/Federal Government.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	See response to Compliance Measures 16 and 17.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	Y	The Shoreline Plan does not alter existing provisions related to BMP compliance. All projects in the shorezone will be subject to the BMP requirements in Chapter 60 of the TRPA Code of Ordinances. In addition, the Shoreline Plan will require that upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Furthermore, the impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	The Shoreline Plan do not include any provisions that would impact Code Chapter 65 or Compliance Measures 82 and 83.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
84	Parking Standards	Trans	N	The Shoreline Plan does not include any provisions that would impact parking or transportation measures.
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	
88	Traffic Management Program - Tahoe City	Trans	N	
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	N	
91	Waterborne excursions	WQ, Trans, Rec	N	The Shoreline Plan does not alter provisions related to waterborne excursions.
92	Waterborne transit services	WQ, Trans, Scenic	Y	The Shoreline Plan amends Chapter 84 to allow for additional pier length to accommodate future waterborne transit facilities, if necessary. The Shoreline Plan also includes flexibility to allow marinas to adapt to changing lake levels and ensure navigation and access.
93	Air Quality Studies and Monitoring	WQ, AQ	Y	The Shoreline Plan does not alter existing requirements for continued air quality studies and monitoring.
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	Trans	Y	The Shoreline Plan includes incentives for concessionaires and marinas to provide a cleaner motorized watercraft fleet. Rental boat fleets with engines that meet a CARB 3+ Star Rating will pay 50% less annual boat rental concession fees than fleets that are at a lower CARB rating/no CARB Rating. In addition, marinas are required to implement various environmental improvement projects with expansions of capacity. One of the improvements includes the installation of electric charging stations for cars.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
95	Demand Responsive Transit - North Shore	Trans	N	The Shoreline Plan does not include any provisions that would impact parking or transportation measures.
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	

AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL

98	Demand Responsive Transit - North Shore	Trans	N	The Shoreline Plan does not include any provisions that would impact the adopted Linking Tahoe: Lake Tahoe Regional Transportation Plan, and Lake Tahoe Region Bicycle and Pedestrian Plan.
99	Coordinated Transit System - South Shore	Trans	N	
100	Transit Passenger Facilities	Trans	N	
101	South Shore Transit Maintenance Facility - South Shore	Trans	N	
102	Transit Service - Fallen Leaf Lake	WQ, Trans	N	
103	Transit Institutional Improvements	Trans	N	
104	Transit Capital and Operations Funding Acquisition	Trans	N	
105	Transit/Fixed Guideway Easements - South Shore	Trans	N	
106	Visitor Capture Program	Trans	N	
107	Pedestrian and Bicycle Facilities-- South Shore	Trans, Rec	N	
108	Pedestrian and Bicycle Facilities-- North Shore	Trans, Rec	N	

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
109	Parking Inventories and Studies Standards	Trans	N	The Shoreline Plan does not include any provisions that would impact the adopted Linking Tahoe: Lake Tahoe Regional Transportation Plan, and Lake Tahoe Region Bicycle and Pedestrian Plan.
110	Parking Management Areas	Trans	N	
111	Parking Fees	Trans	N	
112	Establishment of Parking Task Force	Trans	N	
113	Construct parking facilities	Trans	Y	
114	Intersection improvements-- South Shore	Trans, Scenic	N	
115	Intersection improvements-- North Shore	Trans, Scenic	N	
116	Roadway Improvements - South Shore	Trans, Scenic	N	
117	Roadway Improvements - North Shore	Trans, Scenic	N	
118	Loop Road - South Shore	Trans, Scenic	N	
119	Montreal Road Extension	Trans	N	
120	Kingsbury Connector	Trans	N	
121	Commercial Air Service: Part 132 commercial air service	Trans	N	
122	Commercial Air Service: commercial air service that does not require Part 132 certifications	Trans	N	
123	Expansion of waterborne excursion service	WQ, Trans	N	
124	Re-instate the oxygenated fuel program	WQ, AQ	N	
125	Management Programs	Trans	N	
126	Around the Lake Transit	Trans	N	
VEGETATION - IN PLACE				
127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	The Shoreline Plan will not alter the provisions of Chapter 33 in the TRPA Code.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	The Shoreline Plan will not alter the provisions of Chapter 61 in the TRPA Code.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	N	
130	Remedial Vegetation Management: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife	N	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	
132	Revegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Scenic	N	
133	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	WQ, Veg	N	The Shoreline Plan will not alter the Remedial Action Plans.
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	Y	The Handbook of Best Management Practices will continue to be used to design and construct BMPs. The shorezone section of the handbook may be augmented with prescriptive best practices for contractors and property owners doing qualified exempt and permitted activities on lakefront properties and in the shorezone.
135	Shorezone protection	WQ, Soils/SEZ, Veg	Y	The Shoreline Plan includes amendments to Chapters 80 through 86 and retains provisions to protect the shorezone. The amendments include provisions for the protection of prime fish habitat, vegetation, SEZ, and wildlife. Projects that have the potential to detrimentally impact sensitive or uncommon plants must comply with the requirements set forth in Chapter 61. Mitigation at a rate of 1.5:1 is required for any projects that create a disturbance to prime fish habitat. Any new structure in the shorezone is prohibited within Stream-Mouth Protection Zones. See response to Compliance Measures 43 through 50 for additional details on shorezone protection.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
136	Project Review	WQ, Veg	Y	TRPA and its MOU partners will continue to perform project review and compliance inspections.
137	Compliance inspections	Veg	Y	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	Y	The Shoreline Plan does not include amendments to Chapter 85: <i>Development in the Backshore</i> .
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	N	The Shoreline Plan does not alter limits on land coverage for new development. Projects in the shorezone will continue to be subject to the provisions regarding land coverage identified in Chapter 30.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	N	N/A
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	The Shoreline Plan will not affect the goals and policies contained in the Conservation Element, Vegetation Subelement.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	The Shoreline Plan will not modify requirements regarding LSOG or stream environment zone vegetation in Chapter 61.
143	Stream Environment Zone Vegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Fish	Y	
144	Tahoe Yellow Cress Conservation Strategy	Veg	Y	The Shoreline Plan amends Chapter 80 to include provisions for conservation of Tahoe Yellow Cress. Projects that have the potential to detrimentally impact sensitive or uncommon plants must comply with the mitigation, construction, and survey measures listed in Code Section 61.3.6, and the Tahoe Yellow Cress Conservation Strategy. Where appropriate, TRPA will require interpretive signs to educate the public, designated trails through high-use areas, and/or fenced enclosures to protect vulnerable plant populations.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	Y	Fees collected from the Shoreline Plan will provide additional funding for the control portion of the Aquatic Invasive Species (AIS) Program. Funding will be used to implement projects that reduce the abundance and distribution of noxious weeds and other existing AIS in Lake Tahoe.
146	Freel Peak Cushion Plant Community Protection	Veg	N	N/A
VEGETATION - SUPPLEMENTAL				
147	Deepwater Plant Protection	WQ, Veg	Y	Chapter 61 in the Code of Ordinances lists deepwater plants of Lake Tahoe within the list of uncommon plant communities. The proposed amendments do not include revisions to Chapter 61. Furthermore, amendments to Chapter 80 include provisions for compliance with Chapter 61 requirements for uncommon plant species. Projects will be reviewed on a case-by-case basis and those that significantly or adversely impact deepwater plant species will not be approved.
WILDLIFE - IN PLACE				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	Y	The Shoreline Plan will not modify Chapter 62: Wildlife Resources.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	Y	The Shoreline Plan does not include any changes to the Stream Restoration Program. The amendments include prohibition of any new structure in the shorezone being built within Stream-Mouth Protection Zones.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	Y	The Shoreline Plan does not include any changes to existing BMP and revegetation requirements. In some cases, the plan could result in increased BMP compliance due to requirements to have these in place on upland properties prior to applying for a new mooring. Marinas would also be required to have BMP's in place prior to new projects. See also Compliance Measures 1 through 4.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	Y	The Shoreline Plan does not include any changes to OHV limitations.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	N	See response to Compliance Measure 133.
153	Project Review	Wildlife	Y	TRPA and other applicable agencies with jurisdiction on the Lake will continue to perform project review and compliance inspections. These agencies include but are not limited to California State Lands Commissions, Nevada Division of State Lands, and the U.S. Army Corps of Engineers.
FISHERIES - IN PLACE				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	Y	The Shoreline Plan amends Chapter 63 to remove the prohibition on physical alteration of substrate in prime fish habitat. New language in Chapter 84: <i>Development Standards Lakeward of High Water In the Shorezone and Lakezone</i> includes a 1.5:1 mitigation ratio for any activity that is altering the substrate in "Spawning Habitat" or "Feeding and/or Escape Cover Habitat". The amendments will benefit fisheries through effectively creating additional prime fish habitat through any project/activity performed in areas identified as prime fish habitat.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	The Shoreline Plan does not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	Y	The Shoreline Plan will not alter existing provisions related to BMP compliance. All projects in the shorezone will be subject to the BMP requirements in Chapter 60 of the TRPA Code of Ordinances. The Shoreline Plan will require that upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Furthermore, the impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.
159	Filling and Dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	Y	The Shoreline Plan restructures and amends Chapter 84 to update Section 84.9: <i>Filling and Dredging to include applicability, eligibility, and development standards subsections</i> . The Plan allows filling and dredging only at marinas, public boat ramps and public health and safety facilities. No dredging or filling will be permitted which results in the permanent siltation of spawning habitat. All dredging must comply with dredging BMPs and all upland BMPs must be installed prior to receiving a permit. All environmental impacts of dredging and filling must be mitigated.
160	Location standards for structures in the shorezone: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	Y	The Shoreline Plan includes amendments to Chapter 84 that now list specific location standards for piers, moorings, and boat ramps.
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	Y	The Shoreline Plan will not alter restrictions on SEZ encroachment and vegetation alteration.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	Y	The Shoreline Plan does not affect or alter the SEZ restoration program.
163	Stream restoration program	WQ, Soils/SEZ, Fish	Y	The Shoreline Plan includes amendments to Chapter 63 and Chapter 66. However, these amendments do not include changes to the stream restoration program or riparian restoration. The Shoreline Plan amendments include a prohibition on new structures within Stream-Mouth Protection Zones.
164	Riparian restoration	WQ, Soils/SEZ, Fish	Y	
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	The Shoreline Plan will not modify livestock provisions as set forth in Chapter 64.
166	BMP and revegetation practices	WQ, Fish	Y	The Shoreline Plan does not alter provisions related to BMP compliance. All projects in the shorezone will be subject to the BMP requirements in Chapter 60 of the TRPA Code of Ordinances. The Shoreline Plan will require that upland BMPs be in place prior to submitting an application for new moorings, and therefore the Plan will expedite the completion of BMP's on properties in the Shorezone. Furthermore, the impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
167	Fish habitat study	Fish	Y	The Shoreline Plan amends Chapter 63 to remove the prohibition on physical alteration of substrate in prime fish habitat. New language in Code Section 84.11 includes a 1.5:1 mitigation ratio for any activity that is altering the substrate in "Spawning Habitat" or "Feeding and/or Escape Cover Habitat". The amendments will benefit fisheries through effectively creating additional prime fish habitat through any project/activity performed in areas identified as prime fish habitat.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	N	The Shoreline Plan will not alter the Remedial Action Plans.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	Y	The Shoreline Plan amendments moves mitigation fee requirements in Chapter 86 to Chapter 84 of the TRPA Code. The amendments add language in Code Section 84.11 which includes a 1.5:1 mitigation ratio for any activity that is altering the substrate in "Spawning Habitat" or "Feeding and/or Escape Cover Habitat". The amendments will benefit fisheries through effectively creating additional prime fish habitat through any project/activity performed in areas identified as prime fish habitat.
170	Compliance inspection	Fish	N	The Shoreline Plan does not modify existing compliance, inspection programs or provisions.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
171	Public Education Program	Wildlife, Fish	Y	The Shoreline Plan does not alter provisions related to existing public education programs. The amendments include a prohibition on beaching boats in fish spawning habitat. To increase awareness and compliance of this prohibition, prime fish habitat will be identified on boating maps, on-site signage, and on the boating mobile phone application. The plan will provide education to boaters at various facilities around Lake Tahoe.
NOISE - IN PLACE				
172	Airport noise enforcement program	Wildlife, Fish	N	The Shoreline Plan does not modify existing goals or policies related to noise. Projects in the shorezone will be subject to existing enforcement programs.
173	Boat noise enforcement program	Wildlife, Fish, Rec	Y	The Shoreline Plan includes a prohibition on vessels operating on Lake Tahoe which have an exhaust system directly to the air that generates noise which exceeds TRPA or applicable state standards. Additional funding from the Shoreline Plan will be used for increased enforcement and monitoring of boat noise.
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	N	The Shoreline Plan does not modify existing goals or policies related to noise. Projects in the shorezone will be subject to existing enforcement programs.
175	ORV restrictions	AQ, Wildlife, Noise, Rec	N	The Shoreline Plan is not modifying existing ORV or snowmobile conditions.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	N	
177	Land use planning and controls	Wildlife, Noise	N	The Shoreline Plan will not alter land use planning and controls.
178	Vehicle trip reduction programs	Trans, Noise	N	The Shoreline Plan will not alter vehicle trip reductions programs.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
179	Transportation corridor design criteria	Trans, Noise	N	N/A
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	N/A
181	Loudspeaker restrictions	Wildlife, Noise	N	The Shoreline Plan is not modifying loudspeaker restrictions.
182	Project Review	Noise	N	The Shoreline Plan will not alter project review.
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	Existing compliant systems are not being modified.
184	Transportation corridor compliance program	Trans, Noise	N	The Shoreline Plan will not alter the transportation corridor compliance program.
185	Exemptions to noise limitations	Noise	Y	The Shoreline Plan includes a prohibition on vessels operating on Lake Tahoe which have an exhaust system directly to the air that generates noise which exceeds TRPA or applicable state standards, with the exception of classic or antique boats.
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	The Shoreline Plan will not alter programs to control noise in the EIP.
187	Personal watercraft noise controls	Wildlife, Noise	Y	The Shoreline Plan includes a prohibition on vessels operating on Lake Tahoe that generates noise which exceeds TRPA or applicable state standards; however, personal watercraft do not typically contain these types of engines. Instead personal watercraft noise will be addressed through increased enforcement and education of the no wake zone and other buffer zones.

NOISE - SUPPLEMENTAL

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	Y	The Shoreline Plan does not include an interagency noise enforcement MOU for the Tahoe Region. However, TRPA will work with local law enforcement and marinas to remove vessels that generate noise which exceeds TRPA or applicable state standards. Furthermore, TRPA will coordinate with enforcement agencies on the lake to improve compliance of the no wake zone, and target education and patrol of areas where noise and other regulations are violated.
RECREATION - IN PLACE				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	See response to Compliance Measure 10.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	Y	The requirement for a marina master plan has been removed and replaced with provisions that provide specific marina development standards in proposed Code Section 84.6. Provisions are made for low lake adaptation and flexibility in design. Environmental improvements are required at marinas based on the scale of the project and increase in capacity. All marinas are required to implement an Aquatic Invasive Species Management Plan within three years of adoption of the plan.
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	Y	The Shoreline Plan amendments include updates to Chapter 81 to include Area Plans as well as Plan Area Statements.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The Shoreline Plan is not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The Shoreline Plan will not alter hiking or riding facilities.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
194	Scenic quality of recreation facilities	Rec, Scenic	Y	The Shoreline Plan will not modify scenic quality standards of recreation facilities. Furthermore, the plan includes recreation monitoring of visitor experience and user conflicts related to shorezone/lakezone activities.
195	Density standards	Rec	N	The Shoreline Plan does not alter provisions nor include projects that would affect the density standards as described in this Chapter. The plan, does include eligibility and location standards for piers. These provisions are included in Code Section 84.4.
196	Bonus incentive program	Rec	N	The Shoreline Plan does not alter existing bonus incentive programs with regards to recreation facilities.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	All applicable TRPA Code findings will continue to apply to all projects in the shorezone.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	Y	The Shoreline Plan will not impact or alter the Lake Tahoe Recreation Sign Guidelines. Furthermore, the Shoreline Plan will allow the placement of signs that relate to navigation, public access, or resource protection above highwater.
199	Annual user surveys	Rec	Y	The Shoreline Plan includes recreation monitoring of visitor experience and user conflicts related to shorezone/lakezone activities.

RECREATION - SUPPLEMENTAL

200	Regional recreational plan	Rec	Y	The Shoreline Plan will help to implement, through permitting, maintenance, and expansion of access to public recreation facilities, the Goals and Policies in the Recreation Element of the Regional Plan.
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Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
201	Establish fair share resource capacity estimates	Rec	N	The Shoreline Plan does not establish or alter fair share resource capacity estimates, alter reservations of additional resource capacity, or include economic modeling.
202	Reserve additional resource capacity	Rec	N	
203	Economic Modeling	Rec	N	
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	Y	The Shoreline Plan includes amendments to Chapter 82 to include exempt and qualified exempt activities, which will replace those shorezone-specific standards currently in Chapter 2 of the Code of Ordinances. Compliant Exempt activities may be undertaken with notice to TRPA; qualified exempt actions must first submit a declaration to TRPA attesting that the described activity will be undertaken consistent with the Code requirements. TRPA and its MOU partners will continue to perform project review and compliance inspections.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	N	The Shoreline Plan will not alter Land Coverage Limitation in Chapter 30.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	N	The Shoreline Plan does not alter provisions related to height standards in Chapter 37.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	N	The Shoreline Plan does not propose any changes to Driveway and Parking Standards in Chapter 34.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	Y	The Shoreline Plan does not propose any changes to Sign Standards in Chapter 38.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	N	The Shoreline Plan does not propose changes to historic resource standards in Chapter 67.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	Y	The Shoreline Plan does not alter design standards in Chapter 36. Projects in the Shorezone will be subject to design standards set forth in Chapter 36 as well as the shorezone design standards set forth in Chapter 83.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	Y	The Shoreline Plan does not amend Chapter 83 related to Tolerance District standards
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	Y	<p>The Shoreline Plan includes amendments to development standards in Chapter 84. Development standards are listed by development type including piers, moorings, boat ramps, and marinas.</p> <p>New piers are prohibited within Stream-Mouth Protection Zones and have additional requirements based on scenic character type. New piers must comply with all scenic design standards. Additional mitigation is required for new piers located in prime fish habitat.</p> <p>New moorings are prohibited within Stream-Mouth Protection Zones. All upland BMPs must be installed prior to submitting an application for a new mooring.</p> <p>New boat ramps are prohibited within Stream-Mouth Protection Zones and within fish spawning habitat. An approved water quality mitigation plan that meets TRPA BMP requirements will be required for any new boat ramp.</p>
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	N	Grading and vegetation protection during construction shall continue to be required to meet the provisions of TRPA Code, Chapter 33, Grading and Construction.
214	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	AQ, Veg, Scenic	N	
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	N	The Shoreline Plan will not modify the revegetation standards in Chapter 61.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
216	Design Review Guidelines	Scenic	Y	The Shoreline Plan does not affect existing design guidelines. Projects in the shorezone will be required to comply with design review guidelines contained in Chapter 66 as well as additional Chapter 84.
217	Scenic Quality Improvement Program(SQIP)	Scenic	Y	The Shoreline Plan includes an in lieu fee to mitigate the scenic impacts of buoys. Mitigation fees will contribute to projects identified in the SQIP.
218	Project Review Information Packet	Scenic	N	The Shoreline Plan will not modify requirements for shorezone projects in the project review information packet.
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	N	The Shoreline Plan does not modify scenic quality ratings.
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	The Shoreline Plan will not modify the Nevada-side Utility Line Undergrounding Program.
SCENIC - SUPPLEMENTAL				
221	Real Time Monitoring Program	Scenic	N	The Shoreline Plan will not affect the real time monitoring program.
222	Integrate project identified in SQIP	Scenic	Y	The Shoreline Plan would improve compliance with the SQIP, through contribution of a scenic in lieu fee for buoys.

ATTACHMENT E:
Code of Ordinance Amendments

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 2018-

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO CHAPTERS 1, 2, 10, 14, 50, 63, 66, 80, 81, 82, 83, 84, 85, 86, and 90 OF THE TRPA CODE OF ORDINANCES, TO IMPLEMENT THE SHORELINE PLAN

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section

Findings

1.00

1.05 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region.

1.10 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.

1.15 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

1.20 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.

1.25 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances (“Code”).

1.30 It is necessary and desirable to amend TRPA Ordinance 87-9, as previously amended, as it relates to the Regional Plan of the TRPA by amending the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards.

1.35 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.

1.45 The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted public hearings on the amendments and recommended adoption of these amendments. The Governing Board has also conducted a noticed public hearing on the amendments. At these hearings, oral testimony and documentary evidence were received and considered.

1.51 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section Amendment of the Code of Ordinances, Chapters 1, 2, 10, 14, 50, 63, 66, 80, 81, 82, 83, 84, 85, 86, and 90

2.00

2.10 Chapters 1, 2, 10, 14, 50, 63, 66, 80, 81, 82, 83, 84, 85, 86, and 90 of the TRPA Code of Ordinances are hereby amended as shown in Exhibit 1 and Exhibit 2 of this Ordinance.

Section Interpretation and Severability

3.00

3.10 The provisions of this ordinance adopted hereby shall be liberally construed to affect their purpose. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section Effective Date

5.00

5.10 The provisions of this ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held October 24, 2018 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

_____, Chair

Tahoe Regional Planning Agency

Governing Board

Exhibit 1

Tahoe Regional Planning Agency Ordinance 2018-___

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO CHAPTERS 1, 2, 10, 14, 50, 63, 66, and 90 OF THE TRPA CODE OF ORDINANCES, TO IMPLEMENT THE SHORELINE PLAN

Deletions are shown in ~~strikethrough~~ and additions are shown in underline.

Exhibit 2

Tahoe Regional Planning Agency Ordinance 2018-___

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO DELETE CHAPTERS 80-86 AND ADD NEW CHAPTERS 80-85, TO IMPLEMENT THE SHORELINE PLAN

EXHIBIT 1

Amendments to Chapters 1, 2, 10, 14, 50, 63, 66, and 90 of the TRPA Code of Ordinances

CHAPTER 1: INTRODUCTION TO CODE OF ORDINANCES

1.1. PURPOSE

This chapter describes the Code of Ordinances ("Code") and the scope of the Code's application to the Tahoe region.

1.2. SHORT TITLE

The Code of Ordinances may be cited and referred to as the "Code."

1.3. OVERVIEW OF THE ORGANIZATION OF THE CODE OF ORDINANCES

This section summarizes the contents of the Code of Ordinances in a brief, user-friendly format. This overview section is intended solely as a guide for administrative officials and the public to use in understanding the organization of the Code.

This Code is divided into nine divisions, each of which contains one or more chapters. The divisions are organized as outlined below. Not all individual Code chapters are addressed in this summary overview.

1.3.1. General Provisions (Chapters 1 through 6)

This division contains materials that are generally applicable and useful for administering and understanding the entire Code of Ordinances. In addition to this introduction to the Code (which includes descriptions of the documents that support the Code of Ordinances), major features of this division include:

- A. Chapter 2: *Applicability of the Code of Ordinances* - Descriptions of projects and activities subject to review by the Tahoe Regional Planning Agency, projects and activities that are exempt or qualified exempt from agency review, and projects and activities delegated to local governments for review;
- B. Chapter 3: *Environmental Documentation* - Provisions identifying when environmental impact statements or environmental assessments are required, and the required content of such reports;
- C. Chapter 4: *Required Findings* - An overview of the procedures required for making findings necessary for project review and approval; and
- D. Chapter 5: *Compliance* – Descriptions of enforcement mechanisms concerning project applications, project approvals, conditions of approval, and other elements of the Regional Plan and supporting documents.

1.3.2. Planning (Chapters 10 through 16)

This division contains materials that address the development, adoption, amendment, and regulatory effect of different types of plans and maps that support the Regional Code of Ordinances. Major features of this division include:

- A. Chapter 10: *TRPA Regional Plan Maps* – A description of the coordinated system of officials maps that support the Regional Plan;
- B. Chapter 11: *Plan Area Statements and Plan Area Maps* – The relationship of Plan Area Statements (PAS) to Goals and Policies and community plans, the required content of PAS statements and maps, and the PAS amendment process;
- C. Chapter 12: *Community Plans* – Areas eligible for community plans, the relationship of community plans to PAS and the Goals and Policies, and the processes for developing and amending community plans;
- D. Chapter 13: *Area Plans* – The procedures and standards by which Area Plans may be approved by TRPA as in conformity with the TRPA’s Goals and Policies, Codes, Environmental Thresholds, and the Compact, and the long-term monitoring and review requirements for maintaining conformity;
- E. Chapter 15: *Environmental Improvement Program* – A description of the development and administration of the EIP, which is designed to attain, maintain, or surpass multiple environmental thresholds through an integrated approach; and
- F. Chapter 16: *Regional Plan and Environmental Threshold Review* – Identification of the means and time schedules by which environmental threshold carrying capacities and applicable air and water quality standards shall be attained or maintained, including compliance measures and effects of projects on attainment and maintenance of thresholds and standards.

1.3.3. Land Use (Chapters 20 through 23)

This division contains materials that describe and regulate permissible land uses within the Tahoe region (not including areas covered in the Shorezone division, chapters 80 through 84). Major features of this division include:

- A. Chapter 20: [reserved];
- B. Chapter 21: *Permissible Uses* – Lists, definitions, and standards of the permissible primary and accessory land uses, including standards for uses that existed prior to adoption of this Code; and
- C. Chapter 22: *Temporary Uses, Structures, and Activities* - Standards for uses, structures, and activities of limited duration.

1.3.4. Site Development (Chapters 30 through 39)

This division contains a variety of materials that affect the location, quantity, and quality of development that may occur on a particular site or parcel. Major features of this division include:

- A. Chapter 30: *Land Coverage* – A description of TRPA’s land capability system and land capability overlay districts; standards for base allowable land coverage, transferred land coverage, and land coverage in redevelopment project areas; prohibitions on

additional land coverage in certain sensitive areas; and the excess land coverage mitigation program;

- B. Chapter 31: *Density* – A general overview of maximum density rules, special situations and circumstances that allow increases to maximum density, rules for calculating maximum density, and standards for addressing density existing prior to the adoption of this Code;
- C. Chapter 33: *Grading and Construction* – Standards for grading, including requirements for special information reports and plans to inform the grading and construction process in certain situations, plus standards for tree and vegetation protection during construction;
- D. Chapter 35: *Natural Hazard Standards* – Standards to protect life and property from natural hazard risks, including avalanche and mass instability, flooding, and wildfires;
- E. Chapter 36: *Design Standards* – Standards affecting the quality of the built environment, including site design, building design, landscaping, exterior lighting, water conservation, and miscellaneous related site and building features;
- F. Chapter 37: *Height* – The general rules for determining the maximum height of buildings and other structures, plus exceptions that allow additional height in certain locations and for structures when additional findings are met; and
- G. Chapter 38: *Signs* – The standards governing the erection and maintenance of signs in the Tahoe basin, including general standards applicable to all signs and specific standards for individual sign types.

1.3.5. Growth Management (Chapters 50 through 53)

This division contains materials that control the timing, amount, and location of growth and development that may occur within the Tahoe region. Major features of this division include:

- A. Chapter 50: *Allocation of Development* – The rules governing the rate and timing of growth within the region, including standards for awarding and distributing residential allocation units;
- B. Chapter 51: *Transfer of Development* – Provisions for the transfer of residential development rights, residential allocations, and existing development from one parcel to another;
- C. Chapter 52: *Bonus Unit Incentive Program* – Standard for assigning multi-residential and tourist accommodation bonus units in accordance with the Goals and Policies; and
- D. Chapter 53: *Individual Parcel Evaluation System* – Establishment of the IPES and related procedures, which provides a mechanism for the evaluation of vacant residential parcels, the assignment to each parcel of a numerical score, and the ranking of such parcels in terms of suitability for development.

1.3.6. Resource Management and Protection (Chapters 60 through 68)

This division contains materials that are intended to protect the natural environment in the Tahoe basin. Major features of this division include:

- A.** Chapter 60: *Water Quality* – Standards intended to protect water quality through discharge limits, snow disposal limits, fertilizer management, and similar techniques; requirements that new residential, commercial, and public projects completely offset their water quality impacts; requirements for source water protection; and requirements for the installation of Best Management Practices to protect and restore water quality;
- B.** Chapter 61: *Vegetation and Forest Health* – Standards that regulate the management of forest resources to achieve and maintain the thresholds for species and structural diversity, provide wildlife habitat, and reduce potential wildfire threats;
- C.** Chapter 62: *Wildlife Resources* – Standards to protect and enhance wildlife habitats, especially habitats of special significance such as deciduous trees, wetlands, meadows, and riparian areas;
- D.** Chapter 63: *Fish Resources* – Standards to protect fish habitat and enhance degraded habitat, including standards intended to prevent the introduction and spread of aquatic invasive species;
- E.** Chapter 64: *Livestock Grazing* – Standards to implement livestock grazing management practices in a manner that supports other resource management goals;
- F.** Chapter 65: *Air Quality/Transportation* – Standards to protect air quality and thus attain and maintain applicable standards and thresholds, including limits on direct sources of air pollution, and new and modified stationary source review; and establishment of programs to maintain and improve air quality, including a traffic and air quality mitigation program, a rental car mitigation program, and an employer-based trip reduction program;
- G.** Chapter 66: *Scenic Quality* - Standards to protect scenic quality within the Tahoe region, including the establishment of scenic highway corridors and related design standards, and scenic quality review in shoreland areas,
- H.** Chapter 67: *Historic Resource Protection* – Standards to identify and protect significant cultural, historical, and archaeological resources; and
- I.** Chapter 68: *Noise Limitations* – Limitations on single noise events and maintenance of community noise levels.

1.3.7. Shorezone (Chapters 80 through 85)

This division contains materials that identify and protect areas within the lakezone, shorezone, and lagoon areas of lakes within the region. Major features of this division include:

- A. Chapter 80: *Review of Projects in the Shorezone and Lakezone* – Introduction of shorezone concepts, designations, and procedures,;
- B. Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone* – Identification of and standards for the primary and accessory land uses allowed within the lakezone, shorezone, and lagoons of lakes;
- C. Chapter 82: *Existing Structures and Exempt Activities* – Regulations affecting the maintenance, repair, and expansion of existing structures within the shorezone of Lake Tahoe;
- D. Chapter 83: *Shorezone Tolerance Districts and Development Standards* – Shorezone tolerance district challenges and development standards applicable to shorezone projects, including project location and design standards.
- E. Chapter 84: *Development Standards Lakeward of High Water in the Shorezone and Lakezone* – Regulations affecting development lakeward of the high water line, including fish habitat and spawning, standards for man-made structures, filling and dredging, and motorized watercraft;
- F. Chapter 85: *Development Standards in the Backshore* – Regulations affecting development in the backshore, including applicability and backshore delineation, allowable land coverage, vegetation, and project review and development standards; and
- ~~G. Chapter 86: *Mitigation Fee Requirements – Requirements for mitigation fees assessed to provide funds for restoration of fish habitat and to mitigate possible degradation.*~~

1.3.8. Definitions (Chapter 90)

This division consists of one chapter that contains general rules of interpretation and construction, plus descriptions of all key terms used in this Code of Ordinances (except for definitions of land uses, which are in Chapter 21).

1.4. LAND USE DOCUMENTS SUPPORTING THE CODE OF ORDINANCES

The Code represents the coordination of a series of documents relating to land use regulation and environmental protection in the Tahoe region. The documents are:

- A. The Tahoe Regional Planning Compact, as amended ("Compact");
- B. The environmental threshold carrying capacities adopted in Resolution 82-11;
- C. The Goals and Policies Plan;
- D. The Plan Area Statements and Maps; and
- E. Other TRPA plans and programs.

1.4.2. Tahoe Regional Planning Compact as Amended

- A.** The Compact represents an endeavor by the States of California and Nevada, approved by Congress, to address numerous pressing environmental and other problems facing the Tahoe region. Originally enacted in 1969 (P.L. 91-148, 83 Stat. 360), the Compact was amended in 1980 (P.L. 96-551, 94 Stat. 3233). The factual background against which the amended Compact was adopted is set forth in Article I(a) where it is declared, among other things, that:
1. "The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.
 2. The public and private interests and investments in the region are substantial.
 3. The region exhibits unique environmental and ecological values which are irreplaceable.
 4. By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution, and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.
 5. Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.
 6. Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific natural and public health values provided by the Lake Tahoe Basin.
 7. There is a public interest in protecting, preserving, and enhancing these values for the residents of the region and for visitors to the region.
 8. Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public, who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.
 9. In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to ensure an equilibrium between the region's natural endowment and its manmade environment."
- B. Article I(b) of the Compact Provides:**
"In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this Compact including the power 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."

1.4.3. Environmental Threshold Carrying Capacities

Article V(b) of the Compact requires TRPA to adopt environmental threshold carrying capacities for the Tahoe region. Article II (i) of the Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." Thresholds are required to address matters such as air quality, water quality, soil conservation, vegetation preservation, and noise. After preparation and review of a study report for establishment of environmental thresholds, as well as an environmental impact statement, the TRPA Governing Board enacted Resolution No. 82-11 on August 26, 1982, adopting environmental threshold carrying capacities for the Tahoe Region.

1.4.4. Goals and Policies Plan

The Goals and Policies are the core of the Regional Plan. The Goals and Policies provide statements of goals and policies to guide decision-making affecting the region's resources and remaining resource capacities. The Goals and Policies are intended to provide for the attainment and maintenance of the environmental thresholds while providing opportunities for orderly growth and development consistent with the thresholds.

1.4.5. Code of Ordinances

The Code is designed, among other things, to implement the Goals and Policies in a manner attaining and maintaining the environmental thresholds. The Code compiles all the ordinances of TRPA into one document except for certain procedural ordinances such as the ordinances adopting plan amendments. The Code addresses many subjects, including, but not limited to, required permits for development, findings required for approval of projects, environmental impact statements, plan area statements, land use, density and coverage, development standards, allocations of development, the Individual Parcel Evaluation System, shorezone, grading and construction practices, resource management, water quality, air quality and transportation.

1.5. 208 PLAN

The portions of the Code inconsistent with the existing Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") shall not be implemented until the necessary amendments to the 208 Plan are certified by the States of California and Nevada and the Environmental Protection Agency (EPA).

1.6. INTERPRETATION AND SEVERABILITY

The provisions of the Code and the Goals and Policies effectuated and implemented by the Code shall be liberally construed to effect their purposes. If any section, clause, provision, or portion of the Code or of the Goals and Policies is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Code or the Goals and Policies, as the case may be, shall not be affected. For this purpose, the provisions of the Goals and Policies are declared respectively severable and the provisions of the Code also are declared severable.

1.7. ADMINISTRATIVE FEES

All fees authorized and collected pursuant to this Code and held by TRPA in trust for mitigation purposes shall be subject to an administrative fee for mitigation fund management. Such administrative fee shall be levied each month by collecting a fixed percentage of the monthly interest generated by each mitigation account. The percentage shall be established by Governing Board resolution and shall be based on the administrative costs to TRPA for managing the mitigation funds. The provisions in this section shall apply to all such mitigation funds and shall supersede any limitation in this Code on the use of such interest.

1.8. CODE AMENDMENTS

1.8.1. Ordinance No. 2013-02, adopted 6/26/13

Chapter 2: Subparagraph 2.3.2.E, Subparagraph 2.3.7.A.4, Subparagraph 2.3.7.B.4

Chapter 5: Subparagraph 5.3.1.C

Chapter 13: Section 13.5.2, Subparagraph 13.5.3.C.3, Subparagraph 13.5.3.D

Chapter 21: Table 21.4.A

Chapter 30: Subparagraph 30.4.3.B.2, Subsection 30.4.6

Chapter 31: Subsection 31.5.3

Chapter 37: Subsection 37.4.2, Subparagraph 37.5.4.C.1, Subsection 37.5.6

Chapter 50: Subparagraph 50.7.1.C.1.a, Subsection 50.10.1

Chapter 53: Section 53.10

Chapter 63: Subparagraph 63.4.2.C

Chapter 65: Subparagraph 65.1.8.C

Chapter 90: Section 90.2

1.8.2. Ordinance No. 2013-03, adopted 6/26/13

Chapter 50: Subsections 50.4.1, 50.5.1, 50.5.2

Chapter 51: Subsections 51.3.3, 51.5.3

1.8.3. Ordinance No. 2013-05, adopted 9/25/13

Chapter 36: Subsection 36.2.2

1.8.4. Ordinance No. 2013-06, adopted 9/25/13

Chapter 2: Table 2.5-1

1.8.5. Ordinance No. 2013-07, adopted 9/25/13

Chapter 2: Table 2.6-1

- 1.8.6 Ordinance No. 2013-08, adopted 11/20/13**
Chapter 13: Table 13.5.3-1
Chapter 36: Subsection 36.2.2
Chapter 38: Subparagraph 38.2.3.D
- 1.8.7 Ordinance No. 2013-09, adopted 11/20/13**
Chapter 13: Subparagraph 13.5.3.E
Chapter 36: Subsection 36.6.1
Chapter 37: Subsection 37.6.2
Chapter 65: Subsection 65.1.8
Chapter 68: Subsection 68.4, Subsection 68.8.3
- 1.8.8 Ordinance No. 2014-01, adopted 2/26/2014**
Chapter 50: Subsection 50.5.2
- 1.8.9 Ordinance No. 2014-04, adopted 7/23/2014**
Chapter 50: Subsection 50.5.1, Subsection 50.5.2
Chapter 51: Subparagraph 51.3.3.C
- 1.8.10. Ordinance No. 2014-05, adopted 10/22/2014**
Chapter 50: Subsection 50.7.1
Chapter 52: Section 52.4, Section 52.5
- 1.8.11. Ordinance No 2014-06, adopted 12/17/2014**
Chapters 1, 2, 5, 11, 13, 21, 30, 33, 35-27, 39, 51-53, 60, 61, 84, 90
- 1.8.12. Ordinance No. 2014-07, adopted 12/17/2014**
Chapter 50: Subparagraph 50.5.1.C, Subparagraph 50.5.2.E
- 1.8.13. Ordinance No. 2015-01, adopted 1/28/2015**
Chapter 2: Section 2.5
- 1.8.14. Ordinance No. 2015-06, adopted 7/22/2015**
Chapter 34: Section 34.2.3
Chapter 36: Subparagraph 36.2.2.C
Chapter 38: Subparagraph 38.2.3.D.3

- 1.8.15. Ordinance No. 2015-07, adopted 12/16/2015**
Chapter 30: Subsections 30.4.3 and 30.6.1.C.2
- 1.8.16. Ordinance No. 2016-01, adopted 1/27/2015**
Chapter 50: Subsection 50.10.8
- 1.8.17. Ordinance No. 2016-02, adopted 2/24/2016**
Chapters 1,5,13,16,30,31,50,53,60,82 and 90
- 1.8.18. Ordinance No. 2016-03, adopted 11/16/2016**
Chapter 84
- 1.8.19. Ordinance No. 2016-04, adopted 12/14/2016**
Chapters 10, 11, 12, 14, 30, 60, 61, 62, 66, 67, 68, and 90.
- 1.8.20. Ordinance No. 2017-02, adopted 2/22/2017**
Chapters 34, 36, and 38
- 1.8.21. Ordinance No. 2017-04, adopted 5/24/2017**
Chapter 63, Subsection 63.4.2
- 1.8.22. Ordinance No. 2017-05, adopted 12/24/2017**
Chapters 2, 21, 30, 31, 35, 36, 50, 52, 61, and 90

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.1. GENERAL PROVISIONS

2.1.1. Purpose

This chapter implements the Compact provisions relating to projects and permits. This chapter also implements Article VI(a) of the Compact, which requires TRPA to prescribe by ordinance those activities that the agency has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the Tahoe region and therefore are exempt from the agency's review and approval.

2.1.2. Applicability

This chapter identifies activities that may have a substantial effect on the land, air, water, space or any other natural resources and therefore are projects subject to TRPA review and approval. This chapter also identifies activities that will not have a substantial effect on the land, air, water, space and any other natural resource in the region and therefore are exempt from TRPA review and approval. Exemption of activities from TRPA review and approval shall not be construed to exempt such activities from applicable provisions of the Code. Special applicability provisions for signs and for activities in the shorezone are set forth in Chapters 38 and 80.

2.1.3. Organization of this Chapter

- A. Section 2.2 implements the Compact provisions relating to projects and permits. An activity that is not exempt or granted a qualified exemption from this Code pursuant to Section 2.3 is a project subject to TRPA review and approval pursuant to Section 2.2.
- B. Section 2.3 identifies activities that will not have a substantial effect on the land, air, water, space, or any other natural resources in the Tahoe region and therefore are exempt or are eligible for a qualified exemption from TRPA review and approval. Exemption or qualified exemption of activities from TRPA review and approval shall not be construed to exempt such activities from other applicable provisions of the Code.

2.2. PROJECT REVIEW

2.2.1. Project Review

Activities that may have a substantial effect on the land, air, water, space, or any other natural resources in the Tahoe region are projects subject to TRPA review and approval. Projects shall be reviewed by TRPA in accordance with TRPA's Rules of Procedure and pursuant to the applicable Code provisions. Projects approved by TRPA shall be issued permits in accordance with the Rules of Procedure.

2.2.2. Projects and Matters to be Approved by the Governing Board or Hearings Officer

Categories of projects and matters listed in this subsection 2.2.2 or as otherwise required by law shall require Governing Board or Hearings Officer approval, as indicated.

A. General Projects or Matters

1. Governing Board Review

The following projects or matters require review and approval by the Governing Board:

- a. EIS certification (Chapter 3: *Environmental Documentation*);
- b. Projects for which an EIS has, or will be prepared, or at the discretion of the Executive Director;
- c. Plan amendments, ordinances and resolutions;
- d. Community Plans, including preliminary plan or work program, redevelopment, master or special plans;
- e. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (Section **Error! Reference source not found.** Remedial Action Plans);
- f. Increases in supply of land coverage (Chapter 30: *Land Coverage*);
- g. Delegation Memoranda of Understanding pursuant to Section 2.5 (except as otherwise provided in this Code);
- h. Substantial harvest or tree removal plans (**Error! Reference source not found.**) except for fuels management projects (**Error! Reference source not found.**);
- i. Mitigation fund expenditures and projects (Section **Error! Reference source not found.** and Section **Error! Reference source not found.**);
- j. Permit revocations (Chapter 5: *Compliance*);
- k. Historic resource designations (Chapter 67: *Historic Resource Protection*);
- l. Projects resulting in a significant increase in traffic when the project causes level of service (LOS) to worsen by one letter grade at an intersection, or results in any additional delay at an intersection already rated at LOS "F" (Section **Error! Reference source not found.**);
- m. Allocation systems (Chapter 50: *Allocation of Development*);
- n. Establishing the level defining the top-ranked parcels, lowering the line defining the top-ranked parcels pursuant to subsection **Error! Reference source not found.** and determining allowable base land coverage pursuant to subsection **Error! Reference source not found.**;
- o. Findings of the demonstration of commitment for affordable housing pursuant to subparagraph **Error! Reference source not found.**;

- p. Special project allocations (subparagraph **Error! Reference source not found.**);
- q. Area Plan conformity review (Chapter 13: *Area Plans*); and

- r. In jurisdictions with conforming Area Plans, projects that are not eligible to be delegated from TRPA review, and delegated projects that are appealed to TRPA.

2. Hearings Officer Review

The following projects or matters require review and approval by the Hearings Officer:

- a. Special uses, including changes, expansions or intensifications of existing uses (Chapter 21: *Permissible Uses*);
- b. Additional height for eligible structures, in special height districts for adopted community and redevelopment plan areas (subsection **Error! Reference source not found.**);
- c. Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 67: *Historic Resource Protection*);
- d. Modification to SEZs, excluding modifications for residential projects in accordance with subparagraph **Error! Reference source not found.** and erosion control and other environmentally oriented projects and facilities in accordance with subparagraph **Error! Reference source not found.**;
- e. Land capability challenges and man-modified challenges, except land capability challenges pursuant to subsection **Error! Reference source not found.** submitted under the special provisions for designated land banks (Chapter 30 and 80);
- f. Additional land coverage in excess of 1,000 square feet in land capability districts 1-3; and
- g. Projects resulting in a significant increase in traffic that do not require Governing Board review (Section **Error! Reference source not found.**).

B. Residential Projects

1. Governing Board Review

Residential projects involving the following require review and approval by the Governing Board:

- a. Allocation of ten or more residential bonus units to affordable or moderate-income housing; and
- b. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses.

2. Hearings Officer

Residential projects involving the following require review and approval by the Hearings Officer:

- a. Multi-residential and employee housing greater than four units;
- b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and

- c. Allocation of more than two, but less than ten, residential bonus units to affordable or moderate-income housing.

C. Commercial Projects

1. Governing Board Review

A commercial project involving the allocation or transfer of floor area of 3,000 or more square feet.

2. Hearings Officer

A commercial project involving the allocation or transfer of floor area less than 3,000 square feet.

D. Public Service Projects

1. Governing Board Review

Public service projects involving the following require review and approval by the Governing Board:

- a. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage; and
- b. Airport Expansion.

E. Recreation Projects

1. Governing Board Review

Recreation projects involving the following require review and approval by the Governing Board:

- a. New facilities or additions involving more than 3,000 square feet of building floor area or 3,500 square feet of land coverage (except recreational trails);
- b. New recreational trails exceeding one mile in length, or shorter trails that create new land coverage on low capability land or pass through sensitive wildlife habitat; and
- c. Projects requiring an allocation of PAOTs from the overnight pool of 1,000 PAOTs.

2. Hearings Officer

Recreation projects involving the following require review and approval by the Hearings Officer:

- a. New recreational trails that are between 1,000 feet and one mile in length, provided the new land coverage is all on high capability land and the trails do not pass through sensitive wildlife habitat.

F. Shorezone Projects

1. Governing Board Review

Shorezone projects involving the following require review and approval by the Governing Board:

- a. Tour boat operations (new or expansion);

- b. Waterborne transit (new or expansion);
- c. Seaplane operation (new or expansion);
- d. Marinas (new or expansion);
- e. Boat launching facilities (new or expansion);
- f. Recognition of multiple-use facilities (Section **Error! Reference source not found.**); and
- g. Expansions, requiring a deviation of development standards, except low-level boatlift additions and reconfigurations of existing structures to increase conformance.

2. Hearings Officer

Shorezone projects involving the following require review and approval by the Hearings Officer:

- a. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses; and
- b. New structures (except those identified for Governing Board review).

G. Delegation to Executive Director

1. Governing Board Action

The Governing Board hereby delegates to the Executive Director the review and final action on all projects and matters not reserved for Hearings Officer or Governing Board approval pursuant to subsection 2.2.2.

2. Unusual Circumstances

The Executive Director may determine that a project or matter not listed in subsection 2.2.2, because of unusual circumstances, warrants Hearings Officer or Governing Board review and action and may schedule the project for Hearings Officer or Governing Board consideration.

3. Appeals

The final action of the Executive Director or Hearings Officer may be appealed to the Governing Board pursuant to TRPA's Rules of Procedure. Final action of the Governing Board may be appealed to a court of competent jurisdiction pursuant to Article VI(j) of the Compact.

2.2.3. Special Provisions

The following special provisions apply to certain projects:

A. Emergency Projects

Emergency projects shall be reviewed and acted upon in accordance with the TRPA Rules of Procedure.

B. Structures that Do Not Comply with Site Development Provisions

Repair, remodeling, reconstruction, modification, or expansion of structures that do not comply with site development provisions (Chapters 30-39), may be approved provided TRPA determines that:

1. The structure is not subject to a specific program of removal or modification pursuant to the site development provisions or other implementing programs of TRPA, or that the structure shall comply with the requirements of the applicable programs;
2. The repair, remodeling, reconstruction, modification, or expansion does not increase the extent to which the structure does not comply with the site development provisions;
3. In the shorezone, all modifications or expansions to structures comply with the requirements of this Code; and
4. Any expansion complies with all applicable site development provisions.

C. Buildings Damaged or Destroyed by Fire or Other Similar Calamity

Buildings damaged or destroyed by fire or other similar calamity may be repaired or rebuilt, except as prescribed by Chapter 35: *Natural Hazard Standards*, in areas of identified avalanche or mass instability danger, and except as set forth in Chapters 80-86, inclusive, in the shorezone, with no requirement for excess coverage mitigation or height reduction, by fee or otherwise. Repair or reconstruction shall be in substantial conformance with the original structure, with no increase in floor area, land coverage, height, or volume.

1. Application

A complete application, as defined in the TRPA Rules of Procedure, shall be submitted to TRPA within eighteen months of the damage or destruction resulting from the calamity. Structures for which applications are not timely filed shall be considered derelict and not as existing structures.

2. Findings

TRPA may approve such projects provided TRPA determines that:

- a. The repair or reconstruction does not increase the extent to which the structure does not comply with the site development provisions; and
- b. There is no increase in height, floor area, land coverage, or volume of the structure.

2.2.4. Expiration of TRPA Approvals

Approval by TRPA of any project expires three years after the date the approval is granted by TRPA as defined in TRPA's Rules of Procedure, or December 19, 1980, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced.

A. Operation of Law

Expiration of TRPA approvals shall be by operation of law. Failure to give notice of expiration shall not affect the applicability of this provision.

B. Commencement of Construction

Commencement of construction shall be the pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.

C. Diligent Pursuit

“Diligent pursuit” is defined as follows:

1. Diligent pursuit shall be defined by the condition of approval relating to completion of the project. Project approvals shall state the time for completion of the project.
2. For projects approved without a condition of approval relating to completion of the project, diligent pursuit shall be defined as reasonable onsite progress toward completion of the project each building season beginning with the building season in which construction is commenced. Failure to accomplish onsite progress toward completion in any building season after construction has commenced and the three year approval period has passed shall result in expiration of the approval for failure to diligently pursue construction. Failure to give notice of such expiration shall not affect the applicability of this section.

D. Single-Family Homes

Construction of new single-family homes shall be completed within two years from the date of the TRPA pregrading inspection. The two-year period may be extended once for up to one year provided the request is made in writing prior to the expiration of the two-year period, a security is posted to ensure completion or abatement of the project, and TRPA determines either of the following:

1. The project was diligently pursued, as defined in subparagraph 2.2.4.C, during each building season (May 1 - October 15) since commencement of construction; or
2. Events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters, or weather problems, have prevented diligent pursuit of the project.

E. Other Projects

Construction of projects other than new single-family homes shall be complete by the date set forth in the conditions of approval. Extension of a completion schedule for a project other than a single family home may be granted provided the request is made in writing prior to the expiration of the completion schedule, a security is posted to ensure completion or abatement of the project and TRPA makes either of the following findings:

1. The project was diligently pursued, as defined in subparagraph 2.2.4.C, during each building season (May 1 - October 15) since commencement of construction; or
2. Events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters, or weather problems, have prevented diligent pursuit of the project.

F. Completion of Project

Completion of a building shall be defined as a fully enclosed structure with all permanent drainage improvements, slope stabilization, and revegetation installed. Completion of projects that do not consist of a building or buildings, shall be defined as commencement of the use or activity permitted and installation of all permanent drainage improvements, slope stabilization, and revegetation.

2.2.5. TRPA Contractor Certification Program

[reserved]

2.3. EXEMPT ACTIVITIES

2.3.1. Purpose

The following activities are not subject to review and approval by TRPA, provided they do not result in the creation of additional land coverage or relocation of land coverage, comply with Sections **Error! Reference source not found.** (Building Design Standards), **Error! Reference source not found.** (Water Conservation Standards), **Error! Reference source not found.** (Air Quality Control), and meet all restrictions set forth below.

2.3.2. General Activities

The following general activities are exempt.

A. Interior Remodeling

Interior remodeling provided there is no change or intensification of use and no increase in density; and interior structural remodeling of commercial or tourist accommodation structures that is less than \$40,000 in value.

B. Ordinary Maintenance and Repair

Ordinary maintenance and repair, which is the upkeep, or preservation of the condition of property and includes: painting; re-roofing with non-metallic material; replacement of windows, siding, doors; air conditioning, sewer, water and electrical equipment, and other fixtures; and construction of overlays upon existing paved surfaces. For structures visible from the Scenic Threshold Travel Routes and from the Public Recreation Areas and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, painting and siding shall be consistent with subparagraph **Error! Reference source not found.**

C. Repair of Fences

Repair or replacement of existing fences not located in SEZs or bodies of water.

- D. Excavation, Filling, or Backfilling**
Excavation, filling, or backfilling for a volume not in excess of three cubic yards, provided the activity is completed within a 48-hour period and the excavation site is stabilized to prevent erosion. The following exemptions shall not be construed to exempt a series of excavations that collectively would constitute a project.
- E. Removal of Dead Trees**
1. Removal of dead trees less than or equal to 30 inches dbh in westside forest types and snags less than or equal to 24 inches dbh in eastside forest types; or
 2. Removal of dead trees of any size provided the tree is not on a lakeshore property, is not within a SEZ or Conservation and Recreation Land, and poses a hazard to life and property.
- F. Seasonal Lighting**
Seasonal lighting displays that are displayed between Thanksgiving and March 1 of the following year.
- G. Demolition**
Demolition of structures, improvements, or facilities less than 50 years of age, provided any associated excavation and backfill is exempt pursuant to subparagraph D above. TRPA approval shall be required to obtain credit for land coverage or existing development.
- H. Landscaping and Gardening**
Additional or new landscaping and gardening in stream environment zones and the backshore shall not be exempt. However, landscaping and gardening outside of SEZ or backshore areas shall be exempt provided all excavation or backfill is exempt pursuant to subparagraph D, the landscaping is in accordance with Chapter 61: *Vegetation and Forest Health*, the BMP Handbook, Code subparagraphs **Error! Reference source not found.** through **Error! Reference source not found.** requirements for fertilizer use, and the TRPA plant list.
- I. Home Occupation**
A home occupation that meets the definition of home occupation in Ch. 90: *Definitions*.
- J. New Residential Fences**
Construction of new residential fences, provided the fence shall not be more than six feet high, shall not obstruct the public's view of Lake Tahoe from a Scenic Threshold Travel Route or from a Public Recreational Area and Bicycle Trail identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation and shall not be located in an SEZ or body of water.
- K. Parcel Consolidations**
Parcel consolidations, provided deed restrictions permanently consolidating the parcels are recorded by the affected owners.

L. Replacement of Combustion Heaters and Woodstoves

Replacement of combustion heaters (water or space) and woodstoves with units on TRPA's list of approved combustion heaters.

M. Removal of Live Trees

The removal of live trees 14 inches dbh or less that are not on lakeshore properties is exempt as provided in subsection **Error! Reference source not found.** and subparagraph **Error! Reference source not found.**

2.3.3. Shorezone Activities

~~Refer to Section 82.4. The following activities are not subject to review and approval by TRPA provided they comply with subsection 83.11.1, do not result in the creation of additional land coverage, or in an increase in the dimensions of the structure, including height, width, and length.~~

~~**A.** Ordinary maintenance and repair, which is the replacement of, or modification to parts of a structure that do not affect the weight bearing or strength capacity of the structure, including replacement and repair of windows, doors, and electrical and mechanical equipment.~~

~~**B.** The replacement and repair of mooring buoys, excluding replacement of their anchoring devices.~~

~~**C.A.** Parcel consolidations in accordance with subparagraph 2.3.2.K.~~

2.3.4. Sign Activities

The sign activities listed below are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage and they comply with all restrictions set forth below.

A. Changing of Advertising Copy

The changing of the advertising copy of message on a lawfully erected changeable copy sign.

B. Sign Maintenance or Cleaning

Maintenance or cleaning of a sign. This exception shall not include any structural, electrical, copy, or color changes of a sign.

C. Advertisement of Credit

For each street frontage of the primary use, one sign not over one square foot in area advertising that credit is available.

D. Identification Sign

For each parcel, one identification sign that contains no advertising matter; is nonelectrical, nonilluminated, and two square feet or less in area; and is permanently affixed in a plane parallel to a wall located entirely on private property.

E. Temporary Sign

For each parcel, one temporary sign per street frontage that is not greater than 12 square feet in area, is not internally illuminated, and is not displayed for more than 30 days in a calendar year, except that for 60 days preceding a general or special election more than one such sign may be placed on each parcel, provided they are removed immediately after the election.

F. Construction Site Identification Sign

Construction site identification signs, which may identify the project, the owner or developer, architect or other designer, engineer, contractor and subcontractors, funding sources, and other related information. Not more than one such sign shall be erected per site, and it shall not exceed 32 square feet in area or eight feet in height. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days of site or building occupancy.

G. Building Name and Erection Date Signs

Signs or tablets with names of buildings and dates of erection when cut into masonry surface or when constructed of bronze or other metals.

H. Danger and/or Safety Signs

Signs of public service entities indicating danger and/or service and safety information.

I. Residential Property Identification Signs

In residential areas, signs not exceeding four square feet in area such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs on mailboxes or newspaper tubes, and (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

J. Signs Not Visible

Any sign not visible from a street, public recreation area, bicycle trail, or Lake Tahoe.

K. Interior Signs

1. Any sign that is located within a building and that is clearly intended to be visible primarily to people located within the building;
2. Signs located within structures, including window signs intended to be seen from outside of the building when such signs are limited to five percent of the area of each window. See also subsection **Error! Reference source not found.**

L. Small Access, Identification, and Stop Signs

The following signs: Signs on private property 12" x 18" or smaller that limit access, provide direction or parking admittance, or pertain to security provisions; signs 18" x 18" or smaller that identify an entrance or exit; and octagonal stop signs 24" or smaller.

M. Signs Approved Under Intergovernmental MOUs

Signs that are reviewed and approved consistent with this Code (except for subparagraph **Error! Reference source not found.**) by the US Forest Service, a state agency, or a local government pursuant to a memorandum of understanding with TRPA.

N. Signs Approved Under Local Government Substitute Standards

Signs that are reviewed and approved by a local government provided the standards used in the review and approval are adopted as substitute standards by TRPA pursuant to subsection **Error! Reference source not found.**

O. Replacement of Street and Directional Signs

Replacement of street signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced and when the sign conforms to the applicable standards of the *Manual on Uniform Traffic Control Devices, 1978*, as amended. Installation of new street signs and other regulatory or directional signs or replacement of such signs where the area or height of the replacement sign is greater than the area or height of the sign to be replaced shall be reviewed as a project unless specifically exempted by means of a memorandum of understanding or other agreement.

2.3.5. Mail Delivery Activities

The mail delivery activities listed below are exempt.

A. Mail delivery receptacles that are designed and installed in accordance with design standards that are part of a TRPA-approved area wide mail delivery program.

B. Mail delivery receptacles and support structures that comply with the following standards:

1. A maximum of one mail box shall be allowed for each parcel or project area provided that:
 - a. Complies with all U.S. Postal Service standards;
 - b. Is located in a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and
 - c. If located within a scenic highway corridor pursuant to Section **Error! Reference source not found.**, is colored using dark shades of earthtone colors and matte finish.
2. One set of cluster boxes shall be allowed provided that the number of boxes is equal to the number of parcels or project areas being served and the set meets the design and scenic standards listed in subparagraph 1 above.

2.3.6. Temporary Activities

The temporary activities listed below are exempt.

- A. A temporary activity that:
 - 1. Does not cause parking on unpaved areas;
 - 2. Does not create or relocate land coverage or disturbance;
 - 3. Does not require closure of a traffic lane or intersection of a state or federal high way for more than one hour, or the closure of U.S. 50 at any point between the South Y and S.R. 207 (Kingsbury) Grade for any period of time;
 - 4. Does not create noise in excess of the limits in Chapter 68: *Noise Limitations*;
 - 5. Does not exceed fourteen consecutive days in duration and will not occur more than four times in a calendar year; and
 - 6. If the temporary activity, other than the parking, is located on unpaved areas, the temporary activity does not occur on an unpaved area that has been used for temporary projects more than four times in the past calendar year;
- B. Temporary activities in TRPA-approved special event areas in accordance with the TRPA approval; and
- C. Temporary activities that are reviewed and approved by a local government, the Forest Service, or a state agency pursuant to a memorandum of understanding with TRPA consistent with Chapter 22: *Temporary Uses, Structures, and Activities*.

2.3.7. Qualified Exempt Activities

The activities listed below are not subject to review and approval by TRPA, provided the applicant certifies on a TRPA-qualified exempt form that the activity fits within one or more of the following categories and the activity shall not result in the creation of additional land coverage or relocation of existing land coverage, and will comply with all restrictions set forth below. The statement shall be filed with TRPA for all qualified exempt activities at least three working days, before the activity commences and shall be made under penalty of perjury.

A. General Activities

The general activities listed below are qualified exempt.

1. Structural Repair

Exterior Structural repair of existing structures of less than \$21,000 per year, provided there is:

- a. No excavation, filling, or backfilling in excess of that exempted by subparagraph A.6 below;
- b. No increase in the dimensions of a structure;
- c. No intensification or change in use;
- d. No increase in commercial floor area, and
- e. No increase in density.

This amount shall be calculated on an objective market valuation of the materials involved.

2. Structural Modifications

Structural modifications to existing structures required to comply with applicable building department, provided:

- a. Documentation by the local building department is submitted to TRPA;
- b. The modification is the minimum necessary; and
- c. There is:
 - (i) No excavation, filling, or backfilling in excess of that exempted by subparagraph A.6 below;
 - (ii) No increase in the dimensions of a structure visible from any TRPA-designated scenic threshold travel route;
 - (iii) No height created greater than that allowed by Table 37.3.1-1;
 - (iv) No intensification or change in use, and
 - (v) No increase in commercial floor area.

3. Structural Remodeling or Additions

Structural remodeling or additions to existing structures, provided:

- a. There is:
 - (i) No excavation and backfilling in excess of that exempted by subparagraph A.6 below;
 - (ii) No increase in the dimensions of a structure visible from any TRPA-designated scenic threshold travel route;
 - (iii) No height created greater than that allowed by Table 37.3.1-1;
 - (iv) No intensification or change in use;
 - (v) No increase in commercial floor area;
 - (vi) No increase in density; and
 - (vii) No increase in existing hard coverage.
- b. A BMP retrofit plan and compliance schedule as set forth in Chapter 60: *Water Quality*, is submitted to TRPA;
- c. All excess coverage mitigation requirements, if any, are satisfied in accordance with Chapter 30: *Land Coverage*; and
- d. There is existing paved access and parking.

4. Non-Permanent Structures

Non-permanent structures meeting the requirements of subparagraph **Error! Reference source not found.**, provided a land capability verification has been completed in accordance with Section **Error! Reference source not found.** and TRPA has verified that all land coverage on the parcel was legally established in accordance with the definition of “Existing” in Section **Error! Reference source not found.**

- 5. Replacement of Existing Mobile Home**
Replacement of an existing mobile home in a legally established mobile home space that does not result in a change in use or additional land coverage.
- 6. Excavation, Filling, or Backfilling**
Excavation, filling, or backfilling for an area not in excess of seven cubic yards is exempt provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, or on parcels with IPES scores above the line, and the excavation site is stabilized within 48 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations that viewed as a whole would constitute a project.
- 7. Demolition of Structures, Improvements, or Facilities 50 Years or Greater**
Demolition of structures, improvements, or facilities 50 years or greater in age, provided the structure, improvement, or facility is not designated, or pending for designation, on the Historic Resource Map. Any maintenance or repair that qualifies under this provision shall be consistent with the requirements in Ch. 67: *Historic Resource Protection*. Prior TRPA approval is required to obtain credit for coverage or existing development.
- 8. Changes in Operation**
Changes in operation resulting in generation of less than 100 additional vehicle trips, in connection with a commercial, recreation or public service use, provided there is no change from one major use classification to another, the resulting use is an allowed use, and the applicant pays an air quality mitigation fee in accordance with subparagraph **Error! Reference source not found.**
- 9. Seasonal Outdoor Retail Sales Use**
An outdoor retail sales use associated with a holiday season such as Christmas tree and pumpkin patch sales, provided the use shall not cause parking on unpaved areas, does not operate for more than six consecutive weeks in a 12-month period, and is located in a plan area designated commercial, public service, or tourist.
- 10. Timber Harvesting**
Timber harvesting for (1) the removal of dead, dying, and diseased trees (salvage cuts) less than or equal to 30 inches dbh in westside forest types and less than or equal to 24 inches dbh in eastside forest types, and (2) on parcels of 20 acres or less in size that are not part of a larger parcel of land in the same ownership provided that:

 - a. A Tahoe Basin Tree Removal Permit that expires twelve months after issuance has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;
 - b. Dying trees are defined as those determined to be dead within one year by a qualified forester authorized to issue a Tahoe Basin Tree Removal

Permit by the Memoranda of Understanding between TRPA and the Nevada Division of Forestry;

- c. A pre-operations field inspection shall be completed by TRPA that is attended by a representative from the appropriate state forestry agency, property owner or authorized representative, and the licensed timber operator. TRPA shall notify the local representative from the appropriate state forest agency no less than five business days prior to the pre-operation field inspection to choose to attend the pre-operation field inspection;
- d. Grading shall not be in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, and 7;
- e. All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting, and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;
- f. Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and
- g. There shall be no watercourse or stream environment zone crossings except for existing bridges and culverts.

11. Replacement of Existing Roof with Metal Roof

Replacement of an existing roof with a metal roof that is composed of non-glare earthtone colors. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. The applicant shall submit color and material samples to TRPA with their qualified exempt form.

B. Shorezone Activities

The following activities are not subject to review and approval by TRPA provided the applicant certifies, on a TRPA qualified exempt form, that the activity fits within one or more of the following categories and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and complies with all restrictions set forth below.

- ~~1. — Refer to Section 82.5. Minor structural repair as defined in subsection 82.3.3 and painting, staining, reroofing, residing and the installation or replacement of deck coverings, provided such activities conform to the design standards set forth in Section 83.11 and do not result in a change in use or an increase in the dimensions of the structure, including height, width, and length.~~

- ~~2. Repair of fences, provided the fence complies with the applicable development standards in subsection 84.12.2 and the design standards in subsections 83.11.1 and 83.11.3.~~
- ~~3. The replacement and repair of the anchoring device for a mooring buoy provided TRPA has issued a permit for such mooring buoy pursuant to subsection 82.4.7.~~
- ~~4. Demolition of structures, improvements, or facilities in accordance with subparagraph 2.3.7.A.7.~~
- ~~5. Construction, reconstruction, repair, and modification of piers, floating docks and platforms and shoreline protective structures in lagoons pursuant to memorandums of understanding as provided for in Section 84.11.~~
- ~~6. Changes in operation resulting in the generation of less than 100 additional vehicle trips are exempt provided the resulting use is an allowed use and the applicant pays an air quality fee in accordance with the Rules of Procedure.~~

C. Sign Activities

The following sign activities are qualified exempt:

1. Subdivision Identification Signs

Installation or replacement of subdivision identification names or letters, provided the name or lettering shall be installed on an existing wall or similar structure, shall be not over 12 inches high, and shall not internally illuminated; and

2. Replacement of Approved Sign Faces

Replacement of sign faces on signs approved by TRPA pursuant to Chapter 38: *Signs*, provided the new sign face remains in compliance with Chapter 38.

2.3.8. Loss of Exemption

An exempt or qualified exempt activity shall be considered a project if TRPA finds that the activity may have a substantial effect on the land, air, water, space, or any other natural resources in the region.

2.4. PREVIOUSLY APPROVED PROJECTS, USES, AND ACTIVITIES

2.4.1. Purpose

This section sets forth the relationship between the Code and previously approved projects, activities and uses.

2.4.2. Applicability

The provisions of this Code apply to all projects and activities approved by TRPA, prior to the effective date of the Regional Plan, July 1, 1987. Subject to the allocation limits and other provisions set forth in Chapter 50: *Allocation of Development*, projects approved by TRPA prior to the effective date of the Regional Plan, July 1, 1987, that are not complete, shall be permitted to proceed in accordance with the terms and conditions of the TRPA approval.

2.4.3. Prior Conditions of Approval

Activities and projects approved by TRPA prior to the effective date of the Regional Plan shall be permitted to proceed in accordance with the prior conditions of approval subject to the following provisions:

- A. Article VI(p) of the Compact governing the expiration of project approvals;
- B. The allocation limits and other applicable provisions of Chapter 50; and
- C. Code provisions concerning the installation of BMPs, woodstoves and heaters.

2.5. ACTIVITIES DELEGATED TO LOCAL GOVERNMENTS FOR REVIEW UNDER MEMORANDA OF UNDERSTANDING

Activities delegated to a Local Government pursuant to a memorandum of understanding (MOU) shall be reviewed and approved by a local government in accordance with the TRPA Regional Plan and this Code shall therefore be exempt from separate TRPA review and approval. TRPA shall maintain a publicly available list of adopted delegation MOUs.

2.6. EXEMPT ACTIVITIES UNDER MEMORANDA OF UNDERSTANDING WITH PUBLIC AND QUASI-PUBLIC ENTITIES

Activities included in memoranda of understanding (MOU) between TRPA and the public and quasi-public entities are exempt from TRPA review and approval, or subject to limited review and approval as outlined in the individual MOU. TRPA shall maintain a publicly available list of adopted MOUs for exempt activities.

CHAPTER 10: TRPA REGIONAL PLAN MAPS

10.1. PURPOSE

This chapter establishes a coordinated mapping system for the official TRPA maps. This chapter identifies the official maps and sets forth provisions for the adoption and amendment of maps.

10.2. APPLICABILITY

Any map or Geographic Information System (GIS) data layer referenced by Code Section 10.3.1 shall be an official TRPA Regional Plan map or an official TRPA Regional Plan GIS data layer. TRPA shall not approve any project or implement any program that is inconsistent with an official TRPA map or GIS dataset, unless otherwise provided by this Code.

10.3. ESTABLISHMENT OF OFFICIAL TRPA MAPS AND GIS DATA LAYERS

The maps and GIS data layers listed below in Code Section 10.3.1 are established as the official TRPA Regional Plan maps and GIS data layers. The official TRPA Maps and GIS Data Layers shall include mapped information and GIS data layer produced and maintained by TRPA that outlines the boundaries for adopted TRPA goals, policies and Code.

10.3.1. Regional Plan Map Layers

The following series of geographic data layers are the official TRPA Regional Plan GIS Data Layers and Maps.

A. Plan Area GIS Layers

The plan area GIS data layers relate to the Plan Area Statements, Regional Plan Map 1: *Conceptual Regional Land Use*, Community Plans, and Area Plans and indicate plan area boundaries, special area boundaries, community plan boundaries, redevelopment and master plan boundaries, hydrologic related areas boundaries, regional land use classification boundaries, special planning districts (includes Town Centers), Area Plan zoning district boundaries, and other relevant information.

B. Land Capability Overlay

The land capability overlay maps indicate the boundaries of land capability districts, the boundaries of stream environment zones, the boundaries of shorezone tolerance districts, and other relevant information.

C. Prime Fish Habitat GIS Layer

The prime fish habitat GIS data layer identifies the location of spawning areas and habitat of game and forage fish in Lake Tahoe. Spawning and habitat areas targeted for restoration are also identified.

D. Stream Habitat Quality GIS Layer

The stream habitat quality GIS data layer indicates the existing and potential quality (excellent, good, or marginal) of instream fish habitat.

E. Pierhead Line GIS Layer

The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps and digitized by TRPA. Specific project applications may propose a more refined pierhead line based on new site-specific survey and proof of location of piers constructed before 1972 (aerial maps, etc).

F. Scenic Units GIS Layers

The scenic units GIS data layers indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

10.3.2. Other Maps, GIS Layers, and Data

TRPA produces other maps and GIS layers not listed above that are not official TRPA Regional Plan Maps and GIS data layers. Updates to this other mapped information based on better quality data and completed in compliance with this Code may be made regularly as a matter of day-to-day operations of the Agency.

10.3.3. TRPA Jurisdictional Boundary Amendments

Amendments to the TRPA jurisdictional boundaries shall be based on a survey provided by a certified Engineer or Surveyor and reviewed by TRPA staff for consistency with the TRPA Regional Plan. The TRPA jurisdictional boundary should be consistent with the definition of "Region" in Article II. Definitions – in the Tahoe Regional Planning Compact. The survey used to delineate the TRPA jurisdictional boundary shall evaluate both the topography and hydrology of a site using the best available, most current, more accurate data and shall be submitted in a GIS compatible format. Certified Engineers and/or Surveyors must rely on the most current, more precise, and most comprehensively surveyed boundary information to indicate the reason the proposed boundary is a more accurate one. All proposals to change this boundary shall include an explanation of the reason the data they used are superior to those used for any prior surveys of that portion of the boundary.

10.4. MAP AMENDMENT

10.4.1. Procedure for Map and GIS Layer Amendment

Amendments to the official Regional Plan Maps and GIS Data Layers identified in subsection 10.3.2 and 10.3.3 shall be processed as plan amendments pursuant to TRPA's Rules of Procedure.

10.4.2. Notice of Map and GIS Layer Amendments

Amendments to the official TRPA GIS layers and maps that substantially impact properties shall require notice given to affected property owners as provided in TRPA's Rules of Procedure.

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.1. PURPOSE

In accordance with the Goals and Policies, TRPA may adopt area-wide specific plans or project-oriented master plans to augment plan area statements or community plans. Specific or master plans are needed to provide more detailed planning to ensure that projects and activities are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code. Also, specific and master plans shall provide for phasing of development, systematic environmental and project review, and implementation of environmental control measures. A specific or master plan shall not be construed as a project approval and its adoption shall not guarantee approval of any level of development.

14.2. APPLICABILITY

14.2.1. General

Prior to adoption of a specific or master plan, all projects and activities shall be reviewed pursuant to the Code, applicable plan area statement or community plan, and the Goals and Policies.

14.2.2. Special Uses

The uses below require approval of either a specific or master plan.

A. Airports

Expansion of facilities or commercial air service at the South Lake Tahoe Airport, other than temporary expansions for testing purposes or projects for which exemptions from the federal court injunction of August 9, 1984, have been obtained, is prohibited until the adoption of an airport master plan.

B. Ski Areas

Expansion of use of ski areas, or the establishment of new ski areas, is prohibited until the adoption of a specific or master plan for the ski area.

C. Marinas

Expansion of marinas shall be limited to [the provisions set forth in Section 84.6.](#) ~~ten new boat slips and ten new buoys until the adoption of a specific or master plan for the marina.~~

D. Existing Commercial Facilities

Expansion of existing commercial facilities in areas subject to a requirement to prepare a specific or master plan may be approved pursuant to Chapter 50: *Allocation of Development*.

E. Cutting Trees on Private Lands

On private lands a forest management plan developed pursuant to this chapter and Section 61.1 may allow for the cutting of trees larger than 30 inches in westside forest types or trees larger than 24 inches in eastside forest types on private land.

14.3. ESTABLISHMENT OF SPECIFIC PLANS OR MASTER PLANS

The boundaries of specific or master plans, upon adoption, shall be depicted on the TRPA Plan Maps pursuant to Chapter 10: *TRPA Regional Plan Maps*, and the adopted supporting documents shall be set forth in the Regional Plan for the Lake Tahoe Basin, Special Plans.

14.4. ELIGIBLE AND REQUIRED AREAS

All areas are eligible for a specific or master plan. Some areas, such as the South Lake Tahoe Airport and ski areas, ~~and marinas~~, are required by the Goals and Policies, Plan Area Statements, or the Code to have a TRPA-approved specific or master plan.

14.5. TIME LIMITS

Specific or master plans shall take effect upon adoption and shall remain in effect until amended or revoked by TRPA.

14.6. RELATIONSHIP TO PLAN AREA STATEMENTS AND COMMUNITY PLANS

Specific or master plans shall supplement, but shall not replace, plan area statements and community plans, as they may be amended from time to time, and shall be consistent with plan area statements and community plans as follows:

14.6.1. Plan Area Statement Limitations

Where part or all of a specific or master plan falls within a plan area boundary, that portion of the specific or master plan shall be subject to the plan area statement limitations set forth for special designations, special policies, permissible land uses, density, bonus units, additional outdoor recreation limitations, and improvement programs.

14.6.2. Community Plan Limitations

Where part or all of a specific or master plan falls within a community plan boundary, that portion of the specific or master plan shall be subject to the adopted community plan. No master or specific plan for an area within a community plan boundary shall be adopted unless the community plan is adopted, or the community plan is expected to be adopted within three years. In the latter case, a specific or master plan may be approved, provided the specific or master plan complies with those provisions of subparagraphs 12.7.3.A through E, inclusive, as applicable to the area impacted by the specific or master plan.

14.7. RELATIONSHIP TO GOALS AND POLICIES AND THE CODE

Specific or master plans shall be consistent with the Code and the Goals and Policies, as they may be amended from time to time.

14.8. SPECIFIC AND MASTER PLAN PROCESS

Specific or master plans shall be prepared, processed, and adopted as follows:

14.8.1. Initiation of Process

The initiation process shall be as follows:

- A.** TRPA, other agencies of jurisdiction, or the owner of the lands subject to the plan (hereinafter referred to as the “proponent”) may initiate the process.
- B.** A steering committee shall be formed representing community interests and shall include a designee of the Executive Director, a representative of the local government in whose jurisdiction the specific or master plan area is located, and a representative of the U.S. Forest Service if federal lands are within the specific or master plan area. The steering committee shall establish a planning team to prepare the specific or master plan.

14.8.2. Approval of Work Program

The planning team shall develop a specific or master work program consistent with subsection 14.8.3 and Section 14.9. The steering committee shall submit a recommended work program to the Executive Director of TRPA for approval. The Executive Director shall consider the recommendations of the steering committee and approve, deny, or modify the proposed work program.

14.8.3. Specific or Master Plan Preparation

Upon approval of the work program, the planning team shall prepare the specific or master plan as follows, with oversight from the steering committee:

- A.** Prepare a complete assessment of environmental opportunities and limitations;
- B.** Refine inventory and needs assessment;
- C.** Identify applicable plan and ordinance standards and policies and development guidelines;
- D.** Develop draft alternative plans, including a preferred alternative;
- E.** Prepare draft environmental documents;
- F.** Submit draft master plan and draft environmental documents to TRPA for circulation and public and agency review; and
- G.** Prepare recommended final plan and final environmental documents for TRPA and local government consideration.

14.8.4. Approval of a Specific or Master Plan

Upon receipt of a recommended final specific or master plan from the steering committee, the Advisory Planning Commission shall review the proposed plan and make

recommendations to the Governing Board. Ski area master plans shall be prepared and reviewed in accordance with TRPA's "Ski Area Master Plan Guidelines," November 1990. The Governing Board shall consider the proposed plan as a regional plan amendment and approve, deny, or modify the specific or master plan.

14.8.5. Alternative Process

A. Minor Plans or Minor Modifications of Existing Plans

If TRPA finds that a specific or master plan, or modification thereof, does not propose any significant expansion of development and does not require an EIS, TRPA may waive the steering committee requirement.

B. Alternate Process

If TRPA finds that an alternate process to subsections 14.8.1 and 14.8.2 would better facilitate the planning process while still meeting the objectives of this chapter, a modified process may be approved. Modification of the process shall not alter the requirements of any other section of the Code applicable to specific or master plans.

14.9. CONTENT OF SPECIFIC AND MASTER PLANS

Each specific or master plan shall be tailored to fit the individual situation and proposed activities. An adopted specific or master plan shall be an integrated document consistent with the terminology of the Regional Plan. Each specific or master plan shall include, at a minimum, the items described below.

14.9.1. Physical Plan

The physical plan shall describe all existing and proposed improvements, including but not limited to, buildings, parking areas, roads, trails, temporary or permanent land disturbance, and utility connections. The physical plan shall address the phasing or scheduling of the proposed improvements and any special provisions for project review. For ski areas, the physical plan shall not propose any expansion of parking for day use, pursuant to Goal 2, Policy 11, of the Developed Recreation Subelement, Recreation Element of the Goals and Policies.

14.9.2. Operational Plan

The operational plan shall describe all existing and proposed operations, including but not limited to, traffic and circulation patterns, commercial operations, primary and accessory uses, periods of operation, and seasonal operations.

14.9.3. Mitigation Program

The mitigation program shall describe all mitigation measures incorporated into the plan to offset potential impacts identified in the environmental documentation, including but not limited to, erosion and runoff controls, revegetation and restoration, traffic mitigation, mitigation of shorezone impacts, mitigation of scenic impacts, and mitigation of impacts on fish and wildlife habitat. It shall also include construction schedules, maintenance programs, methods of mitigation, and dates of completion.

14.9.4. Monitoring Program

The monitoring program shall describe all monitoring necessary to ensure that the implementation of the plan is consistent with the Tahoe Regional Planning Compact, the Goals and Policies, environmental threshold carrying capacities, state and federal air and water quality standards, and other applicable standards. The monitoring program shall include a summary of proposed funding sources.

14.10. FINDINGS FOR APPROVAL

14.10.1. General Findings

Before approving or amending a specific or master plan, the Governing Board shall find:

- A. The plan is consistent with the Goals and Policies;
- B. The plan is consistent with the Code;
- C. The plan is consistent with the adopted plan area statement or community plan applicable to the area;
- D. The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area; and
- E. The plan is consistent with the attainment and maintenance of environmental threshold carrying capacities.

14.10.2. Exception

When portions of the area subject to a specific or master plan are outside the region, the foregoing findings shall apply only to the area within the region. When the project and activities proposed within the region, in combination with other projects and activities proposed in the specific or master plan outside the region, would prevent the attainment or maintenance of environmental thresholds, the finding set forth in 14.10.1.E shall not be made and the proposed specific or master plan shall not be approved.

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.1. PURPOSE

This chapter sets forth the requirements for regulating the rate and timing of growth within the region. In conjunction with other provisions of this Code and the Goals and Policies, this chapter is intended to award and distribute allocations for growth and development in an orderly fashion in order to meet and maintain the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient a right to develop a project.

50.2. APPLICABILITY

No person shall construct a project or commence a use or activity that requires an allocation unless:

- A. An allocation is obtained in accordance with this chapter;
- B. The parcel is eligible to use an allocation; and
- C. The project is approved by TRPA.

50.3. DEVELOPMENT RIGHTS

Development rights, as defined in Chapter 90: *Definitions*, shall be assigned and utilized in accordance with the following provisions:

50.3.1. Assignment of Development Rights

Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a development right except as set forth below:

- A. Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, or within Centers in a Conforming Area Plan, and are eligible for tourist accommodation or commercial uses, shall not have a development right. Parcels that are removed from community plan areas and included in Area Plans shall not receive a development right with the change.
- B. Parcels that contained one or more of the primary uses listed in the Section 21.4 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a development right, except as otherwise provided in subsection 50.3.4.
- C. Parcels that contained one or more of the primary uses listed in Section 21.4 under Recreation, on the effective date of the Regional Plan, shall not have a development right, except that parcels with only dispersed outdoor recreation as a primary use shall have a development right.
- D. Parcels that contain one or more of the following uses in Section 21.4 under Resource Management, on the effective date of the Regional Plan, shall not have a

development right:

1. Tree farms;
 2. Farm/ranch accessory structure;
 3. Grazing;
 4. Range pasture, management;
 5. Range improvement; or
 6. Open space.
- E. Littoral parcels that contain one or more of the primary uses listed in Section 81.3, on the effective date of the Regional Plan, shall not have a development right, except that parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a development right.
- F. Parcels which are burdened by an easement or other restriction incompatible with a residential use;
- G. Parcels which were created as a result of an eminent domain or similar government action or are otherwise remnants of a prior transaction, and which do not contain sufficient area to construct a single-family residence; and
- H. Parcels which were created for the purpose of public service uses or easements, including, but not limited to, public utilities and public recreation.

50.3.2. Transfer of Development Rights

Transfer of development rights shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: *Transfer of Development*.

50.3.3. Construction of Residential Unit

A development right or multi-residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 50: *Allocation of Development*.

50.3.4. Parcels Containing a Residential Unit Destroyed by Calamity

A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.

50.4. ALLOCATION OF COMMODITIES AND DEVELOPMENT RIGHTS ACCOUNTING

50.4.1. Total Allocations of Commodities and Accounting of Development Rights

The maximum amount of residential allocations, commercial floor area, tourist bonus units, and residential bonus units that may be released before December 31, 2032, is outlined in the following table. The columns “Used 1987-2012” and “Remaining from 1987 Plan” are estimates and not regulatory.

TABLE 50.4.1-1: ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING				
ALLOCATIONS/ RIGHTS	DEVELOPMENT	USED 1987-2012	REMAINING FROM 1987 PLAN¹	2013 ADDITIONS
Residential Allocations		5,973	114	2600
Residential Bonus Units		526	874	600²
Tourist Bonus Units		58	342	0
Commercial Floor Area (Total) (square feet)		416,421	383,579	200,000³
	<i>Placer County</i>	<i>128,623</i>	<i>72,609</i>	
	<i>Washoe County</i>	<i>87,906</i>	<i>2,000</i>	
	<i>Douglas County</i>	<i>45,300</i>	<i>36,250</i>	
	<i>El Dorado County</i>	<i>15,250</i>	<i>36,150</i>	
	<i>City of South Lake Tahoe</i>	<i>77,042</i>	<i>52,986</i>	
	<i>TRPA Special Project and CEP Pool</i>	<i>62,300</i>	<i>183,584</i>	
<p>Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the “Remaining from 1987 Plan” column. The 114 remaining residential allocations were distributed to local governments in 2012, but have not been built.</p> <p>Note 2: 600 Residential Bonus Units shall be used only in Centers.</p> <p>Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.</p> <p>Note 4: Table 50.4.1-1 represents accounting of commodities as of December 12, 2012. For the most current accounting of these commodities please contact TRPA.</p>				

50.4.2. 2013 Additional Allocations

TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

50.4.3. LOS and VMT Monitoring

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of such

affordable housing to nonaffordable status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: *Permissible Uses*, contain residential units: secondary residences; employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

B. Definition of "Additional Residential Unit"

"Residential unit" is defined in Chapter 90: *Definitions*. For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter.

The following are not "additional" residential units:

1. The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
2. The reconstruction or replacement, on the same parcel, of a residential unit that was allocated and approved pursuant to this Code;
3. Legally established additions and accessory uses to an existing residential structure that do not create additional residential dwelling units;
4. The relocation of an existing residential unit legally established on January 1, 1986, other than a mobile home dwelling, through a transfer approved by TRPA;
5. The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA;
6. An existing, legally established mobile home pad with water, sewer, electrical services, and vehicular parking, whether or not a mobile home is located on the pad; or
7. One or more new residential units permitted by TRPA prior to February 24, 2010, provided that:
 - a. Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation(s) was assigned;
 - b. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other

applicable TRPA ordinances, rules, or regulations at the time of permit reissuance; and

- c. This subparagraph 7 has not previously been used in relation to the same project.

C. Maximum Number of Residential Units and Distribution of Allocations Among Jurisdictions

1. Annual Release

Up to 120 residential allocations shall be released to local governments in the following proportions:

TABLE 50.5.1-1: MAXIMUM YEARLY ALLOCATIONS		
Jurisdiction	Current % of Allocations	Maximum Allocation
Douglas County	8	10
EL Dorado County	25	30
Placer County	31	37
City of South Lake Tahoe	28	33
Washoe County	8	10
Total	100%	120

2. Additional Bonus Multi-Residential Units

In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,400 additional multi-residential development rights shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. Multi-residential units shall be subject to the foregoing allocation limitations.

3. Reassignment of Allocations

Local jurisdictions may assign allocations to other local jurisdictions. All reassignments must be reported to TRPA before they become effective.

4. Water and Sewage Capacity Limitations

- a. Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.
- b. In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

D. Residential Allocation Incentive Pool

Beginning on January 1, 2015, 20 residential allocations shall be placed in the residential allocation incentive pool. Thereafter, for every four-year allocation release pursuant to subsection 50.4.2, 40 allocations shall be placed in the residential allocation incentive pool. At the beginning of each year, unused allocations from the previous year shall be assigned to the residential allocation incentive pool administered by TRPA. However, beginning January 1, 2009, local jurisdictions may elect to retain those allocations earned through the annual performance review process, and assigned pursuant to subparagraph **Error! Reference source not found.** below, and unused by December 31 of the year distributed.

1. TRPA may assign allocations from the residential allocation incentive pool to parcels throughout the region provided the recipient retires a sensitive parcel within the region.
2. TRPA may assign up to, but not exceeding, 200 allocations from the residential allocation incentive pool to parcels throughout the region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6.
3. TRPA may assign allocations from the residential allocation incentive pool for Residential Development Right Transfers to Centers as described in subparagraph 51.3.3.C when a transfer earns a bonus unit or portion thereof.
4. In addition to allocations earned through the annual Performance Review System, TRPA may assign allocations to local jurisdictions as follows:
 - a. One allocation for every 10,000 square feet of existing Land Capability Class 1b (SEZ) coverage removed and permanently retired in accordance TRPA Code Section 30.5.3.; and/or
 - b. One allocation for every two new attached residential units constructed within Centers provided the allocation is used within a Center; and/or
 - c. One allocation for each project constructed from the 5-year EIP project list tied to a measurable EIP Performance Measure and not already credited under the TMDL provision in subsection 50.5.2.E.1 below, and/or
 - d. One allocation for improving three of nine of the TLOS criteria from the previous year by five to ten percent as determined by the jurisdiction-specific TLOS Criteria Matrix in the TLOS Guidelines Handbook. To receive an allocation pursuant to this provision TLOS criteria must be submitted the prior year.

To maintain sufficient allocations for the programs described in subsection 50.5.2.B below, the number of allocations distributed to all local jurisdictions pursuant to this provision in a calendar year shall not exceed 50 percent of the residential allocation incentive pool. Unless otherwise agreed upon by all

participating local jurisdictions, in no case shall an individual jurisdiction be assigned more than 25 percent of the pool. If insufficient allocations exist in the residential allocation incentive pool to meet the demand earned by local jurisdictions, the allocations available and earned in accordance with a.-d. above shall be distributed based on the percent distribution set forth in Table 50.5.1-1.

50.5.2. Distribution and Administration of Residential Allocations

Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

A. Reserved Allocations

Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.
2. Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1 of the year awarded shall be given to the appropriate jurisdiction for issuance.
3. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin.

B. Distribution of the Residential Allocation Incentive Pool

TRPA shall distribute allocations from the allocation pool as follows:

1. Owners of eligible parcels may apply to TRPA on a first-come, first-served basis for available allocations in the allocation pool.
2. Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6, may apply to TRPA on a first-come, first-served basis for any available allocations in the allocation pool. Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.

3. Annual allocations, sensitive lot retirements, and moderate-income housing allocations shall be made available on a first-come, first-served basis.

C. Distribution Requirements

Distribution of allocations, within the limits set in subsection 50.5.1 and consistent with subparagraph 50.5.2.A, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

1. Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification shall be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.
2. TRPA shall deliver allocations to the counties and city no later than January 15 of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for award and distribution of residential allocations for that year, whichever is later.
3. Delivery of allocations shall be accomplished by providing each county and city with the number of allocation certificates that corresponds to the original allocations available to the jurisdiction in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the county assessor's parcel number (APN) of the receiving parcel on the allocation certificate. The counties and city shall provide TRPA with a list of assessor parcel numbers that received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.
4. TRPA shall number each allocation as shown in the following table:

TABLE 50.5.2-1: NUMBERING OF ALLOCATIONS		
Indicator	Name	Examples
First set of letters	County or city of origin	WA, DG, PL, EL, SLT
First set of numbers	Year of issuance	87,88,89,90,91
Second set of letters	Type of allocation	O = original R = reissued LS = litigation settlement AP = allocation pool
Second set of numbers	Sequence of allocation	Douglas County: 1 through 23

Example: PL – 87 – R – 56

5. The counties and city shall notify each owner of a parcel receiving an allocation.

6. In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation certificate and requesting a reissued allocation for assignment to another parcel. If the original allocation certificate cannot be returned to TRPA, the county or city shall notify TRPA of the reason, and the allocation shall be cancelled by depositing a notice of cancellation in the U. S. Mail, first class, postage prepaid, addressed to the last known address of the owner of the receiving parcel.

D. Administration

An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: *Transfer of Development*. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: *Tracking, Accounting, and Banking*.

1. Upon receipt of the allocation certificate from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Residential allocation application submission deadlines are set by local jurisdictions.

E. Performance Review System

1. Allocation Performance Table

Each jurisdiction shall receive a base allocation according to Table 50.5.2-2. The base allocation may be reduced incrementally according to subparagraphs 2 and 3 following the table.

- a. Each jurisdiction's final allocation for the year shall be determined by TRPA by October 1.
- b. Beginning in 2015, allocations shall be released in two year increments. The Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA every two years. The review committee shall consist of representatives of the participating counties, city, and TRPA. The committee shall review the performance criteria, and rate of allocation distribution, contained in subparagraphs 2 and 3 below. TRPA may establish guidelines to establish consistent evaluations and/or audits for subparagraphs 2 and 3 to assist the Performance Review Committee's review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in Table 50.5.2-2. When the total number of allocations available for distribution is fewer than the number shown in the table, TRPA shall apply the performance system proportionality to the remaining allocations.

TABLE 50.5.2-2: ALLOCATION PERFORMANCE TABLE FOR 2015-2032			
Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Base Allocation
Douglas County	2	2	10
El Dorado County	8	5.5	30
Placer County	11	6.5	37
City of South Lake Tahoe	10	5.75	33
Washoe County	3	1.75	10
Total	34		120

Note: One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.

2. Total Maximum Daily Load (TMDL) Implementation

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and
- b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
- c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or
- d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

3. Permit Monitoring and Compliance

By October 1 of each year, TRPA shall conduct a representative sample audit of not less than ten percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the score as follows:

- a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or
 - b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or
 - c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.
4. Allocations not distributed under the Performance Review System shall be assigned to TRPA's residential allocation incentive pool.

F. Monitoring Requirement

TRPA hereby establishes a monitoring fee that shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance in accordance with the Rules of Procedure. The allocation monitoring fee shall be established in the Rules of Procedure.

50.5.3. Multi-Residential Allocations

A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used for the Multi-Residential Incentive Program established in Chapter 52: *Bonus Unit Incentive Program*, or in connection with transfer of development rights pursuant to Chapter 51: *Transfer of Development*.

A. Reservation Pool

On an annual basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with the jurisdiction. Allocations assigned to the pool shall be within the limitations of Table 50.5.1-1. Unused allocations may be carried over to the next year's pool.

B. Allocations for Multi-Residential Projects

Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for multi-residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review multi-residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval. Projects may receive bonus units prior to project approval pursuant to Chapter 52.

50.6. ALLOCATION OF ADDITIONAL COMMERCIAL FLOOR AREA

TRPA shall allocate the development of additional commercial floor area as follows:

50.6.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA. In order to construct the project or commence the use to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this Code.

A. Applicable Commercial Uses

The commercial uses identified in Chapter 21: *Permissible Uses*, contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses shall be deemed not to contain additional commercial floor area provided that TRPA makes the following findings:

1. The accessory use meets all criteria specified by Chapter 21 for an accessory use; and
2. The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:
 - a. There is no separate entrance for the accessory use, except separate entrances may be established for the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
 - b. The accessory use is compatible with the size and patronage of the primary use;
 - c. The accessory use does not rely on separate parking;
 - d. The accessory use is not separately advertised, except one 20 square foot projecting or building sign may be constructed with the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
 - e. The use season of the accessory use corresponds to that of the primary use; and
 - f. In applicable instances, the accessory use is principally for service or repair rather than sales.

Examples

Examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area include, but are not limited to: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.

B. "Additional" Commercial Floor Area

Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.

1. Additional commercial floor area includes, but is not limited to, the following:
 - a. The construction of commercial floor area that did not exist before January 1, 1987;
 - b. Conversion of legally existing or approved floor area from noncommercial use to commercial use; and
 - c. The construction of, or conversion to, floor area that is primarily used for commercial enterprise regardless of whether it is classified as "public service" or is publicly owned, except when such floor area is for an accessory use excluded in subparagraphs 50.6.1.A.1 and 2 or such floor area is excluded by subparagraph 50.6.1.B.2.
2. Additional commercial floor area excludes the following:
 - a. Changes in commercial use that do not involve any increase in commercial floor area;
 - b. Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less; provided:
 - (i) The existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph;
 - (ii) The exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion;
 - (iii) There is no change in use;
 - (iv) Any increase in traffic is insignificant as defined in Section 66.2: *Traffic and Air Quality Mitigation Program*;
 - (v) The exempt addition or expansion occurs within a single project area; and
 - (vi) The exempt addition or expansion does not occur within the same project area more frequently than once every ten years;
 - c. The relocation, replacement, or reconstruction on the same parcel of commercial floor area that either existed as of January 1, 1987, or that contains floor area allocated and approved pursuant to this Code;
 - d. The replacement, reconstruction, or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;
 - e. The TRPA-approved transfer of legally existing commercial floor area;

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 Allocation of Additional Commercial Floor Area

50.6.2 Commercial Floor Area Allocated or Transferred to Project in Designated Preferred Industrial Area

- f. The construction of floor area associated with a publicly owned assembly and entertainment facility with a fire-rated capacity of less than 1,100 people; and
- g. New commercial floor area permitted by TRPA prior to February 24, 2010, provided that:
 - (i) Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation was assigned;
 - (ii) All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and
 - (iii) This subparagraph g has not previously been used in relation to the same project.

C. Allocations to Sensitive Lands

Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or 1b (Stream Environment Zone) shall not be permitted unless:

- 1. The allocation is matched by a transfer from an equal or more sensitive land capability district at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,
- 2. The parcel receiving the allocation is in an area covered by an adopted community plan where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted an EIP project list pursuant to the residential allocation requirements in subparagraph 50.5.2.E.

50.6.2. Commercial Floor Area Allocated or Transferred to Project in Designated Preferred Industrial Area

Commercial square footage allocated or transferred to a project in a designated preferred industrial area may be doubled if the area has implemented area-wide BMPs, or the local government of jurisdiction has committed to implement area-wide BMPs on its five-year CIP list submitted to TRPA. Transfers of commercial floor area out of a preferred industrial area shall be reduced by 50 percent unless the floor area was acquired through a TRPA-approved transfer on a 1:1 ratio or through a community plan allocation system. Transfers and relocations of commercial floor within a preferred industrial area shall be at a 1:1 ratio.

50.6.3. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below. The allocation and distribution of this floor area shall be as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 Allocation of Additional Commercial Floor Area

50.6.3 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

A. Within Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below, the maximum amount of additional commercial floor area allocated to community plan areas is 376,340 square feet.

1. Administration

The 376,340 square feet of additional commercial floor area shall be allocated by TRPA, distributing 286,340 square feet initially to the local jurisdictions. The 286,340 square feet shall be assigned to community plans pursuant to subparagraph a, below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to subparagraph b, below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 286,340 square feet among local jurisdictions, are reflected in the following Table 50.6.3-1.

TABLE 50.6.3-1: COMMERCIAL FLOOR AREA ALLOCATIONS WITHIN COMMUNITY PLAN AREAS (“CP”)				
Jurisdiction	Initial Allocation to CPs (75%)	Bonus Adopted CPs (15%)	Before CP Adoption (10%)	Total
South Lake Tahoe/El Dorado County	79,100			
Placer County	112,500			
Washoe County	55,990			
Douglas County	38,750			
Total Square Feet	286,340	54,000	36,000	376,340

a. Initial Allocation

TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above Table 50.6.3-1 in the first column. After TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to subparagraph 1. This distribution shall reward those community plans which that best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 Allocation of Additional Commercial Floor Area

50.6.3 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

sufficient reserve to adequately address the needs of community plans not yet presented for review. It is TRPA's goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

2. Before Adoption of a Proposed Community Plan

- a. Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph A and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as provided in Table 50.6.3-2:

TABLE 50.6.3-2: COMMERCIAL FLOOR ALLOCATIONS BEFORE ADOPTION OF COMMUNITY PLAN	
Jurisdiction	Floor Area
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

- b. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

3. After Adoption of a Community Plan

Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

B. Outside Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph 3 below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 Allocation of Additional Commercial Floor Area

50.6.4 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

1. Administration

- a. A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as provided in Table 50.6.3-3 follows:

Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	7,020
Placer County	16,640
Washoe County	0
Douglas County	0

- b. A local jurisdiction may transfer its allocation of commercial floor area from Table 50.6.3-3 to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.

2. Limitations

No single commercial project shall be allocated more than 4,500 square feet of the 40,000 square feet in a ten year period for use within the project area.

C. Allocation Time Limit Extension

The allocation time limits specified in subparagraphs 1 and 2 above shall no longer be applicable.

50.6.4. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted in the region as of January 1, 1997. The allocation and distribution of this floor area shall be as follows:

A. Within Adopted Community Plans

A maximum of 150,000 square feet of commercial floor area may be permitted in areas covered by adopted community plans provided that all irrevocable commitments, as defined in the applicable community plan as a requirement to release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 Allocation of Additional Commercial Floor Area

50.6.4 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

1. TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. Allocations not assigned by December 31, 1998, shall be reassigned to the Special Projects as set forth in subparagraph D below.
2. By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 50.5.2.E) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to Table 50.6.4-1.
3. TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and December 1, 2005. The apportionment shall be according to Table 50.6.4-1:

TABLE 50.6.4-1: COMMERCIAL FLOOR AREA ALLOCATIONS BY RANKING	
Ranking	Allocations
1.	20,000
2.	15,000
3.	8,000
4.	5,000
5.	2,000

B. Within Preliminary Community Plans

1. Projects having an aggregate commercial floor area not exceeding 36,000 square feet and located within the boundaries of preliminary community plans may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as follows:

TABLE 50.6.4-2: APPORTIONMENT OF 36,000 SQUARE FEET ALLOCATION	
Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 Allocation of Additional Commercial Floor Area

50.6.4 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

2. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

C. Outside Community Plans

Allocations permitted in subparagraph A above may be distributed in areas not covered by adopted community plans, subject to the limitations in this subparagraph 50.6.4.C and provided the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside community plan areas.

D. Special Projects

A maximum of 187,770 square feet of commercial floor area remains for distribution to special projects after January 1, 2007. This total includes the 100,000 square feet of commercial floor area that had been held in reserve through 2006 and that may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as provided below.

1. Goals

The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.

2. Eligibility

All projects in adopted community plans, adopted TRPA master plan areas, or in designated plan areas that are preparing a community plan or a TRPA master plan are eligible for special project allocations. No permits shall be issued for special projects until and unless TRPA has approved a community plan or TRPA master plan for the subject area.

3. Evaluation Criteria

Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:

- a. Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a threshold standard found not to be in attainment per the 2001 Threshold Evaluation; and

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 Allocation of Additional Commercial Floor Area

50.6.5 Administration of Allocations for Additional Commercial Floor Area

b. Provide substantial environmental benefits or mitigation in excess of TRPA's project mitigation requirements.

4. Public Assistance

Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.

5. Maximum Amount

The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.

6. Time Limit

Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.

7. Applications

TRPA shall consider applications for available special project allocations annually. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.

8. Notifications

TRPA shall give adequate public notice 90 days in advance of any action assigning special project allocations. Notifications shall include the general criteria by which the special project shall be evaluated.

9. Advisory Planning Commission (APC) Recommendation

The Advisory Planning Commission (APC) shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 50.5.2.E, shall assist the APC and staff in developing review criteria.

E. Commercial Floor Area for 2013

For 2013, CFA that is currently held by local governments shall remain with local governments and be distributed in accordance with current Code provisions. CFA that is currently held by TRPA shall be retained by TRPA for development transfer matches and other region-wide programs.

50.6.5. Administration of Allocations for Additional Commercial Floor Area

For purposes of subsection 50.6.4 and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area shall establish the year to which the allocation is attributed.

A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation shall be the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.

- B.** An allocation for additional commercial floor area shall not be transferred to or otherwise used for a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.
- C.** TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of commercial floor area.

50.7. ALLOCATION OF ADDITIONAL TOURIST ACCOMMODATION UNITS

TRPA shall allocate the development of additional tourist accommodation units as follows:

50.7.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA. In order to construct the project or commence the use to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this Code.

A. Applicable Tourist Accommodation Uses

The tourist accommodation uses set forth in Chapter 21, contain tourist accommodation units.

B. Definition of "Additional" Tourist Accommodation Units

A tourist accommodation unit shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, in accordance with this section. The conversion of an existing non-tourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

- 1.** The reconstruction or replacement on the same parcel of a tourist accommodation unit legally existing or approved on January 1, 1987;
- 2.** The reconstruction or replacement on the same parcel of a tourist accommodation unit that was legally allocated and approved pursuant to this Code;
- 3.** Modifications to legally existing tourist accommodation structures and their accessory uses;
- 4.** The relocation of a legally existing tourist accommodation unit through a transfer approved by TRPA pursuant to Chapter 51; or
- 5.** The conversion of legally existing multi-family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.7 Allocation of Additional Tourist Accommodation Units

50.7.2 Administration of Allocations for Additional Tourist Accommodation Units

C. Maximum Number and Distribution of Allocations for Additional Tourist Accommodation Units

1. A maximum of 400 additional tourist accommodation bonus units may be approved for construction.
 - a. Tourist accommodation bonus units shall be limited to special projects in accordance with subparagraph 50.6.4.D, and shall only be permitted when:
 - (i) Matched by transfers of existing units from sensitive lands that have been restored, or
 - (ii) As incentives for the transfer of existing development to centers in accordance with subsection 51.5.3, or
 - (iii) As incentives for the removal and retirement of excess coverage pursuant to subsection 30.6.3.
2. Distribution of units within the Area Plan, community plan or Ski Area Master Plan shall be pursuant to the provisions of the adopted community plan or Ski Area Master Plan and the following criteria:
 - a. The additional concentration of tourist accommodation units shall be consistent with the TRPA Regional Transportation Plan and would better promote transit and pedestrian forms of transportation;
 - b. The additional units shall be part of an overall program to rehabilitate and upgrade existing tourist accommodation units;
 - c. The existing infrastructure capacity, such as sewage disposal and highway capacities, shall be sufficient to accommodate the additional units; and
 - d. A demonstration of need for additional units shall be shown pursuant to Chapter 12: *Community Plans*.

50.7.2. Administration of Allocations for Additional Tourist Accommodation Units

For purposes of subparagraph 50.7.1.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional tourist accommodation units shall establish the year to which the allocation is attributed.

- A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.
- B. An allocation for additional tourist accommodation units shall not be transferred to or otherwise used for a project other than that for which it pertains. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit and the tourist accommodation units represented by the allocation shall automatically return to the pool from which they originated.
- C. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of tourist accommodation units.

50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

TRPA shall regulate the rate and distribution of additional public service development as follows:

50.8.1. Required Findings for Approval of Additional Public Service Facilities

Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A. There is a need for the project;
- B. The project complies with the Goals and Policies, applicable plan area statements, and Code;
- C. The project is consistent with the TRPA Environmental Improvement Program;
- D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's service capacity;
- E. If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and
- F. Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

50.8.2. Definition of "Additional" Public Service Facilities

Public service facilities shall be considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility shall be an additional public service facility subject to this chapter. The following shall not be "additional" public service facilities:

- A. The reconstruction or replacement on the same parcel of legally existing public service facilities;
- B. Modifications to legally existing public service facilities and their accessory uses that do not create additional service capacity;
- C. Public or quasi-public utility service connections;
- D. Replacement or reinforcement of pipelines or transmission lines that result in no significant increase in service capacity; and
- E. Telephone lines, local distribution facilities, and similar facilities.

50.8.3. Provisions Regarding Commercial Floor Area Allocation for Public Service Projects

If the owner of the project area is the operator of the public service use pursuant to Chapter 21: *Permissible Uses*, then the provisions of subsection 50.8.1 apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be considered a commercial use and subject to the allocation limitations of Section 50.6 unless:

- A. A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction;
- B. The lease contains adequate assurances that the public service use will remain for a minimum of seven years;
- C. Local government has committed to enforcement of any change of use through permits and business licenses; and
- D. All lien holders on the property have been notified of the deed restrictions.

50.8.4. Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use

Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer shall be subject to the standards of Chapter 51, and the following standards:

- A. The owner of sending project area shall comply with subparagraphs A through D of subsection 50.8.3 above;
- B. The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, or Transit Stations and Terminals;
- C. The commercial floor area displaced is transferred to a site in a designated community plan area;
- D. In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted community plan allocation system. If the community plan area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and
- E. TRPA determines that, when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

50.9. REGULATION OF ADDITIONAL RECREATION FACILITIES

TRPA shall regulate the rate and distribution of additional recreation facilities as follows:

50.9.1. Required Findings for Approval of Additional Recreation Facilities

Approval of additional recreation facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A. There is a need for the project;
- B. The project complies with the Goals and Policies, the applicable plan area statements, and Code;
- C. The project is consistent with the following TRPA maximum allowances for outdoor recreation:
 - 1. 6,114 people at one time ("PAOT") in overnight facilities;
 - 2. 6,761 PAOT in summer day-use facilities;
 - 3. 12,400 PAOT in winter day-use facilities; and
 - 4. Plus the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
- D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's recreational service capacity; and
- E. If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

50.9.2. Definition of "Additional Recreation"

Recreation shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and would result in an increase in vehicle trips that requires a traffic analysis pursuant to subparagraph 65.2.4.B, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity(See subsection 11.6.11). The conversion of an existing non-recreational use to a use constituting a recreation facility shall be additional recreation subject to this chapter. The following shall not be "additional" recreation facilities:

- A. The reconstruction or replacement on the same parcel of recreation facilities legally existing on or approved before January 1, 1987;
- B. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;
- C. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; or
- D. Dispersed recreation.

50.9.3. Allocation of Additional Recreation PAOTs

No person shall construct a project or commence a use that requires additional PAOTs without first receiving an allocation approved by TRPA. In order to construct the recreation project or commence the additional recreation use, the person proposing same shall comply with all other applicable provisions of this Code.

A. Applicable Recreation Uses

The following recreation uses are subject to PAOT allocation consistent with the PAOT standards in subparagraph 50.9.3.B.

1. Summer Day Use

The following uses and activities are subject to summer day use PAOT allocations:

- a. Marinas, boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses;
- b. Recreation centers, participant sport facilities, sport assembly, beach recreation, and day use areas operated by the states' Departments of Parks and Recreation or their permittees, or by federal agencies or their permittees; and
- c. Tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions that provide additional outdoor recreation capacity.

2. Winter Day Use

Downhill ski facilities are subject to winter day use PAOT allocations.

3. Overnight Use

Developed campgrounds, group facilities, and recreational vehicle parks are subject to overnight use capacity PAOT allocation.

B. Definition of Additional PAOTs

A PAOT shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation (see subsection 11.6.11). The conversion of an existing recreation use that does not require PAOTs to a use that does require PAOTs shall constitute additional PAOTs. The following shall not be "additional" PAOTs:

1. The reconstruction or replacement on the same parcel of recreation facilities legally existing on, or approved before, January 1, 1987;
2. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;
3. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; and

4. Dispersed recreation.

C. Maximum Amount and Distribution of PAOT Allocations

A maximum amount of recreational PAOT capacity shall be targeted and permitted for development. TRPA shall keep a cumulative accounting of recreation allocation in PAOT as applicable.

1. General

PAOT capacity shall apply to the primary recreational use of a facility as follows:

- a. PAOT allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The PAOT allocation shall be set forth in the approval for the project.
- b. An allocation for additional PAOTs shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the recreation capacity represented by the allocation shall automatically return to the pool from which it originated.
- c. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocations of PAOTs.
- d. New developed cross country ski and snowmobile courses shall be encouraged where appropriate as seasonal adjuncts to existing or new summer day use or overnight facilities.

2. Summer Day Use

Summer day use capacity shall be allocated and distributed as follows:

- a. There shall be a pool of 6,761 PAOT for summer day use facilities. A minimum of 2,000 of the summer day use PAOT pool shall be reserved for expansion of marinas and boat launching facilities.
- b. PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master plan except as noted in Section 14.2.
- c. PAOTs may be assigned to a plan area statement for future allocation.

3. Winter Day Use

Additional winter day use capacity shall be allocated and distributed as follows:

- a. There shall be 12,400 winter day use PAOTs for downhill ski areas. All winter day use PAOTs shall be distributed in the plan area statements.

- b. Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 14.

4. Overnight Use

Additional overnight use capacity shall be allocated and distributed as follows:

- a. There shall be 6,114 PAOTs for overnight uses, of which 5,114 shall be distributed in the plan area statements. The remaining pool of 1,000 overnight PAOTs may be allocated to overnight uses meeting the criteria set forth in subsection 50.9.1 and subparagraph 50.9.3.C.4.b below, provided such uses are located in plan areas where there are no PAOTs specified in the plan area or the amounts specified are insufficient for the proposed use.
- b. To be eligible for overnight PAOT allocation from the pool, the project area shall retain or be restored to a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities, such as hiking trails, public beaches, and fishing.

D. Other Recreational Facilities

Other permissible recreation facilities, including riding and hiking trails, undeveloped campgrounds, outdoor recreation concessions, and dispersed recreation support facilities, shall be subject to subsection 50.9.1, but shall not be subject to PAOT allocations.

50.10. ELECTION OF CONVERSION OF USE

50.10.1. General Conversion Standards

Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area if the conversion complies with subsections 50.10.3, 4, 5, 6 or 7 and with the following conversion standards:

- A.** The proposed conversion shall be evaluated for adverse impacts using the Initial Environmental Checklist (IEC) and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated;
- B.** Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit;
- C.** Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area to one square foot of commercial floor area, using the subsection 50.6.2 criteria for measurement of floor area; and
- D.** A maximum of 200 residential units and 200 tourist accommodation units may be converted within a calendar year for the region.

50.10.2. Conversions to Multi-family Units

A pilot program is created under this subsection that allows for the conversion of no more than 200 TAUs to ERUs for multi-unit projects, subject to the following conditions:

- A. Each TAU can be used for a maximum of 1,250 sq. ft. of residential floor area;
- B. The conversion must happen on the same parcel; and
- C. TRPA shall monitor the impacts to thresholds of pilot program.

50.10.3. Transfer From Sensitive Lands

Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or 1b (Stream Environment Zone), and the parcel is restored.

50.10.4. Removal of a Nonconforming Use

Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA standards for new construction.

50.10.5. Uses Modified to Meet Development Standards for New Projects

Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family residential, may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area.

50.10.6. Uses Linked to an EIP Project

Conversion of residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family, may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 15: *Environmental Improvement Program*.

50.10.7. Uses to Provide Deed-Restricted Affordable Housing Projects

Conversion of existing tourist accommodation units of use to residential may be permitted onsite if the converted units will be used for deed-restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area.

50.10.8. Commercial Floor Area/Tourist Bonus Unit Conversion Pilot Program

Notwithstanding any other contrary provisions of Chapters 50 and 51, this pilot program allows for the reservation, conversion, allocation, and transfer of Commercial Floor Area (CFA) and tourist bonus units.

- A.** Reservation of Bonus CFA or Tourist Bonus Units.
1. Potential applicants may submit letters of intent to apply for bonus CFA or tourist bonus unit reservations upon TRPA Governing Board approval of this pilot program until March 27, 2016. All reservation letters received during this period shall be reviewed and ranked according to the criteria below by the Governing Board. The applicants with the highest ranked letters of intent will be allowed to reserve bonus units to the extent bonus units are available from TRPA. TRPA shall rank the letters of intent on the following criteria:
 - a. Amount of nutrient and fine sediment pollutant reduction and stream environment zone and other sensitive land restoration;
 - b. Additional Threshold or community benefits; and
 - c. Status of land acquisition and likely maintenance of restoration benefit.
- Successful potential applicants shall complete their reservation applications pursuant to Section 50.10.8.B below within 18 months of Governing Board action on their letter of intent.
2. If the letter of intent process does not exhaust the available supply of bonus CFA or tourist bonus units, additional reservation applications may be submitted after March 27, 2016 and considered by the Governing Board under the criteria of Section 50.10.A.1 (a)-(c).
 3. Sending site project areas for reservation requests shall be limited to contiguous parcels and requests shall describe the number of CFA and/or tourist bonus units that could be feasibly earned as a result of the sending site restoration according to Section 51.5: *Transfer of Existing Development*.
- B.** All applicants for CFA and tourist bonus units either reserved per A.1 or submitted per A.2, above, shall provide the following within 18 months from the date of reservation approval per A.1.

1. Submit a complete application for a TRPA permit for any demolition and restoration of the sending site project area; and
 2. Include proof of ownership or control of the sending site project area, which, at a minimum, shall be an option to purchase the site.
- C. Applicants shall restore and permanently restrict all or part of the sending site, as appropriate, pursuant to the provisions of Section 51.6: *Restriction of Parcels*, no later than 12 months after the approval of an application submitted per 50.10.8.B, above, or three years from the effective date of this ordinance, whichever comes later.
- D. The Governing Board may grant one extension of up to 12-months to applicants diligently pursuing the approved restoration project.
- E. CFA and tourist bonus units may be converted into either commodity at a ratio of one TAU to 450 square feet of CFA and vice-versa.
- F. No more than 80,000 square feet of CFA from the TRPA-Special Project and CEP Pool and no more than 61 tourist bonus units remaining from the 1987 Regional Plan (provided for in Table 50.4.1-1: *Allocation and Development Rights Accounting* of this Code) may be used under this pilot program.
- G. TRPA shall allocate the CFA or tourist bonus units when the sending site has been deed restricted, and when the applicable conditions of approval for the demolition and restoration plan have been satisfied or a security has been posted in an amount equaling 125% of the amount needed to ensure the unsatisfied conditions of approval for the restoration will be satisfied.
- H. Bonus units can be earned and held by either a public or private party.
- I. This pilot program shall remain in effect from March 27, 2016 through March 27, 2019. If CFA or tourist bonus units are reserved during the time that the pilot program is in effect, TRPA may issue CFA or tourist bonus units following the termination of the pilot program if all of the criteria in this section have been met.

50.11. OTHER PERMITS Allocation of Shorezone Structures

Structures in the shorezone and lakezone shall be allocated pursuant to applicable provisions in Chapter 84, Development Standards in the Shorezone and Lakezone. The following subsections address allocation of shorezone structures:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.11 Other Permits

50.10.7 Uses to Provide Deed-Restricted Affordable Housing Projects

84.3 Mooring Structures

84.4 Piers

84.5 Boat Ramps

50.121. OTHER PERMITS

A county or city building department shall not issue a permit for or relating to the construction, conversion, or use of units, floor area, service capacity, or other development subject to the requirements of this chapter unless the permit is issued in conjunction with a

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.11 Other Permits

50.10.7 Uses to Provide Deed-Restricted Affordable Housing Projects

TRPA approval in accordance with this chapter. This requirement applies to, but is not limited to, a permit for a foundation, grading, clearing, or removal of vegetation.

CHAPTER 63: FISH RESOURCES

63.1. PURPOSE

The purpose of this chapter is to ensure the protection of fish habitat and to provide for the enhancement of degraded habitat.

63.2. APPLICABILITY

This chapter is applicable to all projects and activities that could interfere with the health of fish populations in Lake Tahoe, its tributaries, and other lakes in the region. New uses, projects and activities within fish habitat, as identified by TRPA fish habitat maps or a qualified biologist, shall include provisions for the protection or enhancement of the affected habitat.

63.3. FISH HABITAT PROTECTION

Fish habitat consists of a complex set of elements, such as spawning and nursery or rearing areas, food supply, and escape cover. Areas of prime fish habitat are subject to verification by TRPA and are defined in Chapter 90: *Definitions*.

63.3.1. Lake Habitat

Lake habitat shall be protected as provided below.

- A. Projects and activities in the shorezone of lakes may be prohibited, limited, or otherwise regulated in prime habitat areas, or in areas or at times found by TRPA to be vulnerable or critical to the needs of fish.
- B. Special conditions of project approval, such as restoration of physically altered substrate, construction limited to designated periods, or shoreline protective measures, may be required for development in the shorezone to mitigate or avoid significant adverse impacts to habitat or normal fish activities.
- C. Habitat restoration projects may be permitted in the nearshore or foreshore.
- D. Certain activities, such as construction, swimming, or boating, may be restricted temporarily in areas where spawning activity is occurring.
- E. The physical alteration of the substrate in areas of prime fish habitat ~~is prohibited unless approved by TRPA~~ shall be mitigated.
- F. Projects and activities affecting lake fish habitat shall be referred to state and federal fisheries agencies for review and comment.

63.3.2. Stream Habitat

Stream habitat shall be protected as provided below.

- A. Artificial modifications to stream channels, or other projects, activities, or uses in stream environment zones that may physically alter the natural characteristics of the

CHAPTER 63: FISH RESOURCES

63.3 Fish Habitat Protection

63.3.2 Stream Habitat

stream shall not be permitted unless TRPA finds that such actions avoid significant adverse impacts to the fishery or are otherwise allowed under the Code.

- B.** All stream crossings shall be constructed so as to allow unrestricted upstream and downstream movement of fishes.
- C.** Existing structures within stream environment zones that are barriers to fish migration may be removed or modified to permit fish passage (See Section 5.12 Remedial Action Plans, and Chapter 16: *Regional Plan and Environmental Threshold Review*).
- D.** Development adjacent to tributaries shall be required to fully mitigate significant adverse impacts to the fishery.
- E.** Proposals for stream habitat improvement shall include, at a minimum, the following information:
 - 1.** Purpose of the project;
 - 2.** Species to be benefited;
 - 3.** Time and methods of construction or other work;
 - 4.** The use, source, placement, and quantity of all materials; and
 - 5.** A vegetation plan for fish cover, shading, and bank protection as needed.
- F.** Wildlife habitat improvement projects or activities, or other projects or activities requiring the diversion of stream water, shall mitigate significant adverse impacts to the tributary by:
 - 1.** Maintaining adequate instream flows adjacent and downstream from the project area;
 - 2.** Preventing the introduction or reentry of nutrients or sediment-enriched water to the tributary;
 - 3.** Providing for unobstructed migration of fishes through the main stream channel;
 - 4.** Protecting or restoring fish habitat;
 - 5.** Protecting or restoring riparian vegetation; and
 - 6.** Protecting or restoring other relevant instream values such as recreation, aesthetics, and wildlife habitat.
- G.** Fish and wildlife stream habitat projects or activities shall be developed in coordination with the appropriate fish and wildlife agencies.
- H.** Whenever possible, existing points of water diversion from streams shall be transferred to Lake Tahoe when the diversions significantly and adversely impact instream beneficial uses.

- I. An instream beneficial use assessment, such as the type established by Title 23, Section 670.6 of the California Administrative Code, shall be required for all projects and activities involving the diversion of water from a stream where instream flow standards have not been established. The assessment also may be required on streams where existing diversions are creating identified problems such as non-compliance with environmental thresholds. Prior to TRPA approval, standards of stream flow shall be established pursuant to the results of the assessment. Approval shall be conditioned on compliance with those standards and other mitigation necessary to achieve and maintain the environmental thresholds.

63.4. AQUATIC INVASIVE SPECIES

Aquatic invasive species (AIS) pose a serious threat to the waters of the Lake Tahoe region and can have a disastrous impact to the ecology and economy of the Tahoe Region. The following provisions are necessary to prevent the introduction and spread of aquatic invasive species.

63.4.1. Prohibition

The following actions are prohibited:

- A. The transport or introduction of aquatic invasive species into the Lake Tahoe region.
- B. The launching of any watercraft or landing of any seaplane contaminated with aquatic invasive species into the waters of the Tahoe region.
- C. The launching, or attempting to launch, of any motorized watercraft into the waters of the Lake Tahoe region without an inspection by TRPA or its designee, to detect the presence, and prevent the introduction of, aquatic invasive species. Non-motorized watercraft and seaplanes are subject to inspection and are included in this provision if determined necessary by TRPA or its designee.
- D. The provision of inaccurate or false information to the TRPA or persons designated to conduct inspections pursuant to subsection 63.4.2.
- E. The alteration, modification or unauthorized use of any inspection seal or other device used by TRPA or its designee to indicate that a watercraft or seaplane last entered the waters of the Lake Tahoe region.

63.4.2. Watercraft Inspections and Decontamination

- A. All watercraft and seaplanes inspected pursuant to subparagraph 63.4.1.C shall be subject to decontamination if determined necessary by the TRPA or its designee
- B. All watercraft and seaplanes subject to inspection and/or decontamination pursuant to subparagraphs 63.4.1.C and 63.4.2.B shall be permitted to enter the waters of the Lake Tahoe region only if: (a) the inspection and/or decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and

requirements for aquatic invasive species inspection and decontamination, and (b) following inspection and/or decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspections.

- C.** Inspections and decontaminations performed pursuant to Section 63.4 shall be subject to a fee related to the costs of performing such services and other Watercraft inspection program costs. The TRPA Governing Board shall review and approve the fee amount and structure annually.
- D.** An owner and/or operator of a boat ramp (excluding Marine Railway Systems) or other boat launch facility shall close any ramp or facility if the provisions of subparagraph 63.4.2.B are not met in order to prevent the launching of motorized watercraft.
- E.** Any watercraft or seaplane entering the waters of the Lake Tahoe region in violation of Chapter 63: *Fish Resources* shall be removed from those waters immediately.
- F.** Any individual who launches watercraft in violation of Section 63.4 may be held responsible for the costs expended by the TRPA or its designee for response and mitigation of impacts.
- G.** Once a watercraft leaves a water body, watercraft drain plugs shall be removed in an area designated by the launch facility's staff who is trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspection, to allow for any water within the watercraft to drain prior to transport over land.

CHAPTER 66: SCENIC QUALITY

66.1. SCENIC QUALITY STANDARDS

66.1.1. Purpose

The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

66.1.2. Applicability

All projects shall comply with the standards of this section.

66.1.3. Roadway and Shoreline Unit Scenic Quality

The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8, and 13-9 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the referenced study report shall be used to determine if a project will cause a decrease in the numerical rating.

66.1.4. Roadway and Shoreline Unit Travel Routes

The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating travel routes as identified in the referenced study report and as further explained in the report entitled *A Scenic Analysis of Principle Travel Routes In The Lake Tahoe Region*, 1970, shall be used to determine if a project will cause a decrease in the numerical rating. For projects in the shoreland, Section 66.3 shall be used to determine if it will contribute to a decrease in the numerical rating for a shoreline travel route rating.

66.1.5. Public Recreation Areas and Bicycle Trails

The project shall not cause a decrease in any numerical subcomponent threshold rating or total threshold rating assigned to a scenic resource identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project that may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

66.2. ESTABLISHMENT OF SCENIC HIGHWAY CORRIDORS

66.2.1. Purpose

TRPA and other public agencies within the Tahoe region shall maintain and enhance viewing opportunities, whenever feasible, by establishing scenic highway corridors. TRPA, through

the project review process, shall ensure that viewsheds and view corridors along the scenic highway corridors are maintained and enhanced.

66.2.2. Designation of Scenic Highway Corridors

All federal and state highways that lie within the Tahoe region and Pioneer Trail are designated as scenic highways.

A. Urban Scenic Corridors

Urban scenic highway corridors are generally urbanized areas where man-made development is the dominant visual feature. When viewed from areas outside of the urban corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and Pioneer Trail that lie within the urban areas as shown on TRPA's scenic units map layers are designated as urban scenic highway corridors. The width of urban scenic highway corridors shall include the highway right-of-way and all properties or portions thereof up to 300 feet on either side of the highway right-of-way that are visible from the highway.

B. Transition Scenic Corridors

Transition scenic highway corridors shall be generally areas of transition between urban and natural areas where the built environment is not the dominant visual feature; rather it appears well integrated into and in balance with the natural elements of the landscape. When viewed from areas outside of the transition corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and Pioneer Trail that lie within the transition areas as shown on TRPA's scenic units map layers are designated as transition scenic highway corridors. The width of transition scenic highway corridors shall include the highway right-of-way and all properties or portions thereof up to 1000 feet on either side of the highway right-of-way that are visible from the highway.

C. Natural Scenic Corridors

Natural scenic highway corridors are generally those areas where natural landscape elements and processes are the dominant visual features. Those portions of federal and state highways that lie within the natural areas as shown on TRPA's scenic units map layers are designated as natural scenic highway corridors. The width of natural scenic highway corridors shall include the highway right-of-way and all properties or portions thereof up to one-half mile on either side of the highway right-of-way that are visible from the highway.

66.2.3. Scenic Viewpoint Corridor Plan Prepared

The TRPA shall, in cooperation with other interested agencies and private citizens, prepare a comprehensive Scenic Viewpoint Corridor Plan. The purpose of this plan shall be the improvement of the public's traveling experience in the region. The Scenic Viewpoint Corridor Plan shall be a design plan that shall, at a minimum: identify potential scenic viewpoints, pull-off facilities, and moving vistas; create a signage program, including interpretive signs and displays, that identifies the scenic corridor; provides opportunities for mass transit service; and specifies implementation of proposed improvements.

66.2.4. Scenic Highway Corridor Design Standards

All projects that are within the scenic highway corridors designated in subsection 66.2.2 shall meet the design standards listed in subparagraphs A and B below, in addition to other applicable design standards. All projects that are within the natural scenic highway corridor shall also meet the design standards listed in subparagraph C below, in addition to other applicable design standards.

A. Utilities

1. Electrical Lines

All new electrical lines that operate at 32 kilovolts or less, including service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new electrical lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

2. Communication Lines

All new communication lines including telephone lines, cable television lines, and service connection lines shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new communication lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

B. Highway Fixtures

1. Guardrails and other highway fixtures, including but not limited to retaining walls, safety barriers, traffic signals and controllers, light standards, and other structures shall be limited to the minimum length, height, and bulk necessary to adequately provide for the safety of the highway user.

2. Earth tone colors of dark shades and flat finish shall be used on all highway fixtures. New and replacement guardrails shall not have a shiny reflective finish.

3. Retaining walls and other erosion control devices or structures shall be constructed of natural materials whenever possible and shall to the maximum extent possible be designed and sited as to not detract from the scenic quality of the corridor. Such structures shall incorporate heavy texture or articulated plane surfaces that create heavy shadow patterns.

4. Adopted community plans may establish equal or superior standards for highway fixtures.

C. Siting of Development

All projects, excluding signs, driveways, parking for scenic vista points, trailheads, and pedestrian/bicycle paths shall be sited in such a manner that they are not visually

evident from the scenic highway. All projects, when viewed from a distance of not less than 300 feet, should meet the Visual Magnitude/Contrast Ratings for Natural Scenic Highway Corridors established in Appendix D of the Design Review Guidelines.

66.3. SCENIC QUALITY REVIEW IN THE SHORELAND

66.3.1. Applicability

To make the scenic findings required by subsection 66.1.4, all projects within the shoreland (see Section 90.2 for definition) of any Shoreline Threshold Travel Route shall be reviewed for compliance with the standards set forth below except for projects within marinas with adopted master plans and certified EISs, or structures designated as historic by TRPA, pursuant to Chapter 67: *Historic Resource Protection*.

66.3.2. Review Process

The applicant shall complete a scenic assessment when applying for any activity requiring a TRPA permit. An applicant may apply for a scenic assessment at any time to document the baseline condition. Review and mitigation of scenic impacts shall be based on subsection 66.3.3 below.

A. Scenic Assessment

A scenic assessment shall be required prior to submittal of a project application for Levels 3, 4, 5, and 6 projects. The scenic assessment will establish a baseline scenic condition for all following scenic impact analyses. The baseline shall be the existing condition at the time of the first scenic assessment, unless the site is the subject of an existing TRPA approval, by litigation settlement or otherwise, that contains a scenic analysis, in which case the approved scenic analysis shall be the baseline. For purposes of this Section, unbuilt projects with an active permit shall be considered as existing.

1. Description of existing scenic conditions in the project area including, but not limited to, structure color and height, existing visible mass from the Lake, types and areas of materials of existing structures, and identification of needed scenic BMPs;
2. Identification of existing vegetation types and their location, size, and height; and
3. Photographic inventory of the project area from 300 feet and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions.

66.3.3. Levels of Scenic Mitigation

The levels of scenic mitigation provided below shall be required based on the level of the activity or project.

A. Level 1

This level consists of all non-visible projects in the shoreland or projects and activities on existing visible structures in the shoreland that are considered repair or

maintenance. This includes exact in-kind replacement. There are no mitigation requirements required except as noted in Level 2.

B. Level 2

This level consists of all projects and activities on existing visible structures in the shoreland that are considered painting, re-siding, re-roofing, or similar activities that affect the color of the structure. The mitigation requirements for this level shall be the color requirements set forth in subsection 36.6.1.

C. Level 3

All projects on existing visible structures in the shoreland altering or increasing the lakefront façade area 20 percent or less and the result is 1,500 square feet or less of lakefront façade or non-repair projects on structures adjacent and lakeward of the shoreland, [including pier structures per subsection 84.4.3\(A\)\(4\) and per ratio requirements in 84.4.3\(A\)\(6\)](#). The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:

1. It is physically impossible to attain a score of 21 through application of scenic BMPs; or
2. The cost of the scenic BMPs required to increase the baseline contrast score to 21 exceeds ten percent of the cost of the project; and
3. If the project is not required to bring the project area into conformance as a result of subparagraphs 1 and 2 above, the applicant shall attain the highest possible score.

D. Level 4

1. Description

This level consists of all projects where existing visible structures in the shoreland exhibit one or more of the following characteristics:

- a. Alter or increase the lakefront façade where the altered/added area is 20 percent or less of the existing façade and the result is more than 1,500 square feet of total lake front façade;
- b. The altered/added area is greater than 20 percent but equal to or less than 50 percent of the existing lakefront façade; or
- c. The project is a new accessory structure.

2. Mitigation

The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 at the applicant's choice.

a. Option 1: Basic Review

The project shall meet the following mitigation standards:

- (i) The project area shall score a minimum of 24 points based on the Contrast Rating System; except where:

CHAPTER 66: SCENIC QUALITY

66.3 Scenic Quality Review in the Shoreland

66.3.3 Levels of Scenic Mitigation

- (1) It is physically impossible to attain a score of 24 through application of scenic BMPs; or
 - (2) The cost of the scenic BMPs required to increase the baseline contrast score to 24 exceeds 20 percent of the cost of the project; and
 - (3) If the project is not required to bring the project area into conformance as a result of subparagraphs (1) and (2) above, the applicant shall attain the highest possible score.
- (ii) The allowable visible area square footage in the project area shall not exceed 2,200 square feet. The visible area square footage may be increased by 165 square feet for each additional ten feet of linear lake frontage over 100 feet. Existing structures exceeding the 2,200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:1.5 square foot basis.
 - (iii) A minimum building setback from the backshore boundary line shall be ten percent of the lot depth not to exceed 20 feet. Each side yard setback shall be ten percent of the lot width or the setback established by the local jurisdiction whichever is greater. Existing structures shall not be required to conform to setback standards. No expansion of structures shall be allowed in the setback area. At grade decks, erosion control structures, stairs, and similar structures shall be permissible in the setback at the allowed land coverage.
 - (iv) The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 37: *Height*, for structures shall apply.
 - (v) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately ten feet. TRPA may approve equal or superior alternatives to this standard.
- b. **Option 2: Visual Magnitude System**
- A project must score a minimum contrast point score for the desired square footage of visual magnitude based on Appendix H, Visual Assessment Tool, of the Design Review Guidelines or if non-complying, shall implement Scenic BMPs as required in Option 1 in subparagraph a above; and:
- (i) The visible façade square footage may be increased by 7.5 percent for each additional ten feet of linear Lake frontage over 100 feet;
 - (ii) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately

250 square feet screening for every 1,000 square feet of lakefront facade. A break shall extend vertically to two-thirds of the structure height and approximately ten linear feet horizontally. TRPA may approve equal or superior alternatives to this standard; and

- (iii) Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure.

E. Level 5

This level consists of all projects in the shoreland altering or increasing the lakefront façade area of an existing visible structure more than 50 percent or proposing a new visible structure exclusive of new accessory structures. The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 below, at the applicant's choice.

1. Option 1: Basic Review

As a result of the project, the project area shall score a minimum 28 points, based on the Contrast Rating System. The projects shall meet the following mitigation standards:

- a. The allowable visible area square footage in the project area shall not exceed 2,200 square feet. The visible area square footage may be increased by 165 square feet for each additional ten feet of linear lake frontage over 100 feet. Existing structures exceeding the 2,200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:2 square foot basis;
- b. A minimum building setback from the backshore boundary line shall be ten percent of the lot depth not to exceed 20 feet. Each side yard setback shall be ten percent of the lot width or the setback established by the local jurisdiction, whichever is greater. Existing structures shall not be required to conform to setback standards unless the proposed modification makes it feasible. No expansion of structures shall be allowed in the setback area. At-grade decks, erosion control structures, stairs, and similar structures shall be permissible in the setback at the allowed land coverage;
- c. The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 37 for structures shall apply; and
- d. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and approximately ten linear feet horizontally. TRPA may approve equal or superior alternatives to this standard.

2. Option 2: Visual Magnitude System

A project shall attain the minimum contrast point score for the desired square footage of visual magnitude based on Appendix H, Visual Assessment Tool, of the Design Review Guidelines, or if non-complying shall implement Scenic BMPs as required in Option 1 in E.1 above and shall meet the following standards:

- a. The visible façade square footage may be increased by 7.5 percent for each additional ten feet of linear lake frontage over 100 feet;
- b. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately ten linear feet. TRPA may approve equal or superior alternatives to this standard; and
- c. Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure. In no case shall the total visible façade square footage exceed the maximum set forth by the visual magnitude system.

F. Level 6

This level consists of all projects involving new or existing structures in the shoreland that are visible from the Lake and that qualify as public health and safety projects or Environmental Improvement Program projects. The mitigation requirements for this level shall be established on a case-by-case basis. Projects whose primary purpose is implementation of water quality or scenic BMPs that do not increase the lake front façade and show an improvement in the contrast rating score are exempt from mitigation requirements.

66.3.4. General Standards of Review

The general standards of review provided below shall apply to projects reviewed pursuant to this section.

A. Prohibition on Segmenting

Projects may not be segmented in order to qualify for a lower level of mitigation requirements.

B. Calculation of Cost and Value

Whenever required by this section, cost estimates and replacement values shall be based on Marshall Swift calculations.

C. Fire Protection

The applicant shall not submit vegetative screening inconsistent with local fire protection standards. As used in this section, the term “physical impossibility” shall not include inconsistency with local fire protection standards.

66.3.5. Independent Review

If there is a disagreement in the application of the standards of this section, the applicant or TRPA staff may elect to pursue one of independent review options provided below.

A. Third Party Expert Review

In the event there is a disagreement in review of a proposed project, a third party expert review consistent with the process outlined in subparagraphs 2.a through 2.c may be initiated. The initiator shall fund the review and the third party expert review shall use the same methodology in the Visual Assessment Tool established in Appendix F of the TRPA's Design Review Guidelines.

1. Third Party Expert

TRPA shall maintain a list of scenic experts recognized as possessing the necessary qualifications to evaluate impacts to the scenic resources threshold. An expert shall be selected from the list randomly, as long as that expert did not consult on or participate in the design of the proposed project.

2. Third Party Expert Report

The report shall include:

- a. A description of the proposed project;
- b. An analysis of the proposed project's consistency with the standards set forth in this ordinance; and
- c. Written findings quantifying the project's impacts and any mitigation, if required.

3. Use of Third Party Report

The Executive Director shall review the third party expert report and may approve, deny, or require modifications to the project. The expert's findings shall be included in the review of the project.

B. Scenic Panel Review

Until November 20, 2004, the applicant or TRPA may elect to initiate a Scenic Panel Review if there is a disagreement in the determination of mitigation required pursuant to this section. The cost of the panel shall be paid by the initiator. Panels initiated during this period shall continue until the completion of the panel's review process. An expert panel of three people shall prepare a scenic analysis of the project and its impact, including foreseeable reasonable activities on the entire scenic unit. The panel shall recommend appropriate conditions of approval necessary to make the required scenic attainment findings.

1. Selection of Scenic Review Panel

TRPA shall select a panel member, the applicant shall select a panel member, and the two panel members shall select a third member to review the project.

2. Use of Other Evaluation Methods

The analysis may include other professionally accepted methods of evaluating scenic impacts. This subparagraph may be extended beyond the two-year limitation pursuant to the performance review required in subsection 66.3.6.

3. Use of Panel Report

The Executive Director shall review the scenic panel report and may approve, deny, or require modifications to the project. The panel's findings shall be included in the review of the project.

66.3.6. Marina Master Plans and Projects

In developing and approving marina master plans pursuant to Chapter 14: *Specific and Master Plans, and projects within marinas* the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan or project to ensure consistency with attainment and maintenance of environmental thresholds.

66.3.7. Additional Visual Magnitude

TRPA may permit additional square footage of visual magnitude with visual breaks for a given contrast rating in Appendix H, Visual Assessment Tool, of the Design Review Guidelines as provided below.

A. Public Outdoor Recreation

For public outdoor recreation uses that are subject to subsection 50.9.3, PAOT allocations, additional square footage of visual magnitude may be permitted if TRPA finds that:

1. The project is a necessary part of a long range plan for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
4. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
5. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the

replacement cost of the structures not to exceed 50 percent, whichever is greater.

B. Public Service Facilities

For public service uses, additional square footage of visual magnitude may be permitted if TRPA finds that:

1. The project is necessary for public health, safety or environmental protection;
2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

C. Tourist Accommodation and Commercial Projects in Commercial and Public Service Plan Areas and Tourist Accommodation Plan Areas

Additional square footage of visual magnitude may be permitted for projects in Commercial and Public Service Plan Areas, if TRPA finds that:

1. The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5;
2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

D. Residential Uses Other Than Single-Family Dwelling

Additional square footage of visual magnitude may be permitted for projects, if TRPA finds that:

CHAPTER 66: SCENIC QUALITY

66.3 Scenic Quality Review in the Shoreland

66.3.8 Transfer of Scenic Mitigation Credits (Interim System)

1. The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5;
2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

66.3.8. Transfer of Scenic Mitigation Credits (Interim System)

Until a permanent scenic mitigation credit system is adopted, certain scenic impacts may be mitigated outside the shoreland as provided below.

- A. The mitigation source is the adjacent shorezone project area or other shoreland parcels within the same scenic unit.
- B. Project mitigation requirements shall utilize the Visual Magnitude System outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines to calculate the square footage mitigation requirement or mitigation may be determined by the full panel review process.
- C. Mitigation in attainment areas shall be on a one-to-one basis and on a one-to-one and a half basis in non-attainment areas.
- D. All structures in the shoreland, both on the receiving and sending project areas, shall have implemented scenic BMPs (21 contrast score rating) to be eligible for transfer of mitigation credits.
- E. TRPA shall require restoration securities, deed restrictions, and inspections as appropriate to assure implementation and documentation of scenic mitigation credit.
- F. This interim system may be utilized:
 1. To mitigate additional square footage associated with shorezone structures; or
 2. To gain additional square footage when permissible (e.g. for commercial, public service, multi-residential, etc.)

- G.** Contributions to TRPA-approved non-profit organizations that have qualifying scenic mitigation projects may be accepted for mitigation credit provided the mitigation credit can be quantified and tracked.

66.3.9. Performance Review

For two years after the adoption of the Scenic Quality Review System, TRPA shall monitor the application of the system. No later than two years from the adoption of the system, TRPA shall prepare a report on the system with recommended amendments, if necessary, and present it to the TRPA Governing Board. A long-term performance review shall be included in the next applicable threshold review.

CHAPTER 90: DEFINITIONS

90.1. RULES OF INTERPRETATION AND CONSTRUCTION

90.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent set out in Section 1.1.

90.1.2. Relationship Between Text and Headings, Illustrations, and Examples

In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, commentary block, example, or illustration, the text shall control.

90.1.3. Examples and Explanations

This Code provides where necessary additional explanation in the form of examples to clarify its intent. These examples are intended solely as a guide for administrative officials and the public to use in interpreting the Code but are not to be construed as official Code interpretations. Such examples often do not demonstrate all applicable Code requirements but instead explain a particular aspect or method of calculation of a Code requirement.

90.1.4. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including” and “such as,” or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

90.1.5. Technical and Non-Technical Terms

For words that are not defined in this chapter, non-technical words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

90.1.6. Computation of Time

References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day.

90.1.7. References to Other Regulations, Publications, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

90.1.8. Delegation of Authority

For any act or duty not reserved for the Governing Board, whenever a provision requiring the head of a department or another officer or employee of the agency to perform an act or duty,

that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

90.1.9. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Tahoe Regional Planning Agency, unless otherwise indicated.

90.1.10. Mandatory and Discretionary Terms

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are advisory and discretionary terms.

90.1.11. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply.
- B. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

90.1.12. Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

90.1.13. Term Not Defined

In the event there is a term used in this Code that is not defined in this chapter, the Executive Director shall have the authority to provide a definition based upon the definitions used in accepted sources.

90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section 81.5.

Abandoned Road

A road not accessible to traffic due to permanent physical barriers; or, a road that is posted or designated for closure.

Accessory Use

A use, building, or other facility customarily a part of any primary use that is clearly incidental and secondary to the primary use, that does not change the character or the intensity of the primary use, and that does not operate independent of the primary use. Additional criteria for determining commercial accessory uses for noncommercial primary uses are found in subparagraph 50.6.1.A.2. See subsection 21.3.1 for examples of accessory uses and Section 81.4 for accessory uses in the shorezone.

Active Transportation

Transportation that does not rely entirely on a car to travel between origin and destination. This can include walking, biking, skateboarding, roller-skating, cross county skiing, using public transit, or driving to an intercept lot, parking, and then using another form of travel.

Activity

Any conduct, active or passive, that may have an impact on the land, air, water, space, or other natural resource of the region.

Adaptive Management

The process of implementing policy (and management) decisions as scientifically driven management experiments and/or monitoring programs that test predictions and assumptions in management plans, and using the resulting information to improve the plans.

Adopted Plan

An adopted community plan, specific plan, or master plan.

“Additional” Commercial Floor Area

See subparagraph 50.6.1.B.

Additional Development

Development that did not exist, or was not approved, on the effective date of the Regional Plan. Relocation or reconstruction of development is not additional development.

Additional Factors

See subsection 16.3.1.

“Additional” PAOTs

See subparagraph 50.9.3.B.

“Additional” Public Service Facility

See subsection 50.8.2.

“Additional” Recreation

See subsection 50.9.2.

“Additional” Residential Unit

See subparagraph 50.5.1.B.

“Additional” Tourist Accommodation Unit

See subparagraph 50.7.1.B.

Adjacent Parcels

Parcels that are separated by a lot line or are near or close to each other but separated by a right-of-way in such a manner that, if the right-of-way was removed, the boundaries would touch.

Advisory Planning Commission (APC)

The Advisory Planning Commission of the Agency as defined in Article III(h) of the Compact.

Affordable Housing

Residential housing, deed-restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the Department of Housing and Urban Development. For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling.

Agency

The Tahoe Regional Planning Agency, including the Governing Board and staff.

Agency of Jurisdiction

As used in Chapter 14: *Specific and Master Plans*, a government agency with responsibility for managing land, such as the Forest Service, the state parks departments, City of South Lake Tahoe, and the California Tahoe Conservancy.

Allocation

An apportionment of additional development opportunity for residential, commercial, tourist accommodation, and certain recreational projects.

Alluvial Soils

All the following soil types owe their major characteristics to the presence of surface or subsurface water: (a) loamy alluvial land (Lo); (b) elmira loamy coarse sand, wet variant (Ev); (c) celio gravelly loamy coarse sand (Co); (d) marsh (Mh); (e) gravelly alluvial land (Gr); and (f) fill land (Fd).

Alluvial Soil Type

All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: Loam Alluvial land (Lo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).

Alternative Commute Mode

See subparagraph 65.5.1.B.1.

Alternative Energy Source

Energy, such as solar, wind, geothermal, or hydroelectric energy, that can replace or supplement traditional fossil-fuel sources of energy, such as coal, oil, and natural gas.

Alternative Fuels

Fuels derived from resources other than petroleum such as ethanol, biodiesel, natural gas, propane and hydrogen.

Apartment

A residential complex of two or more residential units under single ownership, usually but not always sharing the same structure, water distribution system, sewer collection system, parking facilities, open space, and recreational amenities.

Approved Center

See subparagraph 65.2.3.A.

Approved Plant Species

Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually but not always indigenous to the region. See also “Plant List.”

Appurtenant Structure

A fixed structure customarily associated with and attached to a main structure.

Area Plan

The package of policies, plans, maps, codes, and ordinances found by TRPA to be in conformity with the Regional Plan under Ch. 13: *Area Plans*. The Memorandum of Understanding (MOU) that is associated with a Conforming Area Plan is not part of the Area Plan. Conforming Area Plans are a part of the Regional Plan.

Aquatic Invasive Species (AIS)

A nonindigenous species that threatens the diversity or abundance of the native species or the ecological stability of infested waters, or the commercial, agricultural, aquacultural, or recreational activities dependent on such waters, as identified in the Lake Tahoe Region Aquatic Invasive Species Management Plan. Aquatic Invasive Species include but are not limited to: zebra mussel (*Dreissena polymorpha*), quagga mussel (*Dreissena bugensis*), Eurasian water milfoil (*Myriophyllum spicatum* L.), curly leaf pond weed (*Potamogeton crispus* L.), and large mouth bass (*Micropterus salmoides*).

Area of Wave Run-Up

The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles-per-hour onshore wind of one-hour duration.

Artificial Beach Replenishment

The importation of materials to maintain an existing beach or to create a new beach.

Artificial Islands

Islands created by man that provide additional land area in a lake or other body of water.

Average Peak Use

The average of the peak usage over a period of time.

Average Vehicle Ridership (AVR)

See subparagraph 65.5.1.B.2.

Backshore

The land area located between the highwater line of the lake and the upland area of instability or the wave run-up area.

Backshore Stability

The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore, and the absence of structures that may affect stability or disrupt natural littoral processes.

Bailey Coefficients

The allowable percentages of land coverage assigned to land capability districts (e.g., one percent in Land Capability Districts 1 and 2; five percent in Land Capability District 3; 20 percent in Land Capability District 4; 25 percent in Land Capability District 5; and 30 percent in Land Capability Districts 6 and 7).

Bailey Report

A report written by Dr. Robert G. Bailey, entitled *Land Capability Classification for the Lake Tahoe Basin, A Guide for Planning* (U.S.D.A.1974), which outlines a system of land classification including land capability districts and coverage coefficients.

Barrier Beach

An area of shorezone characterized by sandy soil separating a marsh-like lowland from a lake.

Barrier Wall

A wall separating lake waters from the shore.

Base Land Coverage

The allowable base land coverage as permitted by Chapter 30: *Land Coverage*.

Basement

The bottom floor of a building, the excavation for which any portion is greater than five feet below natural grade, measured at the location where the bottom of the excavation meets the foundation wall, exclusive of footing excavation.

Basic Services

Paved access roadways, water service, electrical service, and waste water treatment services, as required in Chapter 32: *Basic Services*.

Basin

The Tahoe Basin. See also "Region."

Bathing Facilities

A shower or bathtub.

Beach Replenishment

The artificial placement of large quantities of sand in the shorezone to restore beaches diminished by erosion.

Best Available Control Technology

An emission limitation that will achieve the most stringent emission limitation that is achieved in practice by that source.

Best Available Retrofit Control Technology

An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source.

Best Management Practices

Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

Biofuel Facilities

Facilities that combust or gasify forest and other plant materials in a manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within

a building or facility. Any heating unit that meets the definition of a wood heater is not considered a biofuel facility.

BMPs

See “Best Management Practices.”

BMP Retrofit Implementation Program

A program that uses BMPs to retrofit existing developed properties to, for example, control and treat stormwater runoff, to protect water and air quality in the Basin.

Board

The Governing Body of the TRPA, whose members are appointed pursuant to Article III of the Compact.

Boat Launching Facility

Recreational establishment that provides boat launching, parking, and short term trailer storage for the general public. Long term storage, mooring, and maintenance of boats is included under marinas.

Boat Lift

A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

Boat Ramp

A ramp allowing boats to be launched into, or retrieved from, the water.

Boat Slip

The portion of a pier or flat where a boat is berthed or moored or used for embarking or disembarking.

Body of Water

An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds, and rivers.

Bonus Unit

An additional residential or tourist accommodation unit obtained pursuant to Chapter 52: *Bonus Unit Incentive Program*.

Breakwater

A man-made structure that diminishes the force of waves.

Bridge Span

A bridge that extends over a particular obstacle to avoid or minimize disturbance to the land or water area over which it passes. The bridge span measurement is the distance between the bridge abutments, excluding the bridge supports between abutments.

Building

Any structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Envelope

The area allotted for development of units in a planned individual unit development.

Building Frontage

The two-dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane, not including intermediate walls perpendicular to such surface area, and containing a door or other entrance open to the public which faces a street.

Building Season

See “Grading Season.”

Building Sign

Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building shall be considered a building sign and shall be treated in the same manner.



Building Sign

Building Site

The portion of a parcel designated for development.

Buoy

A float anchored to a lake bottom that serves as a boat mooring, navigation guide, hazard warning, or similar use.

Bypass Dredging

Rearranging earthen material within the same body of water without removing the material from the body of water.

Canopy

The cover of branches and foliage formed by the crown of adjacent trees and other woody growth. A manmade structure consisting of a suspended covering or roof or similar structure.

Carpool

See subparagraph 65.5.1.B.3.

Carrying Capacity

See “Environmental Threshold Carrying Capacities.”

Carrying Capacity (Grazing)

Level or measurement of grazing based on animal unit months (AUM) that a given range can support without adverse impacts.

Catwalk

Also referred to as a finger pier. A fixed or floating narrow dock walkway that provides access to a vessel. A catwalk is an accessory structure to a pier.

Cellar

See “Basement.”

Central Furnace

A self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than 25 cm (10 inches) in length.

Center

A Town Center, Regional Center, or High Density Tourist District.

Change in Operation

See subparagraph 65.2.3.B.

Change in Use

Conversion of a primary use from one use category to another use category as listed in the Table of Primary Uses in Chapter 21: *Permissible Uses* (e.g., service station to professional office).

Chemical Fertilizer for Lawns

Synthetically manufactured inorganic substances containing potassium, nitrogen, and phosphorous used to promote lawn growth.

Child Care Nurseries

Facilities designed or used for the care for six or more children, with or without compensation.

Christmas Tree Cultivation

The planned growth management of trees for sale as Christmas trees.

Clearing

See "Grading."

Coal

Solid fossil fuels classified as anthracite, bituminous, sub bituminous, or lignite by A.S.T.M. Designation D-388-66.

Coarse Woody Debris

Sound and rotting logs that provide habitat for plants, animals, and insects; stabilize soils; and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.

Code

The Code of Ordinances.

Coefficients

See "Bailey Coefficients."

Collective Household

A group of at least two, but not more than six, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

Collector

Device or area that uses the sun's energy to heat domestic water or to heat, cool, or light a living space, including but not limited to space and domestic water heating and cooling system. See also "Solar Collector."

Combustion Appliance

A device or appliance that produces heat by internal combustion of fuel, including, without limitation, oil, gas, kerosene, coal, wood, or propane.

Commencement of Construction

The pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.

Commercial

The retail or wholesale sale or rental of any article, substance, commodity, or service.

Commercial and Public Service Area

Areas that have been designated to provide commercial and public services to the region or have the potential to provide future commercial and public services.

Commercial Boating

Commercial use of pleasure craft or other vessel on a body of water.

Commercial Facilities

A structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind, for commercial uses.

Commercial Floor Area

The gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to decks that are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial floor area:

- A. Parking areas, driveways, parking structures, outside stairways, and walkways;
- B. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 50.6.1.A;
- C. Temporary projects pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*; and
- D. The area of play in an indoor tennis court, the area of water in an indoor swimming pool, and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses and otherwise meet the definition of commercial use.

Common Work Location

See subparagraph 65.5.1.B.4.

Community Apartment

An undivided interest in land coupled with the right of exclusive occupancy of a unit.

Community Noise Equivalent Level (CNEL)

A measure of noise that is the logarithmic average of single noise event values as measured by a noise monitor.

Community Plan

An area-specific plan for the areas designated in the Goals and Policies as eligible for development and adoption of a community plan. An adopted community plan replaces any plan area statements contained within the same area but carry forward some of the provisions of the plan area statements. Among other things, community plans identify development themes for the area, define desired types and intensities of uses, and generally try to create a coherent vision for the community. See Chapter 12: *Community Plans*.

Commuter

See subparagraph 65.5.1.B.5.

Commuter Matching Service

See subparagraph 65.5.1.B.6.

Compact

The Tahoe Regional Planning Compact, as amended and set forth in California Government Code Section 66801, Nevada Revised Statutes Section 277.200, or Public Law 96-551,94 Stat. 3233, (December 19, 1980).

Compliance Measure

See subsection 16.3.2.

Condominium

An interest in real property defined or recognized under applicable (California or Nevada) state law as a condominium.

Condominium Development

The division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

Condominium Conversion

A change in the form of ownership of improved property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.

Confined

Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.

Conforming Area Plan

An Area Plan that has been found in conformance with the Regional Plan in accordance with Chapter 13 of the Code of Ordinances.

Conservation Areas

Areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include:

- A. Public lands already set aside for this purpose;
- B. High-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
- C. Isolated areas that do not contain the necessary infrastructure for development;
- D. Areas capable of sustaining only passive recreation or non-intensive agriculture; or
- E. Areas suitable for low-to-moderate resource management.

Construction

The creation, building, assembly, disassembly, demolition, modification, or reconstruction of a structure.

Construction Site Boundary

A line on final construction drawings identifying the limits of the area of disturbance surrounding a project.

Contiguous Parcels

Parcels whose boundaries touch along one or more sides.

Conversion of Use

See "Change in Use."

Cooking Facilities

Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, and a standard-sized kitchen sink.

Coverage

See "Land Coverage."

Coverage Coefficients

See "Bailey Coefficients."

Critical Habitat

Any element of the overall habitat for any species of concern that, if diminished, could reduce the existing population or impair the stability or viability of the population. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

Cut-to-Length

A harvesting system in which felled trees are processed into log lengths at the stump before they are carried to the road or landing.

dba

A measurement of sound intensity in decibels using the "A" weighted scale.

dbh

"Diameter at breast height," or the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree. A circumference of 44 inches at breast height may be considered as the equivalent of 14 inches dbh.

Dead Tree

For any coniferous species, a tree that is totally lacking needles, or totally lacking green limbs or needles throughout the crown. For any deciduous species, a tree determined to be physiologically dead by a qualified forester.

Decorative Gas Appliance

A gas- or propane-fueled combustion appliance certified under ANSI standard Z21.50.

Defensible Space Assessor

A person who works for an organization that is operating under a TRPA MOU that has been approved by TRPA, who has successfully completed a Defensible Space Certification Program for Lake Tahoe, and evaluates structures for defensible space. Annual renewal of this certification is required.

Denuded Area

An area of land from which substantially all vegetation has been removed.

Derelict

An abandoned structure or other development. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability, or ability to function in the applicable use category.

Designated Floodplain

The limits of the 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers and/or the limits of the 100-year floodplain as established by the Federal Emergency Management Agency (FEMA) on a Flood Insurance Rate Map (FIRM). In areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not mapped a floodplain and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods applied by a competent professional, in consultation with appropriate local jurisdictions, and approved by TRPA.

Desilting Basins

An area used to store water runoff so that suspended sediment is allowed to fall and accumulate at the bottom of the basin.

Develop

The act of creating, establishing, constructing, or altering any project or other activity.

Developed Outdoor Recreation

See “Recreation (Developed).”

Developed Recreation

See “Recreation (Developed).”

Development Right

The right to potential residential use that is attached to certain parcels in the region in accordance with Section 50.3. A development right is not a vested right.

Diligent Pursuit

See subparagraph 2.2.4.C.

Directional Sign

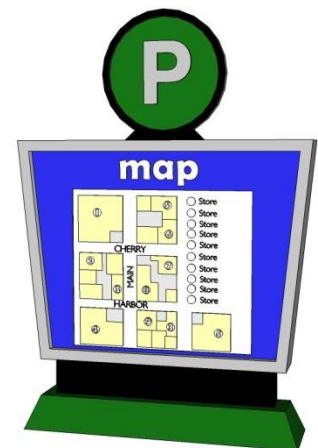
Any sign that is used solely for the purpose of traffic or pedestrian direction or safety, and placed on the property to which or on which the public is directed, and that contains no advertising copy.

Discharge-Direct

The release of certain substances into a body of water or ground water.

Discharge-Indirect

The release of certain substances into a body of water by the passage of the substances over the earth.



Directional Sign

Diseased Trees

Trees affected with plant pathogens including, without limitation, mistletoe, stalactiform rust and annosus root disease.

Disturbance Zone

The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance.

Disturbed Areas

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

Drainage Way

A man-made depression in the earth's surface in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times.

Dredging

Removing or rearranging earthen materials that are lakeward of the high water line.

Dripline

The area immediately beneath rooftop eaves or other surfaces from which runoff falls, or an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Driveway

A clearly identifiable path of vehicular access from the parking area of a parcel to the public right-of-way or other access road. A driveway may be either one-way or two-way.

Eastside Forest Type

Those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Edge Zone

The zone where two different plant communities meet or merge.

Effective Date of the Regional Plan

The July 1, 1987, date established by Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan.

Emergency

A situation or circumstance that poses immediate danger to life, property, or the environment and demands immediate action to effectuate compliance with the Compact, or the Regional Plan, Code, and Rules of Procedure.

Emission

The act of passing into the atmosphere an air contaminant or gas stream containing an air contaminant. Also, an air contaminant that passes into the atmosphere.

Employer

See subparagraph 65.4.1.B.7.

Employer Transportation Coordinator (ETC)

See subparagraph 65.5.1.B.8.

Employer Transportation Plan

See subparagraph 65.5.1.B.9.

Environmental Assessment (EA)

An analysis used to determine whether a proposed project will have a significant effect on the environment and to determine whether a more detailed Environmental Impact Statement (EIS) will be necessary to provide additional analysis. It includes, among other things, alternatives to the proposed project and discussion of environmental impacts of the project. An EA is required when TRPA determines that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully assess a project's environmental effects.

Environmental Impact Statement (EIS)

An Environmental Impact Statement (EIS) is prepared in order to analyze, among other things, whether a proposed project will have a significant effect on the environment, provide alternatives to the proposed project, recommend methods to mitigate significant effects, and identify significant adverse impacts that cannot be avoided

Environmental Impact Statement (EIS)

The document defined in Article VII of the Compact.

Environmental Improvement Program (EIP)

See Section 15.3.

Environmental Improvement Program (EIP) GIS Layer

The TRPA Environmental Improvement Program GIS data layer indicates the type and locations for stream environment zone, water quality, transportation, and other environmental improvements.

Environmental Threshold Carrying Capacities

See subsection 1.4.3.

Ephemeral Stream

Flows sporadically only in response to precipitation, with flows lasting a short time.

Erosion Control

Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

Escape Cover

Habitat that animals use to escape from predators.

Essential Public Health and Safety Facility

When located in the Shorezone, an essential public health and safety facility provides lake access and egress for public safety and emergency response.

Estimated Cost of Construction

A cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without

limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

Excavation

The digging out of earthen materials. See also “Grading.”

Executive Director

The executive officer of TRPA.

Exempt

Activities that are not subject to review and approval by TRPA. See Section 2.3.

Exhaust Emissions

The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of an engine.

Existing

Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced, or approved pursuant to necessary permits. Derelict structures are not considered existing for purposes of Chapters 50, 51, and 52 nor are projects whose approvals have expired.

Exotic Animals

Animals, other than household pets and other domestic animals such as farm animals, which do not occur naturally in the Lake Tahoe Basin. Exotic animals do not include established nonnative fish or game birds but do include mammals, birds, reptiles, and fish not indigenous to North America or the Sierra Mountain Range.

Expansion

Outside of the shorezone, “expansion” means a An increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. ~~For any “expansion” applicable to the shorezone, see subsection 81.6.2.~~ **Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, change in configuration of a structure, and the addition of any structure or edifice to an existing structure.**

Facility

A stationary man-made feature that is attached directly or indirectly to the lands or waters of the Region.

Factory-Built House

House constructed by an automated process entirely in a factory. There is little or no functional difference between factory-built housing and site-built housing. Factory-built houses include the following:

- A. “Modular Homes”: This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.
- ~~B. “Panelized Homes”: These are factory-built homes in which panels, such as a whole wall with~~

CHAPTER 90: DEFINITIONS

90.2 Other Terms Defined

windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

- C. “Pre-Cut Homes”: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log, and dome homes. These homes must meet local, state, or regional building codes.

Family

One person, or more persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, motel, or like establishment.

Fawning Habitat

The area normally used by deer for the birth and rearing of young.

Feasible

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feller-Buncher

A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

Fertilizer

Inorganic, organic, or synthetic composition that is used to supply artificial amounts of nutrients for the purpose of increasing soil or plant productivity.

Fertilizer Management Program

Guidelines that outline the appropriate use of fertilizer.

Fill

Any rock, soil, gravel, sand, or other material deposited by man. See also “Grading.”

Final Action

A decision by TRPA to approve, require modification, or reject a proposal considered by TRPA.

Final Map

A map of a subdivision placed on record as a final subdivision map in the recorder's office of a local government.

Findings

A written statement supported by substantial evidence in the record of the ultimate facts and the rationale supporting a conclusion that applicable Code or Compact requirements are met.

Finish Grade

The final grade of the construction site that conforms to the approved plan.

Finish Grading

Smoothing of an earthen surface to bring it to final grade.

Firebreaks

An area cleared of vegetation to act as a gap between continuous combustible materials.

Fireplace

An open structure, usually masonry, for containment of a fire. See also “Wood Heater.”

Fireplace Inserts

See “Inserts.”

First Order Stream

A natural depression that conveys surface water to major or minor streams or other receiving waters. A first order stream is a mappable, unbranched tributary. It may not normally contain flowing water and may flow only during storms or snowmelt periods. Examples include swales, ravines, draws, natural ditches, and hollows.

Fish and Wildlife Management Projects

Structural or non-structural projects that enhance or create habitat for fish or wildlife.

Fish Habitat

The combination of qualities that creates suitable conditions for the growth, reproduction, and production of fish. The term specifically refers to the environmental characteristics necessary for food, water, cover, and reproduction needs.

Fisheries

Pertains to the growth, reproduction, and production of fish present in the waters within the Lake Tahoe Basin.

Floating Docks or Platforms

Structures designed to float on a water surface that are attached either to the shoreline or to a lake bottom.

Floating Breakwaters

Structures designed to float on a water surface that are attached either to a shoreline or to a lake bottom. Their purpose is to suppress wave action.

Floodplain

An area adjoining a water course, lake or other body of water that has been or may be covered by flood water.

Food Habitat

An area where environmental conditions are favorable for supplying food to a particular species.

Forage Carrying Capacity

A standard necessary to maintain a level of palatable vegetation.

Foreshore

The zone of a lake level fluctuation that is the area between the high and low water level. (For Lake Tahoe, the elevations are 6,229.1 feet Lake Tahoe Datum and 6,223.0 feet Lake Tahoe Datum, respectively.)

Forest Pest

An animal or insect causing a threat to a forest stand or tree.

Forwarder

A self-propelled machine, usually self-loading, that transports trees or logs by carrying them completely off the ground.

Foundation

The structural support system of a building or other structure.

Fracture

A break in the topography or land form.

Freestanding Sign

Any type of sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or that is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.



Freestanding Sign

Freeway

A divided arterial highway with full control of access and with grade separations at intersections.

Geographic Information System (GIS)

A Geographic Information System (GIS) is a digital mapping tool designed to capture, store, analyze, and present spatial and geographic data. A GIS data layer is a visual representation of a single geographic dataset such as a feature in the natural or built environment or regulatory boundary in a digital map. Typically, several GIS data layers are added to a map to compare features such as a road GIS data layer compared to a GIS data layer showing park areas.

Geomorphic Unit

A particular type of landform as described in the Bailey Report. The geomorphic unit map (1971) and geomorphic unit GIS data layer indicate the type and location of geomorphic units.

Governing Board

The Governing Body of the TRPA as defined in Article III of the Compact.

Grading

Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building, or other structure. Also includes filling, excavation, and clearing.

Grading Season

The period each year during which grading is permitted commencing May 1 and ending October 15.

Groin

See "Jetty."

Groundwater Between 20-40 Inches

Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

Handbook of BMPs

The document that sets forth the Best Management Practices.

Harbor

A shorezone area that is protected from wave forces and deep enough to provide for the anchorage or moorage of a boat.

Harvester

A machine that falls trees and performs processing functions at the stump, including, but not limited to cut-to-length harvesters and feller-bunchers.

Hazardous Tree

A tree identified as dangerous, immediately or in the near future, to lives or property.

Head of Livestock

One horse, mule, sheep, cow, steer, or other four-legged grazing animal.

Healthy Trees

Trees that are not diseased or infested.

Height

See subsection 37.3.1.

Height of Sign

For a freestanding sign, the vertical distance measured from the curb grade of the nearest street to the highest point of the sign or sign structure. For a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure.

Helipad

For the landing of or take off of helicopters. A helipad does not have fueling, maintenance, or other support activities associated with its operation.

Heliport

An area of land, water or a structure, intended or used for the landing or take-off of helicopters. A heliport has fueling, repair, or support activities associated with its operation.

Helispot

An area of land, water, or a structure used for the landing or take-off of a helicopter for an emergency, or for a predetermined limited basis.

High Water Elevation

The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the high water elevation is 6,229.1 Feet Lake Tahoe Datum.)

High Water Line

Elevation 6,229.1 feet, Lake Tahoe Datum, for Lake Tahoe.

Historic Resources

Structures, buildings, sites, districts, or objects having historic, prehistoric, archaeological, or paleontological significance.

Home Occupations

A use that is customarily conducted entirely within a dwelling by the residents of the dwelling, provided the occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The following activities are prohibited as part of home occupations: Sales of products not produced on the premises, unless the sales are done by written order with no commodities or displays on the premises; employment of more than one person other than the residents of the dwelling; No signs or structures advertising the occupation; outside storage of materials or supplies incidental to the home occupation; and more than one home occupation is carried on in a dwelling. The following uses are examples of home occupations: consultative professional occupations, whose function is one of rendering a service; a secondary business office; the making of clothing; the giving of music lessons; and the creation of crafts.

IBC

The International Building Code.

Impervious Coverage

See "Land Coverage."

Indicator

See subsection 16.3.3.

Indirect Discharge

See "Discharge - Indirect."

Indirect Source

A facility, building, structure, installation, real property, road, or highway that generates or may generate mobile sources of air pollution or serve as a trip end. Indirect sources include, but are not limited to, parking facilities, airports, and retail facilities.

Infiltration Facility

A device used to percolate runoff into the soil, including without limitation a rock-filled trench or basin.

Initial Environmental Checklist (IEC)

A checklist submitted with all applications used to evaluate, on a preliminary level, whether the project will have a significant effect on the environment and serves as basis to determine whether additional environmental analysis is required through an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

Innovative Techniques

As used in subparagraph 61.1.6.C.1.b, newly introduced, but not well-established, silvicultural and harvesting techniques that are designed to be low impact on the environment.

Innovative Technology Vehicles

Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles should be able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil

compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as “innovative technology” vehicles.

Insert

An air-tight design placed inside a masonry fireplace that provides greater heating efficiency.

Insignificant Increase

See subparagraph 65.2.3.C.

Inspection and Maintenance Program

As used in subsection 65.1.3, a program to reduce emissions from in-use vehicles by identifying vehicles that need emissions control-related maintenance and requiring that maintenance is performed.

Instream Flow

The rate and volume of water passing through a stream channel.

Instream Flow Diversions

The removal of water from a stream channel so as to divert the flow of water or to partially or totally reduce the flow of stream water below the point of diversion.

Instream Value

The ecological or other value integrally linked to the flow of a stream at a given volume and rate.

Intensification of Impacts

Any action relating to an existing use or structure that significantly increases adverse environmental impacts for the categories set forth on the TRPA Environmental Checklist.

Intensification of Use

Any action relating to an existing use that impacts on the extent of nonconformity with provisions of the Code, including, but not limited to, coverage, noise, increases in-vehicle trips, and design standards.

Interim Target

See subsection 16.3.4.

Intermittent Stream

A stream that only flows at certain times of the year. For example, when it receives water from springs or from a surface source such as melting snow.

Invasive Species

The term refers to species, both aquatic and terrestrial, that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat. Through their impacts on natural ecosystems, agricultural and other developed lands, water delivery and flood protection systems, invasive species may also negatively affect human health and/or the economy.

Irrevocable Commitment

For purposes of subparagraph 12.7.3.E.18, irrevocable commitment to fund each priority public benefit or related mitigation measure (collectively referred to in this subsection as "measures") shall mean the following:

- A. The public entity funding the measure or, when necessary, the electorate, has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure for the measures;
- B. The application for state and federal grant monies has received approval and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for such public improvements in accordance with the final or demonstration redevelopment plan;
- C. The measures are approved and funded as part of a public entity's capital improvement program;
- D. Where the funding of the measures is the responsibility of the developer, TRPA shall ensure that the public entity shall have received sufficient funds or an acceptable security to fully fund the measures;
- E. The public entity funding the measure has received a funded commitment from another public entity as described in A through C above; or
- F. Any combination of A through E above.

Jetty

A man-made barrier in the water that is usually but not always perpendicular to a shoreline.

Kitchen

A room with cooking facilities.

Kitchen Facilities

See "Cooking Facilities."

Kitchen Unit

A unit with cooking facilities.

Lagoons (Man-Made)

A body or channel of water created by man, but not including existing marinas or modifications thereto.

Lake

A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

Lakefront Façade

The surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

Lake Tahoe Datum

Elevation Lake Tahoe Datum equals elevation United States Geological Survey plus 1.14 feet.

Lakeward

In the direction of a lake or other body of water as applicable.

Lakezone

The zone including that area of a lake located beyond the lakeward limits of the nearshore.

Land Bank

An entity designated by TRPA to perform the functions set forth in Section 6.9.

Land Capability District

A soils unit designated on the adopted TRPA land capability map and denominated by a numerical rating of one through seven (e.g. Land Capability District 1). The system was devised by Dr. Robert G. Bailey for the U. S. Forest Service and is detailed in the Bailey Report.

Land Coverage

A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also "Potential Land Coverage." Common terms related to land coverage are:

- A. Hard Coverage—man-made structures as defined above.
- B. Soft Coverage—compacted areas without structures as defined above.

Land Disturbance

Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to, grading.

Landing

A centrally located log collection area to which logs are skidded or yarded and then loaded for shipment.

Landscaping

The decoration of an area with plants and other vegetation.

Late Seral (Successional)/Old Growth

Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).

Lawn

An area planted with grass species, usually closely mowed.

Legally Existing

See definition for “Existing.”

Level of Service

For an intersection or roadway segment, the level of service is the delay to motorized vehicles and the volume/capacity ratio and is expressed by a series of letter grades from A (low v/c ratio and delay) through E (high v/c ratio and delay) and F (blocked).

Limited-Use Roads

A class of roads, other than dedicated public roads, for which the primary use is timber harvest operations.

Linear Public Facilities

Public service facilities that are linear in nature such as roads, streets, trails, utility transmission and distribution facilities, and other similar right-of-ways. This term also includes accessory uses to such facilities, including without limitation pump houses, lift stations, substations, and access right-of-ways.

Littoral Parcel

A parcel of land adjoining or abutting the high water elevation of a lake.

Littoral Processes

The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents that have not been disrupted by man-made structures.

Livestock

Domestic animals, such as cattle or sheep, raised and used for commercial purposes.

Livestock Containment Facilities

Structures built or used to hold livestock, including, but not limited to, corrals.

Living Area

The enclosed areas of a structure, including the living area for all stories of the structure, not accessible to motor vehicles.

Local Government Neighborhood Compatibility Requirements

Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.

Local Resident

A person whose primary residence is in the Tahoe region as evidenced by a driver’s license.

Lock-Off Unit

A lock-off unit is a tourist accommodation unit within a residential design timeshare use that exists within a split-use unit and consists of one or more bedrooms (or sleeping quarters) and baths, but does not contain kitchen facilities. A lock-off unit is created by "locking-off" the kitchen and one or more baths and bedrooms (or other sleeping quarters) in the split-use unit thereby creating a hotel-type tourist accommodation unit that may be rented or leased separately from the remainder of the split-use unit. A

lock-off unit constitutes one tourist accommodation unit of the two tourist accommodation units that constitute, or are required for, a split-use unit, except as set forth in Chapter 11: *Plan Area Statements and Plan Area Maps*.

Log Culverts

Logs placed in a stream to facilitate crossing by equipment.

Lop and Scatter

A slash treatment method where limbs and tops of felled, dead, or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

Lot

See "Parcel."

Low-Emission Vehicle

A vehicle certified by a state or the U.S. Environmental Protection Agency as a "Low Emission Vehicle."

Low-Level Boat Lift

A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

Low Water Elevation

The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the low water elevation is 6,223.0 Feet Lake Tahoe Datum.)

Maintenance

- A. Ordinary and routine activities necessary to keep a structure in good working order and to prevent deterioration caused by natural conditions. Examples of maintenance include washing, painting, caulking, and rewiring. Maintenance shall not include replacing any part of a structure.
- B. As used in subparagraph 2.3.4.B, "maintenance" is the ordinary upkeep, repair, and preservation of the condition of a sign in order to keep the existing sign components (including color) safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age, or other conditions. Maintenance does not include any changes to the sign area that result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure.

Maintenance Area

See subparagraph 65.2.3.D.

Maintenance Dredging

The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations, and dimensions, with the legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation.

Major Arterial

U.S. Highway 50; S.R. 89, California; S.R. 28, Nevada and California; S.R. 267, California; S.R. 431, Mt. Rose, Nevada; S.R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the state line

to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the state line); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

Major Evaluation Interval

See subsection 16.3.5.

Major Stream

A continuously flowing water body and its associated topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and classified by TRPA as a third or higher-order streams.

Major Use Classifications

The six use classifications listed in the Table of Primary Uses in Section 21.4, being; I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.

Man-Made Channel

A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

Manufactured Home

A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976. This term does not include a mobile home dwelling or factory-built housing.

Marina

See subsection 81.5.6.

Marine Railway Systems

A boat ramp designed to use a railed vehicle to launch and retrieve watercraft.

Master Plan

A plan for a defined area that provides more detailed planning to ensure that projects and activities in the area are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code.

Maximum Height

See subsection 37.3.1.

Maximum Land Coverage

Allowable base land coverage plus allowed transferred coverage.

Materially Damaged

As used in subsection 61.1.5, any of the following activities or alterations to a live tree that would require a permit to remove; (1) topping; (2) the removal of live limbs within the upper two thirds of the total tree height; (3) girdling; (4) the application of chemicals harmful to the tree; (5) purposefully exposing the cambium layer; or (6) other damage to the tree that will potentially result in its death or disfigurement,

or in a significant increase in its susceptibility to insects or disease.

Measurement Standard

See subsection 16.3.6.

Mitigation (Onsite)

Mitigation measures, such as the removal of land coverage, applied in the project area of the project being mitigated.

Mitigation (Offsite)

Mitigation measures applied outside the project area of the project being mitigated.

Mobile Home Dwelling

See Table 21.4-A: Primary Use Definitions.

Moderate Income Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.

Modification

Changes in the form or substance of a structure or activity.

Modified Stationary Source

Any physical change, change in method of operation of, or addition to, an existing stationary source, or any change in hours of operation, process, or production rate, except that routine maintenance or repair shall not be considered to be a physical change. A reconstructed source shall be treated as a new stationary source. Unless previously limited by a permit condition, a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment shall not be considered a modified stationary source.

Montane Zone

The montane zone is all lands below 7,000 feet elevation.

Mooring

A place where a watercraft is held fast with cables, lines, or anchors.

Mooring Buoy

See "Buoy."

Multi-Residential

Residential development at a greater density than one unit per parcel.

Multi-Residential Bonus Units

Bonus units available for use only in multi-residential projects.

Multi-Residential Facilities

Residential uses, with two or more units per structure, that meet the Transit Oriented Development standards set forth in subparagraph 11.8.4.C.1 or the functional equivalent as defined in subparagraph 11.8.4.C.3.

Multiple-Use Facility

A shorezone facility, usually but not always a pier, which is used by the public, homeowners association, or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to subsection 84.9.4.

Native Plants

Plants indigenous or occurring naturally in the Lake Tahoe Basin. See also “Plant List.”

Natural Ground Elevation

See subsection 37.3.2.

Natural Hazard Maps and GIS Data Layers

The natural hazard maps and GIS data layers indicate locations of avalanche zones, earthquake zones, and flooding zones.

Natural State

That condition that is found in nature and not modified by human intervention.

Navigational Structure

A structure or device maintained solely as an aid to boat navigation.

Near Natural State

Approximating natural conditions.

Nearshore

The zone extending from the low water elevation of Lake Tahoe (6,223.0 feet Lake Tahoe Datum) to a lake bottom elevation of 6,193.0 Feet Lake Tahoe Datum, but in any case, a minimum lateral distance of 350 feet measured from the shoreline. In other lakes, the nearshore extends to a depth of 25 feet below the low water elevation.

Near Surface Groundwater

Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

Nesting Habitat

The area normally used by a species of bird for the nesting and rearing of young.

Net Environmental Benefit to a Stream Environment Zone

See subparagraph 30.4.4.D.

New Development Potential

The regional potential for additional residential, commercial, tourist accommodation, public service, recreation, and related growth, as limited by the number of existing development rights currently remaining and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987, pursuant to Chapter 31, as amended, minus development rights that have been extinguished. New development potential for piers is limited by subparagraph 82.3.3of the Code.

Noncommercial Copy

See subsection 38.4.16.

Nonconforming Sign

A sign that is legally existing or approved as of the effective date of Chapter 38: *Signs*, that does not comply with the applicable standards set forth in that chapter.

Nonconforming Use

See subsection 21.2.3 and, for uses within the shorezone, see subsection 81.2.3.

Non-Attainment Area

An area not in attainment of federal primary air quality standards as designated by the Environmental Protection Agency.

Non-combustion Heaters

Electric heaters.

Non-contiguous Parcels

Parcels that are not adjacent parcels and whose boundaries do not touch.

Non-Native Species

Animals, other than domestic animals and household pets, that do not occur naturally in the Lake Tahoe Basin or which have been artificially introduced or established by man.

Non-Permanent Structure

A non-permanent structure is a structure meeting the requirements of subparagraph 30.4.6.A.

Non-Sensitive Lands

For lands with IPES scores, those lands above 725; for lands without IPES scores, those lands identified as Land Capability Districts 4, 5, 6, or 7; and that are not within the back shore.

Nursery Habitat

The area where juvenile fish seek food and cover.

One Hundred-Year Floodplain

The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

Open Burning

As applied in Nevada only, a fire that emits the products of combustion into the atmosphere without passing through a stack or chimney.

Optimum Stocking Level

The number of trees on a given area that maximizes the growth rate and overall health of a stand of trees.

Organized Recreation Camps

Land or premises containing structures designed to be used for organized camping.

Ornamental Vegetation

The landscaping of property with shrubs, trees, and other vegetative ground cover not native to the Tahoe region.

Overhang

The portion of a structure that is cantilevered so as to not require a structural member attached to the ground, or is a deck with no structure underneath supported by posts. For a building or deck, the overhang is that portion of the structure extending beyond a continuous foundation wall.



Overhang

Over-Snow Removal

Removal of trees from a project site using yarding equipment capable of traveling over snow without disturbing the soil or vegetation beneath.

Oversteepened Cut Slopes

Slopes steeper than 2:1.

PAOT (People At One Time)

The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity.

Parcel

An area of land or, in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and that is recognized as a separate legal entity for purposes of transfer of title.

Parcel Consolidation

The merging of two or more contiguous parcels into one parcel.

Parcel Line Adjustments

A change in the legal boundary or boundaries of a parcel.

Parcel Map

A map required by state law for the division of land into parcels.

Particulate Matter

Material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

Peak-Period Commuter

See subparagraph 65.5.1.B.10.

Pedestrian-Oriented Sign

A permanent, non-illuminated sign with an area less than five square feet on any one side, and not over ten feet above ground level.

Percent Cross Slope Retained Across Building Site

See subsection 37.3.3.

Perching Site

A tree, cliff, or other high platform, used by raptors for resting, sitting, or viewing.

Perennial Stream

Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

Permissible Use

Allowed uses or special uses approved by the Governing Board. See also accessory uses, Section 21.3, and accessory structures, subsection 81.3.3.

Person

An individual, partnership, corporation, business association, joint venture, group of individuals, or governmental entity.

Personal Watercraft

Watercraft less than 13 feet in length designated to be operated by a person or persons sitting, standing, or kneeling on the craft rather than within the confines of a hull, and with a maximum capacity of three (3) people.

Person-Trip

A one-direction movement of an individual person which begins and ends at a trip end.

Pervious

Any surface that allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

Pier

A fixed or floating structure intended as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 feet Lake Tahoe Datum, or a functionally similar depth on other lakes in the region.-



Portable Sign

Pier, Multiple-parcel

A pier that retires pier development potential through deed restriction on one or more littoral parcels. A multiple-parcel pier may be built to either single- or multiple-use pier development standards.

Pier, Single-parcel

Also referred to as a single-use pier. A pier that serves one littoral parcel, and that retires no development potential as part of a pier application process.

Pier Relocation

The replacement of an existing pier with a new pier in a different location on the same parcel.

Pier Transfer

The replacement of an existing pier with a new pier on a different parcel.

Pierhead Line

A line established on the adopted shorezone maps of TRPA and digitized for all areas around Lake Tahoe.

Plans

Plans include the TRPA Regional Plan as defined in the TRPA Compact, other plans that are authorized by the Regional Plan and have been adopted by the TRPA Governing Board, and Area Plans that are authorized by the Regional Plan and that have been adopted by a Local Government and have been found by TRPA to be in conformance with the Regional Plan.

Plant List

The Recommended Native and Adapted Species List adopted by TRPA.

Political Sign

A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

Pond

A standing water body less than 20 acres in size and/or less than two meters deep at low water.

Portable Sign

Any sign not permanently affixed to the ground or a building.

Possible Contaminating Activity

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located,

as having the potential to discharge contaminants to surface or ground waters. Such uses include but are not limited to those listed in subsection 60.3.5.

Potential Land Coverage

The land coverage allowed as base coverage in Chapter 30: *Land Coverage*, but that does not physically exist.

Predominantly Urbanized Area

See subsection 13.3.1.

Prescribed Fire

The planned application and confinement of fire by professionally trained public agency fire personnel to wild land fuels on lands selected in advance of that application to achieve any of the following objectives: 1) prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels; 2) watershed management; 3) range improvement; 4) vegetation management; 5) forest improvement; 6) wildlife habitat improvement; or 7) air quality maintenance.

Previous Use

See subparagraph 65.2.3.F.

Primary Riparian Vegetation

The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 0: Open water - Open water, Swamps and pools and Vernal pools.
- B. Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
- C. Type 7: Riparian shrub - Willow thicket and Alder thicket.
- D. Type 9: Broadleaf - Low elevations.

Primary Transit Routes

- A. Highway 50 - from Carson City to Highway 89
- B. Highway 89 – from Truckee to Highway 50 at the South Lake Tahoe “Y”
- C. Highway 28 – from Highway 89 in Tahoe City to the intersection with Country Club Drive in Incline Village
- D. Highway 267 – from Truckee to Highway 28
- E. Highway 207 – from Daggett Summit to Highway 50

Prime Fish Habitat

In Lake Tahoe, the zone of water and substrate less than 30 feet deep where suitable habitat exists for purposes of spawning, feeding, or escape cover, or as designated on TRPA Prime Fish Habitat Maps.

Problem Assessment

A comprehensive identification and evaluation of a significant degradation of the environment prepared by TRPA and used as the basis for action plans provided for in Section 5.12.

Prohibited Use

See subsection 21.2.4, and for uses within the shorezone, see subsection 81.2.4.

Project

An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region. See also Chapter 2.

Project Area

See subparagraph 30.4.1.C.2.

Project Controller

See subparagraph 65.5.1.B.11.

Project Cost

The fair market value of materials and services used in constructing and implementing a project.

Projecting Sign

A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall.



Projecting Sign

Property Transportation Coordinator (PTC)

See subparagraph 65.5.1.B.12.

Protective Structure

A structure placed in a body of water or the area of wave run-up, to prevent erosion.

Public Athletic Fields

Play fields constructed and operated by or for schools and government agencies primarily for team sport usage, such as baseball, football, and soccer. Public athletic fields are typically open for public use for at least 120 days between May 1 and October 31. Golf courses, landscaping, lawns, meadows, ski runs, and similar open space are not considered public athletic fields.

Public Entity

A public service or quasi public entity that is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

Public Safety Facilities, Essential

Fire and law enforcement facilities and/or stations, including apparatus bays, apparatus maintenance buildings, living quarters, and offices; training facilities including training towers; emergency operation center buildings; emergency communication towers, and fire prevention and fuel management work centers.

Public Service

Public or quasi-public uses or activities pertaining to communication, transportation, utilities, government, religion, public assembly, education, health and welfare, or cultural and civic support. It does not include such uses or activities that are primarily involved in commercial enterprises.

Pump-out Facilities

Pump-out facilities consist of the equipment needed to pump or otherwise receive and transfer contents of vessel holding tanks into sewage retention and/or disposal system approved by the permitting organizations.

Qualified Exempt

Activities not subject to review and approval by TRPA upon the filing of a declaration pursuant to subsection 2.3.7.

Qualified Forester

A person who: 1) is a California Registered Professional Forester (RPF); or 2) holds a Bachelor of Science degree, with a major in Forestry, Renewable Natural Resources, or closely related field, and has had a minimum of three years verifiable experience in forestry-related work. A valid California Registered Professional Foresters (RPF) License shall be required per California State law for any natural person or entity performing forestry work in California.

Quasi-Public

Having the purpose of providing a public service as a utility and under regulation of state, local, or federal law, such as a telephone company, electric power company, TV cable company, and natural gas supplier, or provide services for the public health and welfare or for educational or cultural purposes, on a voluntary or non-profit basis.

Range Professional

A person either meeting the requirements for the Federal Rangeland Management Series (GS-454) of the U.S. Office of Personnel Management, licensed as a Certified Rangeland Manager under the California Professional Foresters Licensing Act (PFLA), or the Certified Range Management Consultants(CRMC) certification program provided by the Society for Range Management.

Reasonable Further Progress

Annual incremental reductions in emissions of the applicable air pollutant that are sufficient to provide for attainment of the applicable national air quality standard by the dates established under the Clean Air Act, as amended in 1977.

Receiving Parcel

Parcel to which coverage, an allocation, or other development is transferred.

Reconstruction

The replacement of all or an entire portion of an existing structure without changing the structure’s dimensions or function. The concept of “reconstruction” shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). Notwithstanding the foregoing, the replacement of a structure may qualify as a reconstruction where there is a reduction (without reconfiguration) in the dimension of the structure resulting in an improvement to environmental conditions (e.g., replacing double pilings with single pilings; replacing a pier without a previously existing boat house). No reconstruction shall increase the visual mass or contrast rating of the previously existing structure.

Recreation Areas

Areas with good potential for developed outdoor recreation, park use, or concentrated recreation.

Recreation (Developed)

Outdoor activities that are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

Recreation (Dispersed)

Activities such as hiking, jogging, primitive camping, nature study, fishing, cross country skiing, rafting/kayaking, and swimming. The use does not usually involve the use of developed facilities.

Recreation (Dispersed Outdoor)

Outdoor recreational uses that require few or no developed facilities, require no motorized vehicles, and generally occur in rural areas such as hiking; horseback riding; jogging; dispersed, primitive, or back country camping; fishing and hunting; nature study and photography; rafting and kayaking; sightseeing; dispersed beach recreation; swimming; sunbathing; and cross country skiing shall be allowed uses throughout the region. See also “Recreation (Dispersed).”

Recreation (Urban)

Indoor and outdoor activities primarily designed for use by the residents of the region, including, but not limited to, athletic fields and neighborhood parks.

Recreational Fires

Fires used in connection with a recreational activity, including, but not limited to, campfires and barbecues.

Redevelopment

New construction on a site that has existing uses and structures. Redevelopment is not limited to designated Redevelopment Areas or Districts.

Redirection

The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses.

Region

All that area described in Article II(a) of the Tahoe Regional Planning Compact. See also Basin.

Regional Plan

The long term general plan for the development of the region and as more specifically described in Article V of the Compact.

Rehabilitation

Upgrading existing facilities by repair, reconstruction, or modification.

Reinforcement

The provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.

Remedial Action Plan

A plan to correct environmental degradation.

Remedial Vegetation Plan

A plan to address areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation.

Rental Car

A passenger vehicle designed to carry not more than ten persons and that is available for rental on a daily or other basis to members of the general public. The definition of rental car does not include a taxi, limousine, motorhome, truck, or motorcycle.

Rental Transaction

See subparagraph 65.4.3.A.

Repair

Activities necessary to put back a structure to good and sound condition after decay or damage without changing the structure's dimensions or function. Repairs include replacing components of a structure, such as decking, structural members, piles, re-siding, re-roofing, and replacement of electrical or mechanical gear. The concept of "repair" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). No repair shall increase the visual mass or contrast rating of the repaired existing structure.

Residential

Uses, facilities, and activities primarily pertaining to the occupation of buildings for living, cooking, and sleeping by the owner as a permanent or second home, by renters on a monthly or longer term basis, or by renters of a vacation rental that meets the Local Government Neighborhood Compatibility Requirements.

Residential Area

Areas having potential to provide housing for the residents of the region.

Residential Development Right

See "Development Right."

Residential / Dooryard Burning

As applied in California only, the burning of vegetative-only waste grown on the site at a residence in the open air. Residential/dooryard burning does not include burning in fireplaces and woodstoves within the residence.

Residential Unit

One or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

Resource Management

Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

Restoration, or Restored

In the context of natural areas, the reestablishment of the primary natural characteristics and functions of the soil, hydrology, vegetation, and other natural features of the natural habitat.

Restricted Gaming (Nevada Only)

Operation of not more than 15 slot machines pursuant to Nevada law as an accessory use to a commercial or tourist accommodation primary use.

Revegetation

Establishment of vegetation on disturbed areas.

Revetment

Sloping structures armored with stone or other material through which water may pass.

Ridesharer

See subparagraph 65.5.1.B.13.

Riparian Plant Community

A plant association identified by the presence of vegetation that requires free or unbound water or conditions more moist than normal in the area. Such communities include, but are not limited to, deciduous trees (alder, aspen, cottonwood, willow), hydrophytes, meadow vegetation, riparian shrub, and lodgepole pine.

Road

A smooth or paved surface designed for travel by motor vehicles.

Rock Cribbing

An enclosure of wood, steel, or other material containing unconsolidated rock.

Roof Sign

A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are considered wall signs; however, they may not extend vertically above the top of the mansard.



Roof Sign

Scenic BMPs

Mitigation measures that reduce the visual impact of structures to promote threshold attainment. This includes the use of landscaping, building design, glass treatment, articulation, color, texture, screening, and other such techniques.

Scenic Highway and Corridor

A roadway that has been determined to have outstanding scenic value. The scenic corridor includes the roadway right-of-way and extends 100 feet perpendicularly from the edge of the right-of-way boundary.

Scenic Units GIS Data Layers

The TRPA scenic units GIS data layers indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

Seasonal Efficiency

The efficiency, as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607, (Appliance Efficiency Standards).

Seasonal High Water Table

The highest level of soil saturated with water during a one year period, usually but not always found in the spring months.

Second Order Stream

A stream formed by the confluence of two or more first order streams.

Secondary Residence

See subsection 21.3.2.

Secondary Riparian Vegetation

The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 2: Herbaceous - Wet mesic meadow.
- B. Type 9: Broadleaf - High elevations.
- C. Type 19: Lodgepole - Wet type.

Seeped Soils

Soils having the characteristics of a high water table.

Seiche

An oscillation of the surface of a landlocked body of water (as a lake) that varies in period from a few minutes to several hours.

Sending Parcel

The parcel from which land coverage, an allocation or other development is transferred.

Sensitive Lands

For lands with IPES scores, those lands at or below 725; for lands without IPES scores, those lands identified as Land Capability Districts 1, 2, or 3; and lands within the backshore.

Sensitive Plant Species

Plants that are extremely scarce and considered vulnerable to local extirpation or extinction.

Service Capacity

The ability to accommodate units of traffic, energy, sewer, water, or people engaged in the activity for which the facility was intended, or other similar units of measure.

Service Connection

The connection of utilities, such as gas, water, electricity, or telephone, to a structure.

Setback

An area established adjacent to the shorezone interface or riparian vegetation to provide a natural buffer between development and sensitive or ecologically significant areas.

SEZ

See "Stream Environment Zone."

SEZ Setback

A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in subsection 53.9.3.

SEZ Vegetation

Species of a plant community indigenous to the Lake Tahoe Region which are commonly associated with the landscape position and land form, soil type, hydrology, elevation, and climate of an SEZ type, such as a wet meadow, mesic meadow, or stream. The plant communities include primary and secondary indicator species listed in Section 53.9.

Shift of Employment

See subparagraph 65.5.1.B.14.

Shoreland

The distance from the highwater line of Lake Tahoe to the most landward boundary of the littoral parcel, or 300 feet landward, whichever is lesser. In the case where the littoral parcel is a narrow parcel not qualifying for a development right, such as a road right-of-way or a dedicated beach access parcel, the most landward boundary of the adjoining parcel to the littoral parcel or 300 feet shall apply. In the case where a littoral parcel is split by a right-of-way but is considered one project area, the most landward boundary of the project area or 300 feet, whichever is less, shall apply.

Shoreline

The highest line normally covered by waters of a lake or body of water. (For Lake Tahoe, the shoreline elevation is 6,229.1 feet Lake Tahoe Datum.)

Shoreline Protective Structure

Walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

Shorezone

The area including the nearshore, foreshore, and backshore.

Shorezone Tolerance District

Areas with special regulations along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake identified in the 1973 Shorezone Plan for Lake Tahoe and depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps. See Chapter 83: *Shorezone Tolerance Districts and Development Standards*.

Sign

Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail, or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms, and lights.

Significant Spawning Habitat

In Lake Tahoe, areas designated on TRPA's Prime Fish Habitat Map as "Spawning Habitat" and, through field examination, confirmed to consist of substrate predominantly comprised of small rock, cobble, gravel, or any combination thereof.

Significant Soil Disturbance

Damage to soil structure, chemistry, and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff, or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness, and compaction forces.

Significant Vegetation Damage

Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria.

Silviculture

The science of forestry; the growing of trees.

Single Family House

A detached structure that contains one residential unit.

Single Occupant Vehicle (SOV)

See subparagraph 65.5.1.B.15.

Single-Use Pier

A facility in the shorezone used and maintained by the owner of one littoral parcel, his family, and guests.

Skidding

The act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. See also Section 61.1: *Tree Removal*.

Skid Trail

A rough pathway on which logs are skidded.

Slope Condition

The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

- A. Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.
- B. Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.
- C. Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

Snag

A standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay

classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C., and J. M. Trappe. 1984. "The seen and unseen world of the fallen tree." USDA, Forest Service. Gen. Tech. Rep. PNW-164).

Soft Land Coverage

See "Land Coverage."

Soil

The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling.

Solid Waste

Any material defined by the Code of Federal Regulations, Title 40, Protection of Environment (Section 261.2) as a solid waste.

Source Water

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.

Spawning Habitat

An area that attracts, or is capable of attracting, fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.

Special Interest Species

Animal species for which environmental thresholds have been established.

Specific Plan

A comprehensive long-range program for the further development of a facility or area. See Chapter 14: *Specific and Master Plans*.

Specific Program

A program adopted by ordinance that provides for discontinuance or modification of a use or structure. See Chapters 21: *Permissible Uses*, and 81: *Permissible Uses and Structures in the Shorezone and Lakezone*.

Split-Use Unit

A tourist accommodation unit within a residential design timeshare use which has at least one bedroom and two bathrooms and is constructed such that one or more bedrooms are capable of being rented or leased as a hotel-type tourist accommodation unit separately from the bath and kitchen facilities. A split-use unit constitutes two tourist accommodation units except as set forth in Chapter 13: *Redevelopment Plans*. See "Lock-off Unit."

Spoil Material

Any earthen material that remains after a grading or dredging activity.

Stacked Storage

Stacked Storage refers to boats that are stored ashore, on racks or other structures either outdoors or inside a storage building, that can be retrieved for launching on demand or by reservation.

Stationary Source

A building, structure, facility, or installation that emits or may emit an air pollutant. Building, structure,

CHAPTER 90: DEFINITIONS

90.2 Other Terms Defined

or facility includes all pollutant-emitting activities which: belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common

control. Installation includes any operation, article, machine, equipment, or other contrivance which emits or may emit an air pollutant.

Step Foundations

Foundations designed to incrementally rise in height in order to conform to the natural ground.

Stock Cooperative

A form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

Stream Corridor Impediment

A man-made structure, such as a culvert, fence, bridge, or building, that is located in the 100-year floodplain and significantly obstructs or impedes stream hydrologic functions, including fish habitat, stream migration, and riparian vegetation maintenance or establishment.

Stream Environment Zone

Generally an area that owes its biological and physical characteristics to the presence of surface or ground water. The criteria for identifying and SEZ is set forth in Section 53.9.

Street

A public or private way open to general public use, including all classes of roadways and parking lots, but excluding alleys and driveways.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements and non-habitable floor area, such as attics, are not considered a story.

Structure

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, that requires location on the ground or is attached to something having a location on the ground. This includes such things as roads, trails, and earthworks.

Structural Diversity

Diversity in a forest stand resulting from layering or tiering of the canopy.

Structural Repairs

Repairs to those elements of a structure that affect the bearing capacity of the structure, including, without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete.

Structure Housing Gaming

A building or buildings joined together in some definite manner, containing gaming, as defined in Article VI of the Compact.

Sub-Alpine Zone

The sub-alpine zone is all lands above 8,500 feet elevation.

Subdivision

The act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips, or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include, but are not limited to, divisions of real property, improved or unimproved, for the purpose of use, sale, lease, or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots, or parcels.

Substantial Tree Removal

See subparagraph 61.1.8.

Substrate

The bottom materials of a lake or stream.

Superstructure

A structure within the foreshore or nearshore, other than a handrail, davit, or flagpole but including boathouses, which projects above high water or ground elevation more than five feet.

Supplemental Compliance Measure

See subsection 16.3.8.

Surface Water

Water produced by rainfall; melting snow; or a spring falling upon, arising from, and naturally spreading over land.

Surface Water Conveyance

A man-made drainage way.

Target Date

See subsection 16.3.7.

Temporary Erosion Control

Temporary devices installed on a site to contain runoff and control erosion from a site.

Temporary Activity

An organized event or a commercial activity that does not occur more than four times in a calendar year and that does not exceed fourteen consecutive days in duration. Activities that are within the scope of a primary use are conducted within the project area and that would not otherwise require TRPA review and approval are not deemed temporary activities. Examples of such activities are a golf tournament at a golf course, or a ski race at a ski area.

Temporary Project

A temporary use, activity, or structure.

Temporary Roads

A class of non-public roads that are used during forest product harvesting, usually for one or two seasons only, and that thereafter are retired from use and restored and revegetated so as to prevent erosion.

Temporary Structure

A temporary structure is a structure which is approved for a limited time as set forth in Chapter 22: *Temporary Uses, Structures, and Activities*.

Temporary Use

A temporary use is a primary use which does not exceed a period of twelve months.

Tentative Map

A subdivision map made for the purpose of showing the design and improvement of a proposed subdivision, and the existing conditions in and around it, which need not be based upon an accurate or final survey of the property.

Terrace

A moderately flat land area, above the floodplain, generally less than 20 percent slope.

Threshold

See “Environmental Threshold Carrying Capacity.”

Timber Harvesting

Tree harvesting operations in which the primary purpose is the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest.

Timber Harvest Plan

A plan issued by TRPA describing the methods to be used in a particular timber harvest, and shall not be provided in lieu of a valid timber harvest plan approved by the California Department of Forestry and Fire Protection under the California Forest Practices Act.

Third-Order Stream

A stream formed by the confluence of two or more second-order streams.

Thrifty

Young, vigorous trees capable of seeding the area to support continuing forest growth.

Tour Boat Operation

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at a single site.

Tourist Accommodation

Uses, facilities, and activities primarily pertaining to the occupation of buildings for eating, sleeping, and living on a temporary basis by persons whose permanent residence is elsewhere.

Tourist Accommodation Unit

A unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.

Toxic or Hazardous Waste

Any hazardous product that when disposed of improperly can cause damage to human health or the environment. Examples of hazardous wastes include hazardous wastes generated in quantities that are regulated by state or federal laws; and hazardous wastes generated in small quantities by households and small businesses, which include automotive lubricants and cleaners, paint preservatives and strippers,

CHAPTER 90: DEFINITIONS

90.2 Other Terms Defined

stain removers, pesticides, and many other products which may be poisonous, flammable, corrosive, reactive, explosive, or cancer causing. The definition includes any hazardous wastes defined by local,

state, or federal agencies with jurisdiction in the Tahoe region; and when two or more definitions exist, TRPA will apply the more inclusive definition.

Tree Removal

Cutting down, killing, or materially damaging a tree.

Trip Assignment Pattern

An estimate of the paths used by vehicle trips to and from a location.

Trip End

A trip origin or trip destination. Trip ends, for a location, are the summation of origins and destinations.

Trip Generation Rate

The number of motorized vehicle trip ends for a location.

Trip Reduction Credit

See subparagraph 65.5.1.B.19.

Trip Table

See subparagraph 65.2.3.H.

TRPA

Tahoe Regional Planning Agency, including the Governing Board and staff.

TRPA Permit

A written statement by TRPA of project approval.

Unit

A single quantity regarded as a whole in calculation.

Uncommon Plant Communities

Plant communities for which environmental thresholds have been established, and other plant communities designated as uncommon and unique.

Unconfined

Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

Upper Montane Zone

Lands between 8,500 feet and 7,000 feet elevation.

Unserviceable

[See subsection 82.3.4. Unserviceable shall be defined as a structure that can not longer serve the function for which it was designed. In calculating the time period that a structure has been unserviceable, the period of time shall not be counted when TRPA was restrained from accepting applications for repairs to structures in the shorezone due to the preliminary injunction filed on August 9, 1984 in the matter of State of California/ League to Save Lake Tahoe v. TRPA.](#)

Unused Allocation

A residential allocation that does not mature into actual construction, including, without limitation, forfeited allocations, and case-by-case or prior approvals that expire without construction or where the

parcel is sold or donated to an appropriate public entity.

Urban Areas

Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface)

See subparagraph 61.1.4.A.1.

Urban Recreation

See "Recreation (Urban)."

Utility

A public or quasi-public entity that provides gas, water, electricity, cable TV, telephone, or similar services.

Vacant Parcel

A parcel that is undeveloped or unimproved and has no established use.

Vacation Rental

A residential unit rented for periods of 30 days or less.

Vanpool

See subparagraph 65.5.1.B.20.

Vegetation

A collective term for plants.

Vehicle Emissions Standard

A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

Vehicle Miles Traveled (VMT)

The total miles traveled by a motorized vehicle, or a number of motorized vehicles, within a specific area or over a specified period of time.

Vehicle Trip

See subparagraph 65.2.3.I.

Vehicle Trip Generation

Residential or tourist accommodation trip generation is the total number of vehicle trips anticipated from persons occupying such units. For commercial and other uses, trip generation is the total number of vehicle trips to and from the project site.

View Corridor

A view of Lake Tahoe from a major arterial that is unobstructed by buildings or other structures.

View Enhancement

The creation of a new view, or the addition to an existing view of the natural landscape, a view of Lake Tahoe, or a view of a major visual feature that is visible from a scenic threshold roadway travel route as identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

Visible Area

The surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.

Visible Structure

A structure with visible area.

Visual Breaks

The application of landscaping to man-made structures that result in reducing the contrast and breaking the overall visible area of a structure's façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.

Wall-Mounted Sign

See "Building Sign" and "Projecting Sign."

Waterborne Transit

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

Water Breaks

A ditch, dike, or dip, or combination thereof, constructed diagonally across logging roads, tractor roads, skid trails, and firebreaks so that water flow is effectively diverted therefrom. Water breaks are synonymous with water bars.

Watercraft

A waterborne vessel of any type or size including, but not limited to, boats, barges, ferries, yachts, houseboats, floating homes, kayaks, rafts, canoes, personal watercraft, pleasure craft, marine craft, amphibious vehicles.

Water Crossing or Diversion Structure

A structure designed to alter or cross any stream, river, or other body of water.

Watercourse

A man-made stream of water or a natural stream such as a river, creek, or rivulet.

Water-Dependent

A use, activity, or facility that by its very character must be located adjacent to or over water.

Water Heater

A device that heats water at a thermostatically controlled temperature for delivery on demand.

Water Salvage Operations

Public service use of bringing a vessel or its cargo to the water's surface. For storage of salvage equipment, see "Construction Equipment Storage."

Water Purveyor

A private, public, or quasi-public water company, water district, or similar entity, legally empowered to supply or provide water for domestic or other uses.

Water Quality Control Facilities

Facilities required for the attainment and maintenance of water quality and related thresholds, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities.

Westside Forest Type

Those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://www.trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Wet Bar

A single bar-sized sink and a refrigerator no greater than five cubic feet in size with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, or a standard-sized kitchen sink.

Wetlands

Low-lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water, and hydrophytes and include but are not limited to those areas identified in the land capability classification system as Class 1B lands.

Wood Heater

A wood-fired appliance, including, but not limited to, a freestanding conventional masonry or prefabricated zero-clearance fireplace; any similar fireplace whose operation requires it to be built into the structure as a component of the building; franklin stove; air tight stove; fireplace insert; or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

Woodstove

See “Wood Heater.”

Working Days

Regular TRPA business days excluding weekends and holidays.

208 Plan

The Lake Tahoe Water Quality Management Plan (“208 Plan” or “WQMP”) is a framework that sets forth the components of the water quality management system in the Tahoe Region, as required by the U.S. Environmental Protection Agency’s (U.S. EPA) regulations in 40 C.F.R. Section 130.6, which implements Sections 208 and 303(e) of the Clean Water Act.

EXHIBIT 2

Amendments to Chapters 80-85 of the TRPA Code of Ordinances



TRPA

Code of Ordinances

APC Draft October 10, 2018

Shorezone

CHAPTER 80: REVIEW OF PROJECTS IN THE SHOREZONE AND LAKEZONE.....	80-1
80.1. Purpose	80-1
80.2. Applicability.....	80-1
80.3. Required Findings	80-1
80.3.1. Findings Required for Lakezone, Shorezone, and Lagoon Projects.	80-1
80.3.2. Findings for All Projects.....	80-1
80.3.3. Additional Findings for Special Use Projects.....	80-2
80.3.4. Additional Findings for Public Outdoor Recreation Facilities.....	80-2
80.3.5. Additional Findings for Public Service Facilities	80-2
80.3.6. Additional Findings for Coverage or Disturbance in the Backshore	80-3
80.4. General Standards for Shorezone Projects	80-3
80.4.1. Vegetation.....	80-3
80.4.2. Special Project Conditions.....	80-3
80.4.3. Backshore Coverage and Land Disturbance.....	80-3
80.4.4. Projects in Fish Habitat.....	80-4
80.4.5. Topline Fishing.....	80-4
80.4.6. Projects that May Impact Historical/Cultural Resources.....	80-4
80.4.7. Recreation Projects.....	80-4
80.4.8. Projects that May Impact Sensitive or Uncommon Plants.....	80-4
80.4.9. Review of Support Facilities.....	80-5
CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE... 81-1	81-1
81.1. Purpose	81-1
81.2. Applicability.....	81-1
81.3. CLASSIFICATION OF USES AND STRUCTURES	81-1
81.3.1. Allowed Uses.....	81-1
81.3.2. Special Uses.....	81-1
81.3.3. Nonconforming Uses.....	81-2
81.3.4. Prohibited Uses	81-2
81.4. Permissible Uses AND ACCESSORY STRUCTURES	81-2
81.4.1. Permissible Uses in the Lakezone	81-2
81.4.2. Permissible Uses in the Shorezone	81-3
81.4.3. Permissible Uses in the Shorezone and Lakezone	81-3
81.4.4. Accessory Structures	81-4
81.5. Use Definitions	81-4
81.5.1. Beach Recreation	81-4
81.5.2. Boat Launching Facilities.....	81-4
81.5.3. Commercial Boating.....	81-4
81.5.4. Construction Equipment Operation.....	81-4
81.5.5. Construction Equipment Storage.....	81-5
81.5.6. Marinas.....	81-5
81.5.7. Recreational Boating.....	81-5
81.5.8. Safety and Navigation Facilities	81-5
81.5.9. Salvage Operations.....	81-5
81.5.10. Seaplane Operations	81-5
81.5.11. Tour Boat Operation	81-5

81.5.12.	Waterborne Transit.....	81-5
81.5.13.	Water-Intake Lines.....	81-5
81.5.14.	Water-Oriented Outdoor Recreation Concessions.....	81-6
81.6.	Existing Uses.....	81-6
81.6.1.	Right to Continue Existing Uses.....	81-6
81.6.2.	Changes, Expansions, or Intensifications of Existing Uses.....	81-6
CHAPTER 82:	EXISTING STRUCTURES AND EXEMPT ACTIVITIES.....	82-1
82.1.	Purpose.....	82-1
82.2.	Applicability.....	82-1
82.3.	General Provisions.....	82-1
82.4.	Exempt Lakezone, Nearshore, Foreshore, and Lagoon Activities.....	82-2
82.5.	Qualified exempt activities.....	82-3
82.6.	Loss of exemption.....	82-5
82.7.	Existing Structures in the Nearshore or Foreshore.....	82-5
82.7.1.	Nonconforming Structures.....	82-5
82.7.2.	Compliance with Best Management Practices (BMPs).....	82-6
82.7.3.	Permit Requirement for Mooring Buoys.....	82-6
82.7.4.	Mooring Buoys Identification.....	82-6
82.8.	Existing Structures in the Backshore.....	82-6
CHAPTER 83:	SHOREZONE TOLERANCE DISTRICTS AND DEVELOPMENT STANDARDS.....	83-1
83.1.	Purpose.....	83-1
83.2.	Applicability.....	83-1
83.3.	Establishment and Effect.....	83-1
83.4.	Precise Boundaries.....	83-1
83.5.	Shorezone Tolerance District Challenge.....	83-2
83.5.1.	Team of Experts.....	83-2
83.5.2.	Shorezone Tolerance District Report.....	83-2
83.5.3.	Review of and Action on the Report.....	83-3
83.5.4.	Notification Procedure.....	83-3
83.5.5.	Procedure After Action on Shorezone Tolerance District Challenge.....	83-3
83.5.6.	Amendment of Shorezone Tolerance District Overlay Maps.....	83-3
83.6.	Man-Modified Challenge.....	83-4
83.6.1.	Team of Experts.....	83-4
83.6.2.	Man-Modified Report.....	83-4
83.6.3.	Criteria.....	83-4
83.6.4.	Review and Action.....	83-5
83.6.5.	Notification Procedure.....	83-5
83.6.6.	Procedure After Action on Man-Modified Challenge.....	83-5
83.6.7.	Amendment of Shorezone Tolerance District Overlay Maps.....	83-5
83.7.	Shorezone Tolerance District 1.....	83-5
83.7.1.	Nature of District.....	83-5
83.7.2.	Development Standards.....	83-5
83.8.	Shorezone Tolerance Districts 2 and 3.....	83-6
83.8.1.	Nature of The Districts.....	83-6

83.8.2.	Development Standards.....	83-6
83.9.	Shorezone Tolerance Districts 4 and 5	83-7
83.9.1.	Nature of Districts	83-7
83.9.2.	Development Standards.....	83-7
83.10.	Shorezone Tolerance Districts 6, 7, and 8.....	83-7
83.10.1.	Nature of Districts	83-8
83.10.2.	Development Standards.....	83-8
83.11.	Design Standards Within the Shorezone	83-8
83.11.1.	Color	83-8
83.11.2.	Roofs.....	83-9
83.11.3.	Fences.....	83-9

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE

	AND LAKEZONE	84-1
84.1.	Purpose	84-1
84.2.	Applicability.....	84-1
84.3.	Mooring Structures	84-2
84.3.1.	Applicability.....	84-2
84.3.2.	General Standards.....	84-2
84.3.3.	Mooring Buoys	84-5
84.4.	Piers	84-9
84.4.1.	Applicability.....	84-9
84.4.2.	Eligibility	84-10
84.4.3.	Development Standards.....	84-10
84.4.4.	Allocation and Permitting	84-22
84.5.	Boat Ramps	84-25
84.5.1.	Applicability.....	84-25
84.5.2.	Eligibility	84-25
84.5.3.	Development Standards.....	84-25
84.5.4.	Allocation	84-27
84.6.	Marinas	84-27
84.6.1.	Applicability.....	84-27
84.6.2.	Eligibility	84-27
84.6.3.	Development and Use Standards.....	84-30
84.6.4.	Permitting.....	84-32
84.7.	Shoreline Protection	84-32
84.7.1.	Shoreline Protective Structures	84-32
84.7.2.	Jetties, Breakwaters, and Rock Cribs.....	84-33
84.8.	Other Structures	84-35
84.8.1.	Floating Platforms	84-35
84.8.2.	Safety and Navigation Devices.....	84-35
84.8.3.	Retaining Walls and Erosion Control.....	84-36
84.8.4.	Fences.....	84-36
84.8.5.	Signage.....	84-37
84.8.6.	Access Structures.....	84-37
84.9.	Filling and Dredging	84-37

84.9.1.	Applicability.....	84-37
84.9.2.	Eligibility	84-37
84.9.3.	Development Standards.....	84-38
84.10.	Other Activities and Uses	84-38
84.10.1.	Watercraft.....	84-38
84.10.2.	Water Oriented Outdoor Recreation Concessions	84-39
84.10.3.	Man-made Lagoons and Artificial Islands.	84-40
84.11.	Mitigation.....	84-41
84.11.1.	Applicability.....	84-41
84.11.2.	Mitigation Required	84-41
CHAPTER 85:	DEVELOPMENT STANDARDS IN THE BACKSHORE.....	42
85.1.	Purpose	42
85.2.	Applicability.....	42
85.3.	Limits of Backshore.....	42
85.3.1.	Wave Run-Up	42
85.3.2.	Instability.....	42
85.4.	Allowable Land Coverage	43
85.5.	Prohibition of New Land Coverage.....	43
85.5.1.	Public Outdoor Recreation.....	43
85.5.2.	Public Service	43
85.5.3.	Erosion Control and Similar Projects.....	43
85.5.4.	Access to Structures or Uses in The Nearshore or Foreshore.....	44
85.6.	Replacement of Excess Land Coverage.....	44
85.7.	Vegetation.....	44
85.8.	Project Review.....	44
85.9.	Man-Modified Backshore	45

CHAPTER 80: REVIEW OF PROJECTS IN THE SHOREZONE AND LAKEZONE

80.1. PURPOSE

The Shorezone Subelement, Conservation Element of the Goals and Policies identifies special qualities, including physical, biological and visual, that shall be considered when reviewing a project in the shorezone or lakezone. In accordance with those policies, this chapter sets forth findings that must be made by TRPA prior to approving a project in the shorezone or lakezone.

80.2. APPLICABILITY

All projects and activities in lagoons or the shorezone or lakezone of any lake in the Region shall comply with the provisions of this chapter.

80.3. REQUIRED FINDINGS

80.3.1. Findings Required for Lakezone, Shorezone, and Lagoon Projects.

No project or activity within the lakezone, shorezone, or lagoon of lakes in the Region, shall be approved unless TRPA makes all the applicable findings listed below.

80.3.2. Findings for All Projects.

- A. **General Environmental Findings.** TRPA must analyze and make the required environmental findings pursuant to Chapter 3, *Environmental Documentation*. In addition, such environmental findings must demonstrate that the project will not adversely impact:
 - 1. Littoral processes;
 - 2. Fish spawning;
 - 3. Backshore stability; or
 - 4. On-shore wildlife habitat, including wildfowl nesting areas.
- B. **Accessory Facilities.** TRPA must find that there are sufficient accessory facilities to accommodate the project.
- C. **Compatibility.** TRPA must find that the project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.
- D. **Water Dependent Use.** TRPA must find that the proposed use in the lakezone, nearshore, foreshore, or lagoon is water-dependent.

- E. Hazardous Materials.** TRPA must find that measures will be taken to prevent spill or discharges of hazardous materials.
- F. Construction.** Construction and access techniques will be used to minimize disturbance to the ground and vegetation.
- G. Navigation and Safety.** TRPA must find that the project will not adversely impact navigation or create a threat to public safety pursuant to the determination of agencies with jurisdiction over the navigable waters in the Basin.
- H. Other Agency Comments.** TRPA must find that it has solicited comments from those public agencies having applicable jurisdiction over the lakezone, shorezone, and lagoon, and that all comments received from such agencies were considered prior to taking action on the project.

80.3.3. Additional Findings for Special Use Projects.

- A.** The project, and the related use, is of such a nature, scale, density, intensity, and type to be appropriate for the project area, and the surrounding area.
- B.** The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region.
- C.** The project, and the related use, will not change the character of the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

80.3.4. Additional Findings for Public Outdoor Recreation Facilities

Additional Findings for Public Outdoor Recreation Facilities Creating Coverage or Permanent Disturbance in the Backshore.

- A.** The project is a necessary part of a public agency's long range plans for public outdoor recreation.
- B.** The project is consistent with the recreational element of the goals and policies.
- C.** The project, by its very nature, must be sited in the backshore.
- D.** There is no feasible alternative that avoids or reduces the amount of land coverage or disturbance proposed in the backshore.

80.3.5. Additional Findings for Public Service Facilities

Additional Findings for Public Service Facilities Creating Coverage or Permanent Disturbance in the Backshore.

- A.** The project is necessary for public health, safety, or environmental protection.
- B.** There is no reasonable alternative that avoids or reduces the amount of land coverage or disturbance in the backshore.

80.3.6. Additional Findings for Coverage or Disturbance in the Backshore

Additional Findings for Coverage or Disturbance in the Backshore Created to Allow Access to Structures or Uses in the Nearshore or the Foreshore

The amount of land coverage is the minimum that is necessary when all Thresholds are taken into consideration to provide access to an approved or an existing structure or use located in the nearshore or foreshore.

80.4. GENERAL STANDARDS FOR SHOREZONE PROJECTS

In addition to applicable requirements elsewhere in Chapters 80 through 86, projects in the shorezone shall meet the following standards.

80.4.1. Vegetation.

No naturally occurring vegetation shall be manipulated or disturbed except in accordance with Chapter 30. No planting of new vegetation, or manipulation of naturally occurring vegetation, shall be permitted in the shorezone, unless such activities comply with the standards in Chapter 30.

80.4.2. Special Project Conditions.

Any special project conditions of approval shall be guided by the unique characteristics of the project area, and the nature of the backshore (utilizing Policies 1 and 2, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies), as well as the following objectives:

- A. The protection of significant vistas.
- B. The preservation of the site and shorezone from environmental harm during and after construction.
- C. Protection of views of adjoining development.
- D. Providing sufficient space for proper infiltration of runoff and nutrient uptake through natural processes.

80.4.3. Backshore Coverage and Land Disturbance.

- A. No additional coverage or permanent land disturbance shall occur in the backshore unless it is for an authorized shorezone permissible use or accessory structure.
- B. The impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project. Said restoration shall be in-kind in the backshore and shall comply with the restoration standards in Chapter 30.

- C. The allowable base land coverage in the backshore is one percent (1%). However, it shall only be utilized outside of the backshore portion of the parcel unless it is for an authorized shorezone permissible use or accessory structure.
- D. No erosion control projects that create coverage or permanent disturbance in the backshore shall be permitted unless:
 - 1. The project, program, or facility is necessary for environmental protection; and
 - 2. There is no reasonable alternative that avoids or reduces the extent of encroachment in the backshore.

80.4.4. Projects in Fish Habitat.

All projects undertaken in areas identified as, and adversely affecting, “Spawning Habitat” or “Feeding and/or Escape Cover Habitat” on TRPA’s Prime Fish Habitat Map, as of [the effective date of the ordinance adopting this Chapter], as amended or areas meeting the applicable definition for “Spawning Habitat” or possessing similar characteristics for “feeding and/or escape cover habitat” shall comply with the provisions for mitigation set forth in Section 84.11.

80.4.5. Topline Fishing.

No projects shall be permitted if such project shall create significant adverse impacts to topline fishing access that cannot be mitigated. TRPA shall make this determination in consultation with California Fish and Game and Nevada Division of Wildlife.

80.4.6. Projects that May Impact Historical/Cultural Resources.

Projects that may impact historical/cultural resources shall comply with the mitigation, construction and survey measures in Chapter 29. Where appropriate, TRPA shall require signage to educate the public that explains the importance of the historical/cultural resources and the sensitivity to disturbances. However, in lieu of the above, at mapped historical Washoe Indian resource sites, TRPA shall, in coordination with the Washoe Tribe, provide educational materials to property owners aimed at encouraging protection of the resources associated with the sites. Adequate setbacks from TRPA’s designated, mapped, or eligible (pursuant to Chapter 29) historic sites, including submerged sites, shall be established in consultation with an qualified archaeologist, and if a Washoe site, the Washoe tribe.

80.4.7. Recreation Projects.

Developed recreation projects may require an operating plan or equivalent document demonstrating that spatial conflicts with other recreational uses will not be significant as a result of the project. TRPA shall ensure that shorezone recreational projects are designed to avoid overuse and to avoid conflicts between recreation users.

80.4.8. Projects that May Impact Sensitive or Uncommon Plants.

Projects that have the potential to detrimentally impact sensitive or uncommon plants shall comply with the mitigation, construction, and survey measures listed in Chapter 61, Section

61.3.6, and the Tahoe Yellow Cress Conservation Strategy. Where appropriate, TRPA will require interpretive signs to educate the public, designated trails through high-use areas, and/or fenced enclosures to protect vulnerable plant populations.

80.4.9. Review of Support Facilities.

Whenever review of a structure, use, or activity is required by the terms of this chapter, such review shall encompass the structures, uses, and activities in the backshore, nearshore, foreshore, and on the adjacent littoral parcel to ensure adequacy of all facilities related to the structure, use, or activity.

DRAFT

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.1. PURPOSE

This chapter sets forth the allowable uses and accessory structures in the shorezone and lakezone. The concept of "use" includes any activity within the Region, whether related to land, water, air or other resources of the Region. The primary uses are classified as "allowed," "special," and "nonconforming." The applicability of such classification to a parcel is determined by reference to the applicable plan area statement and map, community plan, redevelopment plan, and specific or master plan. Generic primary uses and accessory structures for the shorezone and lakezone are set forth in Section 81.4. Provisions applicable to continuing existing uses in the shorezone and lakezone are set forth in Section 81.6.

81.2. APPLICABILITY

All existing and proposed uses within the shorezone, lakezone, and lagoons within the Region shall be identified as one or more of the primary uses listed in this chapter, except for parcels that are undeveloped or unimproved. Such parcels shall be considered vacant parcels. Vacant parcels are entitled to apply for a use pursuant to the provisions of this Code. Dispersed water-oriented outdoor recreational uses, as described in subsection 81.4.3, are considered an established primary use on littoral parcels.

81.3. CLASSIFICATION OF USES AND STRUCTURES

Primary uses are classified as "allowed (A)," "special (S)," and "nonconforming." Any use that is not an allowed use, a special use, or a nonconforming use as defined in this section is prohibited, with the exception of temporary uses, structures, and activities authorized pursuant to Chapter 22.

81.3.1. Allowed Uses

Uses listed in applicable area plans, plan area statements, community plans, redevelopment plans, specific or master plans or subsection 81.4.1 as "allowed" ("A") are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and surrounding uses.

81.3.2. Special Uses

Uses listed in applicable area plans, plan area statements, community plans, redevelopment plans, specific or master plans or subsection 81.4.1 as "special" ("S"), may be found to be appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. To allow a special use, TRPA shall conduct a public hearing in according to the procedures in TRPA's Rules of Procedure. Before issuing an approval, TRPA shall make the following findings:

- A. The project, to which the use pertains, is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.
- B. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.
- C. The applicant has taken reasonable steps to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.
- D. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be.

81.3.3. Nonconforming Uses

Uses legally commenced prior to [the effective date of the ordinance adopting this Chapter], which would be prohibited if new, are nonconforming uses and may be continued, subject to the provisions of Section 81.6. Existing development in a special use category for which the findings in subsection 81.3.2 have not been or cannot be made shall be nonconforming uses. Nonconforming structures are addressed in Chapter 82.

81.3.4. Prohibited Uses

Proposed uses not listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans, or subsection 81.4.1 are prohibited. Proposed special uses for which the findings in subsection 81.3.2 cannot be made shall be prohibited uses.

81.4. PERMISSIBLE USES AND ACCESSORY STRUCTURES

This section identifies the permissible uses in the shorezone and lakezone. Each permissible use is defined in Section 81.5. Any use not listed in Section 81.4 is prohibited. Plan area statements, and community, specific, master, and redevelopment plans establish whether uses are allowed (A) or special (S) in all areas except the lakezone. Subsection 81.4.1 establishes whether uses are allowed (A) or special (S) in the lakezone.

81.4.1. Permissible Uses in the Lakezone

The following list identifies the permissible uses in the lakezone:

- A. Safety and navigational facilities (A).
- B. Salvage operations (S).
- C. Seaplane operations (S).
- D. Tour boat operations (S).

- E. Waterborne transit (A).
- F. Water intake lines (A).

81.4.2. Permissible Uses in the Shorezone

The following list identifies the permissible uses in the shorezone:

- A. Beach recreation.
- B. Boat launching facilities.
- C. Construction equipment storage.
- D. Marinas.
- E. Safety and navigational facilities.
- F. Salvage operations.
- G. Seaplane operations.
- H. Tour boat operation.
- I. Waterborne transit.
- J. Water-oriented outdoor recreation concessions.

81.4.3. Permissible Uses in the Shorezone and Lakezone

Dispersed water-oriented outdoor recreational uses which do not require developed facilities, and which occur in the shorezone or on lakes, such as recreational boating, windsurfing, ballooning, swimming, skin diving, snorkeling, sunbathing, and fishing are allowed uses in the shorezone and lakezone. Rental of equipment and services related to such uses are included in water oriented outdoor recreation concessions. Commercial boating, parasailing, fish habitat restoration, and scientific study projects are special uses in the shorezone and lakezone. Uses resulting from construction of the following structures or facilities are allowed uses in the shorezone and lakezone:

- A. Shoreline protective structures and other erosion control and environmentally oriented projects and facilities in accordance with subsection 85.5.3.
- B. Public service facilities in accordance with subsection 85.5.2.
- C. Public outdoor recreation facilities in accordance with subsection 85.5.1.
- D. Access to the foreshore in accordance with subsection 85.5.4.

81.4.4. Accessory Structures

Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 21: *Permissible Uses*. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel. Structures not listed in this section are prohibited. Shoreline protective structures and water intake lines may be permitted independently of a primary use on the littoral parcel:

- A. Boat ramps.
- B. Breakwaters or jetties.
- C. Buoys.
- D. Fences.
- E. Floating docks and platforms.
- F. Piers.
- G. Shoreline protective structures.
- H. Water intake lines.
- I. Storage racks for non-motorized watercraft.

81.5. USE DEFINITIONS

The following uses are defined as set forth below:

81.5.1. Beach Recreation

Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, picnic sites, piers, boat ramps, floating docks and platforms and mooring buoys.

81.5.2. Boat Launching Facilities

Recreational establishments which provide boat launching, parking and short term trailer storage for the general public. Long-term storage, mooring, and maintenance of boats are included under "marinas."

81.5.3. Commercial Boating

Commercial use of pleasure craft or other vessel on a body of water.

81.5.4. Construction Equipment Operation

The operation of equipment, such as barges, pile drivers, and amphibious vehicles, for the purpose of repairing or constructing structures located in the shorezone.

81.5.5. Construction Equipment Storage

The storage of equipment, such as barges, pile drivers, and amphibious vehicles, used for the repair or construction of structures located in the shorezone. Construction equipment storage does not include stock piling of materials, except when the equipment is stored on or within other construction equipment.

81.5.6. Marinas

Establishments providing water-oriented services, such as yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities; excursion boat and sightseeing facilities; and other marina-related activities, including, but not limited to, fuel sales and boat and engine repair. Marinas contain water-oriented facilities and structures that are regulated and defined in Chapter 84. Condominiums, hotels, restaurants, and other such uses with accessory water-oriented multiple-use facilities are not considered marinas. Outside storage or display is included as part of the marina use.

81.5.7. Recreational Boating

Noncommercial use of pleasure craft on a body of water, including regattas and speedboat races.

81.5.8. Safety and Navigation Facilities

Structures in the shorezone or lakezone whose purpose is the protection of the public health, safety, and general welfare, such as navigational buoys, lighthouses, scientific monitoring devices, and radio communication devices.

81.5.9. Salvage Operations

The act of bringing a vessel, or its cargo to the water's surface.

81.5.10. Seaplane Operations

Use of a permanent facility for the landing and take-off of aircraft on a body of water. Includes the fueling, maintenance, and storage of such aircraft.

81.5.11. Tour Boat Operation

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at a single site.

81.5.12. Waterborne Transit

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

81.5.13. Water-Intake Lines

Pipelines and accessory structures, located within a body of water, whose purpose is to draw in and transport water to the backshore or beyond.

81.5.14. Water-Oriented Outdoor Recreation Concessions

Water-oriented outdoor recreation uses, such as food and beverage facilities at public beaches; fishing guide services; parasailing; recreation equipment rental (e.g., boats, wind surfing and beach equipment); but not including, boat slips, boat and engine repair or the sale of fuel.

81.6. EXISTING USES

Existing uses in the shorezone or lakezone shall be regulated as follows:

81.6.1. Right to Continue Existing Uses

Uses legally commenced prior to the effective date of ordinance adopting this Chapter, are recognized as existing uses and may be continued, except as otherwise set forth in subparagraphs 81.6.1.A and 81.6.1.B. Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remains substantially unchanged. Short-term or seasonal uses existing pursuant to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition or otherwise.

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the plan area statement. Discontinuance of use for periods found by TRPA to be beyond the applicant's control, such as weather caused calamity, governmental seasonal regulations and periods during which TRPA was prohibited by court order from accepting applications for repairs related to the use, shall not be counted in establishing discontinuance of use pursuant to this section.

B. Uses Subject to a Specific Program Requiring Discontinuance or Modification of the Uses

A use subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program. Such specific programs shall be further defined and adopted by ordinance.

81.6.2. Changes, Expansions, or Intensifications of Existing Uses

Expansions and intensifications of existing uses, or changes in use to the extent permitted by this chapter, are subject to the requirements for a permit set forth in Chapter 2: *Applicability of the Code of Ordinances*. Modifications, expansions and other changes to structures are governed by other provisions of the Code and also are subject to the requirements of Chapter 2.

A. Allowed Uses

Uses identified as allowed uses may be changed, expanded, or intensified in conformance with this Code. Any change, expansion, or intensification, resulting in a special use, shall be subject to the special use requirements.

B. Special Uses

Uses identified as special uses and for which the required findings pursuant to subsection 81.3.2 have been made by TRPA, may be changed, expanded, or intensified subject to subsection 81.3.2.

C. Nonconforming Uses

Uses identified as nonconforming shall not be expanded or intensified. A nonconforming use shall not be changed unless the new use conforms to the use regulations set forth in this Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity.

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CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.1. PURPOSE

Policy 11, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies requires that TRPA regulate the maintenance, repair, and modification of piers and other existing structures in the nearshore and foreshore. Since some existing structures do not conform to the Code standards for new structures, the policy requires that, for maintenance, repair and modification, the Code set requirements, appropriate for the situation, to correct environmental and navigational problems. This chapter sets forth standards in accordance with that policy.

82.2. APPLICABILITY

Structures legally existing in the shorezone or lagoons in the Region prior to [the effective date of the ordinance adopting this Chapter], or structures legally constructed after [the effective date of the ordinance adopting this Chapter], are recognized as existing structures, provided the structure has not been unserviceable beyond the time limits set forth in subsection 82.7.4. The maintenance, repair, or expansion of existing structures in the shorezone or lagoons shall comply with the provisions of this chapter.

82.3. GENERAL PROVISIONS

All activities in the lakezones, shorezones, and lagoons of lakes within the Region shall comply with the following:

- 82.3.1.** An activity which is not specifically exempt (pursuant to Section 82.4), qualified exempt (pursuant to Section 82.5), or a continuation of an existing use (pursuant to Section 81.6), is subject to TRPA review and approval.
- 82.3.2.** All Activities that are not a permissible use (pursuant to Section 81.4), an accessory structure (pursuant to subsection 81.4.4), or an existing use (pursuant to Section 81.6) are prohibited.
- 82.3.3.** No project shall be approved unless the applicable findings can be made in compliance with Chapter 84, and no project shall be built unless the applicant pays all applicable fees.
- 82.3.4.** Any maintenance, repair or reconstruction activity pursuant to this chapter shall comply with the shorezone design standards for color and roofs contained in Section 83.11.
- 82.3.5.** An exempt or qualified exempt activity shall not create additional land coverage or relocate any existing land coverage.

82.4. EXEMPT LAKEZONE, NEARSHORE, FORESHORE, AND LAGOON ACTIVITIES

The following activities are exempt from TRPA review and approval:

- 82.4.1.** Ordinary maintenance and repair of an existing structure, or the demolition/removal of an existing structure less than 50-years old, in a manner that does not affect or disturb the backshore, lake substrate unless associated with pile replacement as outlined below, or Tahoe Yellow Cress habitat. This includes the replacement and repair of windows, doors, siding, roofing, decking, and electrical and mechanical equipment and replacement of not more than 6 piles. To obtain possible credit for land coverage or existing development, TRPA verification is required prior to any demolition/removal. An exempt activity must meet all of the following standards:
 - A.** The structure is in accordance with the design standards in Chapter 83.11;
 - B.** Temporary construction best management practices are implemented, and all below-water construction activities occur from October 1 through April 30, if the structure is within fish spawning habitat;
 - C.** No discharge to the waters of the region; and
 - D.** The structure is legally existing with respect to TRPA requirements and has not been unserviceable for the last three years.
- 82.4.2.** The consolidation of one or more parcels, provided that
 - A.** A deed restriction that permanently consolidates the parcels is recorded by the affected owners;
 - B.** No parcel is subdivided or has its boundaries changed (other than by the elimination of the boundary line(s) separating the consolidated parcels); and
 - C.** No reduction in recreational access occurs through the consolidation.
- 82.4.3.** Water-oriented outdoor recreational (dispersed) uses that do not require the construction of permanent structures.
- 82.4.4.** Water-oriented public service uses that are law enforcement activities that do not require the construction of permanent structures.
- 82.4.5.** Temporary activities which do not create threshold impacts, and which comply with Subsection 2.3.6.
- 82.4.6.** Water-oriented scientific studies and research projects that do not require the discharge of substances or the placement of structures or the disturbance of land or lake bottom in the lakezone, lagoon or shorezone of the Region.

- 82.4.7. Beach raking activities covered by an MOU entered into pursuant to Section 2.6.
- 82.4.8. Replacement of buoy floats and chains for buoys permitted by TRPA.

82.5. QUALIFIED EXEMPT ACTIVITIES

No TRPA review and approval is necessary for the following activities if the activity fully meets one or more of the categories in this section and the applicant files a properly completed TRPA Qualified Exempt declaration form pursuant to subsection 2.3.7 with TRPA at least five working days before the activity begins.

- 82.5.1. Maintenance or repair of an existing structure, or the demolition/removal of an existing structure less than 50-years old. Such activities do not include the relocation of existing structures. To obtain possible credit for land coverage or existing development, TRPA verification is required prior to any demolition/removal. Upon the discretion of the Executive Director, TRPA may require special conditions upon submittal of a Qualified Exempt declaration. A qualified exempt activity must meet all the following standards:
 - A. The activity shall not result in a change of use or an increase in the area or dimensions of the structure, including height, width, length or overall area. Any associated excavation, filling or backfilling located above the highwater line (elevation 6,229.1 Lake Tahoe Datum) elevation or the elevation of the equivalent highwater line at other lakes is completed within 48-hours, has a volume of no more than three cubic yards, and is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavations that viewed as a whole would constitute a project.
 - B. No excavation, grading, or filling occurs below the highwater line (elevation 6,229.1 Lake Tahoe Datum or the equivalent highwater line at other lakes). Notwithstanding this limitation, the following activities will not be considered excavation, grading, or filling:
 - 1. Driving or removing piles;
 - 2. Repair of jetties or breakwaters when performed in compliance with all applicable TRPA shorezone BMPs.
 - C. The structure is legally existing and has not been unserviceable for the last three years;
 - D. The activity does not involve the replacement of vertical revetments;
 - E. The applicant shall submit to TRPA together with the Qualified Exempt Declaration, a Certificate of Completion for water quality BMPs for the project area unless the activity constitutes an emergency repair pursuant to Rules of Procedure Article 5.20, and compliance plans for temporary or construction BMPs;

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES
82.5 Qualified exempt activities

- F.** Any impact to fish habitat from the driving or removing of piles is mitigated and any areas of fish habitat previously disturbed by removing piles is restored. In shorezone areas containing spawning gravels, construction can only occur from October 1 through April 30 unless TRPA conducts a site analysis in coordination with other appropriate agencies and finds that the proposed activity will not have a detrimental effect on the spawning habitat, spawning fish, incubating eggs, or fry. Such analysis and findings shall be incorporated as a Special Condition of the Qualified Exempt activity;
 - G.** Reconstruction of a jetty or breakwater shall not be considered a qualified exempt activity;
 - H.** The applicant certifies that it has contacted all appropriate public agencies or private entities, including those to ensure that any element of the activity will not affect any underground utilities; and
 - I.** Prior to Qualified Exempt Declaration submittal, the applicant shall request from TRPA or other qualified individual or entity a Tahoe Yellow Cress survey during the growing season immediately prior to the date of proposed activity if the activity will result in impacts to the shorezone lakeward of lake bottom elevation 6,229 feet Lake Tahoe Datum. The growing season shall be considered June 15th through September 30th. If Tahoe Yellow Cress is found, the permittee shall submit an appropriate plan (flag/avoid or mitigation) to TRPA staff upon Qualified Exempt Declaration submittal. Tahoe Yellow Cress mitigation, if necessary, shall be incorporated as a Special Condition of the Qualified Exempt activity. The applicant certifies that the activity will not adversely affect after mitigation, if necessary, Tahoe Yellow Cress or other sensitive plant species. A Qualified Exempt activity that will not impact the shorezone or backshore landward of 6,229 feet Lake Tahoe Datum shall not be required to conduct a Tahoe Yellow Cress survey.
- 82.5.2.** The demolition of structures 50 years or greater in age, provided that:
- A.** The demolition meets all the requirements in subparagraph 82.5.1.A;
 - B.** The structure, improvement or facility is not designated, pending or eligible for designation, on the Historic Resource Map; and
 - C.** The Qualified Exempt Declaration is accompanied by the results of a TRPA historic determination.
- 82.5.3.** The repair or replacement of an existing anchoring device for a buoy authorized by a TRPA permit.
- 82.5.4.** The repair of an existing fence that complies with the applicable standards for fences in Chapter 84.

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.6 Loss of exemption

- 82.5.5.** The repair or reconstruction of legally existing piers, slips, floating swim platforms and shoreline protective structures in Tahoe Key lagoons.
- 82.5.6.** A change in operation that generates less than 100 additional vehicle trips and adds less than five additional motorized watercraft, provided there is no change from one use classification to another, the resulting use is allowed by this Chapter, there is no increase in threshold impacts (e.g., noise, water quality, etc.), and the applicant pays the applicable TRPA air quality mitigation fee.
- 82.5.7.** Placement above highwater of signs that relate to navigation, public access, or resource protection and no more than one additional sign for another purpose. Signs shall be a maximum of 12" x 18" in size in accordance with the sign standards in Chapter 38.
- 82.5.8.** Relocation of boulders for navigational purposes provided that the character and habitat function throughout the project area is maintained and the relocation is consistent with Chapter 67. This provision does not apply to removal or destruction of boulders.
- 82.5.9.** Placement above highwater of racks for the storage of non-motorized watercraft by homeowner's associations, provided that screening from the lakeshore and adjacent public roadway, as applicable, is demonstrated.
- 82.5.10.** Installation of a buoy and associated anchoring device by a public agency or water purveyor for navigational purposes.
- 82.5.11.** These exemptions shall not be construed to exempt a series of activities that viewed as a whole would constitute a project.

82.6. LOSS OF EXEMPTION

An exempt or a qualified exempt shorezone activity shall lose its exemption and be reclassified as a project if TRPA finds that the activity meets the criteria set forth in subsection 2.3.8.

82.7. EXISTING STRUCTURES IN THE NEARSHORE OR FORESHORE

- 82.7.1. Nonconforming Structures**
 - A.** Structures that were legally established and are used for a conforming use but are nonconforming with regard to applicable location and design standards may continue as legal nonconforming structures and may be maintained and repaired.
 - B. Reconstructions and Non-Exempt Repairs of Existing Structures:** Non-conforming structures that were legally established may be fully or partially reconstructed or repaired in kind. If the structure to be reconstructed is located in California, the applicant shall provide a lease, verified staff report, or letter from the State Lands

Commission authorizing the activity or stating it has no objection to the project. Adaptations to the reconstruction required by the State Lands Commission to promote public access under this provision may be included as a part of the reconstruction. This visible mass attributable to these adaptations do not require mitigation. Coverage attributable to these adaptations allowed pursuant to subsection 30.4.6.D.3.a.

- C. Except as expressly permitted in Chapter 84, expansion of nonconforming structures shall be prohibited.
- D. Modification of nonconforming structures may be permitted if the modification:
 - 1. Results in a material net environmental benefit;
 - 2. Brings the structure into greater compliance with location and design standards;
 - 3. Does not increase the degree of nonconformance of the structure with any standard; and
 - 4. In the case of a structure interfering with littoral processes, materially reduces such adverse effects.

82.7.2. Compliance with Best Management Practices (BMPs)

No approval shall be granted under the provisions of subsection 82.7.1, unless the project complies with the requirements to install BMPs as set forth in Section 60.4.

82.7.3. Permit Requirement for Mooring Buoys

No mooring buoy may be placed or maintained in the waters of the Lake Tahoe Region unless it is authorized by a permit from TRPA.

82.7.4. Mooring Buoys Identification

TRPA approved mooring buoys shall display a TRPA Buoy Identification at all times.

82.8. EXISTING STRUCTURES IN THE BACKSHORE

Repair, reconstruction, modification, expansion, and relocation of existing structures located in the backshore shall be regulated in accordance with the standards set forth in Chapters 21 and 2. When a structure in the foreshore extends into the backshore, that portion of the structure in the backshore shall be regulated pursuant to Section 82.3 and Chapter 85.

CHAPTER 83: SHOREZONE TOLERANCE DISTRICTS AND DEVELOPMENT STANDARDS

83.1. PURPOSE

Policies 4, 5, 6, and 7, Goal 1 of the Shorezone Subelement, Conservation Element of the Goals and Policies establish management strategies and development restrictions with respect to the eight shorezone tolerance districts described in the 1973 Shorezone Plan for Lake Tahoe. Policy 9, Goal #1 of the Shorezone Subelement requires TRPA to regulate structures in the foreshore and nearshore to avoid interference with the attainment of scenic thresholds. Policy 15, Goal #1 of the Shorezone Subelement permits the designation of shorezones as man-modified and sets forth the findings necessary for designation. In accordance with these policies, this chapter sets forth development standards for the eight tolerance districts, standards for designating shorezones as man-modified, design standards and standards for other related matters.

83.2. APPLICABILITY

All projects and activities within the shorezone shall comply with the regulations and standards applicable within the shorezone tolerance district in which the project or activity is located.

83.3. ESTABLISHMENT AND EFFECT

There are eight shorezone tolerance districts identified along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake. These districts are described in the 1973 Shorezone Plan for Lake Tahoe and are depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps, pursuant to Chapter 10: *TRPA Regional Plan Maps*. The 1973 Shorezone Plan was used as a guideline in establishing the use and development standards and regulations as set forth in this chapter.

83.4. PRECISE BOUNDARIES

The location of precise boundaries of shorezone tolerance districts shall reflect the physical and other considerations that led to the classifications of the lands in the districts that the boundary lines separate. Determinations of precise boundaries on a parcel may be made by TRPA as part of a project approval without amendment to the shorezone maps consistent with the procedures for field verification in Chapter 30. Such determinations may not result in a major adjustment of the boundaries (i.e., creation of new districts, elimination of districts, etc.) that would otherwise require an amendment pursuant to Section 83.5. Boundary line determinations shall be consistent with the criteria set forth in the report entitled *Toward a Shore-Zone Plan For Lake Tahoe*, Orme, A.R., 1972.

83.5. SHOREZONE TOLERANCE DISTRICT CHALLENGE

In the event TRPA or the owner of a littoral parcel is of the opinion the shorezone adjacent to the parcel is not properly classified pursuant to Section 83.3, either may initiate a shorezone tolerance district challenge with respect to such parcel. The person or entity initiating the challenge shall bear the cost thereof. For parcels one acre or less in size, the cost to be charged an owner initiating the challenge shall not exceed an amount prescribed by resolution of the Governing Board.

83.5.1. Team of Experts

A team of experts retained by TRPA shall evaluate the shorezone tolerance district challenge. Depending on the nature of the challenge, the team may include, as determined by TRPA, a geomorphologist, soil scientist, geologist, hydrologist, and fisheries biologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, geomorphology, hydrology, fisheries, vegetation and other characteristics and related environmental factors pertinent to the subject shorezone area. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

83.5.2. Shorezone Tolerance District Report

TRPA's team of experts shall prepare a shorezone tolerance district report analyzing the shorezone tolerance district challenge. The report shall include:

- A.** A description of the parcel.
- B.** Detailed information concerning topography; soil capabilities and limitations; compositional and geometric properties; surface and ground water conditions; geomorphology; vegetation characteristics and related environmental factors pertinent to the subject shorezone area.
- C.** An analysis identifying limitations on use and disturbance in the shorezone due to: compositional and geometric properties; surface and subsurface hydrologic conditions; erosion hazard; littoral processes and lake bottom material composition; biological characteristics such as fish, wildlife and vegetation; and visual and aesthetic factors.
- D.** Identification by a qualified expert of the shorezone tolerance district generally exhibiting the characteristics of the section of shorezone analyzed in the report.
- E.** Additional information required by TRPA to properly assess the merits of the application.

83.5.3. Review of and Action on the Report

The Executive Director shall review the shorezone tolerance district report and, if it recommends no change in shorezone district, may deny the shorezone tolerance district challenge, subject to an appeal to the Governing Board. If the report recommends a change in shorezone tolerance district, the change shall be approved or denied by the Governing Board. The challenge may be approved if the Governing Board finds that the pertinent shorezone, due to natural characteristics specifically identified, properly belongs in a shorezone tolerance district other than that in which it is presently classified.

83.5.4. Notification Procedure

An appeal of the Executive Director's denial of a shorezone tolerance district challenge and the action by the Governing Board upon a report recommending a change in shorezone tolerance shall be pursuant to notification to affected property owners in accordance with TRPA's Rules of Procedure.

83.5.5. Procedure After Action on Shorezone Tolerance District Challenge

Once TRPA has completed its action on the shorezone tolerance district challenge, it shall:

- A. Give written notification to the owners of all parcels affected by the action taken;
- B. Include the information set forth in the report prepared pursuant to subsection 83.5.2 and the action pursuant to subsection 83.5.3 in TRPA's data base for purposes of Chapter 5;
- C. Recognize the action pursuant to subsection 83.5.3 as superseding the TRPA Shorezone Tolerance District Overlays with respect to the pertinent parcel; and
- D. Affix a symbol to the shorezone tolerance district overlays denoting the action pursuant to subsection 83.5.3 as applicable to all parcels affected by the action.

83.5.6. Amendment of Shorezone Tolerance District Overlay Maps

Amendments to the tolerance district overlay maps shall be processed as amendments to the Regional Plan.

A. Minimum Land Area

Amendments to the shorezone tolerance district overlay maps shall be limited to sections of shoreline that are 400 feet or greater in length.

B. Line Adjustments

Adjustments of existing shorezone tolerance district lines, other than minor adjustments which occur under Section 83.4 shall require amendment to the shorezone tolerance district maps. Such adjustments shall not create new or eliminate existing districts; however, the adjustment may substantially affect permitted uses and apply to more than one property.

C. New Shorezone Tolerance Districts

The creation of a new shorezone tolerance district shall require amendment to the shorezone tolerance district maps. New shorezone tolerance districts shall include all the adjoining land area which exhibits the characteristics of the new district.

83.6. MAN-MODIFIED CHALLENGE

The Shorezone Tolerance District Overlay Maps may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this subsection can be met.

83.6.1. Team of Experts

A team of experts retained by TRPA shall evaluate the man-modified challenge in accordance with the requirements of subsection 83.5.1.

83.6.2. Man-Modified Report

TRPA's team of experts shall prepare a man-modified report in accordance with the requirements of subsection 83.5.2. In addition to the foregoing information, the report shall contain information showing that the area in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a shorezone tolerance district other than the one depicted for said land on TRPA's Shorezone Tolerance District Overlay Maps. In the case where the shorezone has been so modified that it no longer exhibits characteristics similar to any of the established tolerance districts, the report shall recommend the limitations, standards, and regulations that should be applied within the new tolerance district.

83.6.3. Criteria

An amendment to the shorezone tolerance district maps may be approved only if TRPA finds that:

- A.** Further development will not exacerbate the problems caused by development in shorezones that the original tolerance rating was meant to avoid;
- B.** The area no longer exhibits the characteristics of the original shorezone tolerance rating;
- C.** Restoration of the area is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the area is not identified for restoration by any TRPA program;

- D. The impacts from further development will be mitigated offsite;
- E. Mitigation to offset the losses caused by modification of the area and pertinent shorezone tolerance district, shall be as follows:
 - 1. Onsite and offsite mitigation;
 - 2. Pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA; and
 - 3. Collection of a security, if deemed necessary by TRPA, to guarantee mitigation; and
- F. The area in question was modified to the extent being recognized prior to February 10, 1972.

83.6.4. Review and Action

The man-modified report shall be reviewed and acted upon in accordance with subsection 83.5.3.

83.6.5. Notification Procedure

Notification procedures shall be in accordance with subsection 83.5.4.

83.6.6. Procedure After Action on Man-Modified Challenge

After action is taken on a man-modified challenge, TRPA shall comply with the provisions of subsection 83.5.5.

83.6.7. Amendment of Shorezone Tolerance District Overlay Maps

Amendment to the shorezone tolerance district overlay maps resulting from a man-modified challenge shall be in accordance with the provisions of subsection 83.5.6.

83.7. SHOREZONE TOLERANCE DISTRICT 1

Shorezone Tolerance District 1 is described and regulated as follows:

83.7.1. Nature of District

The beach that forms the shoreline in these districts is a low sandy barrier that separates the lake proper from marshes and wetlands. Generally, the shorezone is ecologically fragile and any substantial use or alteration can lead to excessive sedimentation, beach erosion, and water turbidity.

83.7.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance District 1:

- A. Vertical access to the shoreline shall be restricted to planned footpaths which minimize the impact to the backshore.
- B. Vegetation shall not be manipulated or otherwise disturbed except when permitted under Chapter 85.
- C. No drainage or modification of backshore wetlands shall be permitted.
- D. New development in the backshore of a Shorezone Tolerance District 1 shall be regulated in accordance with the regulations in this Code for stream environment zones.
- E. Replacement of existing land coverage in the backshore of a Shorezone Tolerance District 1 shall be in accordance with the regulations for replacing existing land coverage in stream environment zones.

83.8. SHOREZONE TOLERANCE DISTRICTS 2 AND 3

Shorezone Tolerance Districts 2 and 3 are described and regulated as follows:

83.8.1. Nature of The Districts

The natures of the districts are:

A. Tolerance District 2

Tolerance District 2 is typically volcanic and morainic debris shorezones with slopes 30 percent and over and alluvial soils at nine to 30 percent slopes. Potential for disturbance in the nearshore is high as is potential for erosion and cliff collapse in the backshore.

B. Tolerance District 3

Tolerance District 3 is armored granite shorezones with slopes exceeding 30 percent. The erosion potential is high immediately above the shore, with moderate potential for disturbance in the steep nearshore zone. Removal of vegetation in the backshore may lead to mass movement and erosion.

83.8.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance Districts 2 and 3:

- A. Permitted development or continued use may be conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect eroding areas from further destruction.
- B. Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to accelerate or initiate backshore erosion.

- C. Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

83.9. SHOREZONE TOLERANCE DISTRICTS 4 AND 5

Shorezone Tolerance Districts 4 and 5 are described and regulated as follows:

83.9.1. Nature of Districts

The natures of the districts are:

A. Tolerance District 4

Tolerance District 4 exhibits volcanic rock shorelines with moderate potential for erosion. The potential increases where colluvium of volcanic debris is present and stoney, sandy loams lie on 15 to 30 percent slopes; on morainic debris shorezones with high erosion potential above the shoreline; and alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion problems.

B. Tolerance District 5

Tolerance District 5 exhibits armored granite shorezones with 15 to 30 percent slopes with less erosion potential than similar lands in Shorezone Tolerance District 4.

83.9.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance Districts 4 and 5:

- A. Permitted development or continued use maybe conditioned upon installation and maintenance of vegetation to stabilized backshore areas and protect existing cliffs from accelerated erosion.
- B. Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss or erosion.
- C. Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.
- D. Access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore.
- E. Access to piers, floating platforms and boat ramps shall be designed to cause the least possible alteration to the natural backshore.

83.10. SHOREZONE TOLERANCE DISTRICTS 6, 7, AND 8

Shorezone Tolerance Districts 6, 7, and 8 are described and regulated as follows:

83.10.1. Nature of Districts

The natures of the districts are:

A. Tolerance District 6

Tolerance District 6 is underlain by weathered volcanic or morainic debris with slopes of five to 15 percent.

B. Tolerance District 7

Tolerance District 7 is comparatively level shorezone underlain by morainic and alluvial materials with slopes of zero to nine percent.

C. Tolerance District 8

Tolerance District 8 is gently sloping, armored granite shorezone with high capability for development. Shorelines are in equilibrium and potential for erosion in foreshore and nearshore is low. Backshore possesses a moderate erosion potential in some cases.

83.10.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the standards set forth in subsection 83.9.2 for Tolerance Districts 4 and 5 shall be applicable to Tolerance Districts 6, 7, and 8. The following standards also shall apply:

A. Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.

B. Boat launching facilities and marinas shall be located where the nearshore shelf is of sufficient width to enable construction and use without potential for significant shelf erosion.

83.11. DESIGN STANDARDS WITHIN THE SHOREZONE

Design standards within the shorezone are as follows:

83.11.1. Color

The color of structures, including fences, shall be compatible with its surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within a range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish-brown, brown, tan, ochre, umber, sand, and dark green. Colors shall be medium to dark and shall meet the Munsell® Color value as set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. Structures in the shoreland that

were constructed prior to January 1, 1950 may maintain their historic colors when doing exempt maintenance and repair.

83.11.2. Roofs

Roofs shall be composed of non-glare earthtone or wood tone materials that minimize reflectivity. Metal roofs shall be compatible with their surroundings and composed of non-glare earthtone colors. Metal roofs colors shall meet the Munsell® Color value as set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.

83.11.3. Fences

Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or dark green vinyl, including fence poles.

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CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.1. PURPOSE

The Shorezone Subelement, Conservation Element of the Goals and Policies requires TRPA to regulate the placement of new piers, buoys, and other structures in the nearshore and foreshore to avoid degradation of fish habitats, creation of navigation hazards, interference with littoral drift, interference with the attainment of scenic thresholds and other relevant concerns. The Goals and Policies also requires TRPA to conduct studies, as necessary, to determine potential impacts to fish habitats and apply the results of such studies and previous studies on shoreline erosion and shorezone scenic quality in determining the number of, location of, and standards of construction for facilities in the nearshore and foreshore. The Shorezone Subelement indicates that provisions should be made to allow multiple-use piers when such uses are intended to reduce the number of single use piers on adjoining properties. This chapter sets forth standards and provisions in accordance with these policies.

84.2. APPLICABILITY

- 84.2.1.** All projects and activities in the nearshore, foreshore, or in lagoons of Lake Tahoe shall comply with the standards and provisions set forth in this chapter, with the exception that the standards and provisions set forth in this chapter shall not apply to the lagoons within the Tahoe Keys Homeowners Association. Development Standards for the lagoon area within the Tahoe Keys Homeowners Association will be established in a memorandum of understanding between TRPA and the Homeowners Association.
- 84.2.2.** Whenever review of a structure, use, or activity is required pursuant to the terms of this chapter, review shall encompass the structures, uses, and activities in the backshore, nearshore, foreshore and on the adjacent littoral parcel to ensure adequacy of all facilities related to the new or expanded structure, use, or activity.
- 84.2.3.** Structures and Uses in Lakes and Lagoons other than Lake Tahoe. All projects and activities permitted by this chapter in the nearshore and foreshore of Lake Tahoe may be permitted by TRPA in other lakes and lagoons in the region pursuant to the permissible use regulations set forth in the plan area in which the project or activity is located. The location, design, and construction standards for such structures shall be determined using the standards in this chapter as guidelines.
- 84.2.4.** Structures and uses subject to this Chapter shall also be subject to all applicable regulations and required approvals by authorities other than TRPA, including state and federal agencies.

84.3. MOORING STRUCTURES

84.3.1. Applicability

- A. The provisions of this Section apply to the construction of additional mooring structures and to the relocation and conversion of existing mooring structures.
- B. As used in this Section, mooring structures include buoys, boat slips, boat houses, and boat lifts.
- C. For the purposes of this Section, a mooring structure is considered “additional” if it is to be created pursuant to a TRPA approval issued on or after [the effective date of the ordinance adopting this Chapter]. The following are not “additional” mooring structures:
 - 1. The authorization of a legally existing buoy pursuant to 84.3.3(D)(3) of this Section;
 - 2. The repair, reconstruction, or replacement, in the same location on the same parcel, of a legally existing mooring structure;
 - 3. The modification or expansion, on the same parcel, of a legally existing mooring structure;
 - 4. The relocation of a legally existing mooring structure on the same parcel;
 - 5. The conversion of a legally existing mooring structure to a different mooring structure pursuant to subparagraph 84.3.2.D;
 - 6. Essential public health and safety facilities.

84.3.2. General Standards

A. Moorings per Littoral Parcel.

Unless otherwise allowed under this Chapter, a littoral parcel not associated with a homeowner’s association or marina shall be permitted a maximum of two moorings.

B. Watercraft per Mooring.

Only one watercraft shall be allowed per mooring, unless otherwise allowed as a permitted concession associated with a marina per subsection 84.10.2.

C. Boat houses.

- 1. Additional boat houses shall be prohibited.
- 2. Legally existing boat houses are allowed to be repaired and maintained.
- 3. Modification or expansion of legally existing boat houses may be allowed pursuant to subsection 84.4.3.

D. Conversion of Existing Mooring Structures.

Subject to the following conditions, certain legally existing mooring structures may be converted from one type of structure to another.

1. Converted mooring structures shall comply with all applicable development standards for additional mooring structures in this Chapter.
2. **Allowed Conversions.**
 - a. A serviceable, legally existing marine railway may be converted to a buoy or boat lift. A boat lift converted from a marine railway pursuant to this subsection shall not be subject to the maximum number of boat lifts per single-use pier as set forth in subparagraph 84.4.3.B.2, not to exceed two boat lifts total per pier. The converted boat lift shall be considered an additional mooring per 84.4.3.E below. Conversion of a marine railway to a pier shall be prohibited.
 - b. A legally existing boat slip within a marina or public facility may be converted to a buoy within the same facility, and vice-versa.
 - c. A legally existing buoy may be converted to a boat lift, and vice-versa, consistent with the maximum number of mooring structures and buoys set forth in 84.3.2(A) and 84.3.3(D)(1) of this Section, respectively, and the provisions for additional boat lifts set forth in 84.3.2(E)(6) of this Section.

E. Allocation and Permitting

1. **Maximum Number of Additional Moorings.** TRPA may permit up to a maximum of 2,116 additional moorings following the date of adoption of this Chapter.
2. **Allocation of Additional Moorings.** Of the additional moorings authorized in this Section:
 - a. 1,486 moorings shall be used for private moorings as either buoys or boat lifts.
 - b. 330 moorings shall be allocated for use by marinas as either buoys or boat slips.
 - c. 300 moorings shall be allocated for use by public agencies (for use as buoys or boat slips). The Executive Director may utilize a portion of this allocation for private applicants once the moorings available under (E)(2)(a) above are exhausted and subject to finding that sufficient capacity exists for public agency anticipated use. If the Executive Director allocates such moorings for private applicants, a minimum of 100 moorings must remain for future use by public agencies.

3. Phasing of Applications for Additional Private Moorings

- a. Permit Review Priority. TRPA shall give first permitting priority to those applicants with previous state or federal approvals or pending project applications with TRPA. Following completion of review for priority applicants, new project applications shall be reviewed in the order they are received.
- b. Homeowners Association Buoy Fields. From [the effective date of the ordinance adopting this Chapter] and continuing for five years, new buoy permits for homeowner's associations shall be subject to the following provisions:
 - (i) Only those homeowner's associations with the number of legally existing buoys totaling less than 50 percent of the total number of housing units shall be eligible for new buoys; and
 - (ii) The number of new buoys requested per year shall not exceed 20 percent of the total number of legally existing mooring structures, up to 50 percent of the total number of housing units.

4. Permit Release Schedule.

- a. Beginning in 2020 and continuing thereafter, a maximum of fifteen (15) percent of the available moorings shall be permitted annually.
- b. If fewer than fifteen (15) percent of the available moorings are permitted in a given year, the remaining moorings shall be placed back in the available mooring pool for re-calculation the following year.
- c. TRPA shall monitor boating levels and emissions and the number of new mooring permits issued to ensure that no significant impacts from the increase in moorings will occur.

5. Allocation of New Boat Slips

- a. New private boat slips shall be prohibited.
- b. TRPA may permit new boat slips in lieu of new buoys for marinas and public agencies, subject to the buoy allocation provisions set forth in 84.3.2.E.2 above.

6. Additional Boat Lifts. TRPA may permit additional boat lifts subject to the total number of moorings allowed in subsection 84.3.2, and the pier development standards in subsection 84.4.3.

7. Adaptive Management. Following release of the 2021 Threshold Evaluation Report, TRPA shall review and revise as necessary the allocation of moorings as set forth in this Section. The review of allocation does not include adjustments to the maximum number of additional moorings identified in 84.3.2.E.1 above. Subsequent reviews, pursuant to subsection 84.3.2.E.1 above, shall occur every eight (8) years thereafter.

- F. **Installation of BMPs.** BMPs shall be installed in upland areas of the project site, pursuant to Chapter 60, *Resource Management and Protection*, prior to application to TRPA.
- G. **Mooring Registration Fee.** All existing and additional moorings shall be subject to an annual TRPA mooring registration fee, as set forth in Article 10 of the TRPA Rules of Procedure.

84.3.3. Mooring Buoys

In addition to the general standards in 84.3.2 of this Section, mooring buoys are subject to the following standards:

- A. **Removal or Relocation.** The removal of buoy anchors or the relocation of buoy anchors shall follow best management practices.
- B. **Location.** The placement of a mooring buoy shall be prohibited within Stream-mouth Protection Zones of the creeks and rivers listed in subparagraph 84.4.3.A.1.
- C. **Buoy Scenic Mitigation Fee.** All existing and additional buoys shall be subject to an annual TRPA buoy scenic mitigation fee in addition to the annual mooring registration fee, as set forth in Article 10 of the TRPA Rules of Procedure.
- D. **Mooring Buoys Not Associated with a Buoy Field.**
 - 1. **Eligibility.** Private, single-family littoral parcels shall be eligible for mooring buoys according to the following provisions:
 - a. Except as provided in 84.3.3.D.3, littoral parcels shall be eligible for a maximum of two mooring buoys per parcel, provided the development standards in 84.3.3.D.2 below are met.
 - b. For constricted parcels that are unable to meet the development standards in 84.3.3.D.2 below, TRPA may adjust the spacing requirement from adjacent littoral parcel boundaries on a case-by-case basis.
 - c. Where parcel boundary projection lines within a cove environment prevents a littoral parcel from meeting the spacing requirement from adjacent littoral parcel boundaries per 84.3.3.D.2 below, TRPA may adjust the projection lines on a case-by-case basis to allow up to one mooring buoy on the affected parcel.
 - 2. **Development Standards.** Mooring buoys not associated with a permitted buoy field shall be located according to the following, as shown in Figure 84.3.3-1:
 - a. At least 50 feet from another mooring buoy;

- b. No greater than 600 feet lakeward from elevation 6,220 feet Lake Tahoe Datum, as measured horizontally, or no farther lakeward than elevation 6,210 feet Lake Tahoe Datum, whichever is less; and
 - c. At least 20 feet from adjacent littoral parcel projection line boundaries.
- 3. Existing Buoys.** TRPA may authorize existing mooring buoys offshore of a littoral or non-littoral parcel according to the following provisions, notwithstanding the actual number of buoys present offshore of the subject parcel:
- a. TRPA may authorize a maximum of two existing buoys for a littoral parcel with less than 50 linear feet of lake frontage, or three existing buoys for a littoral parcel with 50 linear feet or more of lake frontage; provided:
 - (i) The littoral parcel owner provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to the date of adoption of this Chapter; or
 - (ii) The littoral parcel owner provides clear evidence of the existence of the buoy(s) prior to February 10, 1972.
 - b. TRPA may authorize a maximum of one existing buoy for a non-littoral parcel, provided:
 - (i) The non-littoral parcel owner provides clear evidence of the existence of the buoy prior to February 10, 1972; and
 - (ii) The non-littoral parcel owner provides a valid authorization from the applicable federal or state agency with jurisdiction at Lake Tahoe.
 - c. Existing buoys shall comply with the development standards in 84.3.3.D.2 of this subsection, above, unless TRPA concludes that relocation would create unnecessary additional environmental impacts; that the existing buoy is at least 50 feet from any other buoy or structure; and that the existing buoy does not unreasonably interfere with potential buoy locations on adjacent littoral parcels.

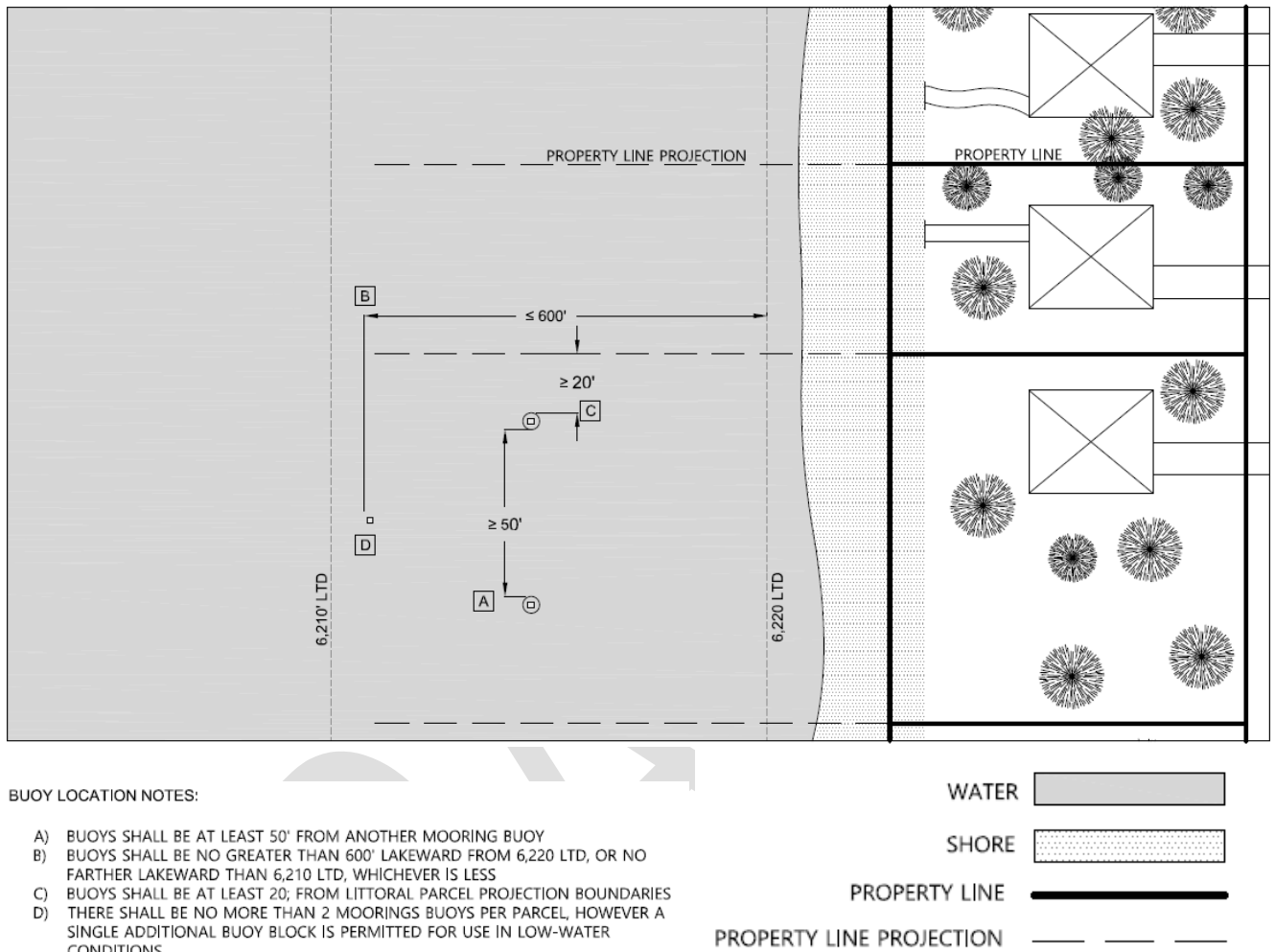


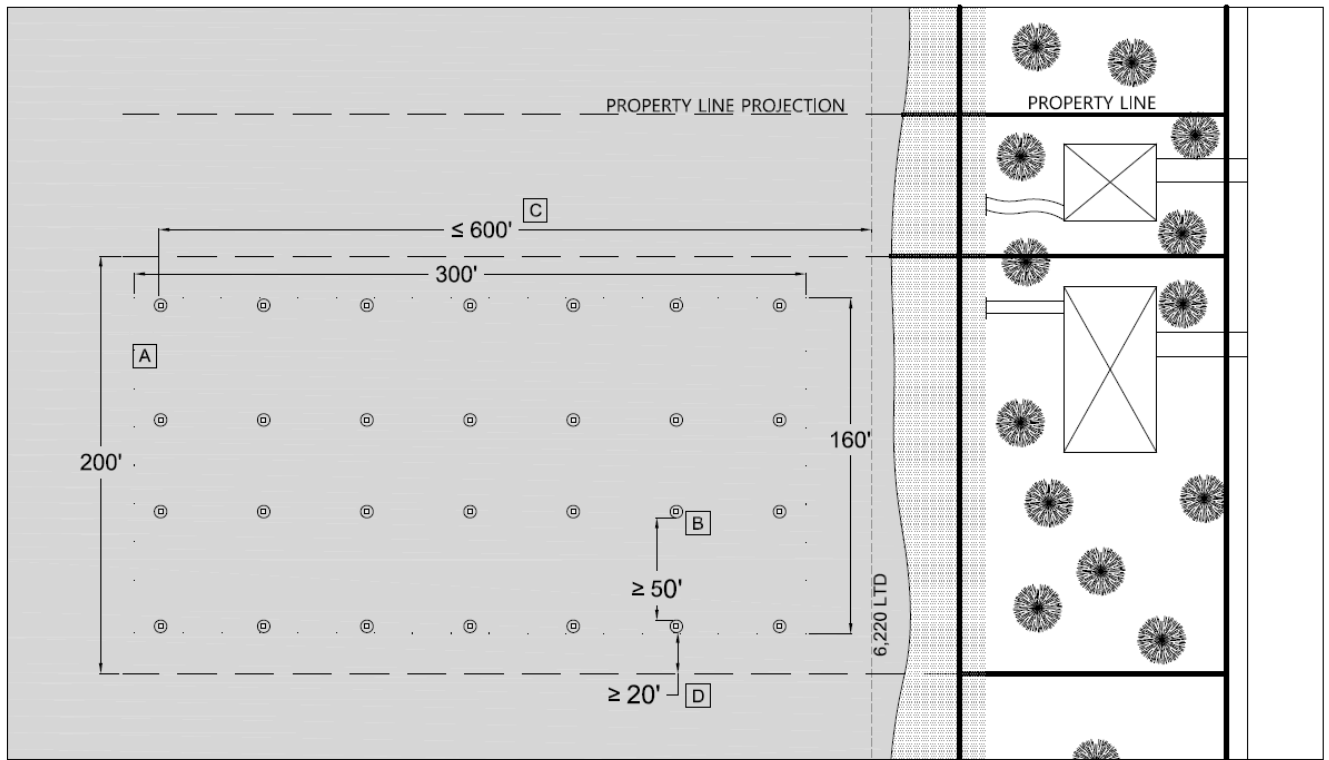
Figure 84.3.3-1. Mooring Buoy Location Standards

E. Buoy Fields.

1. Eligibility.

- a. No additional buoy fields shall be permitted by TRPA. Changes in use of a littoral parcel may not increase shorezone development potential.
- b. The total number of homeowners association mooring structures, including buoys within buoy fields, shall not exceed the total number of residential units served by the association.
- c. The total number of buoys allowed within a buoy field shall not exceed the buoy field capacity within the area defined by the lake frontage, not including side setbacks, multiplied by 300 feet (Figure 84.3.3-2). The

capacity within the calculated buoy field area shall be limited by a 50-foot grid spacing pattern.



BUOY FIELD NOTES:

- A) TOTAL NUMBER OF BUOYS IN BUOY FIELD SHALL NOT EXCEED THE CAPACITY DEFINED BY THE LAKE FRONTAGE, NOT INCLUDING SETBACKS, MULTIPLIED BY 300'
- B) BUOYS SHALL BE LOCATED AT LEAST 50' FROM LEGALLY EXISTING BUOYS
- C) BUOYS SHALL BE NO GREATER THAN 600' LAKEWARD FROM 6,220 LTD
- D) BUOYS SHALL BE LOCATED AT LEAST 20' FROM ADJACENT LITTORAL PROPERTY LINE BOUNDARIES

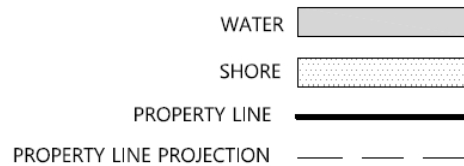


Figure 84.3.3-2. Buoy Field Standards

2. **Development Standards.** The following provisions apply to additional buoys in legally existing buoy fields. TRPA may allow deviation from these standards based on site-specific conditions, including neighboring uses and structures; State agency compliance; Coast Guard consultation; navigation; substrate, including obstacles; or bathymetry. Buoy fields in marinas are also subject to the provisions of 84.6.3.C of this Chapter.
 - a. Buoys within a buoy field shall be located at least 50 feet from all legally existing buoys (50-foot grid spacing);

- b. Buoys within a buoy field shall be located no greater than 600 feet lakeward from elevation 6,220 feet Lake Tahoe Datum, as measured horizontally; and
 - c. Buoys within a buoy field shall be located at least 20 feet from adjacent littoral parcel projection lines boundaries.
- F. Low Lake Level Adaptation.** TRPA may authorize additional permanent anchor blocks to accommodate low water levels or when harbors are inaccessible due to sediment accumulation, according to the following provisions:
- 1. **Mooring Buoys not within a Buoy Field.** TRPA may authorize one additional anchor block per littoral parcel, for a maximum of three anchor blocks per littoral parcel. The additional anchor block shall be located lakeward of other additional or legally existing buoys to the extent practicable, and shall comply with the development standards in 84.3.3.D.2 of this subsection.
 - 2. **Buoy Fields.** TRPA may authorize up to one additional row of anchor blocks within an existing buoy field. The additional anchor blocks shall be located lakeward of other additional or legally existing buoys to the extent practicable, and shall comply with the development standards in 84.3.3.E.2 of this subsection.
 - 3. **Buoys Associated with Private Harbors.** TRPA may authorize additional anchor blocks outside of private harbors, as part of an existing buoy field or in exchange for boat slips, for up to two seasons.
 - 4. For a given littoral parcel, buoy field, or private harbor, the total number of mooring buoys attached to anchor blocks shall not exceed the number of mooring buoys permitted by TRPA for the littoral parcel, buoy field, or private harbor.
- G. State and Federal Standards.** In addition to the provisions of this Section, buoys shall comply with the construction specifications set forth in the California Waterway Marking System or as otherwise recommended by the U. S. Army Corps of Engineers or Coast Guard.

84.4. PIERS

84.4.1. Applicability

- A. The provisions of this Section apply, exclusive of marinas, to the construction of additional piers and to the relocation, transfer, modification, or expansion of existing piers. Piers within marinas shall be subject to Section 84.6, Marinas.
- B. Single-use piers, single-parcel piers, multiple-use piers, and multiple-parcel piers shall be defined here as in Chapter 90.

- C. For the purposes of this Section, a pier is considered “additional” if it is to be created pursuant to a TRPA approval issued on or after [the effective date of the ordinance adopting this Chapter]. The following are not “additional” piers when considering the allocation of additional piers per subsection 84.4.4:
1. The repair, reconstruction, or replacement, on the same parcel, of an existing pier;
 2. The modification or expansion, on the same parcel, of an existing pier;
 3. The relocation or transfer of an existing pier, and
 4. The conversion of a boat ramp to a pier, as set forth in Section 84.5, Boat Ramps.

84.4.2. Eligibility

- A. A private littoral parcel shall be eligible for an additional pier provided the following requirements are met:
1. No pier exists on the parcel at the time of project application;
 2. Pier development potential on the parcel is not restricted via a deed restriction pursuant to 84.4.4.E of this Section, or other restrictive policy or covenant;
 3. The parcel is not located in a Shorezone Preservation Area;
 4. All applicable development standards set forth in 84.4.3 of this Section shall be met; and
 5. If the private littoral parcel has access to an existing homeowners association pier, the parcel shall be eligible for an additional multiple-parcel pier only and subject to the deed restriction requirements set forth in 84.4.4.E.2 of this Section.
- B. A littoral parcel owned by a public entity shall be eligible for a new pier provided the requirements set forth in (A) of this subsection are met, with the exception that requirement 84.4.2.A.3 may be waived subject to environmental review.
- C. A commercial or tourist accommodation use located on a littoral parcel shall be eligible for an additional pier provided the associated upland includes a commercial use and the requirements set forth in (A) of this subsection are met.

84.4.3. Development Standards

A. General Standards

1. **Stream-mouth Protection Zones.**
 - a. Designation Criteria: Stream-mouth Protection Zones shall generally represent the historical meander pattern of creek and rivers tributary to Lake Tahoe that support or could with restoration support migrating

populations of fish. The designated area shall include all portions of the shorezone, including areas lakeward, if the designation is a linear distance from the stream-mouth.

- b. Development Restrictions: No additional shorezone structures shall be permitted in Stream-mouth Protection Zones. Maintenance and repairs to existing structures may be allowed; reconstructions, expansions and modifications of existing structures shall be prohibited. Shorezone structures may only be relocated outside of Stream-mouth Protection Zones if authorized by other provisions of this Code.
- c. Adjustment in Zones: TRPA may adjust a Stream-mouth Protection Zone if an applicant can demonstrate that the location for a proposed project is outside of the historical meander pattern for the applicable stream or river. In order to make the necessary demonstration, the applicant shall select from a list of TRPA-approved experts to conduct an applicant-funded historical meander study.
- d. The placement of a pier shall be prohibited within Stream-mouth Protection Zones of the following creeks and rivers:
 - (i) Third Creek;
 - (ii) Incline Creek;
 - (iii) Wood Creek;
 - (iv) Slaughterhouse Creek;
 - (v) Upper Truckee River;
 - (vi) Taylor Creek;
 - (vii) Tallac Creek;
 - (viii) Cascade Creek;
 - (ix) Eagle Creek;
 - (x) Lake Tahoe Tributary at Mouth of Paradise Flat;
 - (xi) Lonely Gulch Creek;
 - (xii) Meeks Creek;
 - (xiii) General Creek;
 - (xiv) McKinney Creek;
 - (xv) Quail Creek;
 - (xvi) Madden Creek;
 - (xvii) Blackwood Creek;
 - (xviii) Ward Creek;
 - (xix) Truckee River;
 - (xx) Dollar Creek;
 - (xxi) Watson Creek;
 - (xxii) Griff Creek;
 - (xxiii) Baldy Creek; and
 - (xxiv) Snow Creek.

2. Within Visually Sensitive Areas, the placement of a pier other than a multiple-parcel pier shall be prohibited.
3. For an additional pier located within one-quarter mile of a public drinking water intake, TRPA shall notify and consult with the appropriate water purveyor(s) as part of the application process.
4. In accordance with the provisions set forth in Chapter 66 for Scenic Quality Review in the Shoreland, a project application for an additional pier shall meet the following requirements:
 - a. The project area shall initially score a minimum of 21 points based on the Contrast Rating System; and
 - b. No later than six months following project application submittal, the project area shall score a minimum of 25 points based on the Contrast Rating System, unless the project applicant demonstrates that a score of 25 points is infeasible.
5. **Pier color.** All new or expanded piers shall be matte medium to dark grey. TRPA may require alternate colors depending on the background view of the project site.
6. **Scenic Mitigation.** Additional piers and expansions of existing piers shall mitigate additional visible mass according to the following provisions;
 - a. In Visually Dominated Areas, as identified on the official TRPA Shoreline Conditions Map, the scenic mitigation ratio shall be 1:1.5;
 - b. In Visually Modified Areas, as identified on the official TRPA Shoreline Conditions Map, the scenic mitigation ratio shall be 1:2.0;
 - c. In Visually Sensitive Areas, as identified on the official TRPA Shoreline Conditions Map, the scenic mitigation ratio shall be 1:3.0;
 - d. The location of scenic mitigation shall occur in the following order of decreasing preference:
 - (i) On the littoral parcel and within the shorezone;
 - (ii) On the littoral parcel and within the upland area;
 - (iii) On a different littoral parcel within the same unit and within the shorezone;
 - (iv) On a different littoral parcel within the same unit and within the upland; and
 - (v) In a different non-attainment unit.
 - e. Scenic Credits. Scenic Credits are defined as the difference between the existing visible mass and the proposed visible mass associated with shorezone structures. Banking of scenic credits may be allowed subject to the following provisions:

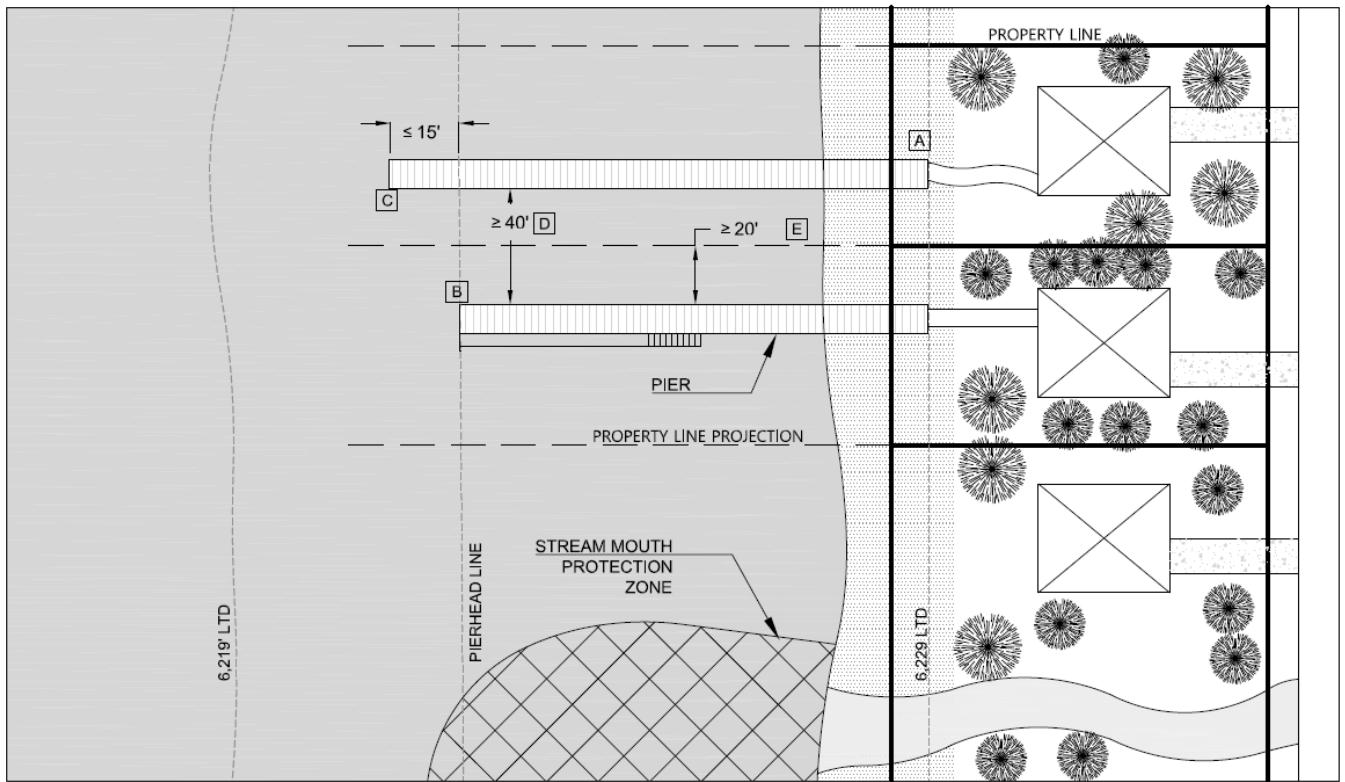
- (i) Scenic credits may be used to offset additional visible mass only for projects in the same Scenic Unit; and
 - (ii) Scenic credits may only be used on the parcel on which scenic improvement is achieved.
7. **Fish Habitat Mitigation.** Pier construction in spawning habitat shall comply with the mitigation requirements in Section 84.11, Mitigation.
8. **Lighting on Private Piers.** Lighting on additional private use piers shall be directed downward and only onto the pier deck, and shall not exceed two feet in height above the deck. Lighting shall be the minimum illumination necessary to ensure safety, and shall comply with all applicable standards set forth in Chapter 36, *Design Standards*. Pier lights for navigational purposes must be approved by the United States Coast Guard and the Army Corps of Engineers.
9. **Floating Piers.** Applications for new piers and pier extensions that include floating piers or floating portions longer than 25 feet must submit a site-specific littoral drift and wave analysis which evaluates the sediment movement along the lake bottom during low, mid, and high lake levels. The lake level condition with the greatest effect on littoral transport and backshore stability shall be used to design the floating pier section so that wave heights are not reduced by more than 50 percent and the floating pier section is no greater than 50 percent of the length of the site-specific design wavelength.
10. **Accessory Structures.**
- a. Boatlifts, handrails, and other allowable accessory structures and safety devices shall not extend more than four feet above the pier deck, with the exception of flag poles.
 - b. A maximum of one flagpole is permitted on any private pier. Flag poles shall be medium or dark in color and shall have a value of 4 or less on the Munsell Color Chart. Flagpoles shall have a non-reflective finish, shall be a maximum of 20 feet high above the pier deck and have a maximum diameter at the base of 6 inches.
 - c. Allowable visible mass as set forth in (B) and (C) below shall include any catwalk but shall exclude the visible mass of a boat lift, watercraft on a boat lift, and other allowed accessory structures.
 - d. Visible mass used to calculate required scenic mitigation for piers as set forth in subparagraph 84.4.3.A.6 shall include all accessory structures, including boat lift and watercraft on a boat lift.
11. **Prohibited Structures on Piers.** Superstructures, permanent umbrellas, canopies, storage racks for non-motorized watercraft, plant containers, and furniture other than benches shall be prohibited on piers.

12. **Signage.** In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.

B. Additional Standards for Single-Use Piers

1. **Applicability.** These provisions apply to:
- a. Piers on littoral parcels serving one to two residential units on the same parcel; and
 - b. Piers on littoral parcels serving a single primary residence with ownership of more than one adjacent vacant littoral parcel. Such piers shall be allocated as multiple-parcel piers pursuant to subsection 84.4.4.
2. **Development Standards.** Piers shall be constructed consistent with the following provisions as shown on Figures 84.4.3-1 and 84.4.3-2:
- a. Pier orientation shall be perpendicular to the shoreline, as feasible, according to property boundary projection lines;
 - b. Piers shall extend no farther lakeward than elevation 6,219 feet Lake Tahoe Datum or the pierhead line, whichever is more limiting, except as provided under (c) below. Up to an additional 15 feet in length lakeward may be permitted provided:
 - (i) the project applicant demonstrates that the additional length is necessary for the functionality of the pier, and
 - (ii) average grade of the lake bottom beneath the additional pier length is a minimum of three percent;
 - c. Properties with deep water adjacent to shore, such as parts of Crystal Bay or Rubicon Bay, where placement of a pier is not feasible under the limits above, may orient the pier in a non-perpendicular fashion. The non-perpendicular pier but shall be no more than 30 feet in length and no portion of the structure may be located more than 30 feet lakeward of the shoreline. The pier may include a catwalk and boatlift;
 - d. Pier width shall be a maximum of 10 feet, not including a catwalk;
 - e. Allowable visible mass shall not exceed 220 square feet (Figure 84.4.3-3). Visible mass due to lateral public access accommodations (e.g. added height or stairs) shall not count towards the visible mass limit nor be subject to the mitigation requirements of subparagraph 84.4.3.A.6 nor be part of the parcel's shoreland scenic score;
 - f. Piers shall be setback a minimum of 40 feet from all other piers, as measured from the pierhead;

- g. Piers shall be setback from each adjacent property boundary projection line by a minimum of 20 feet;
- h. To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open;
- i. Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum, as depicted in Figure 84.4.3-4. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons, local wave characteristics that represent a real threat to the integrity of the structure, or to provide lateral public access;
- j. Catwalks. One catwalk allowed, up to three feet wide and 30 feet long; and
- k. Boat lifts. One boat lift allowed per single-use pier. Mitigation depends upon the capacity of the boat lift.



SINGLE USE PIER DESIGN STANDARDS NOTES:

- A) PIER DECKS NOT TO EXTEND VERTICALLY ABOVE 6,232' LAKE TAHOE DATUM
- B) PIER DECKS SHALL EXTEND NO FARTHER LAKEWARD THAN 6,219' LAKE TAHOE DATUM OR THE PIERHEAD LINE WHICHEVER IS MORE LIMITING
- C) AN ADDITIONAL 15' LENGTH IN PIER MAY BE GRANTED IN SOME CIRCUMSTANCES, REFER TO CODE SECTION 84.4.3.B.2.B
- D) 40' MINIMUM SETBACK REQUIRED FROM OTHER PIERS
- E) 20' MINIMUM SETBACK REQUIRED FROM ADJACENT PROPERTY

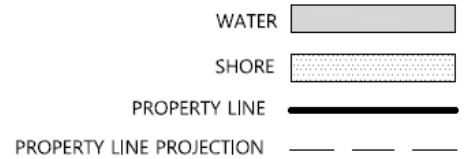
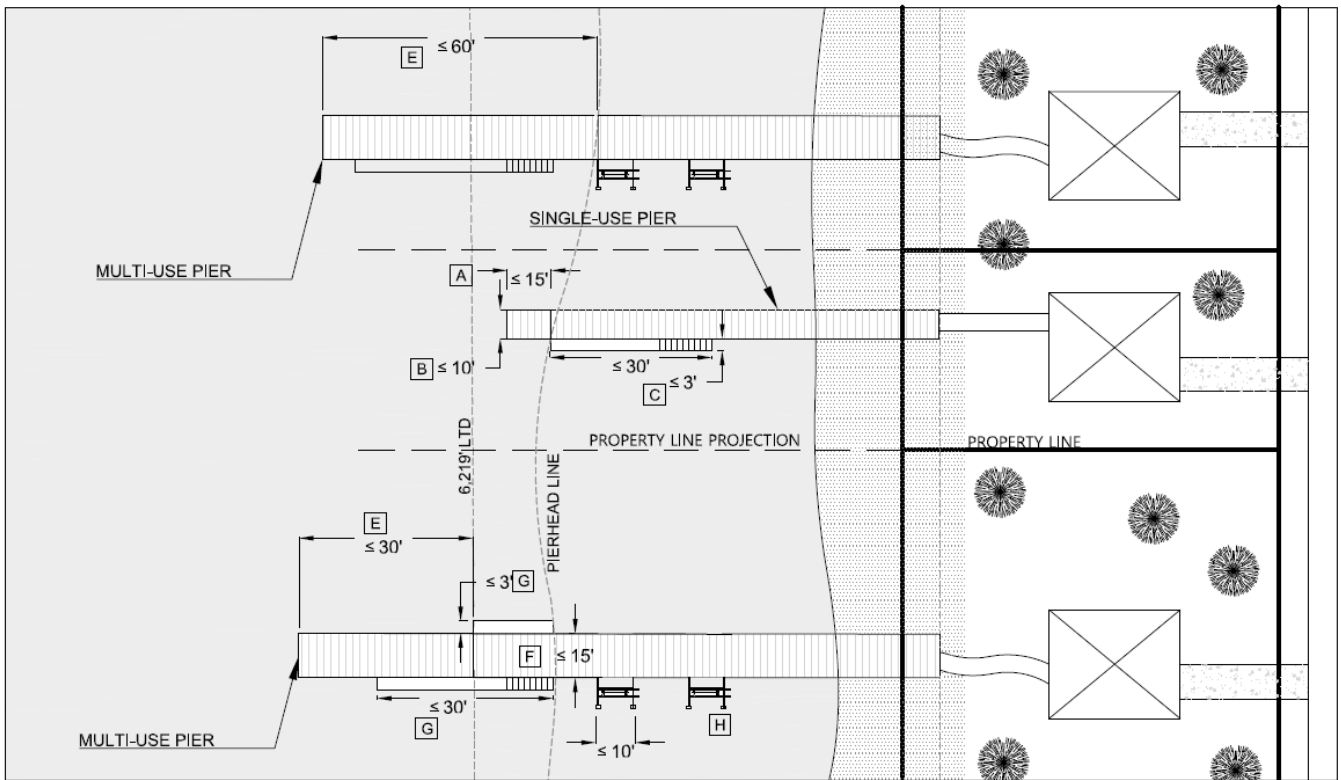


Figure 84.4.3-1. Single-Use Pier Design Standards



SINGLE-USE PIER NOTES:

- A) PIERS SHALL EXTEND NO FURTHER THAN 6,219 LTD OR PIERHEAD LINE, WHICHEVER IS MORE LIMITING, 15' ADDITIONAL LENGTH MAY BE CONSIDERED
- B) PIERS MAY BE MAXIMUM 10' IN WIDTH
- C) PIERS MAY HAVE ONE CATWALK, AND MAXIMUM 3' WIDE AND 30' LONG.
- D) PIERS MAY HAVE ONE BOAT LIFT WITH FORKS MAXIMUM 10' LONG



MULTI-USE PIER NOTES:

- E) PIERS SHALL EXTEND NO FARTHER LAKEWARD THAN 30 FEET LAKEWARD OF ELEVATION 6,219 FEET LAKE TAHOE DATUM OR 60 FEET LAKEWARD OF THE PIERHEAD LINE, WHICHEVER IS MORE LIMITING. UP TO AN ADDITIONAL 15 FEET IN LENGTH LAKEWARD MAY BE PERMITTED FOR PIERS SERVING THREE OR MORE PRIMARY RESIDENTIAL LITTORAL PARCELS
- F) PIERS SHALL BE A MAXIMUM OF 15', NOT INCLUDING CATWALK
- G) PIERS MAY HAVE UP TO TWO CATWALKS, MAXIMUM 3' WIDE AND 30' LONG FOR PIERS SERVING 2 PARCELS, AND 45' LONG FOR PIERS SERVING 4.
- H) PIERS MAY HAVE ONE BOAT LIFT PER PARCEL, UP TO 4

Figure 84.4.3-2. Additional Single-Use and Multiple-Use Pier Design Standards

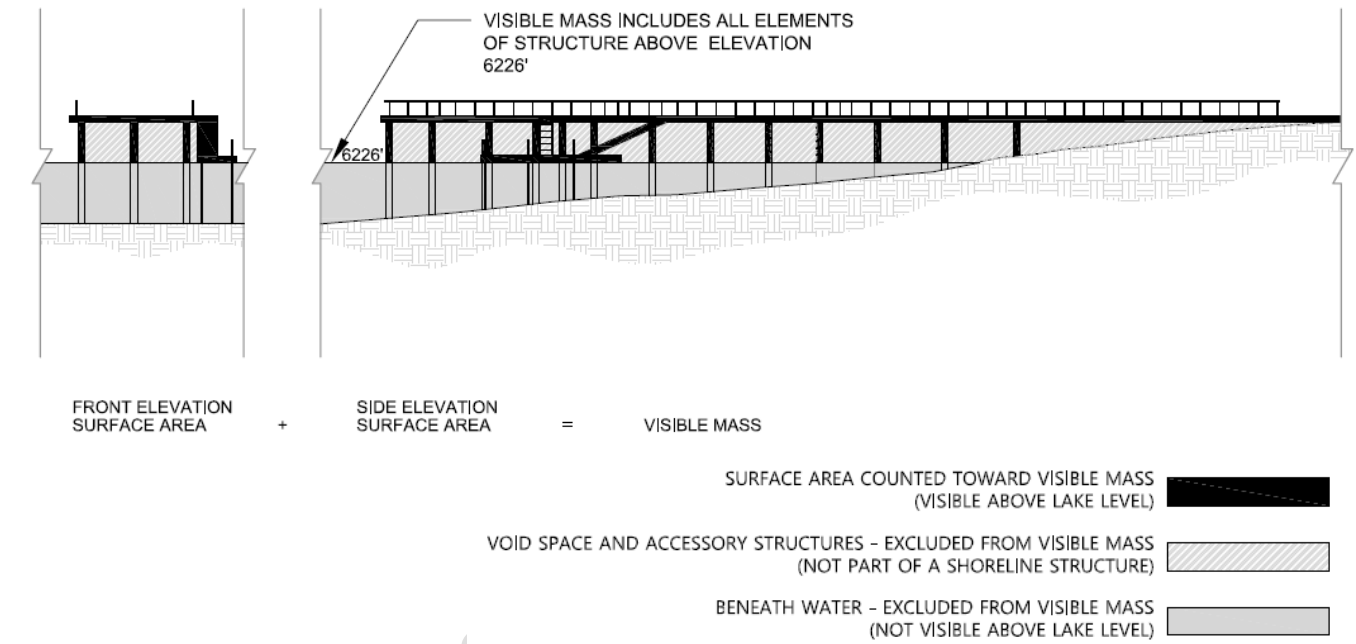


Figure 84.4.3-3. Visible Mass Attributable to Piers

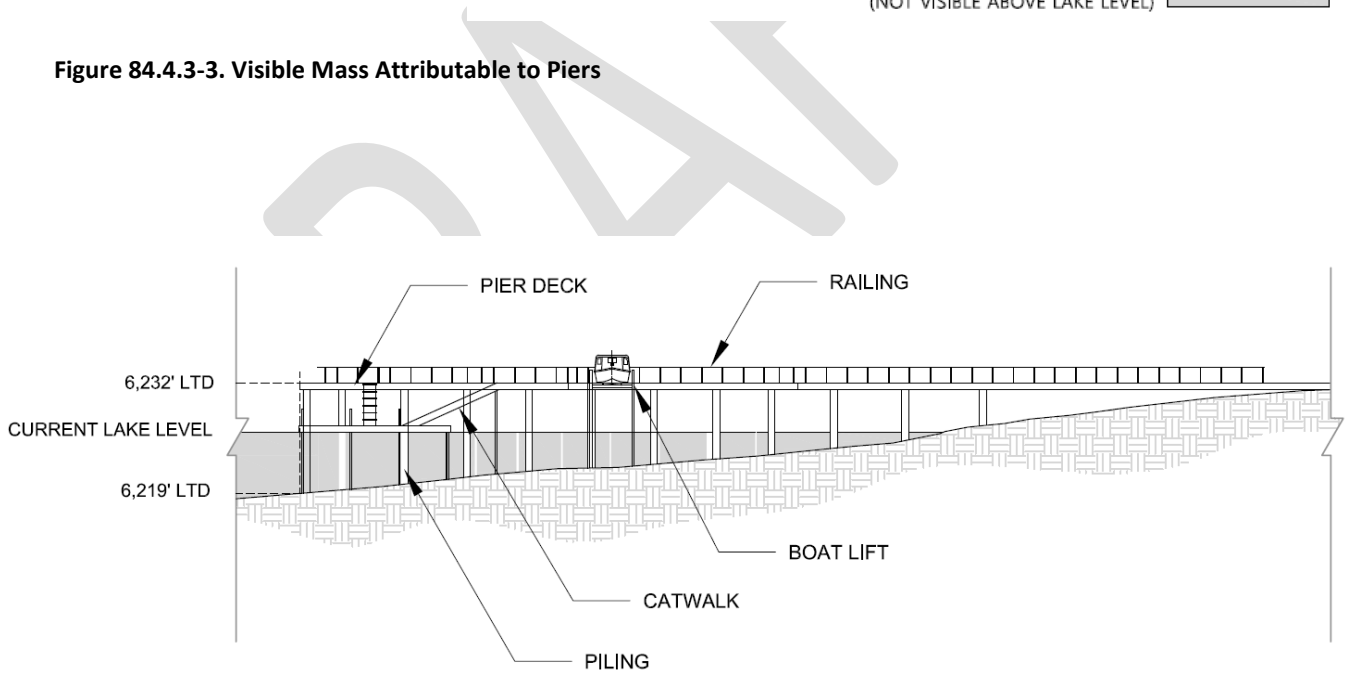


Figure 84.4.3-4. Structural Components Related to Pier Design Standards

C. Additional Standards for Multiple-Use Piers

1. **Applicability.** These provisions apply to:

- a. Piers on littoral parcels serving three or more residential units on the same parcel, including multifamily housing, condos, and homeowners associations; and
- b. Piers on littoral parcels serving two or more primary residential littoral parcels, subject to the deed restriction provisions in subparagraph 84.4.4.E.

2. Development Standards. Piers shall be constructed consistent with the following provisions:

- a. Length. Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 feet Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length lakeward may be permitted for piers serving three or more primary residential littoral parcels.
- b. Pier width shall be a maximum of 15 feet, not including catwalks.
- c. Properties with deep water adjacent to shore, such as parts of Crystal Bay or Rubicon Bay, where placement of a pier is not feasible under the limits above, may orient the pier in a non-perpendicular fashion. The non-perpendicular pier but shall be no more than 30 feet in length and no portion of the structure may be located more than 30 feet lakeward of the shoreline. The pier may include a catwalk and boatlift;
- d. Pier orientation shall be perpendicular to the shoreline, as feasible;
- e. Piers shall be setback a minimum of 40 feet from all other piers, as measured from the pierhead;
- f. Piers shall be setback from each adjacent property boundary projection line by a minimum of 20 feet unless the adjacent property has legal shared access to the pier;
- g. To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open.
- h. Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure, or to provide lateral public access.
- i. Allowable visible mass (Figure 84.4.3-3) shall be as follows:
 - (i) For a pier serving two primary residential littoral parcels or serving three or four residential units on the same parcel, a maximum of 400 square feet;

- (ii) For a pier serving three primary residential littoral parcels or serving five to 20 residential units on the same parcel, a maximum of 460 square feet; and
 - (iii) For a pier serving four or more primary residential littoral parcels or serving more than 20 residential units on the same parcel, a maximum of 520 square feet.
 - (iv) In all cases, visible mass due to lateral public access accommodations (e.g., added height or stairs) shall not count towards the visible mass limit set forth above nor be subject to the mitigation requirements of subparagraph 84.4.3.A.6 nor be part of the parcel's shoreland scenic score.
- j. Catwalks
- (i) Allowed accessory structures include up to two catwalks, subject to the provisions of this subsection.
 - (ii) Catwalks shall be no more than three feet wide.
 - (iii) Catwalk length shall be a maximum of 30 feet for piers serving two primary residential littoral parcels, and a maximum of 45 feet for piers serving three or more primary residential littoral parcels. For a pier serving three or more residential units on the same parcel, catwalk length shall be as necessary to accommodate multiple users, but no more than 45 feet.
- k. Boat lifts
- (i) One boat lift per littoral parcel served shall be allowed, up to a maximum of four boat lifts. Mitigation depends upon the capacity of the boat lift.

D. Additional Standards for Public Piers

1. Public piers shall be designed as necessary to accommodate their intended function, subject to review by TRPA on a case-by-case basis, with the following limitations:
 - a. Pier length shall be limited to no more than 600 feet lakeward of elevation 6,229 feet Lake Tahoe Datum. Additional length may be granted by TRPA to accommodate public health and safety facilities or waterborne transit-; and
 - b. Navigational buoys shall be installed to identify the location of the no-wake zone relative to the pier.
2. Permanent moorage on public piers shall be prohibited, except where permitted for commercial or tourist accommodation watercraft.

E. Additional Standards for Commercial and Tourist Accommodation Piers

1. Commercial or tourist accommodation facilities eligible for an additional pier under 84.4.2.C of this Section and deed restricted to be open to the public may comply with the additional standards for multiple-use piers serving four or more littoral parcels, as set forth in (C) of this subsection.
 2. Commercial or tourist accommodation facilities eligible for an additional pier under 84.4.2.C of this Section that are not deed restricted to be open to the public shall comply with the additional standards for single-use piers, as set forth in (B) of this subsection.
- F. Expansion or Modification of Existing Piers.** Subject to the following provisions, a legally existing pier may be expanded or modified. These provisions apply to legally existing piers outside of marinas; expansion or modification of legally existing piers within marinas is subject to subparagraph 84.6.3.E.
1. **Modification of a conforming pier.** An existing pier that conforms to the applicable development standards set forth in this Section may be modified if the modification results in a net environmental benefit and is consistent with the applicable development standards set forth in this Section.
 2. **Modification of a non-conforming pier.** An existing pier that does not conform to the applicable development standards set forth in this Section may be modified provided all of the following conditions are met:
 - a. The modification results in a net environmental benefit;
 - b. The modification brings the structure into greater compliance with applicable development standards set forth in this Section; and
 - c. The modification does not increase the degree of nonconformance with any applicable development standard set forth in this Section.
 3. **Expansion of a conforming pier.** An existing pier that conforms to the applicable development standards set forth in this Section may be expanded to the extent allowed by the applicable development standards set forth in this Section.
 4. **Expansion of a non-conforming pier.** An existing pier that does not conform to the applicable development standards set forth in this Section shall not be expanded except if all of the following conditions are met:
 - a. The expansion is limited to an existing boat house and does not increase the extent to which the boat house is non-conforming;
 - b. The expansion shall not increase the functional capacity of the pier;
 - c. The effect of the expansion is to increase the contrast rating of the structure; and
 - d. The expansion is the minimum necessary to accomplish the scenic quality improvement set forth in (c) above.

- G. Relocation and Transfer of Existing Piers.** Subject to the following provisions, a legally existing pier may be replaced with a pier in a different location on the same parcel (pier relocation) or with a pier on a different parcel (pier transfer):
1. A legally existing pier may be relocated or transferred to a littoral parcel within the same Scenic Unit or to a littoral parcel within a different Scenic Unit that is in scenic attainment. The transfer of an existing pier to a littoral parcel within another Scenic Unit that is out of attainment is prohibited.
 2. A relocated or transferred pier shall conform with the applicable development standards for an additional pier set forth in 84.4.3 of this Section.
 3. Boat lifts transferred to a different parcel as part of a pier transfer shall not be subject to the maximum number of mooring structures per parcel as set forth in 84.3.2.A of this Chapter.
 4. Both littoral parcels involved in a pier transfer (sending and receiving) shall comply with the requirements for Scenic Quality set forth in 84.4.3.A.4 of this Section.
 5. A littoral parcel to which an existing pier is relocated or transferred (receiving parcel) shall comply with the eligibility requirements for an additional pier set forth in 84.4.2 of this Section.
 6. A pier relocation or transfer to a less visually sensitive area, including away from a stream inlet listed in 84.4.3.A.1 of this Section, shall be eligible for one or more of the following:
 - a. Application of development standards for a multiple-use residential pier serving two littoral parcels, as set forth in 84.4.3.C of this Section; or
 - b. Additional allowable upland visible mass equal to the visible mass of the relocated or transferred pier, consistent with 84.4.3.A.6 of this subsection, Scenic Mitigation, to be used wholly by either the sending or receiving parcel.
 7. The following are required components of a pier relocation or transfer project application:
 - a. The legally existing pier shall be fully removed from the sending parcel;
 - b. The area of the former legally existing pier shall be restored; and
 - c. For pier transfer, a deed restriction shall be placed on the sending parcel to extinguish future pier development potential.

84.4.4. Allocation and Permitting

- A. Maximum Number of Additional Piers.** TRPA may permit a maximum of 10 additional public piers and 128 additional private piers following the date of

adoption of this Chapter. Of the maximum number of additional private piers, no more than 20 percent (25 piers) shall be single-parcel piers.

B. Permit Release Schedule

1. For 16 years from [the effective date of the ordinance adopting this Chapter] and continuing, a maximum of 12 additional piers shall be permitted every two years, pursuant to the schedule set forth in Table 84.4.4-1.
2. If fewer than 12 additional piers are permitted in a given two-year period, remaining piers from that two-year allocation shall be available during the subsequent two-year period within their respective multi-use or single-use categories.

Table 84.4.4-1. 16-Year Release Schedule for New Private Piers

Implementation Years	Maximum New Private Piers		
	Total	Multiple-Parcel	Single-Parcel
1-2	12	7	5
3-4	12	8	4
5-6	12	9	3
7-8	12	11	1
8-year implementation review per 84.4.4(G)			
9-10	12	11	1
11-12	12	11	1
13-14	12	11	1
15-16	12	10	2
Total	96	78	18

3. Following the initial 16-year period defined in (1) above, TRPA may permit three additional piers for every eight littoral parcels which retired future pier development potential through new deed restrictions, up to the 128-pier maximum listed in 84.4.4.A above.

C. Permit Review Priority

1. **Single-Parcel Piers.** If the number of applications for single-parcel piers received in a given two-year period exceeds the allocation for that two-year period as set forth in Table 84.4.4-1, single-parcel piers shall be permitted by TRPA using a lottery system.
2. **Multiple-Parcel Piers.** Applications for additional multiple-parcel piers shall be reviewed and prioritized according to the following criteria, listed in order of decreasing priority:
 - a. Number of littoral parcels for which the project retires pier development potential within the same Scenic Character Type and the same Scenic Unit as the subject parcel;
 - b. Number of littoral parcels for which the project retires pier development potential; and

- c. Piers located in less sensitive scenic character types; Visually Dominated is less sensitive than Visually Modified which is less sensitive than Visually Sensitive scenic character type.
- d. A proposal for an additional multiple-parcel pier on a littoral parcel with access to an existing homeowners association or similar entity multiple-use pier will be assigned lowest priority.

D. Distribution of Additional Piers. TRPA shall permit the 128 maximum additional private piers according to geographic divisions and the location of Visually Sensitive Areas as set forth in Table 84.4.4-2.

Table 84.4.4-2. Geographic Distribution of Additional Private Piers on Lake Tahoe.

State	Quadrant	Maximum Additional Private Piers	
		Total	In Visually Sensitive Areas
California	Placer	58	7
	El Dorado	28	6
Nevada	Washoe	21	3
	Douglas/Carson	21	3

E. Deed Restrictions Required.

1. An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.
2. An additional multiple-parcel pier on a littoral parcel with access to an existing homeowners association pier on a different parcel, and serving only one residential unit, shall extinguish future potential pier development as follows:
 - a. If the subject littoral parcel is located outside of a Visually Sensitive Area, future pier development potential shall be retired from a minimum of one littoral parcel;
 - b. If the subject littoral parcel is located within a Visually Sensitive Area, future pier development potential shall be retired from a minimum of two littoral parcels, including one littoral parcel located within the same Scenic Unit as the subject littoral parcel.
3. Retirement of pier development potential pursuant to this subsection shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties.

- F. **MOU Requirement.** No permits shall be issued for new pier construction, non-exempt modification, or expansion in California until TRPA has a valid agreement with the California State Lands Commission governing pier development activities within the shorezone in California. This requirement for such an agreement only governs and applies to the California side of Lake Tahoe, and in no way affects, or is intended to affect, the Nevada side of Lake Tahoe or the sovereign interests of the State of Nevada.
- G. **Adaptive Management.** Following release of the Threshold Evaluation Report, TRPA shall review and revise as necessary the allocation of piers as set forth in this Section every four (4) years under the Threshold Evaluation process as well as every eight (8) years together with a review of buoy permitting activity.

84.5. BOAT RAMPS

84.5.1. Applicability

- A. The provisions of this Section apply to the construction of additional boat ramps and to the relocation, modification, or expansion of existing boat ramps, exclusive of marinas.
- B. A boat ramp is considered “additional” if it is to be created pursuant to a TRPA approval issued on or after [the effective date of the ordinance adopting this Chapter]. The following are not “additional” boat ramps:
 - 1. The repair, reconstruction, or replacement, on the same parcel, of an existing public boat ramp;
 - 2. The modification or expansion, on the same parcel, of an existing public boat ramp; and
 - 3. The relocation of an existing public boat ramp.

84.5.2. Eligibility.

- A. A public littoral parcel shall be eligible for a maximum of one additional boat ramp, provided:
 - 1. No boat ramp exists at the time of project application; and
 - 2. The applicant demonstrates the need for an additional boat ramp.
- B. Additional boat ramps on private littoral parcels are prohibited. Existing boat ramps on private littoral parcels may be maintained and repaired consistent with the provisions set forth in Chapters 80 and 82.

84.5.3. Development Standards

- A. **Location.** The placement of an additional boat ramp shall be prohibited within Stream-mouth Protection Zones of the creeks and rivers listed in 84.4.3.A.1 of this Chapter.

- B. Fish Habitat.** Additional boat ramp construction in spawning habitat shall be prohibited.
- C. Water Quality Mitigation.** A water quality mitigation plan that meets the TRPA BMP requirements and that is approved by TRPA shall be required prior to approval of an additional boat ramp.
- D. Dimensional and Construction Standards.** Additional public boat ramps shall be constructed consistent with the following provisions:
1. **Width.** Boat ramp width shall be a maximum of 24 feet;
 2. **Length.** Ramp length shall be the minimum necessary to provide access, including access during periods of low water levels down to elevation 6,220 feet Lake Tahoe Datum;
 3. **Gradient.** No boat ramp shall be located where the slope gradient exceeds 15 percent;
 4. **Location.** Additional public boat ramps shall be located in areas exhibiting shoreline conditions, including depth and bathymetry that can accommodate access during periods of low lake levels down to elevation 6,220 feet Lake Tahoe Datum; and
 5. Excavation associated with boat ramp construction shall be the minimum necessary. Unless TRPA determines it infeasible, construction shall be accomplished by placing a steel grid foundation onto piles and cross members, and by placing pre-cast concrete sections onto the grid or other equally environmentally protective method.
- E. Relocation, Modification, and Expansion of Existing Boat Ramps**
1. **Relocation.** A legally existing public boat ramp may be relocated on the same parcel or to a littoral parcel better suited to accommodate low lake levels, subject to the following provisions:
 - a. The littoral parcel to which the boat ramp is relocated shall comply with the eligibility requirements for a new boat ramp set forth in 84.5.2 of this Section; and
 - b. The relocated boat ramp shall comply with the development standards for new boat ramps set forth in 84.5.3 of this Section.
 2. **Expansion.** A legally existing public boat ramp may be extended lakeward in order to operate during periods of low lake levels, provided the applicant demonstrates such extension is feasible and meets the length standards set forth in (D) above. At no point shall the boat ramp be expanded laterally to increase the ramp's boat launch capacity.
- F. Conversion.** A legally existing private boat ramp may be converted to a pier, provided the converted boat ramp (pier) and littoral parcel receiving the pier shall

comply with the applicable eligibility and development provisions for additional piers set forth in 84.4.2 and 84.4.3, respectively, of this Chapter.

84.5.4. Allocation

- A. Maximum Number of Additional Boat Ramps.** Additional private boat ramps shall be prohibited. TRPA shall permit a maximum of two (2) additional public boat ramps from the effective date of ordinance adopting this Chapter.
- B. Distribution of Additional Boat Ramps.** Additional public boat ramps shall be located in areas that promote geographic distribution of lake access, and to the extent feasible, shall be associated with clustered development and/or transportation hubs.

84.6. MARINAS

84.6.1. Applicability.

The provisions of this Section apply to the modification or expansion of existing marinas. New marinas are prohibited. Marinas with existing approved Marina Master Plans may continue to implement the Master Plans.

84.6.2. Eligibility.

- A. Definition of Minor and Major Projects.** A proposed modification or expansion to an existing marina not defined as exempt or qualified exempt under Chapter 82 shall be defined as a minor or major project pursuant to this subsection. Those proposed projects not addressed in this subsection shall be subject to definition as minor or major projects by TRPA staff. For the purpose of this subsection, “expansion of use” shall include the addition of new structures or the extension of existing structures.
 - 1.** A minor project shall be defined as a project that includes any of the following and does not include any element of a major project as defined in 84.6.2.A.2 below:
 - a. Conversion of slips to buoys or reconfiguration of existing facilities, such as add or widen gangways or walkways to improve ADA accessibility, or moving existing fingers within marinas, that does not result in a change or addition to existing fixed structures or expansion of use;
 - b. Establishment of concessionaires without expansion of use;
 - c. Low lake level adaptation, including placement of additional buoy anchors in deeper water and temporary pier extensions, but not including new dredging; or
 - d. Improvements listed in 84.6.2.B.3.b of this subsection.
 - 2.** A major project shall be defined as a project that includes any of the following:
 - a. Expansion of use;
 - b. New dredging;

- c. Reconfiguration of existing facilities which result in a change or addition to existing structures without expansion of use or conversions not covered by 84.6.2.A.1.a;
- d. Conversions of temporary pier extensions to permanent pier extensions;
- e. Alterations which accommodate public health and safety access; or
- f. Establishment of waterborne transit facilities.

B. Required Findings.

1. **Aquatic Invasive Species Management Plans.** All marinas shall prepare and implement an Aquatic Invasive Species Management Plan within three years of [the effective date of the ordinance adopting this Chapter]. The Management Plan shall, at a minimum:
 - a. Identify strategies to prevent the establishment of invasive macrophytes and Asian clams within the marina or where aquatic invasive species are already present, identify measures to control or eradicate the species, or reduce the potential for their spread;
 - b. Include an aquatic invasive species monitoring and early detection program within the marina and, where feasible, partner with appropriate resource management agencies or organizations; and
 - c. Include a public education component.
2. **Minor Projects.** Minor projects may be approved if TRPA makes the following findings:
 - a. The marina has an approved aquatic invasive species control plan;
 - b. The marina has a current NPDES permit with Lahontan, if applicable;
 - c. The marina has a current lease with State Lands, if applicable;
 - d. The marina has received a Clean Marina Certification recognized by TRPA; and
 - e. The marina has a BMP certificate in good standing from TRPA.
3. **Major Projects.** Major projects may be approved if TRPA makes the following findings:
 - a. All requirements for minor projects as set forth in 84.6.2.B.2 are met; and
 - b. One or more of the following environmental improvements has been completed at the marina or is included in the proposed major project. The environmental improvements shall be prioritized for each marina to provide the greatest environmental benefit.
 - (i) Demonstration of water flow improvements, if applicable;
 - (ii) Reduction of aquatic invasive species habitat conditions;

- (iii) Reduced need for dredging;
 - (iv) Provision of a boating rental and operations fleet that meets or exceeds the most current EPA and/or CARB standards;
 - (v) Access improvements pursuant to the Americans with Disabilities Act;
 - (vi) Provision of facilities related to boater education of 600-foot no wake zone, boater safety, and clean boating practices;
 - (vii) Provision of public access to marina fueling and/or pump-out stations;
 - (viii) Installation of stormwater BMPs that treat runoff volumes above existing TRPA and, if in California, Lahontan RWCQB requirements, provided that the proposed BMPs are, at a minimum, proportional to the proposed project impacts;
 - (ix) Provision of additional scenic improvements, such as screening of storage racks;
 - (x) Provision of existing boat ramps for public use. If a ramp is not functional for motorized boating due to low lake level conditions, provide access for non-motorized boaters;
 - (xi) Provision of dedicated access for non-motorized boaters;
 - (xii) Provision of non-motorized boat storage for public;
 - (xiii) Installation of an electric charging station for cars;
 - (xiv) Reduction of on-site coverage; or
 - (xv) Implementation of a green infrastructure project.
- c. For a major project that proposes expansion of use by 15 or more mooring structures, all applicable improvements listed in 84.6.2.B.3.b above shall be required. For a major project that proposed expansion of use by less than 15 mooring structures, the greater the number of moorings proposed the greater the number of applicable improvements listed in 84.6.2.B.3.b above shall be required. For all major projects, the greater the cost and scope of the project, the greater the number of applicable improvements listed in 84.6.2.B.3.b above shall be required. TRPA shall develop marina improvement guidelines to implement this provision.

- C. Accessory Uses.** Examples of accessory uses related to marinas include: marine sales and repairs, parking lots, maintenance facilities, employee facilities, secondary residence, water-oriented outdoor recreation concessions such as fishing guide services; parasailing; and recreation equipment rental; bars and restaurants, water-oriented services such as rowing clubs; boat rentals; storage and launching facilities;

sport fishing activities; excursion boat and sightseeing facilities; and other marina-related activities, including but not limited to fuel sales and boat and engine repair.

84.6.3. Development and Use Standards

A. General Standards.

1. **Support Facilities.** Any expansion of marina moorage capacity shall provide the following facilities and conditions:
 - a. Public restrooms, fueling facilities, trash receptacles, and pump-out facilities for boat sewage.
 - b. Boat washing facilities connected to a sewer system or an acceptable alternate.
 - c. Gas pumping facilities that include emergency and standard shut-off systems to avoid gas leakage to the lake.
 - d. Adequate parking or active transportation measures to accommodate all uses and activities associated with a marina.
 - e. Water treatment system for lake waters contained within a marina enclosure;
 - f. Driveways and launching ramps shall be kept clean. Any petroleum products, chemicals, or soil removed from such surfaces shall be intercepted to avoid runoff into the lake;
 - g. Marina lighting shall be adequate for safety and security while avoiding glare. Low level light fixtures shall be used;
 - h. Fire extinguishers at intervals specified by local regulations or no more than 200 feet along main walkways. Cabinets for storage of such chemicals shall be painted red for easy identification;
 - i. Piers at marinas shall not be used for permanent moorage; and
 - j. Piers at marinas shall be subject to the provisions for Scenic Mitigation set forth in 84.4.3.A.6 of this Chapter.
2. **Commercial Facilities.** All commercial and tour boat facilities shall be located at a marina facility.
3. **Fueling Facilities.** Fueling facilities shall only occur within a marina.
4. **Temporary Access during Low Lake Levels.** Temporary floating structures that provide lake access for boats shall be allowed during periods of lake levels below elevation 6,225 feet Lake Tahoe Datum, provided that such structures be removed following a period of six consecutive months of lake levels above elevation 6,225 feet Lake Tahoe Datum.

B. Applicable Development Standards for Shorezone Structures and Uses.

1. In addition to the provisions of this Section, marinas shall be subject to all applicable provisions for specific shorezone structures and uses set forth in the following Sections of this Chapter:
 - a. Mooring Structures (Section 84.3);
 - b. Shoreline Protection (Section 84.7);
 - c. Other Structures (Section 84.8);
 - d. Filling and Dredging (Section 84.9);
 - e. Other Activities and Uses (Section 84.10); and
 - f. Mitigation (Section 84.11).
2. Unless otherwise specified in this Section, marinas shall not be subject to the provisions for Piers set forth in Section 84.4 or the provisions for Boat Ramps set forth in Section 84.5 of this Chapter.

C. Mooring Structures. In addition to the provisions set forth in Section 84.3, Mooring Structures, the following provisions apply to mooring structures in marinas.

1. Relocation or conversion of existing mooring structures or construction of new mooring structures in marinas may be designed and operated to accommodate access during periods of low lake levels down to elevation 6,220 feet Lake Tahoe Datum.
2. **Boat Slips.** Boat slips in marinas shall be subject to the following provisions:
 - a. Support pilings shall be constructed of metal or concrete;
 - b. Decks shall be non-skid or similar surface;
 - c. Main walkway piers should be a minimum of six feet wide to allow the use of carts and allow passing room; and
 - d. Floating finger piers should be a minimum of two feet wide, with additional width provided for fixed finger piers and those supporting double-wide boat slips.

D. Boat Ramps.

1. Additional boat ramps shall be prohibited at marinas.
2. Existing marina boat ramps may be reconstructed, relocated, or modified according to the following provisions:
 - a. Marina boat ramps may be relocated on the same parcel if the relocation is determined to improve water access during periods of low lake levels, all impacts are mitigated to the maximum extent, and the development standards listed in subparagraph 84.6.3.A are met; and

- b. Marina boat ramps may be extended lakeward in order to operate during periods of low lake levels, provided the applicant demonstrates such extension is feasible and shall be the minimum necessary to provide reasonable access, down to elevation 6,220 feet Lake Tahoe Datum.

E. Piers.

- 1. **Additional Piers.** Additional piers at marinas shall be subject to the development standards for multiple-use piers serving more than 20 residential parcels, as set forth in subsection 84.4.3.C.2 subparagraphs (b-h) of this Chapter.
- 2. **Permanent Extension of Existing Piers.** Permanent lakeward extension of existing piers at marinas may be permitted, subject to the following provisions:
 - a. The pier shall serve the public;
 - b. The proposed pier extension shall not have detrimental impacts to navigation;
 - c. All impacts associated with pier extension shall be mitigated;
 - d. An existing marina pier may be extended 15 feet lakeward if the substrate slope within the additional length is a minimum of three percent. Additional extensions may be allowed if the average substrate slope in the area being extended is a minimum of three percent; and
 - e. The total length of the pier shall not exceed 1,000 feet.

84.6.4. Permitting

- A. **Phasing Plan.** As applicable and to the extent feasible, applications for major marina projects shall include a phasing plan for comprehensive marina improvements, including both short- and long-term environmental improvements, low lake level adaptation strategies, and plans for additional capacity.
- B. **Monitoring Information Requirements.** Monitoring of water quality, current patterns and intensities, wind patterns, shore alterations, and any other conditions which may be altered by the proposed marina project may be required by TRPA for a reasonable period after completion of project construction. Remedial measures shall be required to mitigate adverse impacts, when necessary.

84.7. SHORELINE PROTECTION

84.7.1. Shoreline Protective Structures

- A. **Eligibility.** Shoreline protective structures may be approved by TRPA to prevent erosion in the backshore if TRPA makes the following findings:
 - 1. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures;

2. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shore line protective structures;
3. Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under (B) below; and
4. Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.

B. Development Standards

1. Sloping permeable revetments are the preferred design for shoreline protective structures. Bulk heads, gabions, and other vertical revetments shall not be permitted unless, in addition to the findings required under (A) above, TRPA finds that;
 - a. A sloping permeable revetment is not feasible; and
 - b. The alternative structure will not cause significant erosion or modification of the foreshore.
2. Where a shoreline protective structure is necessary, it shall be of sufficient strength and depth to prevent movement of backfill materials into lake waters; and
3. Shoreline protective structures shall be constructed of natural materials to blend with the surrounding backshore or, if man-made materials are necessary, will be of earthtone colors.

84.7.2. Jetties, Breakwaters, and Rock Cribs

A. Eligibility. New breakwaters, jetties, rock cribs, and other similar structures shall be prohibited unless conducted as a component of a permitted environmental improvement project, or to implement existing approved Marina Master Plans, and including an environmental improvement associated with a marina project.

B. Development Standards.

1. Except as provided in 84.7.2.B.2 below, jetties and breakwaters shall have openings which allow adequate free circulation of water and sediment.
2. No jetty or breakwater shall be a solid or nearly solid structure unless the applicant demonstrates that the structure will not interfere with littoral processes, cause shoreline erosion, or harm water quality or clarity and:
 - a. The structure is a necessary part of an approved marina project; or
 - b. The structure is necessary to protect the safety of persons using a public boat launching facility.

3. The size, number, and locations of openings shall be sufficient to avoid interference with littoral drift, shoreline erosion, harm to underlying land, and harm to water quality and clarity.
4. Rock and other material for construction of structures permitted under this subsection shall not be obtained within the shorezone or lakezone in the Region.

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84.8. OTHER STRUCTURES

84.8.1. Floating Platforms

A. Eligibility

1. A maximum of one floating platform may be permitted per littoral parcel in lieu of a mooring buoy.

B. Development and Use Standards

1. The placement of a new floating platform is prohibited within 200 feet of the stream inlets of creeks and rivers listed in subparagraph 84.4.3.A.1.
2. Floating platforms shall not extend beyond lake bottom elevation 6,219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting.
3. Floating platforms shall be located at least 20 feet from adjacent littoral parcel projection line boundaries and no closer than 50 feet from another mooring buoy.
4. A floating platform shall be attached to a permanent anchor block.
5. Floating platforms shall not exceed an area of 100 square feet, and shall be a maximum of 10 feet wide by 10 feet long.
6. Floating platforms shall not project more than three feet above the water surface.
7. Anchoring, tethering, or otherwise attaching a floating platform to the backshore or further landward shall be prohibited.
8. Superstructures shall not be permitted on floating platforms.
9. Mooring of motorized watercraft to floating platforms shall be prohibited.

84.8.2. Safety and Navigation Devices.

Essential Public Safety Facilities within the Shorezone provide lake access and egress for public safety and emergency response.

- A. New safety and navigational structures may be permitted only upon the recommendation of the Army Corps of Engineers or the U.S. Coast Guard.
- B. One Essential Public Safety Facilities in the Shorezone may be designated within each of El Dorado, Placer, Washoe, and Douglas Counties, and one for the U.S. Coast Guard.
- C. Essential Public Safety Facilities in the Shorezone shall comply with the location, design and construction standards set forth in subsections 84.4.2, 84.4.3.A, and 84.4.3.D for piers, subsections 84.5.2.A and 84.5.3 for boat ramps, subsection 84.3.3.D for mooring buoys, and subsection 84.8.1 for floating platforms; except that

a facility recognized by TRPA as an Essential Public Safety Facility pursuant to this subsection may deviate from location, design and construction standards set forth in the following subparagraphs, when necessary for functionality: 84.4.3.C.2.b, 84.4.3.C.2.d, 84.5.2.A, 84.5.3.D.1, 84.3.3.D.1.a, 84.3.3.D.2.b, 84.8.1.A.1, 84.8.1.B.2, 84.8.1.B.5.

- D. If an Essential Public Safety Facility ceases to be used for public service, any portion of the structure allowed to deviate from general location, design or construction standards pursuant to this subsection must be removed or brought into conformance with development standards.

84.8.3. Retaining Walls and Erosion Control.

Retaining walls and erosion control structures within the shorezone or along the backshore-upland boundary shall comply with the following provisions.

- A. Retaining walls and erosion control structures shall be constructed with natural stone arranged in a natural pattern without hard outlines or straight edges, and shall be laid back at a natural angle of repose. Vertical walls and all other materials shall be prohibited except in the case of emergency where no practical alternative exists, as determined by TRPA.
- B. All walls shall include vegetation that shall be planted in accordance with the TRPA Design Review Guidelines.

84.8.4. Fences.

- A. Fences shall be 90 percent open, and shall be maintained free of debris.
- B. Fences shall not be placed lakeward of the highwater line, unless TRPA determines that such a location is necessary:
 - 1. To protect the health or safety of the general public or to prevent trespass on private property from adjacent areas of public access in the shorezone, but only if a TRPA-approved signage plan has proven ineffective to prevent trespass to protect public health and safety and provided such fence is approved by agencies having jurisdiction; or
 - 2. To protect sensitive species or identified cultural resources.
- C. Any fence approved below the highwater line shall be designed so that it can be retracted or telescoped landward. Such a fence must be telescoped landward whenever lake levels rise in order to prevent it from extending into the Lake.
- D. A fence extending below the highwater line that was legally existing prior to [the effective date of the ordinance adopting this Chapter] may be repaired or replaced provided the fence telescopes landward, or is modified to so telescope, and is telescoped landward whenever necessary in order to prevent the fence from extending into the Lake.

84.8.5. Signage.

Signs in the shorezone shall comply with Chapter 38. Signs that may discourage the use of public access areas are prohibited.

84.8.6. Access Structures.

Structures or projects in the backshore that provide access to the nearshore or foreshore shall be sized no larger than necessary to provide safe and functional access and shall meet all applicable mitigation requirements. When feasible, access structures shall be built at grade level.

84.9. FILLING AND DREDGING

84.9.1. Applicability.

The provisions of this Section apply to filling and dredging in the shorezone and lakezone. Excavation and grading in the backshore is subject to the provisions of Chapter 33, *Grading and Construction*.

84.9.2. Eligibility

- A.** There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.
- B.** New dredging shall be permitted in association with the following facilities only where previous approved uses exist, provided all environmental impacts shall be mitigated:
 - 1.** Legally existing marinas within areas previously dredged;
 - 2.** Essential public health and safety facilities; and
 - 3.** Public boat ramps, provided the applicant demonstrates that new dredging shall increase the functionality of the boat ramp.
- C. Maintenance dredging shall be allowed according to the following provisions:**
 - 1.** The maintenance dredging is located in a facility that has been previously legally dredged;
 - 2.** The applicant demonstrates that dredging is necessary to maintain an existing use; and
 - 3.** The maintenance dredging is limited to the previously dredged footprint.

84.9.3. Development Standards

- A. Maintenance Dredging.** Maintenance dredging shall comply with TRPA's approved dredging BMPs and shall include the installation of all upland BMPs pursuant to Chapter 60, *Resource Management and Protection*.
- B. Low Lake Level Adaptation.** In lieu of dredging at marinas, temporary floating structures that provide for boat access may be permitted during periods of low lake levels as set forth in 84.6.3.A.4 of this Chapter.
- C. Artificial Beach Replenishment.** If beaches are to be artificially replenished, only non-organic, chemically, and biologically inert material shall be used. The preferred method of beach replenishment is bypass dredging.
- D. Disposal of Dredged Material.** Where dredging, other than bypass dredging, is permitted, spoil materials shall not be deposited in the lakezone or shorezone, in wetlands, or within the 100-year floodplain of any tributary to a lake except as provided under 84.9.2.A of this Section, but shall be deposited in an approved upland location.
- E. Prohibition of Siltation of Spawning Habitat.** No dredging, filling, or other project may be permitted which results in the permanent siltation of spawning habitat. Disturbances shall not occur between May 1 and September 30. Temporary siltation associated with construction activities may be permitted provided that the spawning area disturbed is subsequently restored within 60 days or before May 1 when the spawning season begins, whichever is sooner.
- F. Additional Requirements.** New fill and dredging in the shorezone or lakezone shall comply with federal, state, and regional requirements for ensuring protection of Lake Tahoe's water quality and clarity and Outstanding National Resource Water designation, including but not limited to the U.S. Army Corps of Engineers federal standards for new dredging and applicable state permit requirements under sections 404 and 401, respectively, of the Clean Water Act.

84.10. OTHER ACTIVITIES AND USES

84.10.1. Watercraft.

The operation of watercraft shall be subject to the following standards except that operation of watercraft for the protection of public health and safety shall be exempt from the provisions of this Section.

- A. Overnight Anchoring.** Watercraft which remain in the shorezone or lakezone overnight shall be moored to legally existing buoys, boatlifts, boat slips, or other legally existing watercraft storage facilities. The following types of overnight mooring, including anchoring, are exempt from this provision:
 - 1. Mooring of construction watercraft in active use for TRPA-authorized construction activities;

2. Mooring of public service watercraft for public health and safety purposes; and
 3. Mooring of private watercraft up to 72 hours within a two-week period.
- B. Beaching of Motorized Watercraft.** Beaching of motorized watercraft in spawning habitat, as identified by TRPA fish habitat maps, is prohibited during the spawning season.
- C. No Wake Zones.** The following No Wake Zones and associated standards are established:
1. The creation of a wake or speeds in excess of five MPH by motorized watercraft shall be prohibited from the following areas:
 - a. Within 600 feet of the waterline of Lake Tahoe;
 - b. Within 200 feet of shorezone structures; and
 - c. Within 100 feet of swimmers and non-motorized watercraft.
 2. Within Emerald Bay, all areas are designated as a no wake zone. The creation of a wake or speeds in excess of five (5) MPH by motorized watercraft within Emerald Bay is prohibited, except that tour boats may be permitted to use speeds up to seven (7) MPH.
- D. Prohibition of Motorized Watercraft on the Tributaries of the Region.** The operation of a motorized watercraft on the tributaries of the Region, exclusive of other lakes in the Region, shall be prohibited. The prohibition shall commence at a line across the mouth of the tributary representing an extension of the existing water line across the mouth.
- E. Noise.** Vessels operating on Lake Tahoe that can direct engine exhaust to the air and generate noise levels in exceedance of TRPA or applicable state standards, are prohibited, with the exception of classic or antique boats and TRPA permitted events.
- 84.10.2. Water Oriented Outdoor Recreation Concessions**
- A. Applicability**
1. The provisions of this subsection apply only to those concessions located and/or operated within the shorezone and lakezone.
 2. Unless otherwise specified under this subsection, the provisions of this subsection apply to non-motorized and motorized boating concessions.
- B. Eligibility**
1. New concessions may be allowed only as an accessory to a permitted upland commercial or public facility or use, provided the applicant demonstrates that upland parking availability for the use is not constrained, and that the

function of the concession requires a shorezone location. TRPA permits shall specify the number and type of watercraft(s) and structure(s) authorized in support of a permitted concession.

2. New motorized boat concessions may be allowed only within an existing marina.
3. Concessions in operation prior to September 1, 2017 may be permitted as new concessions. Such concessions must meet all applicable standards, except motorized watercraft rentals may be allowed outside of a marina if the concession provides documentation of meeting fueling BMPs.
4. TRPA shall only issue permits for permanent concessions.

C. Development and Use Standards

1. Concessions shall comply with all applicable TRPA BMPs, including fueling BMPs, as well as applicable local health and safety regulations and permit requirements.
2. Storage racks for non-motorized watercraft shall be allowed as accessory structures. Racks shall be located above high water unless infeasible, and shall be designed and operated to maximize lake access.
3. Concessions and accessory structures, including storage racks, shall comply with the provisions for Scenic Quality as set forth in Chapter 66. Required mitigation shall use the Visual Magnitude System outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines.
4. **Mooring.** Concessions providing watercraft moorings shall comply with the following provisions:
 - a. Concessions shall moor on legally permitted mooring structures;
 - b. Unless otherwise allowed under this subsection, only one watercraft shall be moored per buoy or slip;
 - c. Concessions shall comply with the provisions for mooring structures set forth in Section 84.3 of this Chapter, including the allocation of new moorings, with the exception that boat concessions associated with a marina may be allowed one watercraft string storing no more than 12 personal watercraft.

D. Motorized Boat Rental Concession Fee

Concessionaires renting motorized watercraft shall be subject to an annual TRPA motorized boat rental concession fee, as set forth in Article 10 of the TRPA Rules of Procedure.

84.10.3. Man-made Lagoons and Artificial Islands.

Construction of man-made lagoons connected to any lake in the Region and artificial islands is prohibited.

84.11. MITIGATION

84.11.1. Applicability

This section applies to projects undertaken in areas identified as, and adversely affecting, “Spawning Habitat” or “Feeding and/or Escape Cover Habitat” as designated on the TRPA Prime Fish Habitat Map, as of [the effective date of the ordinance adopting this Chapter], as amended, or areas meeting the applicable definition for “Spawning Habitat” or possessing similar characteristics for “feeding and/or escape cover” habitat. In addition, this section addresses the potential effects of new construction and the expansion of piers, boat ramps and marinas on public access.

84.11.2. Mitigation Required

- A. All projects located in spawning habitat as verified by TRPA and that have the potential to detrimentally impact spawning fish, spawning gravels, the incubating eggs, or the emerging fry shall be subject to a case-by-case review by TRPA and the appropriate Fish and Wildlife Agency regarding the applicability of the October 1 through April 30 construction window and to determine whether project impacts can be mitigated.
- B. As a condition for project approval, all permanent impacts to substrate in designated spawning habitat areas associated with new or expanded structures shall be mitigated at a ratio of 1.5 to 1 using one of the following methods, or a combination thereof, as determined appropriate by TRPA:
 1. Replacement “in-kind” with similar spawning gravels where gravels previously existed. Such replacement shall replace the equal or greater function and value either on-site or off-site.
 2. Construction of complementary habitat adjoining the remaining spawning gravels on-site, where it can be demonstrated that the complementary habitat will restore or enhance the spawning habitat by substantially increasing its function and value.
- C. In addition to the mitigation obligation set forth in (B) above, any impacts to existing feeding and/or escape cover habitat shall be fully mitigated.
- D. Mitigation required pursuant to this Section shall include implementation and funding of an approved monitoring and remedial action program that will ensure the effectiveness of the mitigation.
- E. To assist in providing funds for restoration of fish habitat and providing public access to Lake Tahoe, all new construction and the expansion of piers, boat ramps, and marinas, regardless of fish habitat type, shall pay a mitigation fee, set forth in Article 10 of the TRPA Rules of Procedure.

CHAPTER 85: DEVELOPMENT STANDARDS IN THE BACKSHORE

85.1. PURPOSE

Policies 1 and 2, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies, establish limitations on disturbance to vegetation and construction activity within the backshore. Policy 1 recognizes that the existing vegetation in the backshore; (1) is the last naturally occurring measure for stabilizing soils and absorbing nutrients in runoff from upland areas; (2) prevents accelerated shoreline erosion due to wave action; (3) reduces the need for engineered structures to stabilize eroding cliffs; (4) is an important element of wildlife and fish habitats occurring in the shorezone; and (5) provides screening of development adjacent to the backshore. Policy 1 generally defines the backshore as the zone that includes backshore cliffs and other unstable lands influenced, in part or in total, by littoral or wave processes. In addition, Policy 2 requires that buildings be set back from the backshore to minimize the risk of accelerated erosion, cliff collapse, or slumping. This chapter sets forth standards and regulations in accordance with these policies.

85.2. APPLICABILITY

In addition to the provisions of Chapter 84 all projects and activities located within the backshore shall comply with the standards and regulations set forth in this chapter.

85.3. LIMITS OF BACKSHORE

The limits of the backshore shall be established using the following criteria, whichever establishes the wider backshore. The lakeward limit of the backshore shall be at the high water elevation.

85.3.1. Wave Run-Up

The area of wave run-up, plus ten feet;

85.3.2. Instability

The area of instability, plus ten feet. The area of instability shall be established pursuant to the following procedures;

- A. The area of instability shall be measured landward from the high water line a horizontal distance equal to 1.5 times the height of the bluff located adjacent to the shoreline. The height of the bluff shall be the difference between the high water elevation and the elevation of the top of the bluff; or
- B. The area of instability as identified in a report submitted by the applicant and prepared by a licensed geological, geotechnical or soils engineer or engineering geologist. The area of instability established under this provision may be greater or less than such area established under subparagraph A, above.

85.4. ALLOWABLE LAND COVERAGE

The allowable base land coverage in the backshore shall be one percent. The allowable base land coverage in the backshore may be combined with the allowable base land coverage for the remainder of the littoral parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage may be used to allow construction in the backshore in accordance with Section 85.5.

85.5. PROHIBITION OF NEW LAND COVERAGE

Additional land coverage or other permanent land disturbance shall not be permitted in the backshore, except as follows:

85.5.1. Public Outdoor Recreation

Land coverage and land disturbance may be permitted in the backshore for public outdoor recreation facilities if TRPA finds that:

- A. The project is a necessary part of a public agency's long range plans for public outdoor recreation;
- B. The project is consistent with the Recreation Element of the Goals and Policies;
- C. The project, by its very nature, must be sited in the backshore;
- D. There is no feasible alternative which avoids or reduces the amount of land coverage or disturbance proposed in the backshore; and
- E. The impacts of the coverage and disturbance are mitigated to the extent feasible through means including, but not limited to, the following:
 1. Application of BMPs; and
 2. Restoration in accordance with subsection 30.5.3 of land in the backshore or a stream environment zone in the amount of 1.5 times the area of land in the backshore covered or disturbed for the project beyond that permitted in Section 85.4.

85.5.2. Public Service

Land coverage and land disturbance may be permitted in the backshore for public service facilities if TRPA finds that:

- A. The project is necessary for public health, safety or environmental protection;
- B. There is no reasonable alternative which avoids or reduces the amount of land coverage or disturbance in the backshore; and
- C. The impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

85.5.3. Erosion Control and Similar Projects

Land coverage and land disturbance may be permitted in the backshore for erosion control projects, habitat restoration projects, forest management programs, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities if TRPA finds that:

- A. The project, program, or facility is necessary for environmental protection; and
- B. There is no reasonable alternative, which avoids or reduces the extent of encroachment in the backshore.

85.5.4. Access to Structures or Uses in The Nearshore or Foreshore

Land coverage and land disturbance may be permitted in the backshore to provide access to an approved or legally existing structure or use located in the nearshore or foreshore, provided TRPA finds that the amount of land coverage proposed is the minimum necessary to provide access to the structure or use and the impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E. Land coverage and land disturbance associated with an approved or legally existing pier, boat ramp, or other shorezone structure may be permitted in the backshore provided TRPA finds that the amount of land coverage proposed is the minimum necessary for the structure.

85.6. REPLACEMENT OF EXCESS LAND COVERAGE

The replacement or modification of existing, excess land coverage in the backshore shall be in accordance with Chapter 30: *Land Coverage*.

85.7. VEGETATION

Indigenous vegetation, appropriate to the backshore shall not be removed or damaged in the backshore, unless otherwise authorized under TRPA permit pursuant to Section 85.5 or subsection 61.3.3. Landscaping installed for the purpose of scenic quality may be maintained pursuant to subsection 61.3.3. Species used in the backshore for revegetation or landscaping shall be those listed on the TRPA-approved plant list as species appropriate for the backshore type and site conditions (e.g. barrier beach, sedimentary bluff).

85.8. PROJECT REVIEW

In imposing special conditions of approval on projects in the backshore, TRPA shall be guided by an appraisal of the nature of the backshore, as set forth in Section 85.1 and **Error! Reference source not found.**, in relation to the unique characteristics of the project area and shall consider the following objectives:

- 85.8.1.** The protection of significant vistas;
- 85.8.2.** Minimizing the visual impact of the proposed project on the shorezone and area surrounding the project;

- 85.8.3. The preservation of the site and shorezone from environmental harm both during and after construction;
- 85.8.4. Protection of views of adjoining development; and
- 85.8.5. Providing sufficient space for proper infiltration of runoff and nutrient uptake through natural processes.

85.9. MAN-MODIFIED BACKSHORE

Areas recognized by TRPA as man-modified pursuant to subsection 83.5.2 shall be regulated in accordance with the recommendations contained in the man-modified report approved by TRPA.

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**ATTACHMENT F:
Code Amendment Summary Guide**

PROPOSED AMENDMENTS TO SHOREZONE PROVISIONS IN THE TRPA CODE OF ORDINANCES



SEPTEMBER 18, 2018

Code Amendment Reference Guide

The proposed Lake Tahoe Shoreline Plan updates regulations focused on structures to support water-dependent recreation within the Lake Tahoe shoreline and effective resource management to ensure environmental threshold attainment. The proposed amendments to the Tahoe Regional Planning Agency (TRPA) Code of Ordinances implement the policies proposed under Alternative 1 analyzed in the Draft Shoreline Plan Environmental Impact Statement (DEIS).

A reference guide to compare existing code provisions to those proposed is included in Table 1, *Code Chapter Organization and Content* and Table 2, *Policy-Code Crosswalk*. The majority of the provisions contained in Shorezone Chapters 80-85 have been revised and reorganized and these amended chapters are provided in full at the end of this document. Amendments proposed to provisions in remaining chapters are shown in *Table 3, Proposed Amendments to Chapters 1, 2, 10, 14, 50, 63, 66, and 90*.

The existing TRPA Code of Ordinances can be reviewed at:

<http://www.trpa.org/regional-plan/code-of-ordinances/>

Table 1-TRPA Code Chapter Organization and Content

Current Code	2018 Proposed Code	Description of Amendments
CH. 1: Introduction to Code of Ordinances	CH. 1: Introduction to Code of Ordinances	Revised chapter titles as needed
CH. 2: Applicability of the Code of Ordinances	CH. 2: Applicability of the Code of Ordinances	Moved Exempt and Qualified exempt provisions for Shorezone to Chapter 82
CH. 10: TRPA Regional Plan Maps	CH. 10: TRPA Regional Plan Maps	Updated map references
CH. 14: Specific and Master Plans	CH. 14: Specific and Master Plans	Revised references to marina master plans
CH. 50: Allocation of Development	CH. 50: Allocation of Development	Reference added to Shorezone chapter for allocation of piers, moorings, and boat ramps
CH. 63: Fish Resources	CH. 63: Fish Resources	Clarified that mitigation is required for disturbance of prime fish habitat
CH. 66: Scenic Quality	CH. 66: Scenic Quality	Updated references to Shorezone chapters and revised marina master plan language
CH. 80: Review of Projects in the Shorezone	CH. 80: Review of Projects in the Shorezone	Revised and expanded per 2010 Vacated Code. Definitions moved to Ch. 90
CH. 81: Permissible Uses and Structures in the	CH. 81: Permissible Uses and Structures in the	Changes to section headers.

Current Code	2018 Proposed Code	Description of Amendments
Shorezone and Lakezone	Shorezone and Lakezone	
CH. 82: Existing Structures	CH. 82: Existing Structures and Exempt Activities	Revised to include exempt and qualified exempt activities
CH. 83: Shorezone Tolerance Districts and Development Standards	CH. 83: Shorezone Tolerance Districts and Development Standards	No notable revisions
CH. 84: Development Standards Lakeward of High Water	CH. 84: Development Standards Lakeward of High Water in the Shorezone and Lakezone	Complete reorganization based on development type. Significant content change based on policy direction and mitigation requirements
CH. 85: Development Standards in the Backshore	CH. 85: Development Standards in the Backshore	No changes
CH. 86: Mitigation Fee Requirements	Existing Fish Habitat Mitigation Fees to be incorporated into Rules of Procedure	Mitigation requirements moved to applicable development type in Chapter 84
CH. 90: Definitions	CH. 90: Definitions	Added definitions related to Shorezone that were not previously defined

Description of Substantive Amendments in Chapters 80-85

Mooring Allocation, Permitting and Development Standards: Section 84.3 of the draft Code sets allocation and permitting rules for new buoys and other moorings, including a gradual permit release schedule. Development standards are differentiated between buoys within or outside of buoy fields, and by individual parcel, homeowner's associations, and marinas. Provisions are included to allow adaptation for low lake level.

Pier Allocation, Permitting and Development Standards: Section 84.4 of the Code creates a phased program to permit new piers. Allocation of piers is distributed by geographic quadrant. Development standards are differentiated between multiple use and single use piers, with priority given to those piers that retire future pier development rights.

Marinas: The requirement for a marina master plan has been removed and replaced with Section 84.6 that provides specific marina development standards. Provisions are made for low lake adaptation and flexibility in design. Environmental improvements are required at marinas based on the scale of the project and increase in capacity.

Dredging: Section 84.9 was revised to apply standards similar to state and federal requirements for new dredging in marinas, public health and safety facilities and public boat ramps.

Watercraft Concessions: Under Section 84.10.2 of the revised ordinance, existing concessions in operation prior to September 1, 2017, may be permitted with TRPA provided they meet applicable BMPs; temporary permits would no longer be issued for yearly operations. Future concessions for motorized boat rentals would only be permitted at marinas, with boats required to be moored on permitted buoys or buoy strings. Storage racks would be allowed for non-motorized concessions provided they meet screening requirements.

Low Lake Level Adaptation: Section 84.3.3 allows individual buoys and buoy fields to be moved further lakeward during low water. Section 84.6.2 and 84.9.3 gives marinas the flexibility to use temporary pier extensions and buoy anchors during low lake level conditions.

Mitigation Requirements: The Shoreline Plan EIS identifies mitigation measures needed to ensure that the program would not result in significant environmental impacts. Mitigation measures incorporated into the code include the following:

- Scenic mitigation fees for buoys (Section 84.3.3.C)
- Color standards for piers (Section 84.4.3.A.5)
- Scenic mitigation for new and expanded piers (Section 84.4.3.A.6)
- Littoral drift analyses for piers with floating sections longer than 25 ft (Section 84.4.3.A.9)
- An aquatic invasive species management plan requirement for all marinas (Section 84.6.2.B)

Exempt/Qualified Exempt: Chapter 82 was revised to include exempt and qualified exempt activities, which will replace those shorezone-specific standards currently in Chapter 2 of the code.

Table 2-Policy Code Crosswalk

Policy Recommendation	Existing Code of Ordinances	2018 Proposed Code Amendment
MOORINGS	84.7 Mooring Buoys	New Section 84.3 Mooring Structures
Mooring Applicability	84.7 Code contains a definition and standards specific to buoys, not for moorings in general	Proposed definition added to Chapter 90
Moorings per Littoral Parcel	84.7.1	84.3.2(A) Moorings per Littoral Parcel and 84.3.2(B) Watercraft per Mooring
Mooring of Motorized Boats	NA /Motorized Watercraft limits included in 84.17	84.10.1(A) Overnight Anchoring and 84.10.1(B) Beaching of Motorized Watercraft to address overnight mooring limitations and beach mooring prohibition during the spawning season.
Boat Slips	NA	Section 84.3 applies to boat slips; also new subsection 84.3.2(E)(2) Allocation of Additional Moorings and 84.3.2(E)(5) Allocation of New Boat Slips. Also added provision for boat slips at marinas in Section 84.6. Other than relocation/conversion standards, no development standards specific to boat slips.
Mooring Conversion	NA	84.3.2(D) Conversion of Existing Mooring Structures. Conversion of mooring structures also covered under Marinas section 84.6
Marine Railways	84.6.1 as related to boat ramp standards, 90-Definitions	84.3.2(D) Conversion of Existing Mooring Structures. Subsection 2.a addresses the conversion of marine railways to a buoy or boat lift. Conversion of a marine railway to a pier is prohibited. 84.6.1 CH. 90
BUOYS	84.7	84.3.3 Mooring Buoys includes eligibility and development standards for individual buoys and buoy fields; 84.3.2(E) includes allocation and permitting standards for new buoys including gradual permit release schedule.
Buoys -Enforcement	NA	NA
Buoy Allocation	NA	84.3.2(E) Allocation and Permitting
Buoy Permitting	NA	Addressed under 84.3.2(E) Allocation and Permitting with specific permit release schedule under subsection (E)(4)
Buoys not within a buoy field	84.7.1.C	84.3.3(D) Mooring Buoys not Associated with a Buoy Field
Legally Existing Buoys	CH. 82	84.3.3(D)(3) Existing Buoys

Buoy Fields (including marinas)	NA	84.3.3(E) Buoy Fields
Private Harbors	NA	84.3.3(F) Low Lake Level Adaptation. Allows additional permanent anchor blocks to accommodate low water conditions or inaccessibility.
Buoys associated with Concessions	Current definition 81.5.14	Definition in 81.5.14 amended. Concessions section included in 84.10.2
PIERS	84.5	84.4 Piers. Includes: Applicability, Eligibility, Development Standards, Allocation and Permitting
Piers-Applicability	NA	84.4.1 Applicability
Private Pier Distribution	NA	84.4.4 Allocation and Permitting
Pier Definitions	90	Definitions added/revised in CH. 90
Pierhead line	84.5.1.D, 10.3.1	Revised language added to CH. 90 as well as 10.3.1.E.
General -Pier	84.5	84.4.3 Development Standards
Incentives for Multiple - Use Pier	NA	84.4.3(C) Additional Standards for Multiple-Use Piers
Eligibility Restrictions	Littoral Parcel definition in CH. 90	84.4.2 Eligibility
Public Water Intakes	81.5.13, 81.3.1, 81.4	Added: 84.4.3(A)(3) which includes standards for notifying water purveyors
Allocation and Distribution of Potential New Piers	NA	84.4.4 Allocation and Permitting
Prioritization	NA	84.4.4(C)(2) Permit Review Priority for Multiple-Parcel Piers; also addressed in
Scenic BMPs	CH. 66	Reference to Ch 66 and requirement for Scenic BMPs added to 84.4.3(A)(4) under General Standards. Included cross reference to Level 3 in Chapter 66.
Multiple Use Design Standards	84.9	84.4.3(C) Additional Standards for Multiple-Use Piers
Single Use Design Standards	84.5	84.4.3(B) Additional Standards for Single-Use Piers; Chapter 90 updated w/revised definitions
Public Piers	84.9 Multiple Use Facilities	84.4.3(D) Additional Standards for Public Piers
Commercial and Tourist Accommodation Piers	84.9 Multiple Use Facilities	84.4.3(E) Additional Standards for Commercial and Tourist Accommodation Piers
Pier Relocation and	CH. 84 Location standards	84.4.3(G) Relocation and Transfer of Existing Piers.

Transfer		Definitions added to Chapter 90.
Pier Conversion	84.5.1.C	Added in Boat Ramps section, 84.5.3(F) covers conversion of an existing boat ramp to a pier.
Expansion of Existing Piers	CH. 82	84.4.3(F) Expansion and Modification of Existing Piers. Also included section in Marinas, 84.6.3(E), for extension of existing piers.
Expansion of Existing Non-conforming Structures	CH. 82.4 Existing Structures in the Nearshore or Foreshore	82.7.1.A Non-conforming structures 82.7.1.B Reconstructions and non-exempt repairs of existing structures
Modification of Existing Piers	CH. 82	84.4.3(F) Expansion and Modification of Existing Piers
Mitigation	CH. 86 Mitigation Fee Requirements-based on fisheries Fees and mitigation are currently described in partial permitting program-see website application materials: http://www.trpa.org/permitting/permit-applications/ Scenic Mitigation requirements included in Ch. 66	Chapter 86 deleted Chapter 84.11 Mitigation added/moved based on original Section 84.4, Fish Habitat and Spawning Study; applies generally to all projects undertaken in fish habitat. 84.4.3(A)(7) Fish Habitat Mitigation. References also in 84.5.3(B) for boat ramps. Included cross reference to Level 3 in Chapter 66.
Floating (Swim Platforms)	CH. 90 definition for Floating Docks or Platforms	84.8.1 Floating Platforms. No change made to Chapter 90 (none necessary).
BOAT RAMPS	84.6	New Section 84.5 Boat Ramps 84.6.3(D) - Boat ramp section added for marinas.
Boat Ramps	84.6 and Marina Master Plan Guidelines	84.5.3 Development Standards; largely taken from vacated code. 84.5.4 Allocation
MARINAS	84.13	Revised Section 84.6 Marinas: Applicability, Eligibility, Development and Use Standards, Permitting
Marina applicability	Marina Master Plan Guidelines and 84.13 Referenced in other location of the TRPA Code 14.4, 66.3	Reference removed in 14.4. . Noted in "Applicability" under Section 84.6.1 84.6.2 Eligibility. Defines minor and major marina projects. Furthermore, subsection B, Required Findings,

		<p>outlines necessary and optional environmental improvements for marina projects.</p> <p>No more requirement for master plan guidelines.</p> <p>66.3.6 Ok as reference to marina master plan as some marinas may be operating under an existing or may propose a marina master plan</p>
Marina definitions	NA, Marina Master Plan Guidelines	Definition in 81.5.6 revised based on definition in master plan guidelines
OTHER ACTIVITIES/MISC TOPICS		
Dredging	84.15.3 and CH. 4,	84.9 Filling and Dredging – Applicability, Eligibility, Development Standards
Overnight Anchoring	NA	84.10.1(A) Overnight Anchoring – in Other Activities and Uses. Existing sections in 84.17 Motorized Watercraft included under new 84.10 Other Activities and Uses
No Wake Zone	84.17	84.10.1(C) No Wake Zones. Per consolidated policy document, no wake zone maintained at 600 feet from waterline; Emerald Bay zone added. Also included no wake zones around shorezone structures, swimmers, and non-motorized watercraft.
Concessions	81.3.2	84.10.2 Water Oriented Outdoor Recreation Concessions: Applicability, Eligibility, Development and Use Standards
Non-motorized boating	NA	<p>84.10.2(C)(2) under Development and Use Standards for concessions.</p> <p>84.6.2(B)(3) – list of major project requirement to include environmental improvements. This includes items related to non-motorized boating (ix), (x), (xi), and (xii)</p>
Personal Watercraft	NA	Definition added to Chapter 90
Other Structures	84.12	From consolidated policy doc and reference to 84.12, this is about jetties/breakwaters/etc. Added to new section 84.7 Shoreline Protection: 84.7.2(A) Eligibility.
Low Lake Level Adaptation	84.15.4	<p>84.3.3(F) – applies to buoys</p> <p>84.5.3(D) and (E) – applies to boat ramps</p> <p>84.6.2(A)(1)(c) – applies to mooring structures in marinas</p> <p>84.9.3(B) – applies to dredging</p> <p>Low lake level adaptation not provided for piers in consolidated policy document.</p>

Direct Access towards Marinas and other Public Ramps	NA	84.6.2 Eligibility
Tolerance Districts and Permissible Uses	CH. 83	No changes made
Public Trust Easement in CA	NA	Statement added in 84.4.4(F), MOU Requirement in Piers section
Tahoe Keys	NA	See statements of clarification made in 84.2.1, Applicability.
Green Infrastructure	NA	Added as an example environmental improvement for marinas – 84.6.2(B)(3)(b)(xv).
Environmental Improvement	NA	84.6.2 Eligibility. Defines minor and major marina projects. Furthermore, subsection B, Required Findings, outlines necessary and optional environmental improvements for marina projects. Emphasis placed on including additional environmental improvements depending upon project scale.
Structural Repair	82.3	Definitions of minor and major structural repair moved to CH. 90 and updated.
Fish Habitat	82.4.5, 84.4,10.3.1, 63.3.1	Removed from CH. 82. 84.4 replaced with new mitigation section 84.11. Edit made to Section 63.3.1. Update 10.3.1 map to include official title of updated TRPA fish habitat layer
Mitigation fees	86.3,4,5	Chapter 86 removed; New mitigation Section 84.11 does not reference fees. Existing Fish Habitat mitigation fees to be referenced in the Rules of Procedure.
OTHER CHAPTER UPDATES		
Introduction to Code of Ordinances	CH 1	Retitled CH 82 and CH 84. Removed CH 86
Exempt and Qualified Exempt Activities	CH 2	Moved provisions from CH. 2 to 82.4 and 82.5
Maps	CH 10	Update map definitions and labels, if applicable
Allocation of Development	CH 50	Allocation sections added to each relevant shorezone structure section. Reference to these sections added in new subsection, 50.11.
Permissible Uses- Reference to Area Plans	Ch. 81 -Permissible uses in Shorezone and Lakezone	Update to include Area Plans as well as Plan Area Statements

Mitigation Fees	CH 86	Chapter removed. Existing Fish Habitat mitigation fees to be moved to Rules of Procedure.
MISC. RECOMMENDATIONS		
Construction in Shorezone		Included in 81.5.4, Construction Equipment Operation and 81.5.5, Construction Equipment Storage
Tour Boats/Commercial Vessels		All commercial and tour boat facilities shall be located at a marina facility (84.6.3(A)(2)). Fueling facilities shall only occur within marinas (84.6.3(A)(3))

Table 3- Proposed Amendments to Chapters 1, 2, 10,14, 50,63,66, 90

Code Section	Existing Language	Proposed Change
1.3.7 Shorezone (Chapters 80 through 86)	1.3.7 Shorezone (Chapters 80 through 86)	1.3.7 Shorezone (Chapters 80 through 86 85)
1.3.7(C)	Chapter 82: Existing Structures – Regulations affecting the maintenance, repair, and expansion of existing structures within the shorezone of Lake Tahoe;	Chapter 82: Existing Structures <u>and Exempt Activities</u> – Regulations affecting the maintenance, repair, and expansion of existing structures within the shorezone of Lake Tahoe;
1.3.7(E)	Chapter 84: Development Standards Lakeward of High Water – Regulations affecting development lakeward of the high water line, including fish habitat and spawning, standards for man-made structures, filling and dredging, and motorized watercraft;	Chapter 84: Development Standards Lakeward of High Water <u>in the Shorezone and Lakezone</u> – Regulations affecting development lakeward of the high water line, including fish habitat and spawning, standards for man-made structures, filling and dredging, and motorized watercraft;
1.3.7(G)	Chapter 86: Mitigation Fee Requirements – Requirements for mitigation fees assessed to provide funds for restoration of fish habitat and to mitigate possible degradation.	Deleted Chapter 86
2.3 Exempt Activities (Shorezone)	<p>2.3.3 Shorezone Activities</p> <p>The following activities are not subject to review and approval by TRPA provided they comply with subsection 83.11.11 do not result in the creation of additional land coverage, or in an increase in the dimensions of the structure, including height, width, and length.</p> <p>A. Ordinary maintenance and repair, which is the replacement of, or modification to parts of a structure that do not affect the weight bearing or strength capacity of the structure, including replacement and repair of windows, doors, and electrical and mechanical equipment.</p> <p>B. The replacement and repair of mooring buoys, excluding replacement of their anchoring</p>	See amended Section 82.4

	<p>devices. Parcel consolidations in accordance with subparagraph 2.3.2.K</p>	
2.3 Exempt Activities (Shorezone)	<p>2.3.7.B Shorezone Activities</p> <p>The following activities are not subject to review and approval by TRPA provided the applicant certifies, on a TRPA qualified exempt form, that the activity fits within one or more of the following categories and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and complies with all restrictions set forth below.</p> <p>1. Minor structural repair as defined in subsection 82.3.3 and painting, staining, reroofing, residing and the installation or replacement of deck coverings, provided such activities conform to the design standards set forth in Section 83.11 and do not result in a change in use or an increase in the dimensions of the structure, including height, width, and length.</p> <p>2. Repair of fences, provided the fence complies with the applicable development standards in subsection 84.12.2 and the design standards in subsections 83.11.1 and 83.11.3.</p> <p>3. The replacement and repair of the anchoring device for a mooring buoy provided TRPA has issued a permit for such mooring buoy pursuant to subsection 82.4.7.</p> <p>4. Demolition of structures, improvements, or facilities in accordance with subparagraph 2.3.7.A.7.</p> <p>5. Construction, reconstruction, repair, and modification of piers, floating docks and platforms and</p>	See amended Section 82.5

	<p>shoreline protective structures in lagoons pursuant to memorandums of understanding as provided for in Section 84.11.</p> <p>6. Changes in operation resulting in the generation of less than 100 additional vehicle trips are exempt provided the resulting use is an allowed use and the applicant pays an air quality fee in accordance with the Rules of Procedure.</p>	
10.3.1.A Regional Plan Map Layers	Pierhead Line GIS Layer	<p>Pierhead Line GIS Layer</p> <p><u>The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps and digitized by TRPA. Specific project applications may propose a more refined pierhead line based on new site-specific survey and proof of location of piers constructed before 1972 (aerial maps, etc).</u></p>
14.2 Applicability	Expansion of marinas shall be limited to ten new boat slips and ten new buoys until the adoption of a specific or master plan for the marina.	<p>Expansion of marinas shall be limited to ten new boat slips and ten new buoys until the adoption of a specific or master plan for the marina. <u>the provisions set forth in Section 84.6</u></p>
14.4 Eligible and Required Plans	All areas are eligible for a specific or master plan. Some areas, such as the South Lake Tahoe Airport, ski areas, and marinas, are required by the Goals and Policies, Plan Area Statements, or the Code to have a TRPA-approved specific or master plan.	<p>All areas are eligible for a specific or master plan. Some areas, such as the South Lake Tahoe Airport, <u>and</u> ski areas and marinas are required by the Goals and Policies, Plan Area Statements, or the Code to have a TRPA-approved specific or master plan.</p>
50.11 Allocation of Shorezone Structures	N/A	<p><u>50.11 Allocation of Shorezone Structures</u></p> <p><u>Structures in the shorezone and lakezone shall be allocated pursuant to applicable provisions in Chapter 84, Development Standards in the Shorezone and Lakezone. The following subsections address allocation of shorezone structures:</u></p> <p><u>84.3 Mooring Structures</u> <u>84.4.Piers</u> <u>84.5 Boat Ramps</u></p>
63.3.1 Fish Resources-Lake Habitat	63.3.1.E The physical alteration of the substrate in areas of prime fish habitat is prohibited unless	63.3.1.E The physical alteration of the substrate in areas of prime fish habitat is prohibited unless

	approved by TRPA.	approved by TRPA. shall be mitigated.
66.3.3.C Levels of Scenic Mitigation	<p>Level 3</p> <p>All projects on existing visible structures in the shoreland altering or increasing the lakefront façade area 20 percent or less and the result is 1,500 square feet or less of lakefront façade or non-repair projects on structures adjacent and lakeward of the shoreland. The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:</p>	<p>Level 3</p> <p>All projects on existing visible structures in the shoreland altering or increasing the lakefront façade area 20 percent or less and the result is 1,500 square feet or less of lakefront façade or non-repair projects on structures adjacent and lakeward of the shoreland, <u>including pier structures per subsection 84.4.3(A)(4)</u>. The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:</p>
66.3.6 Marina Master Plans	<p>Marina Master Plans</p> <p>In developing and approving marina master plans pursuant to Chapter 14: <i>Specific and Master Plans</i>, the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan to ensure consistency with attainment and maintenance of environmental thresholds.</p>	<p>Marina Master Plans <u>and Projects</u></p> <p>In developing and approving marina master plans pursuant to Chapter 14: <i>Specific and Master Plans, and projects within marinas</i> the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan <u>or project</u> to ensure consistency with attainment and maintenance of environmental thresholds.</p>
Chapter 90-Definitions		
Average Peak Use	NA	<u>Average Peak Use</u> <u>The average of the peak usage over a period of time.</u>
Beach Replenishment	NA	<u>Beach Replenishment</u> <u>The artificial placement of large quantities of sand in the shorezone to restore beaches diminished by erosion.</u>
Boat Launching Facility	NA	<u>Boat Launching Facility</u> <u>Recreational establishment that provides boat launching, parking, and short term trailer storage for</u>

		<u>the general public. Long term storage, mooring, and maintenance of boats is included under marinas.</u>
Boat Slip	NA	<u>Boat Slip</u> <u>The portion of a pier or flat where a boat is berthed or moored, or used for embarking or disembarking.</u>
Catwalk	NA	<u>Catwalk</u> <u>Also referred to as a finger pier. A fixed or floating narrow dock walkway that provides access to a vessel. A catwalk is an accessory structure to a pier.</u>
Commercial Boating	81.5.3	<u>Commercial Boating</u> <u>Commercial use of pleasure craft or other vessel on a body of water.</u>
Essential Public Health and Safety Facility	NA	<u>Essential Public Health and Safety Facility</u> <u>When located in the Shorezone, an essential public health and safety facility provides lake access and egress for public safety and emergency response.</u>
Expansion	An increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. For any expansion applicable to the shorezone, see subsection 81.6.2	<u>Outside of the shorezone, "expansion" means an increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. For any expansion applicable to the shorezone, see subsection 81.6.2.</u> <u>Within the shorezone, "expansion" means an increase in size or extent, including an increase in the dimensions of a structure, change in configuration of a structure, and the addition of any structure or edifice to an existing structure.</u>
Marina	81.5.6	<u>Marina</u> <u>See subsection 81.5.6.</u>
Mooring	NA	<u>Mooring</u> <u>A place where a watercraft is held fast with cables, lines, or anchors.</u>
Non-contiguous parcels	NA	<u>Non-contiguous parcels</u> <u>Parcels that are not adjacent parcels and whose boundaries do not touch.</u>
Personal Watercraft	NA	<u>Personal Watercraft</u> <u>Watercraft less than 13 feet in length designed to be operated by a person or persons sitting, standing, or kneeling on the craft rather than within the confines of a hull, and with a maximum capacity of three (3) people.</u>

Pier	A fixed or floating structure extending from the backshore to beyond the line marking the high water elevation of a lake.	A fixed or floating structure <u>intended as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 feet Lake Tahoe Datum, or a functionally similar depth on other lakes in the Region.</u>
Pier, Multiple-parcel	NA	<u>Pier, Multiple-parcel</u> A pier that retires pier development potential through deed restriction on one or more littoral parcels. A multiple-parcel pier may be built to either single- or multiple-use pier development standards.
Pier, Multiple-use	NA	<u>Pier, Multiple-use</u> A pier that serves more than one parcel.
Pier, Single-parcel	NA	<u>Pier, Single-parcel</u> Also referred to as a single-use pier. A pier that serves one littoral parcel, and that retires no development potential as part of a pier application process.
Pier Relocation	NA	<u>Pier Relocation</u> The replacement of an existing pier with a new pier in a different location on the same parcel.
Pier Transfer	NA	<u>Pier Transfer</u> The replacement of an existing pier with a new pier on a different parcel.
Pierhead Line	Pierhead Line A line established on the adopted shorezone maps of TRPA	<u>Pierhead Line</u> A line established on the adopted shorezone maps of TRPA <u>and digitized for all areas around Lake Tahoe.</u>
Pump-out Facilities	NA	<u>Pump-out Facilities</u> Pump-out facilities consist of the equipment needed to pump or otherwise receive and transfer contents of vessel holding tanks into a sewage retention and/or disposal system approved by the permitting organizations.
Revetment	NA	<u>Revetment</u> Sloping structure armored with stone or other material through which water may pass.
Stacked Storage	NA	<u>Stacked Storage</u> Stacked storage refers to boats that are stored ashore, on racks or other structures either outdoors or inside a storage building, that can be retrieved for launching on demand or by reservation.
Tour Boat Operation	81.5.11	<u>Tour Boat Operation</u> Commercial use of a vessel rated by the U.S. Coast

		<u>Guard for more than 30 passengers, where such passengers board and unboard at a single site.</u>
Unserviceable	Unserviceable See subsection 82.3.4.	Unserviceable <u>See subsection 82.3.4. Unserviceable shall be defined as a structure that can no longer serve the function for which it was designed. In calculating the time period that a structure has been unserviceable, the period of time shall not be counted when TRPA was restrained from accepting applications for repairs to structures in the shorezone due to the preliminary injunction filed on August 9, 1984 in the matter of State of California/ League to Save Lake Tahoe v. TRPA.</u>

ATTACHMENT G:
Adopting Resolution for Rules of Procedure Amendments

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING
AGENCY TO ADOPT AMENDMENTS TO ARTICLE 10.8.5 OF THE TRPA RULES
OF PROCEDURE REGARDING SHORELINE FEES

WHEREAS, the Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region; and

WHEREAS, the Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds; and

WHEREAS, TRPA adopted Rules of Procedure to govern its affairs, including Rule 10.8.5 regarding the assessment of mitigation fees; and

WHEREAS, The Lake Tahoe Shoreline Plan amends the TRPA Code of Ordinance provisions that regulate the development of shoreline structures; and

WHEREAS, The Lake Tahoe Shoreline Implementation Program identifies programs necessary to avoid certain environmental impacts, and the Shoreline Plan Environmental Impact Statement (EIS) identifies potentially significant impacts from the addition of shoreline structures and increase in boating that would result from implementation of the plan and identified program elements necessary to mitigate these impacts; and

WHEREAS, TRPA made the necessary findings to adopt the amendments to 10.8.5 of the Rules of Procedure as required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby amends TRPA Rules of Procedure Rule 10.8.5 as shown in Exhibit 1 hereto in order to implement the Shoreline Implementation Program and Shoreline Plan EIS.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2018, by the following vote:

Ayes:
Nays:
Absent:

James Lawrence, Chair
Tahoe Regional Planning Agency
Governing Board

EXHIBIT 1:
Amendments to Rules of Procedure

ARTICLE 10: MISCELLANEOUS

10.1 APPLICABILITY OF STATUTES

The applicable procedural provisions of the Compact are hereby made a part of these Rules and regulations of practice and procedure by reference as fully and to the same extent as if the same were fully set forth.

10.2 LIBERAL CONSTRUCTION

These Rules and regulations shall be liberally construed to secure just, speedy and economical determination of all matters before the Governing Board.

10.3 DEVIATION

In special cases, and for good cause not contrary to law, the Board may permit deviation from these Rules and regulations to the extent that strict compliance is determined to be impracticable or unnecessary.

10.4 INITIATION AND DEFENSE OF LEGAL ACTIONS

The Board of the Agency and, between its meetings, the chairman of the Agency may request legal counsel to initiate all necessary and proper legal actions and to defend legal actions, as may be required on behalf of the Agency.

10.5 SERVICE ON THE AGENCY

10.5.1 Summons may be served on the Agency by delivering a copy of the summons and complaint to the chairman or the executive officer. No other member, employee, agent, or other person is authorized to accept service on behalf of the Agency, except the chairman or executive officer may authorize legal counsel to accept same in individual cases.

10.5.2 Whenever the chairman or the executive officer is served, he shall immediately notify legal counsel of the service. If service is upon the executive officer, he shall also immediately notify the chairman.

10.6 PREPARATION ON THE ADMINISTRATIVE RECORD

10.6.1 If a legal action is filed against the Agency in relation to an Agency action, judicial review will be based on the administrative record for the Agency action. The administrative record will include all of the documents considered by the Agency in rendering its decision and may consist of some or all of the documents included in the project file, if applicable (see Section **Error! Reference source not found.** of the Rules). The administrative record may also include, but is not limited to, the following additional items:

- A. Correspondence related to the Agency action.
- B. Additional documents or reports relating to the Agency action.

- C. Document referenced in any relevant environmental documentation.
- D. Tape recording and/or minutes from all relevant public meetings.

10.6.2. Any Agency cost related to preparation of the administrative record, including but not limited to the use of resources or staff time to gather documents, organize and create and index to the administrative record, conduct a privilege review of the administrative record, shall be borne by the plaintiff(s) in the legal action.

10.7 FEES FOR SERVICES

10.7.1 Whenever the Agency performs services for members of the public, other than applicants or other public agencies, by providing or mailing copies of documents, the Agency shall collect a reasonable charge for the purpose of recovering costs to the Agency.

10.7.2 The chairman or executive officer shall set, or cause to be set, the service charges for handling, copying and mailing.

10.8 FEES FOR REVIEWS

10.8.1 Basic Fees

Fee schedules for project review and preparation of environmental documents shall be set by resolution of the Body.

10.8.2 Consultant Fees

Under applicable circumstances, in addition to the application filing fee, a fee shall be charged that is equal to the fee estimated by the consultant selected by the Agency pursuant to Section **Error! Reference source not found.**

10.8.3 Exception

Whenever, in the opinion of the chairman or executive officer, the basic fee or the consultant fee does not reasonably reflect the actual cost to the Agency of analyzing or preparing required environmental documents, the chairman or executive officer may increase the basic fee or the consultant fee by an amount not exceeding 50 percent of the amount indicated.

10.8.4 Calculation of Fees

Project review fees shall be in accordance with the adopted schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule, in which case the actual cost shall be used.

10.8.5 Mitigation Fees

A. Air Quality Mitigation Fee

1. TRPA shall assess an air quality mitigation fee according to the following schedule:
 - a. For new residential units - \$325.84/daily vehicle trip.
 - b. For new tourist accommodation units - \$325.84/daily vehicle trip.

- c. For new campground site or recreational vehicle site - \$325.84/daily vehicle trip.
 - d. For new commercial floor area - \$36.20/daily vehicle trip.
 - e. For all other development - \$36.20/daily vehicle trip.
2. TRPA shall review the fee schedules in this subsection i in light of the costs of needed improvements and the funds available to support those improvements and recommend adjustments to the fee schedules as appropriate.
 3. Refund: Air quality mitigation fees may be refunded, under certain conditions, in accordance with these Rules.

B. Rental Car Mitigation Fee

Beginning January 1, 2002, the rental car mitigation fee shall be \$4.75 for EACH DAY of the rental transaction. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental car outside the Tahoe region shall not be cause for exemption from payment of the fee. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region, rounded to the nearest quarter-dollar. Any adjustment to the fee shall be reviewed and approved by the Tahoe Transportation District.

C. Excess Land Coverage Mitigation Fee

The excess land coverage fee shall be calculated according to the schedule below:

EXCESS LAND COVERAGE MITIGATION FEE	
Hydrologic Transfer Area	Fee Per Sq. Ft.
Area 1 – Incline	\$20.00
Area 2 – Marlette	\$12.00
Area 3 – Cave Rock	\$25.00
Area 4 – South Stateline (Nevada side)	\$15.00
Area 4 – South Stateline (California side)	\$8.50
Area 5 – Upper Truckee	\$8.50
Area 6 – Emerald Bay	\$8.50
Area 7 – McKinney Bay	\$8.50
Area 8 – Tahoe City	\$8.50
Area 9 – Agate Bay (California side)	\$8.50
Area 9 – Agate Bay (Nevada side)	\$18.00

D. Water Quality Mitigation Fee

The current fee of \$1.54 per square foot shall be increased to \$1.86 per square foot.

1. Mitigation Fee Credit

If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:

- a. The prior project approval was granted within the same project area as the project approval for which a credit is sought;
- b. The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and
- c. A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.

2. Mitigation Fee Refunds

Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.

E. Shorezone Fees

1. Mooring Fee. The owner of every mooring on, or with access to, Lake Tahoe shall pay a fee to TRPA of \$43 per year.

2. Buoy Scenic Mitigation Fee. All buoys shall be assessed a scenic mitigation fee of \$47 per year.

3. Motorized Boat Rental Concession Fee. Concessionaires shall pay the following fees to TRPA annually for every motorized boat subject to rental:

a. For every boat with an EPA 3-Star or better rating: \$75 per year;

b. For every boat with an EPA 2-Star or worse rating: \$150 per year.

4. New Construction and Expansions.

a. Piers. New pier construction and the expansion of the existing piers shall be assessed mitigation fees as follows:

i. New pier - \$60 per linear foot

ii. Additional length to an existing pier - \$60 per lineal foot

iii. Other additions - \$600 per application

b. Boat Ramps. Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees as follows:

i. New boat ramp - \$60 per lineal foot

ii. Additional length to an existing ramp - \$60 per lineal foot

iii. Additional width to an existing ramp - \$200 per lineal foot

c. Marinas. Marina construction and the expansion of existing marinas shall be assessed mitigation fees as follows:

- i. New boat slip - \$200 per slip
- ii. New mooring buoy - \$200 per buoy
- iii. Other additions - \$500 per application

10.8.6 Monitoring Fees

Allocation Monitoring Fees

The allocation monitoring fee shall be \$100 per allocation issued by a local jurisdiction.

ATTACHMENT H:
Adopting Resolution for Memorandum of Understanding
Between the TRPA and California State Lands Commission regarding
Shorezone Permitting Process Coordination

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY’S GOVERNING BOARD
TO ADOPT A MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA STATE LAND COMMISSION
REGARDING SHOREZONE PERMITTING PROCESS COORDINATION

WHEREAS, Lake Tahoe is a navigable body of water, approximately two-thirds of which is within California;

WHEREAS, the bed and banks of the California portion of Lake Tahoe are owned by the State of California up to elevation 6,223 feet Lake Tahoe Datum (LTD) (State Sovereign Lands);

WHEREAS, the California public trust easement extends from 6,223 to 6,228.75 feet LTD (State Easement);

WHEREAS, the State of California through the CSLC has authority to issue leases for the lawful use of its Sovereign Lands and to administer the State Easement;

WHEREAS, the State Sovereign Lands and the State Easement shall collectively be referred to as State Lands and Interests hereafter;

WHEREAS, the TRPA has authority to issue permits for uses and structures within the Lake Tahoe Region under the Tahoe Regional Planning Compact;

WHEREAS, the TRPA has authority to plan for the development, utilization and management of the recreational resources of the Lake Tahoe Region, including its beaches and marinas;

WHEREAS, CSLC desires to preserve and protect legal public access to and along the California side of Lake Tahoe for all lawful purposes;

WHEREAS, the TRPA desires to preserve and protect recreational opportunities at Lake Tahoe;

WHEREAS, both CSLC and TRPA have an interest in a coordinated and streamlined processing and implementation of their respective permitting authority, leasing authority and other authorities at Lake Tahoe;

WHEREAS, the placement of piers, mooring buoys and other structures on State Sovereign Lands requires a lease from the CSLC (Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b)) and a permit from the TRPA (TRPA Code of Ordinances 52.4.A);

WHEREAS, the Parties are entering into this MOU to establish the agreements of the Parties with respect to the permitting of structures and activities involving State Sovereign Lands and Interests that may affect recreational opportunities at Lake Tahoe;

WHEREAS, this MOU sets forth a process for review of applications, with each Party reserving its respective authority and responsibility and not delegating or ceding any authority or responsibility from one Party to the other;

WHEREAS, the Parties respect the sovereign interests of the state of Nevada and agree that the provisions of this MOU only govern the California side of Lake Tahoe and in no way affect the Nevada side of Lake Tahoe or the sovereign interests of the state of Nevada;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby authorizes the TRPA Executive Director to enter into the Memorandum of Understanding with the California State Land Commission regarding Shorezone Permitting Process Coordination, as reflected in Exhibit 1 of the resolution.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this __ day of _____, 2018, by the following vote:

Ayes:
Nays:
Absent:

James Lawrence, Chair
Tahoe Regional Planning Agency
Governing Board

EXHIBIT 1

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA STATE
LANDS COMMISSION AND THE TAHOE REGIONAL PLANNING AGENCY
REGARDING SHOREZONE PERMITTING PROCESS COORDINATION**

This MEMORANDUM OF UNDERSTANDING (MOU) is entered into this _____ day of _____, 2018 by and between the California State Lands Commission (CSLC), an agency of the State of California and the Tahoe Regional Planning Agency (TRPA), a bi-state agency created by the Tahoe Regional Planning Compact (together herein described as “the Parties”).

RECITALS

WHEREAS, Lake Tahoe is a navigable body of water, approximately two thirds of which is within California;

WHEREAS, the bed and banks of the California portion of Lake Tahoe are owned by the State of California up to elevation 6,223 feet Lake Tahoe Datum (LTD) (State Sovereign Lands);

WHEREAS, the California public trust easement extends from 6,223 to 6,228.75 feet LTD (State Easement);

WHEREAS, the State of California through the CSLC has authority to issue leases for the lawful use of its Sovereign Lands and to administer the State Easement;

WHEREAS, the State Sovereign Lands and the State Easement shall collectively be referred to as State Lands and Interests hereafter;

WHEREAS, the TRPA has authority to issue permits for uses and structures within the Lake Tahoe Region under the Tahoe Regional Planning Compact;

WHEREAS, the TRPA has authority to plan for the development, utilization and management of the recreational resources of the Lake Tahoe Region, including its beaches and marinas;

WHEREAS, CSLC desires to preserve and protect legal public access to and along the California side of Lake Tahoe for all lawful purposes;

WHEREAS, the TRPA desires to preserve and protect recreational opportunities at Lake Tahoe;

WHEREAS, both CSLC and TRPA have an interest in a coordinated and streamlined processing and implementation of their respective permitting authority, leasing authority and other authorities at Lake Tahoe;

WHEREAS, the placement of piers, mooring buoys and other structures on State Sovereign Lands requires a lease from the CSLC (Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b)) and a permit from the TRPA (TRPA Code of Ordinances 52.4.A);

WHEREAS, the Parties are entering into this MOU to establish the agreements of the Parties with respect to the permitting of structures and activities involving State Sovereign Lands and Interests that may affect recreational opportunities at Lake Tahoe;

WHEREAS, this MOU sets forth a process for review of applications, with each Party reserving its respective authority and responsibility and not delegating or ceding any authority or responsibility from one Party to the other;

WHEREAS, the Parties respect the sovereign interests of the state of Nevada and agree that the provisions of this MOU only govern the California side of Lake Tahoe and in no way affect the Nevada side of Lake Tahoe or the sovereign interests of the state of Nevada;

WHEREAS, TRPA approved this MOU on ____ and CSLC approved this MOU on ____.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

- I.** The Parties agree to work together cooperatively to implement the terms of this MOU. Pursuant to all applicable laws of the State of California, the Tahoe Regional Planning Compact and the TRPA Regional Plan and Code of Ordinances, the Parties acknowledge that each agency retains its own legal authority and jurisdiction. Nothing in this MOU is intended to alter, amend, or exempt applicants from CSLC lease requirements, or compel CSLC to issue a lease on terms that it does not accept.
- II.** The following terms are defined for purposes of this MOU:
- A. Proposed Shorezone Improvements - Any new building, structure, improvement, or other human construction on State Lands or Interests that triggers the requirement for a permit under TRPA's Code of Ordinances except for reconstructions under TRPA Code Section 82.7. Proposed Shorezone Improvements do not include Exempt or Qualified Exempt activities under TRPA's Code of Ordinance.
- B. Design Condition - Conditions or design elements provided by CSLC that provide for legal, lateral public access as appropriate for each property, to ensure there is no unreasonable interference with legal, lateral public access. Legal, lateral public access can be provided with respect to a particular Proposed Shorezone Improvement by incorporating stairs or ladders and appropriate signage that allows the public to pass over the Proposed Shorezone Improvement, or using open piling construction with sufficient vertical clearance and signage that allows the public to pass under the Proposed Shorezone Improvement, or other public access accommodations in or adjacent to the State Easement to fulfill this requirement.

C. Eligible Design: any Proposed Shorezone Improvement that includes design elements intended to provide for legal, lateral public access that complies with TRPA's specific public access design exemptions codified in TRPA's Code of Ordinances.

D. Jurisdictional Determination - A written determination by CSLC that the Proposed Shorezone Improvement:

1. Will not encroach upon or otherwise impact State Sovereign Lands or the State Easement (No Jurisdiction Determination);
2. Will encroach upon or otherwise impact State Sovereign Lands (a Fee Ownership Determination); and/or
3. Will encroach upon or otherwise impact the State Easement (an Easement Determination).

III. The Parties shall coordinate with each other prior to issuing a permit, approval, or lease regarding a Proposed Shorezone Improvement through the following procedures to streamline and coordinate the review and approval of applications for Proposed Shorezone Improvements.

A. TRPA shall require any applicant for a Proposed Shorezone Improvement to obtain a Jurisdictional Determination from CSLC as part of the permit application process.

B. CSLC shall process Jurisdictional Determination requests within 45 days of receipt of materials reasonably necessary to make a Jurisdictional Determination. Depending on the Proposed Shorezone Improvement, these materials may include, but are not limited to, design plans, site and location photographs, and

survey information sufficient to locate the Proposed Shorezone Improvement in relation to the State Lands and Interests. CSLC shall provide a written Jurisdictional Determination to the applicant and TRPA. If CSLC fails to issue a Jurisdictional Determination, the applicant may elevate the matter to the executive level of both agencies. CSLC shall issue the Jurisdictional Determination within 10 days from the date of the elevation.

- 1.If the CSLC makes a No Jurisdiction Determination, no Design Conditions or CSLC lease will be required.
- 2.If the CSLC makes an Easement Determination, CSLC will not require a lease, but TRPA will include Design Conditions in the applicable TRPA permit unless the Design Conditions require modification to be consistent with TRPA's Code of Ordinances or its adopted Environmental Threshold Carry Capacities. If the Design Conditions require modification pursuant to this paragraph, TRPA and CSLC will seek input from the applicant. TRPA and CSLC will then work together to develop any limited changes required for the Design Conditions to be consistent with TRPA's Code of Ordinances and its adopted Environmental Threshold Carrying Capacities while providing for legal, lateral public access as applicable for the property. TRPA will incorporate the modified Design Conditions into any applicable permit.
- 3.If the CSLC makes a Fee Ownership Determination, CSLC will require a lease, and TRPA will include Design Conditions in the applicable TRPA permit subject to the modification process set forth in Paragraph III.B.2.b.

- C. If the CSLC has made a Fee Ownership Determination and/or an Easement Determination and no Eligible Design is proposed the CSLC will work with the applicant and TRPA to receive input and discuss the Proposed Shorezone Improvement, the public trust needs, and other local conditions to determine an appropriate Design Condition (the “Routine Process”). The CSLC will consider whether the Design Conditions contemplated are feasible and appropriate for the Proposed Shorezone Improvement, taking into consideration other TRPA regulations and ordinances.
- D. If the CSLC has made a Fee Ownership Determination and/or an Easement Determination and an Eligible Design is proposed, the CSLC will work with the applicant to receive input and discuss the Proposed Shorezone Improvement, the public trust needs, and other local conditions to determine an appropriate Design Condition (the “Streamlined Process”). The CSLC will consider whether the Design Conditions contemplated are feasible and appropriate for the proposed Shorezone Improvement, acknowledging that TRPA has effectively “pre-approved” the generic design through the Eligible Design process.
- E. Once the CSLC has made a final determination as to an appropriate Design Condition, TRPA will include the Design Condition in TRPA’s permit for the Proposed Shorezone Improvement subject to the modification process set forth in Paragraph III.B.2.
- F. If CSLC makes a Fee Ownership Determination with regard to the Proposed Shorezone Improvement, the applicant will need a lease from CSLC or an

amendment to an existing lease. It will be the intent of both Parties to engage in early coordination in order to process their respective applications concurrently.

IV. Termination. This MOU may be terminated by any of the Parties upon one hundred twenty (120) days' notice in writing. A Party's decision to withdraw from the MOU shall be made at a properly noticed public meeting and shall be supported by substantial evidence that the intent of the MOU is not being met. The Parties shall work in good faith to maintain this Memorandum of Understanding.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding.

CALIFORNIA STATE LANDS COMMISSION

Jennifer Lucchesi
Executive Officer

Date

Approved as to form:

Date

TAHOE REGIONAL PLANNING AGENCY

Joanne S. Marchetta
Executive Director

Date

Approved as to form:
TRPA General Counsel

John L. Marshall

Date

ATTACHMENT I:
Adopting Resolution for Memorandum of Understanding (MOU)
Between the TRPA and California State Lands Commission regarding
Buoy Enforcement on Lake Tahoe

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY’S GOVERNING BOARD
TO ADOPT A MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA STATE LAND COMMISSION
REGARDING BUOY ENFORCEMENT ON LAKE TAHOE

WHEREAS, Lake Tahoe is a navigable body of water, approximately two-thirds of which is within California;

WHEREAS, the bed and banks of the California portion of Lake Tahoe are owned by the State of California up to elevation 6,223 feet Lake Tahoe Datum (LTD) (State Sovereign Lands);

WHEREAS, the CSLC, on behalf of the State of California, has authority to issue leases for the lawful use and occupation of its State Sovereign Lands;

WHEREAS, the TRPA has authority to issue permits for uses and structures within the Lake Tahoe Region under the Tahoe Regional Planning Compact (Compact);

WHEREAS, the placement of piers, mooring buoys and other structures on State Sovereign Lands requires a lease from the CSLC (Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b)) and a permit from the TRPA (TRPA Code of Ordinances 52.4.A);

WHEREAS, the Parties recognize that although many mooring buoys have been placed on State Sovereign Lands in compliance with CSLC lease requirements and TRPA permit requirements, mooring buoys have also been placed on State Sovereign Lands without both CSLC and TRPA authorization. These unauthorized buoys negatively impact Lake Tahoe’s environmental, scenic, and recreational quality;

WHEREAS, CSLC has authority to remove unauthorized mooring buoys placed on State Sovereign Lands (Public Resources Code section 6302.1) either itself or by acting in concert with another federal, state, or local agency operating under CSLC’s direction (Public Resources Code section 6302.1, subdivision (f)(2));

WHEREAS, the TRPA has authority to enforce its regulations under Article VI of the Compact.

WHEREAS, the TRPA has available resources to implement the Parties’ agreed-upon approach to addressing unauthorized buoys on the California side of Lake Tahoe;

WHEREAS, the Parties recognize that considerations of fairness and considerations of environmental, scenic, and recreational quality suggest there is a need to address unauthorized buoys in Lake Tahoe;

WHEREAS, it is in the best interest of the Parties in carrying out their respective missions as public

agencies to work cooperatively to remove unauthorized buoys placed on the California side of Lake Tahoe; and

WHEREAS, the Parties seek to protect the waters of Lake Tahoe by entering into this MOU to establish the duties, authorities, and agreements of the Parties with respect to the removal of unauthorized buoys, subject to the aforementioned laws and regulations;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby authorizes the TRPA Executive Director to enter into the Memorandum of Understanding with the California State Land Commission, as reflected in Exhibit 1 of the resolution.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this __ day of _____, 2018, by the following vote:

Ayes:

Nays:

Absent:

James Lawrence, Chair
Tahoe Regional Planning Agency
Governing Board

EXHIBIT 1

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA STATE
LANDS COMMISSION AND THE TAHOE REGIONAL PLANNING AGENCY
REGARDING ENFORCEMENT OF UNAUTHORIZED BUOYS, VESSELS, AND
APPURTENANCES ON THE CALIFORNIA SIDE OF LAKE TAHOE**

This MEMORANDUM OF UNDERSTANDING (MOU) is entered into this ____ day of ____, 2018 by and between the California State Lands Commission (CSLC), an agency of the State of California and the Tahoe Regional Planning Agency (TRPA), a bi-state agency created by the Tahoe Regional Planning Compact (together herein described as “the Parties”).

RECITALS

WHEREAS, Lake Tahoe is a navigable body of water, approximately two thirds of which is within California;

WHEREAS, the bed and banks of the California portion of Lake Tahoe are owned by the State of California up to elevation 6,223 feet Lake Tahoe Datum (LTD) (State Sovereign Lands);

WHEREAS, the CSLC, on behalf of the State of California, has authority to issue leases for the lawful use and occupation of its State Sovereign Lands;

WHEREAS, the TRPA has authority to issue permits for uses and structures within the Lake Tahoe Region under the Tahoe Regional Planning Compact (Compact);

WHEREAS, the placement of piers, mooring buoys and other structures on State Sovereign Lands requires a lease from the CSLC (Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b)) and a permit from the TRPA (TRPA Code of Ordinances 52.4.A);

WHEREAS, the Parties recognize that although many mooring buoys have been placed on State Sovereign Lands in compliance with CSLC lease requirements and TRPA permit requirements, mooring buoys have also been placed on State Sovereign Lands without both

CSLC and TRPA authorization. These unauthorized buoys negatively impact Lake Tahoe's environmental, scenic, and recreational quality;

WHEREAS, CSLC has authority to remove unauthorized mooring buoys placed on State Sovereign Lands (Public Resources Code section 6302.1) either itself or by acting in concert with another federal, state, or local agency operating under CSLC's direction (Public Resources Code section 6302.1, subdivision (f)(2));

WHEREAS, the TRPA has authority to enforce its regulations under Article VI of the Compact.

WHEREAS, the TRPA has available resources to implement the Parties' agreed-upon approach to addressing unauthorized buoys on the California side of Lake Tahoe;

WHEREAS, the Parties recognize that considerations of fairness and considerations of environmental, scenic, and recreational quality suggest there is a need to address unauthorized buoys in Lake Tahoe;

WHEREAS, it is in the best interest of the Parties in carrying out their respective missions as public agencies to work cooperatively to remove unauthorized buoys placed on the California side of Lake Tahoe; and

WHEREAS, the Parties seek to protect the waters of Lake Tahoe by entering into this MOU to establish the duties, authorities, and agreements of the Parties with respect to the removal of unauthorized buoys, subject to the aforementioned laws and regulations;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

- I. The Parties agree to work together cooperatively to implement the terms of this MOU. Pursuant to all applicable laws of the State of California, the Tahoe Regional Planning Compact and the TRPA Regional Plan and Code of Ordinances, the Parties

acknowledge that each agency retains its own legal authority and jurisdiction. In particular, the Parties acknowledge that this MOU does not limit CSLC's ability to act under its existing authority, but rather defines the process by which the Parties may act in concert with one another, pursuant to Public Resources Code section 6302.1, subdivision (f)(2).

II. The following terms are defined for purposes of this MOU:

- A. Unauthorized buoys are those buoys without a current CSLC lease or TRPA permit.
- B. Vessels shall mean a boat or other similar conveyance moored to an unauthorized buoy.

III. Information Management and Public Education Process.

- A. The Parties shall work together to create a shared database of buoys on the California side of Lake Tahoe that specifically identifies a given buoy's permit/lease status. The database will cross reference the TRPA permit number with the CSLC lease number, identify the buoy owner, and the location of the buoy.
- B. TRPA shall distribute highly visible tags or similar markers for authorized buoys on the California side of Lake Tahoe.
- C. The Parties shall work together to educate individuals and companies installing mooring buoys in Lake Tahoe about the requirements to first obtain authorization from CSLC and TRPA for buoys installed on State Sovereign Lands, along with the penalties should they fail to do so.

IV. Enforcement Process

A. TRPA Initiation

1. In the event TRPA becomes aware of an unauthorized buoy on State Sovereign Lands, the TRPA shall implement enforcement pursuant to this MOU by contacting CSLC and sharing all known information about the buoy.
 - a. This may include the owner, location, registration number or permit number, if any, along with any other information useful to identifying the buoy and its owner, including the vessel registration number of any vessel moored to it.

B. Notification Process

1. Within 30 days of being contacted by TRPA, the CSLC shall determine whether the identified buoy is authorized by the Commission. In the event it is unauthorized, the CSLC shall prepare a 30-day notice for TRPA or its contractors to attach to the buoy. The CSLC and TRPA shall also use reasonable means to locate the owner of the buoy. If the buoy's owner can be determined and located, the CSLC shall mail notice to the owner to remove the buoy by a date certain, at least 15 days from the date of the notice.

C. Buoy Removal

1. Pursuant to Public Resources Code 6302.1(b)(2), a buoy may be deemed abandoned at the end of the 30-day notice period. At the request of CSLC TRPA shall remove the buoy or contract to have the buoy removed by a third party.
2. TRPA shall provide a location to store buoys removed from Lake Tahoe

- a. TRPA shall have the buoy impounded for at least 30-days. During this time, the buoy owner may reclaim their property on paying the costs of removal and storage.

V. Authority

- A. Nothing in this MOU alters the Parties' existing authority to independently pursue an enforcement action.

VI. Costs

- A. Each Party shall bear their own costs in implementation of this MOU.

VII. Termination

- A. This MOU may be terminated by any of the Parties upon thirty (30) days notice in writing.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding.

CALIFORNIA STATE LANDS COMMISSION

Jennifer Lucchesi
Executive Officer

Date

Approved as to form:

Date

TAHOE REGIONAL PLANNING AGENCY

Joanne S. Marchetta
Executive Director

Date

Approved as to form:
TRPA General Counsel

John L. Marshall

Date

ATTACHMENT J:

Adopting Resolution for Memorandum of Understanding (MOU)

Between the TRPA and Nevada Department of Wildlife, Nevada State Parks, Douglas County Sheriff's Office, Washoe County Sheriff's Office, Placer County Sheriff's Office, El Dorado County Sheriff's Office, City of South Lake Tahoe Police Department, United States Coast Guard

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY’S GOVERNING BOARD
TO ADOPT A MEMORANDUM OF UNDERSTANDING WITH NEVADA DEPARTMENT OF WILDLIFE, NEVADA
STATE PARKS, DOUGLAS COUNTY SHERIFF’S OFFICE, WASHOE COUNTY SHERIFF’S OFFICE, PLACER
COUNTY SHERIFF’S OFFICE, EL DORADO COUNTY SHERIFF’S OFFICE, CITY OF SOUTH LAKE TAHOE POLICE
DEPARTMENT, AND UNITED STATES COAST GUARD REGARDING ENFORCEMENT AND EDUCATION OF
THE LAKE TAHOE NO-WAKE ZONES AND SPEED LIMITS

WHEREAS, Lake Tahoe is a navigable body of water and the bed and banks of Lake Tahoe are owned by the State of Nevada and the State of California up to elevation 6,223 feet above mean sea level;

WHEREAS, it is in the best interest of the Parties to work cooperatively to address recreational conflicts on the water for public health and safety;

WHEREAS, waterborne recreation at Lake Tahoe is a significant component to a \$5 billion recreation-based economy;

WHEREAS, Nevada Division of Wildlife is a law enforcement agency in charge of boating safety for the State of Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435;

WHEREAS, Nevada State Parks is a law enforcement agency for the State of Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435;

WHEREAS, Douglas County Sheriff’s Office is a law enforcement agency for Douglas County, Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435;

WHEREAS, Washoe County Sheriff’s Office is a law enforcement agency for Washoe County, Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435;

WHEREAS, Placer County Sheriff’s Office is a law enforcement agency for Placer County, California and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under California Harbors and Navigation Code Section 655.2;

WHEREAS, El Dorado County Sheriff’s Office is a law enforcement agency for El Dorado County, California and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under California Harbors and Navigation Code Section 655.2;

WHEREAS, the City of South Lake Tahoe Police Department is a law enforcement agency for the City of South Lake Tahoe, California and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under California Harbors and Navigation Code Section 655.2;

WHEREAS, the United States Coast Guard is the primary maritime law enforcement and safety agency of the United States, the Coast Guard enforces regulations related to recreational boating safety, boating while intoxicated, pollution prevention, vessel documentation, and vessel registration under the authority of 46 U.S. Code (U.S.C.) § 89, 46 U.S.C. § 2302, 46 U.S.C. § 4106, 46 U.S.C. § 4311, and 46 U.S.C. § 12309; moreover, the Coast Guard has authority to provide certain assistance and to cooperate with state and local entities under the authority of 14 U.S.C. § 141(a);

WHEREAS, Tahoe Regional Planning Agency is a bi-state compact agency and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under TRPA Code of ordinances section 84.17.1;

WHEREAS, the use of Lake Tahoe as a recreation destination for boating creates recreational conflicts between beach users, swimmers, fisherman, motorized, and non-motorized watercraft;

WHEREAS, the Parties recognize a need to concertedly address no wake zones and speed limits in Lake Tahoe to provide increased boating safety in congested areas;

WHEREAS, the Parties seek to protect the waters of Lake Tahoe and the safety of the public by entering into this MOU to establish the duties, authorities and agreements of the Parties with respect to enforcement and education of no wake zones and speed limits, subject to the aforementioned laws and regulations;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby authorizes the TRPA Executive Director to enter into the Memorandum of Understanding with Nevada Department of Wildlife, Nevada State Parks, Douglas County Sheriff's Office, Washoe County Sheriff's Office, Placer County Sheriff's Office, El Dorado County Sheriff's Office, City of South Lake Tahoe Police Department, United States Coast Guard, as reflected in Exhibit 1 of the resolution.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this __ day of _____, 2018, by the following vote:

Ayes:
Nays:
Absent:

James Lawrence, Chair
Tahoe Regional Planning Agency
Governing Board

EXIHBIT 1

**MEMORANDUM OF UNDERSTANDING BETWEEN
NEVADA DEPARTMENT OF WILDLIFE, NEVADA STATE PARKS, DOUGLAS COUNTY SHERIFF'S
OFFICE, WASHOE COUNTY SHERIFF'S OFFICE, PLACER COUNTY SHERIFF'S OFFICE, EL DORADO
COUNTY SHERIFF'S OFFICE, CITY OF SOUTH LAKE TAHOE POLICE DEPARTMENT, UNITED
STATES COAST GUARD, AND TAHOE REGIONAL PLANNING AGENCY**

_____, 2018

This Memorandum of Understanding is entered into this _____ 2018, by and between the Nevada Department of Wildlife (NDOW), Nevada State Parks (NSP), Douglas County Sheriff's Office (DCSO), Washoe County Sheriff's Office (WCSO), Placer County Sheriff's Office (PCSO), El Dorado County Sheriff's Office (EDCSO), City of South Lake Tahoe Police Department (CSLTPD), United States Coast Guard (USCG), and the Tahoe Regional Planning Agency (TRPA), (together Herein described as the as "the Parties").

RECITALS

WHEREAS, Lake Tahoe is a navigable body of water and the bed and banks of Lake Tahoe are owned by the State of Nevada and the State of California up to elevation 6,223 feet above mean sea level;

WHEREAS, it is in the best interest of the Parties to work cooperatively to address recreational conflicts on the water for public health and safety;

WHEREAS, waterborne recreation at Lake Tahoe is a significant component to a \$5 billion recreation based economy,

WHEREAS, Nevada Division of Wildlife is a law enforcement agency in charge of boating safety for the State of Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435;

WHEREAS, Nevada State Parks is a law enforcement agency for the State of Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435

WHEREAS, Douglas County Sheriff's Office is a law enforcement agency for Douglas County, Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435;

WHEREAS, Washoe County Sheriff's Office is a law enforcement agency for Washoe County, Nevada and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under NRS 488.600, NRS 277.215, and NAC 488.435;

WHEREAS, Placer County Sheriff's Office is a law enforcement agency for Placer County, California and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under California Harbors and Navigation Code Section 655.2;

WHEREAS, El Dorado County Sheriff's Office is a law enforcement agency for El Dorado County, California and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under California Harbors and Navigation Code Section 655.2;

WHEREAS, the City of South Lake Tahoe Police Department is a law enforcement agency for the City of South Lake Tahoe, California and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under California Harbors and Navigation Code Section 655.2;

WHEREAS, the United States Coast Guard is the primary maritime law enforcement and safety agency of the United States, the Coast Guard enforces regulations related to recreational boating safety, boating while intoxicated, pollution prevention, vessel documentation, and vessel registration under the authority of 46 U.S. Code (U.S.C.) § 89, 46 U.S.C. § 2302, 46 U.S.C. § 4106, 46 U.S.C. § 4311, and 46 U.S.C. § 12309; moreover, the Coast Guard has authority to provide certain assistance and to cooperate with state and local entities under the authority of 14 U.S.C. § 141(a);

WHEREAS, Tahoe Regional Planning Agency is a bi-state compact agency and has the authority to enforce no wake zone and speed limit boating violations in Lake Tahoe under TRPA Code of ordinances section 84.17.1;

WHEREAS, the use of Lake Tahoe as a recreation destination for boating creates recreational conflicts between beach users, swimmers, fisherman, motorized, and non-motorized watercraft;

WHEREAS, the Parties recognize a need to concertedly address no wake zones and speed limits in Lake Tahoe to provide increased boating safety in congested areas;

WHEREAS, the Parties seek to protect the waters of Lake Tahoe and the safety of the public by entering into this MOU to establish the duties, authorities and agreements of the Parties with respect to enforcement and education of no wake zones and speed limits, subject to the aforementioned laws and regulations;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. Purpose

The purpose of this Agreement is to establish a relationship between the Parties to assist in the enforcement and education of the no wake zones and speed limits around the shore of Lake Tahoe for the purposes of public health and safety. This Agreement defines the terms and

conditions under which the Parties will cooperate and coordinate activities necessary to prevent recreation conflicts between motorized watercraft, non-motorized watercraft, beach users, swimmers, and fishers and to provide for increased boating safety in congested areas.

II. Geographic Scope

The geographic scope of this agreement is Lake Tahoe and designated high priority areas within Lake Tahoe.

III. Joint Watercraft Enforcement and Education Implementation

Now, therefore, in consideration of the above, it is mutually agreed upon and understood by and among the Parties to the Memorandum that:

1. To the extent consistent with their respective authorities and applicable law, the Parties will create a watercraft enforcement and education working group of representatives from each jurisdiction of Lake Tahoe. The working group will identify high priority areas within Lake Tahoe to concentrate enforcement and education. The Parties agree to work in partnership to coordinate efforts and comprehensively address common issues.
2. The Parties agree to work together to coordinate the enforcement and education of no wake zones and speed limits in designated high priority areas around the shore of Lake Tahoe for the purposes of public health and safety. Each jurisdiction agrees to enforce the no wake and speed limit laws and regulations under which they have authority. Each jurisdiction agrees to help educate all no wake and speed limit laws during interactions with boaters on Lake Tahoe. The shorezone enforcement and education working group will coordinate and discuss high priority areas to concentrate these efforts.
3. To the extent consistent with their respective authorities and applicable law, the Parties agree to share information from their respective databases identifying how many enforcement or education interactions they have regarding violations of the no wake zone/speed limit that is enforced by their jurisdiction.
4. This Agreement in no way restricts the Parties from entering into other agreements with other public or private agencies, organizations, and/or individuals.
5. This Agreement in no way mandates any member of the Parties to enforce rules or regulations outside of its jurisdiction.
6. This Agreement in no way restricts the Parties from performing its official duties on the waters of Lake Tahoe.
7. This Agreement is effective on the date the last party signs the Agreement.
8. This Agreement may be amended as necessary by mutual consent of the Parties by execution of a written amendment signed and dated by all of the Parties.
9. This Agreement may be terminated as to any individual party by any of the Parties upon confirmed written notice to all Parties.

El Dorado County Sheriff's Office

Date

City of South Lake Tahoe Police Department

Date

United States Coast Guard

Date

Tahoe Regional Planning Agency
Joanne S. Marchetta
Executive Director

Date

**ATTACHMENT K:
Public Outreach Summary Report**



Communications & Outreach Summary Report 2015-2018

September 2018

Submitted by
Seana Doherty, President
Freshtracks
10418 Donner Pass Road, Suite C
Truckee, CA 96161
www.fresh-tracks.org

Overview

About the Report

In 2015, the Tahoe Regional Planning Agency (TRPA), along with key stakeholders, launched the Shoreline Plan to develop guidelines for appropriate uses along the shore of Lake Tahoe. Input from the community was a critical component of the Shoreline Plan process. While the Shoreline Plan is technical in nature, the goal was to invite a broad level of public participation in the process through communications about the project. This report summarizes communications and public outreach activities that took place in support of the Lake Tahoe Shoreline Plan between 2015-2018. In partnership with TRPA staff, Freshtracks Communications, as a subcontractor to Consensus Building Institute, implemented the following Communications and Outreach Plan to ensure community awareness and participation in the process. Goals for the Communications and Outreach Plan were:

- 1) Consistent, timely and accurate information about the planning process and how to get involved
- 2) Ensure a wide range of stakeholders were engaged in the process
- 3) Solicit public input at all points of the process
- 4) Use input to drive improvements to the environmental review process and to the Shoreline Plan that will ultimately be considered by the TRPA Governing Board

Summary of Outreach

Website: www.ShorelinePlan.org

To help stakeholders and the community stay informed throughout the shoreline planning process, a comprehensive, up-to-date, easy to navigate website was developed. The website posted all upcoming meeting dates and materials as well as background information on the process, how decisions were being made and the stakeholders involved. When the draft environmental impact statement for the Shoreline Plan was released in May 2018, several website pages were dedicated to the document to make it easier for the public to review and comment on. People could use the website to ask questions and share comments about the Shoreline Plan and proposed policies with TRPA staff and Shoreline Steering Committee members throughout the planning process.



E-blasts and Email Database

To help keep the public informed, people were encouraged to sign up for email notifications about the Shoreline Plan. An email marketing platform was used to send regular updates to a database of 521 subscribers. Over the course of the planning process, over 24 E-blasts were sent with an open rate of over 60 percent.

Community Workshops

The Shoreline Plan team hosted four public workshops to engage communities on the north and south shores. About 200 people in total attended the workshops. The first two

workshops focused on gathering feedback on key policy areas of piers, moorings, non-motorized boating, and marinas. The second two workshops focused on gathering input on the alternatives outlined in the draft environmental impact statement.

Workshop Series #1

Sept. 21, 2016, North Tahoe Events Center, Kings Beach, CA
Nov. 3, 2016, TRPA Offices, Stateline, NV

Workshop Series #2

June 4, 2018, TRPA Offices, Stateline, NV
June 6, 2018, North Tahoe Events Center, Kings Beach, CA

Outreach to Boat and Non-motorized Businesses

To reach the non-motorized and boat businesses serving Lake Tahoe, one-on-one outreach was done prior to and during the environmental review process to organizations and businesses with connections to the paddling and boating community, including:

- Lake Tahoe Water Trail
- Tahoe Paddle and Oar (Kings Beach)
- Adrift Tahoe (Kings Beach)
- Tahoe Adventure Company (Kings Beach)
- Tahoe City Kayak Paddleboard (Tahoe City)
- Waterman’s Landing (Carnelian Bay)
- Tahoe City Marina (Tahoe City)
- West Shore Sports (Homewood)
- Obexer’s Boat Co. (Homewood)

Community Presentations & Briefings

TRPA and its partners provided about 30 community presentations over the course of the Shoreline Plan process. Presentations were tailored to specific groups of interested individuals, providing information about proposed policies, the planning process, upcoming meetings, and how to get involved. Presentations were made to homeowner associations, business associations, visitor authorities, chambers of commerce, water suppliers associations, service organizations, Realtors, and community groups, including:

- Homewood HOA 6/25/16
- Tahoe Keys POA 7/15/16
- Tuesday Morning Breakfast Club 8/2/16
- Deb Howard Realty 8/5/16
- Kingswood Estates HOA 8/13/16
- South Tahoe Association of Realtors 8/17/16
- Tahoe City Yacht Club 8/20/16
- North Shore Public Workshop 9/21/16
- Lake Tahoe Visitors Authority 10/13/16
- North Tahoe Business Association 10/19/16
- Incline Realtors 5/30/17
- Tahoe Douglas Rotary Club 6/9/17
- North Tahoe Business Association 6/15/17
- Tahoe Keys POA 6/16/17
- South Tahoe Association of Realtors 6/21/17

- Marla Bay HOA 7/2/17
- Lake Tahoe Chamber of Commerce 7/20/17
- Tahoe Sierra Board of Realtors 9/12/17
- Incline Village Crystal Bay Community Group 5/18
- North Shore Public Workshop 6/6/18
- Tahoe Water Suppliers Association 6/7/18
- PineWild HOA 6/16/18
- Workshop for all HOAs 6/20/18
- Homewood HOA 6/23/18
- Incline Village Conversation Café 8/9/18
- Homewood HOA 9/2/18
- Incline Realtors 9/4/18

Briefings to TRPA Governing Board and Regional Plan Implementation Committee

TRPA staff provided updates and solicited feedback at nine Governing Board and 10 Regional Plan Implementation Committee meetings. The Governing Board will make the final decision on the Shoreline Plan and implementing documents at its October 2018 meeting.

Environmental Impact Statement Public Comments

The public was asked to review the draft environmental impact statement (posted on www.shorelineplan.org) and to submit comments during a 60-day review process between May 8 and July 9, 2018. TRPA received 126 comments from local agencies and organizations, state agencies and individuals.

Press Coverage

Several news stories were published about the Shoreline Plan including on Capital Public Radio, the Tahoe Tribune, and Lake Tahoe News, among others. A full list of published stories can be found on <http://shorelineplan.org/press/>.

Marketing Materials

Mailer: A Shoreline mailer with information about community workshops and how to review and comment on the draft environmental impact statement was sent to 33,000 households at Lake Tahoe in May 2018.

Brochures: Several informational brochures were created to increase public understanding of the Shoreline Plan. To review the brochures, please see Attachment A.

Attachment A Graphics

Sample of Shoreline Website Design

www.shorelineplan.org



About

Shoreline Plan Public Comment

Draft Environmental Impact Statement

Timeline

Decision Making

Stakeholder Groups

Meetings

Materials

Maps

Shoreline Plan in the News



The Lake Tahoe Shoreline Plan

A collaborative planning process working to enhance recreation and protect Lake Tahoe's 72 miles of shoreline.

The comment period for the Lake Tahoe Shoreline Plan Public Draft Environmental Impact Statement (EIS) has officially closed. TRPA will continue to review comments and messages received after the public comment period has closed, however, these may not be included in the Official Response to Comments Document included in the Final EIS package.

Mailer

Distributed to over 30,000 households about EIS/EIR Workshops and Draft Plan Information.

LAKE TAHOE'S SHORELINE PLAN NEARING THE FINISH LINE.

Public Meetings Coming Up – We'd Like Your Input.

A group of triathletes in black wetsuits and yellow swim caps are swimming in Lake Tahoe. They are captured in a dynamic, mid-stroke pose, with water splashing around them. The background shows a calm lake and distant green hills under a clear sky.

JOIN US

501

AGENDA ITEM NO. V.A



SHORELINEPLAN.ORG

LAKE TAHOE SHORELINE PLAN DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) IS OPEN FOR INPUT

JUNE 4

Public Workshop
5:30-7:30 p.m.
TRPA Offices
128 Market St., Stateline, NV

JUNE 6

Public Workshop
5:30-7:30 p.m.
North Tahoe Event Center
8318 N. Lake Blvd., Kings Beach, CA

JUNE 13

Public Hearing
TRPA Offices
128 Market St.
Stateline, NV

JULY 9

Comment
Period Closes
on
Draft EIS

CAN'T MAKE A MEETING?

Visit shorelineplan.org to download the Shoreline environmental analysis and submit a comment by July 9, 2018.

For questions, email: ShorelinePlan@trpa.org

Tahoe Regional Planning Agency
128 Market St.
Stateline, NV 89449

PRSR STD
U.S. POSTAGE
PAID
RENO, NV
PERMIT #931

Shoreline Brochure

General overview of planning process.
Used at outreach events.

WORKING TO ENHANCE RECREATION ACCESS WHILE PROTECTING LAKE TAHOE'S 72-MILE SHORELINE



SHORELINE PLAN
Enhancing Recreation & Protecting
Lake Tahoe's
72 Miles of Shoreline

COLLABORATION IN ACTION

Millions of people visit Lake Tahoe every year to access the brilliant blue waters, and thousands call the region home. A plan that develops collaborative and creative solutions to complex recreational access and natural resource management issues is underway.

Working with key stakeholders in the Lake Tahoe Basin, the Tahoe Regional Planning Agency launched the collaborative Shoreline Plan in 2016 to develop guidelines for appropriate uses along the shore of Lake Tahoe. This process and these guidelines will ultimately update TRPA's Regional Plan and corresponding regulations.



Photo by Lake Tahoe Water Trail/Bob Kingman

UNDER CONSIDERATION

During 2017-18, TRPA will be evaluating shoreline policies – a set of rules that guide what can occur along the lake “on the beach.” Following are the current policies under consideration put forth by the Shoreline Plan Steering Committee, based on joint fact finding scientific and technical information.

SNAPSHOT OF SHORELINE POLICIES

Create a Fair and Equal System of Access

Public Boat Ramps: Ramps could potentially expand from six to eight. New or potentially relocated ramps should be in areas with transportation hubs and be functional during low lake level periods.

Buoys: Lakefront landowners and homeowner associations could apply for new buoys per allotments. Landowners could apply for up to two buoys per parcel. Some buoys would be reserved for marinas and public agencies.

Permits: TRPA would first invite buoy owners with pending permits to validate their permits.

Piers: TRPA would permit a limited number of public and private piers on a go-slow basis with strong incentives for multiple properties joining together to share a pier.

Marinas: Marinas could improve facilities as long as they are linked to environmental benefit.

Non-motorized Access: Policies would provide for safe navigation, storage racks on the beach, and potentially funding for signage.

Concessions: Would be allowed with permits.

Protect and Enhance the Environment

Policies: All policies have measures to ensure protection of Lake Tahoe's scenery, water quality and recreation.

Fish: The Plan relies on the best available science to protect fish habitat.

Marina Improvements: Marinas will make environmental improvements when changing facilities.

Piers: Piers would comply with all scenic or visual standards and replace any disturbed fish spawning habitat.

Dredging: Dredging would comply with stringent federal and state standards. New dredging would only be allowed at marinas, public ramps, and five public health and safety facilities.

Environmental Improvements: The Shoreline Plan would link TRPA's Environmental Improvement Program to enhance recreation, fisheries, and water quality.

Preserve Quality Recreation and Public Safety on Lake Tahoe

Enforcement: TRPA and state agencies would implement a buoy compliance program.

No-Wake Zone: A 600-foot no-wake zone with the 5mph speed limit would continue.

Safe Navigation: Promote through signage, boater education and no-wake zone.

Adapt to Changing Lake Levels

Public Access: Encourage access via marinas and other public boat ramps during periods of low lake levels. Attempt to accommodate access to the historic low lake level but not beyond.

Marina Capacity: Marinas could expand capacity to accommodate more users during low lake levels.

Buoys: An additional anchor lakeward would allow boats to move out during periods of low lake level while creating more space for non-motorized boating.

Non-Motorized Access: Owners of boat ramps could modify for non-motorized boating during low lake levels.

Implement Predictable and Consistent Rules

Coordination: Agencies would work together to simplify the permitting process where possible.

Rules: The rules provide specific guidelines and limits to make it clear what is allowed, but also create some flexibility for creative design within those guidelines.





SHORELINE FAST FACTS

SHORELINE LENGTH

Approximately 72 miles
(43 percent public,
57 percent private)

LAKE DIMENSIONS

Approximately
12 miles wide

22 miles long

1,645 feet deep

NATURAL RIM (low water line)

6,223 feet elevation

HIGH WATER LINE

6,229.1 feet maximum
legal elevation

DESIGNATION

Outstanding National
Resource Water,
greatest protection
under the Federal
Clean Water Act

CURRENT

- 1572 parcels
- 14 marinas
- Approximately 771 piers (673 private, 42 public, and 56 HOA)
- 6 boat ramps
- 4 public marina launches
- 4,881 buoys

STEERING COMMITTEE

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 Owners Association and Tahoe Regional Planning Agency.

JOINT FACT FINDING COMMITTEE

Agency staff, scientists, academics, marina owners, stakeholders, consultants and members of the public.



CONTACT US

BRANDY McMAHON

bmcmahon@trpa.org

775.589.5274

507 SHORELINE PLAN.ORG

Brochure for Non-Motorized Users

Used for outreach to boater community.



POLICY BRIEFING FOR NON-MOTORIZED USER GROUPS: KAYAKERS AND PADDLE BOARDERS



Photo by Lake Tahoe Water Trail/Bob Kingman

ABOUT

Working with stakeholders in the Lake Tahoe Basin, the Tahoe Regional Planning Agency (TRPA) launched the Lake Tahoe Shoreline Plan in 2016 to develop policies for appropriate water-dependent access structures (marinas, piers, buoys, and ramps) along the 72-mile shoreline of Lake Tahoe.

GOAL

Enhance the recreational experience along Lake Tahoe's shores while protecting the environment and responsibly planning for the future.

PLAN TIMELINE

Winter 2018: Draft Environmental Impact Statement + Draft Plan Release
Summer 2018: Final Environmental Impact Statement + Final Plan Release
2019: Implementation

PLAN ORGANIZING PRINCIPLES

1

Protect and Enhance the Environment

2

Provide a Fair and Reasonable System of Access

3

Adapt to Changing Lake Levels
509

4

Preserve Quality Recreation and Public Safety

5

Implement Predictable and Consistent Rules

AGENDA ITEM NO. V.A

HOW THE SHORELINE PLAN AIMS TO BENEFIT THE PADDLING COMMUNITY

Non-motorized boating, which includes kayaking and paddle boarding, is growing in popularity at Lake Tahoe. While new infrastructure needs for non-motorized boating along the shoreline are minimal, the Plan aims to provide convenient access and a safe and enjoyable experience for non-motorized boaters.



Following are way the Plan is proposing to support non-motorized boating:

Better Storage: Allow for kayak/paddle board storage racks and rentals.

Better Signage: Support efforts to provide signage so paddlers know where to get safely on and off the lake.

Increase Access During Low Lake Levels: During periods of low lake levels, encourage marina and public ramps to remain open for non-motorized boaters.

Better Safety: Maintain the 600-foot no wake from the water line lake-wide and expand the no wake zone to include all of Emerald Bay to reduce user conflict and enhance safety near the shoreline.

Education: TRPA will work with other land management agencies, the Lake Tahoe Marina

Association, and boat rental operators to provide education on safe motorized and non-motorized boating practices.

Enforcement: TRPA will partner with Nevada and California agencies, local jurisdiction, and the US Coast Guard to share enforcement responsibilities, including enforcement of the no wake zone and removal of unpermitted buoys in Lake Tahoe.

Piers: Limit the length of piers and improve the design of new piers so that they have a low profile and don't interfere with views of the natural lake environment. Allow for up to 10 new public piers and incentivize multiple-use piers (piers that provide access to multiple property owners) to maximize access and reduce overall development potential.

Comments can be submitted through the Plan website, ShorelinePlan.org. As you draft your comments to TRPA staff, please consider the following:

WE WANT TO HEAR FROM YOU!

- 1 Do you believe that most boaters comply with the 600 foot no wake zone? If not, what is the best way to educate boaters?
- 2 Does the 600-foot no wake zone work to help reduce conflicts between motorized and non-motorized boaters?
- 3 Do you support the expansion of the no wake zone to include all of Emerald Bay or does the current rule (15 mph speed limit) work?
- 4 Do piers and buoys affect your paddling experience? If so, how?
- 5 How could the non-motorized boating experience be improved at Lake Tahoe?
- 6 What else should be considered in the Shoreline Plan with regards to non-motorized boating?

Invitation to Shoreline Community Workshops
Emailed and distributed by hand.



Shoreline Workshop Series

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



Samples of Community Workshop Posters (5)

- 1. Marinas**
- 2. Moorings**
- 3. Non-Motorized Recreation**
- 4. Pier**
- 5. Map of No-Wake Zones**

Used to explain EIR/EIS alternatives.

MARINAS



ALTERNATIVE

1

THE SHOREZONE PLAN

NO NEW MARINAS WOULD BE ALLOWED

The **CURRENT REQUIREMENTS** for marina master plans would be **ELIMINATED**. Instead, **MARINA RECONFIGURATIONS** or **EXPANSIONS** would be **PERMITTED** if the marina implements a series of **ENVIRONMENTAL IMPROVEMENTS**.



ENVIRONMENTALLY BENEFICIAL REDEVELOPMENT in lieu of marina master plans.



MOORING ALLOCATION
365 buoy allocations reserved for use at marinas and public agencies.



REQUIRE AIS MANAGEMENT PLAN for existing marinas



LOW LAKE LEVEL ADAPTATION

- ✓ Temporary structures
- ✓ Flexible pier design and extension.
- ✓ Mooring conversions

ALTERNATIVE

2

MAINTAIN EXISTING TRPA SHOREZONE REGULATIONS

NO PROJECT

2
NEW MARINAS


NEW MARINAS or EXPANSIONS would **REQUIRE MARINA MASTER PLAN**

ALTERNATIVE

4

EXPAND PUBLIC ACCESS AND REDUCE EXISTING DEVELOPMENT

NO NEW or EXPANDED MARINAS



REQUIRE AIS MANAGEMENT PLAN for existing marinas



ALTERNATIVE

1

THE SHORELINE PLAN

Existing **PERMITTED** moorings may remain. Each littoral parcel could have up to **3 MOORINGS** at any one time until cap is reached



Marinas or public agencies could **TRADE BOAT SLIPS** or **LIFTS** or **BUOYS** at 1:1



ALTERNATIVE

3

LIMIT NEW DEVELOPMENT

NO NEW private moorings

EXISTING Permitted moorings **COULD REMAIN**



or



✓ New buoys or slips available at marinas or public facilities only

Marinas and public agencies could **TRADE BUOYS** and **SLIPS** at 1:1



ALTERNATIVE

2

MAINTAIN EXISTING TRPA SHOREZONE REGULATIONS

NO PROJECT

EXISTING Permitted moorings **MAY REMAIN**

A maximum of **3 MOORINGS** are allowed per littoral parcel



ALTERNATIVE

4

EXPAND PUBLIC ACCESS AND REDUCE EXISTING DEVELOPMENT

NO NEW private moorings

EXISTING Permitted moorings **COULD REMAIN**

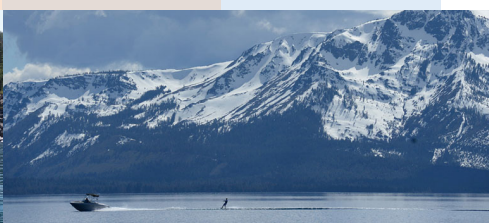
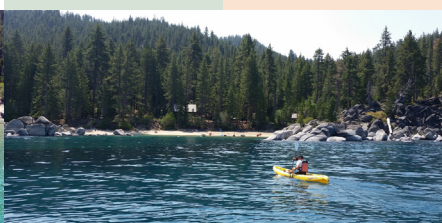
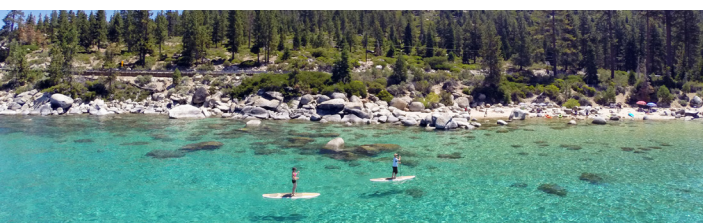




NON-MOTORIZED RECREATION

SAFETY & BOATER EDUCATION TOP PRIORITY

RESOURCE PROTECTION MEASURES	ALTERNATIVE 1	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 4
NO-WAKE ZONE				
Maintain no-wake zone at 600 feet from the water line with a speed limit of 5 mph.	✓	✓	✓	✓
Expand the no-wake zone to include all of Emerald Bay.	✓		✓	✓
Increase no-wake zone education and enforcement in from of some state parks.	✓		✓	✓
Expand the no-wake zone to 1,200 feet from the water line in front of some state parks.				✓
BOATER EDUCATION PROGRAMS				
Provide boater education on no-wake zone, AIS, fueling, bilge, and sewage operations at boat inspections, marinas, and motorized rental concessions.	✓		✓	✓
Require minimum training for marina staff and motorized rental concessions.	✓		✓	✓
Provide information on boater safety, AIS, no-wake zone, and bilge, ballast and fuel practices at all public motorized boat access points.	✓		✓	✓





PIERS

ALTERNATIVE

1

THE SHORELINE PLAN

10
NEW
public piers

128
NEW private single
and multi-use piers*

ALTERNATIVE

3

LIMIT NEW DEVELOPMENT

5
NEW
public piers

86
NEW private
multiple-use piers

ELIGIBILITY AND APPLICATION PRIORITIZATION

*Eligibility Criteria – littoral parcels must not:

- ✓ Already have a pier
- ✓ Be deed restricted
- ✓ Be located inside a stream mouth protection zone
- ✓ Be located inside a shoreline preservation area
- ✓ Be within an HOA served by a pier (eligible to apply for a multiple-parcel pier)

Multiple Parcel Pier – applications prioritized on the following:

- ✓ Proposals that retire the most pier development potential within the same scenic character type within the same scenic unit
- ✓ Proposals that retire the most pier development potential
- ✓ Piers located in less sensitive scenic character types
- ✓ Parcels with access to an HOA pier receive last priority

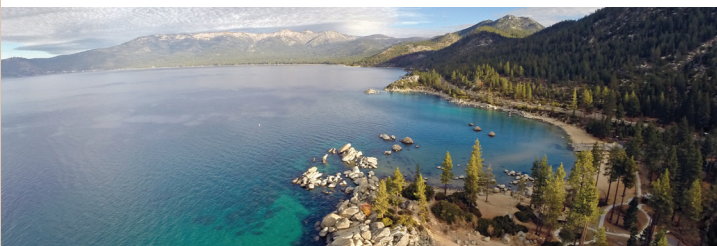
ALTERNATIVE

2

MAINTAIN EXISTING TRPA SHOREZONE REGULATIONS

NO PROJECT

No cap, limited to current TRPA Shorezone code



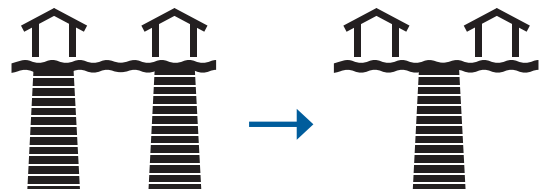
ALTERNATIVE

4

EXPAND PUBLIC ACCESS AND REDUCE EXISTING DEVELOPMENT

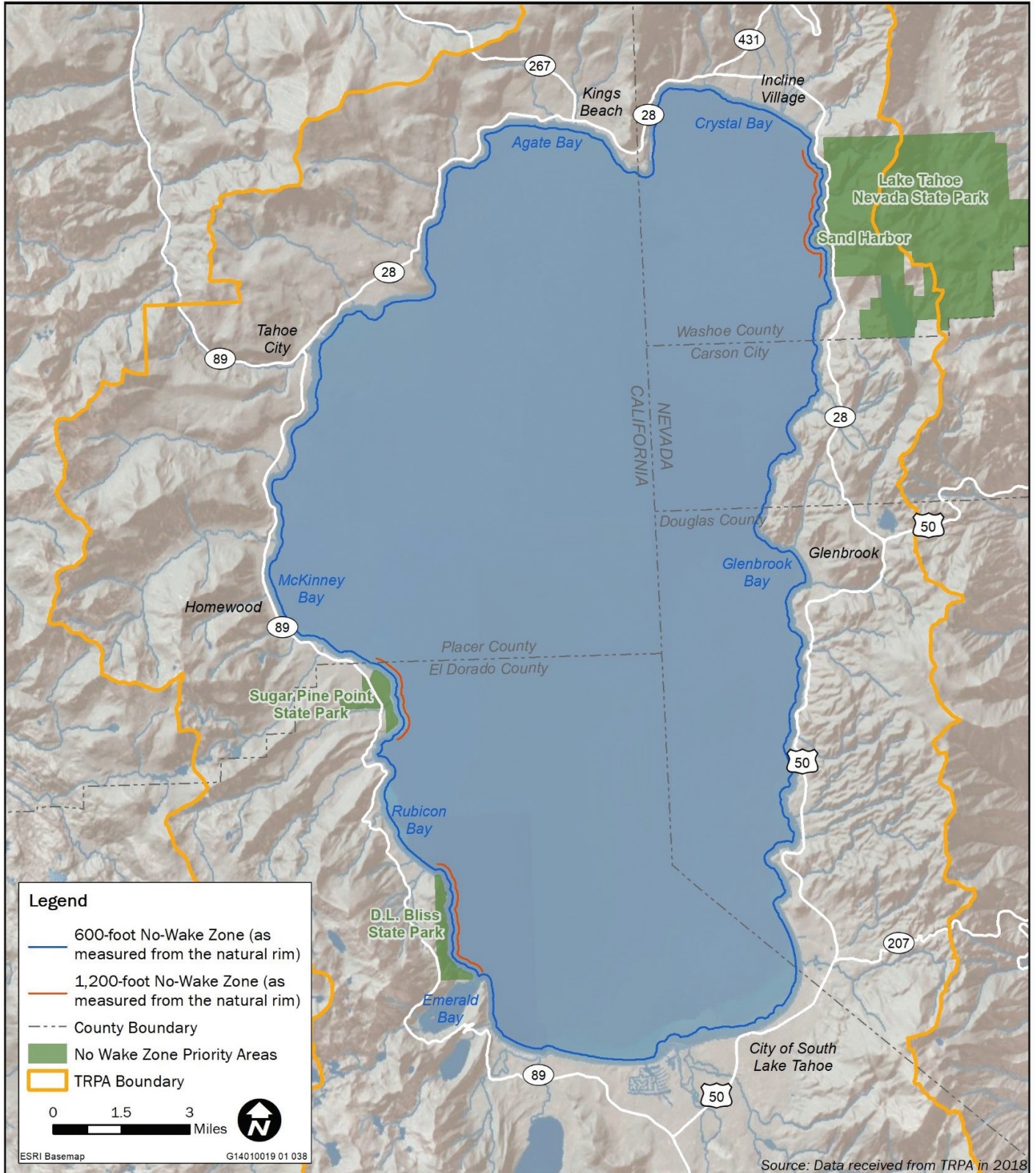
15
NEW
public piers

- ✓ New multiple-use private piers would be allowed, provided that for every new pier, two existing piers are removed
- ✓ No prioritization





MAP OF NO-WAKE ZONES AROUND THE BASIN



Strategic Initiatives Monthly Status Report

September 2018

Strategic Initiative	Status
1. Development Rights	<p>Recent Milestones Reached:</p> <ol style="list-style-type: none"> 1. Received unanimous recommendation from the Working Group for the Governing Board to approve five changes to the development rights system and residential bonus unit program to accelerate implementation of the Regional Plan. These changes included the environmental analysis, policy and code amendments, revised Memorandum of Understanding with the California Tahoe Conservancy, and a resolution to reaffirm local land bank authority. 2. Received unanimous recommendation from the Advisory Planning Commission for the Governing Board to approve five changes to the development rights system and residential bonus unit program as mentioned above. <p>Upcoming Milestones:</p> <ol style="list-style-type: none"> 1. Receive recommendation from the Regional Plan Implementation Committee for the Governing Board to approve five changes to the development rights system and residential bonus unit program as mentioned above. 2. Present recommendations to Governing Board for approval in October. 3. Finalize and begin the implementation plan for changes to the development rights system and residential bonus unit program.
2. Shoreline Plan	<p>Recent Milestones Reached:</p> <ol style="list-style-type: none"> 1. Received final Steering Committee Policy Recommendation for Shoreline Plan 2. Completed Adoption Package for Shoreline Plan: Final EIS/Response to Comments, Implementation Program, Ordinance Amendments, 3 Draft MOU's (CA State Lands Buoy Enforcement, CA State Lands Public Access, Enforcement Agency) <p>Upcoming Milestones:</p> <ol style="list-style-type: none"> 1. Adoption Hearings: RPIC 9/26, APC 10/10, GB 10/24

<p>3. Transportation</p>	<p>Recent Milestones Reached:</p> <ol style="list-style-type: none"> 1. The Safety Plan working group supported the submittal of two construction grant (HSIP) applications in partnership with CSLT and El Dorado County, and entered into final negotiations with partners on performance evaluation and safety improvement commitment MOUs 2. Through SR 89 Corridor Management Plan contract, finished data collection and began development of existing conditions report. Public input was collected through four focus group meetings, three project development team meetings, over 1200 online surveys, 98 on-site intercept surveys, and over 100 post card surveys from residents and visitors 3. Initiated activities to support the Travel Demand Model Update - Completed RFP process and selection of a consultant to assist with model review, provide recommendations and support for a Model Working Group. Identified and invited stakeholders for the Model Working Group and began developing the agenda for first meeting 4. Completed summer travel survey in-house, collecting 1,037 surveys from residents and visitors on their travel behavior. Data will be used for mode share calculations, future model updates and other planning needs. The in-house execution of this survey saved TRPA over \$35k as opposed to a consultant contract. 5. Prepared Bi-State Transportation Consultation Working Group materials for the 2018 Tahoe Summit; including 10-year Priority Projects and committee progress on Transportation and Recreation Corridor Planning MOU, Chariot micro transit pilot project, and a concept for a Tahoe branded rideshare app 6. Final Draft 2019 FTIP completed and incorporates public comments. TTC Recommendation of Approval, and TMPO Board Approval in September 7. Collaborated with implementing agencies to develop Active Transportation Plan technical amendment. 14-Day comment period initiated on 9/14/18. TTC recommendation and TMPO approval of amendment in October.
	<p>Upcoming Milestones:</p> <ol style="list-style-type: none"> 1. The Travel Management Program is coordinating a draft winter travel brochure in partnership with Tahoe Transportation District and regional partners to be finalized for November distribution through Linkingtahoe.com 2. Third meeting of the Tahoe Transportation Coordination Group to discuss project implementation, funding opportunities and project priorities 3. Release RFP for assistance on development of Performance Based Planning within the Transportation Program 4. Finalized Lake Tahoe Region Safety Plan, Performance Evaluation MOU and Safety Enhancement Commitment MOU 5. Finalized winter brochure and launch of Commute Tahoe (Employer Trip Reduction) program. 6. Approval of 2019 FTIP 7. Publish live traffic volume monitoring data on LT Info. 8. Approval of ATP technical amendment (Oct) 9. Adoption of Transit Asset Management performance targets and implementation of a regional State of Good Repair funding program

<p>4. Forest Ecosystem Health</p>	<p>Recent Milestones Reached:</p> <ol style="list-style-type: none"> 1. Presentation about Threshold Structure Update and Forest Health to TUISWG (8/22/2018). 2. Presentation about Threshold Structure Update and Forest Health to LTW Executive Team (8/28/2018). 3. Presentation about Threshold Structure Update and Forest Health to LTW Science Stakeholder Team (9/4/2018). 4. Presentation about Threshold Structure Update and Forest Health to TIE Steering Committee (9/6/2018). 5. Received approval of revised timeline for LTW Landscape Restoration Strategy. 6. LTW landscape modeling (LANDIS) completed. <p>Upcoming milestones:</p> <ol style="list-style-type: none"> 1. TRPA staff will use Forest Health examples for Threshold Structure Update examples – additional presentations to TUISWG are TBD. 2. The LTW Interagency Design Team will evaluate different management scenarios and model results to develop Landscape Restoration Strategy.
<p>5. Stormwater Management Operations and Maintenance Funding</p>	<p>Recent Milestones Reached:</p> <ol style="list-style-type: none"> 1. TRPA NV319h pre-application deemed eligible and full application submitted to the Nevada Division of Environmental Protection August 21, 2018. 2. Letters requesting \$15,000 in funding for TMDL support provided by TRPA’s Stormwater Management Program sent to all local jurisdictions, consistent with the Stormwater Funding Strategy presented to TRPA Board in May, 2018. 3. Informational presentation August 22, 2018 to the TRPA Governing Board Operations Committee on fees, including implementation of the Stormwater Program Funding Strategy cost recovery recommendations. <p>Upcoming Milestones:</p> <ol style="list-style-type: none"> 1. Parcel BMP Working Group Meeting scheduled for Sept 27, 2018 with consultant Sitka presenting information system streamlining from integrating TRPA’s BMP database with LT info and the TMDL stormwater tools.
<p>6. Aquatic Invasive Species Control Funding</p>	<p>Recent Milestones Reached:</p> <ol style="list-style-type: none"> 1. Circulation of RFP to prepare the joint environmental documents (EIS/EIR) for TRPA and Lahontan for the Tahoe Keys POA’s project to restore and control AIS in the Key’s waterways. 2. Initiation of stakeholder interviews for the Tahoe Keys project as part of the collaborative decision-making process. 3. Began dive transects as part of the lake-wide aquatic plant monitoring effort. LiDAR data flight this month. <p>Upcoming Milestones:</p> <ol style="list-style-type: none"> 1. Completion of LTRA funding agreement. Staff continues to respond to USFWS staff requests immediately and have acquired an additional \$176,000 for the agreement.

<p>7. Thresholds Update</p>	<p>Recent Milestones Reached:</p> <ol style="list-style-type: none"> 1. Threshold Update Initiative Working Group expressed support for use of the proposed System Structure (August 2018).
	<p>Upcoming Milestones:</p> <ol style="list-style-type: none"> 1. Next Threshold Update Initiative working group meeting to focus on Resolution 82-11 2. Meeting with representatives of Puget Sound Partnership to explore synergies with their “Vital Signs Refresh” and threshold update work (September 2018).

