



*TRPA IS FINDING
SOLUTIONS ON
SHOREZONE
ISSUES*

Aquatic Invasive Species
Scenery
Water Quality
Recreation
New Development
Dredging
Fish Habitat

*STAKEHOLDER
INPUT*

TRPA held dozens of public meetings and received hundreds of comments. Comments have been responded to in the Environmental Impact Statement available at www.trpa.org.

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Amended Tahoe Regional Planning Agency ordinances regarding new development in Lake Tahoe's shorezone have been adopted and take effect December 22, 2008. Please be aware that these new ordinances affect all lakefront (littoral) property or buoy owners.

For more than 20 years, the Tahoe Basin community was unable to agree on regulations affecting the construction of piers, buoys and other shorezone-related issues. TRPA enacted the first Shorezone Ordinances in 1976. In 1987, when the Regional Plan was being overhauled, the TRPA Governing Board deferred action on Shorezone Ordinance Amendments that would have allowed development in sensitive fish habitat in Lake Tahoe's shorezone until the completion of studies to determine the effect, if any, on fish habitat. These areas are still considered limited and fragile. However, scientific studies show that protective measures can be taken to reduce the impacts of additional piers on the lake. TRPA gathered evidence, conducted environmental studies, listened to public input, and create the current program.

Some members of the public believe there should be no more piers allowed. Others feel strongly that all lakefront property owners are entitled to build a pier. TRPA worked to find solid middle ground ensuring limitations, protections and substantial environmental benefits were in place when the ban was lifted.

While more opportunities are available for lakefront property owners under the new ordinances, these opportunities also come with new responsibilities and requirements designed to enhance stewardship of one of the world's most famous, pristine and protected lakes.

What is the Shorezone?

The shorezone is the area where the lake meets the land at Lake Tahoe. There are three areas that make up the shorezone, foreshore, nearshore and backshore, and each area has its own elevation and unique characteristics affecting the overall health of Lake Tahoe and its shore. For more than 25 years, the TRPA has not allowed new structures such as piers in areas considered "prime fish habitat." These areas are still considered limited and fragile. However, scientific studies show that protective measures can be taken to reduce the impacts of additional piers on the lake.

Answers to Common Questions

Why is TRPA approving more piers?

The 1987 prohibition on new piers in certain areas was based on an unknown impact to prime fish spawning habitat. Scientific studies have shown that the impacts are limited and can even be beneficial to spawning habitat. The new Shorezone Ordinances ensure that additional limitations and environmental benefits are in place as the ban is lifted.

I heard TRPA is banning boats. Is this true?

TRPA is not trying to ban boats now or in the future from Lake Tahoe. The Shorezone Program addresses the impacts of a FUTURE increase in the amount of boating on the lake. Fundamental issues are boat emissions and aquatic invasive species. The Blue Boating Program is scheduled to be operational in 2010 and will provide an inspection and certification system to protect Lake Tahoe from potential impacts of boats.

What is TRPA doing about illegal buoys?

Public feedback has consistently cited the need for increased enforcement of buoy permitting and placement. The new shorezone program is addressing this important issue with a stepped-up mooring enforcement program and working with state agencies to register permitted buoys and actively remove all unregistered moorings. New annual fees for buoy permits are part of this self-funded program.

BREAKDOWN AND AMOUNT OF NEW DEVELOPMENT POSSIBLE

STRUCTURE TYPE:

EXISTING SHOREZONE DEVELOPMENT AT LAKE TAHOE

PREFERRED ALTERNATIVE:

Five new piers per year and only multi-use private piers allowed in impacted scenic areas. No additional buoys until all existing are permitted and the total buoy number is capped until Blue Boating Program is operational.

Piers	Buoys	Ramps	Floating Docks	Slips
768	4,454	37	18	2,620
+138 (10 public)	After Blue Boating Program +1,862	+6	Allowed by buoy trade-in only	+235

BENEFITS OF THE PROPOSED PROGRAM

- **Front-Loaded Mitigation**—Sometimes, mitigation measures and funds are used only to react to environmental changes caused by development. TRPA’s Shorezone Program addresses future impacts up front so thresholds are not degraded and shorezone development is balanced before hand by pollution reduction, restoration of habitat, increased public access to beaches, and improved scenic quality. Monitoring and adaptive management are proposed to allow response to changing conditions.
- **Spawning Habitat Restoration Bank**—New private piers can be allowed in prime feed and escape fish habitat areas, but not in prime spawning habitat areas until a “Bank” of restored spawning habitat has been established. For every square foot of proposed building in prime spawn habitat, 1.5 square feet of restored habitat must be in the bank.
- **“Go slow” Approach**—By only allocating 5 new piers each year, a measure is in place to ensure development in the shorezone is not allowed unchecked. Additionally, all existing mooring buoys in Lake Tahoe must come under TRPA and state permits or be removed before additional buoys can be permitted. This go-slow buoy permitted measure is in addition to the requirement that only 4,454 mooring buoys (the number of existing buoys surveyed in 2006) can be permitted until the Blue Boating Program is implemented.
- **Ongoing reports to Governing Board**--Implementation progress will be presented to the TRPA Governing Board reporting whether new regulations are working as anticipated. As well, the new program will be double-checked when TRPA adopts its Regional Plan update so that the program conforms to any new environmental standards.

KEY COMPONENTS

- **Piers**—The approved program allows new structures at a measured rate: only up to five new private piers per year. It has an estimated buildout total of 128 new private piers, which represents full build out. The program employs a phased-in approach for several components of the plan, so that environmental protections and mitigation measures are shown to be working before development is allowed. **Lift Prohibition in Phases**—Initially, only the ban on new structures in fish feed and cover habitat will be lifted (most of this area is located on the east shore). Only after establishing the Spawning Habitat Restoration Bank will the ban in prime fish spawning habitat be lifted (most of these areas are along California properties).
- **Emerald Bay**—TRPA has been looking for innovative ways to protect one of Lake Tahoe’s greatest assets from the current and future impacts of boating. After working with stakeholders and the public, rather than limiting boating access to Emerald Bay, the Agency chose to initiate a permanent reduction of the 15 mph speed limit to 7 mph, which will reduce the potential for increased pollution and shoreline erosion in Emerald Bay.

- Buoy and Chain Maintenance – Instead of requiring that buoy chains or rode be dropped every winter, the Preferred Alternative calls for buoy owners to document inspection of their buoys every two years to ensure proper maintenance.
- Buoy Fees—All buoy owners must submit a new buoy application. However, the permitting fee has been reduced to \$500 for the first buoy and \$1000 for the second. Buoys previously permitted by TRPA are exempt from the new permit fee. Every existing buoy, however, must be re-permitted to comply with new location standards. Annual buoy fee of \$175 will be tied to biannual buoy and chain maintenance. Annual buoy fees for public moorings will be \$100 per buoy.
- Boat Pollution Reduction Program (Blue Boating Program)—Will be implemented before any additional buoys can be permitted. Blue Boating Program will begin with surveys of the boats and engine types currently using Lake Tahoe. TRPA will propose a boat sticker fee with different costs for different boat and engine types. The fees will be used to mitigate the increases of pollutants from boating that are projected to come over the next twenty years.
- Buoy Phasing— TRPA must validate all existing buoys in the lake through permit applications or permit recognition, up to 4,454 buoys. Before additional buoys can be permitted, all existing buoys must be permitted or removed. Only after the Blue Boating Program is in place will TRPA permit additional buoys up to 1,862.

Project Element	Preferred Alternative
Pier Eligibility	Private piers not allowed in areas where parcels are served or are eligible to be served by a homeowners' association pier. In impacted scenic areas, new piers must serve two or more parcels.
Pier Allocation	No more than 5 private piers would be permitted each year up to 128 piers. Full build-out is 128 new private piers, plus ten public piers. Single use piers would be allowed in scenic areas that are in attainment, multi-use private piers would be required in non-attainment areas.
Boat Lifts	Boat lifts allowed in exchange for buoy retirement; maximum 12,000 pounds
Pier Design	The maximum length of private multiple use piers is 300 feet (provided it serves at least 3 parcels). To be permitted, all piers must extend to a functional depth of 6,219 feet above sea level within the maximum allowable length; Average density allowed in visually sensitive shoreline character types is one pier per 300 feet.
ONRW Boat Pollution Reduction Program (Blue Boating Program)	Blue Boating Sticker Program as mitigation for pollutants coming from the increasing number of motorized water craft at Lake Tahoe. TRPA will inventory all boats going into the Lake, looking at numbers, star rating, need for tuning, amount of horsepower, noise, etc. Public outreach and education would be expanded at marinas on busy weekends. Total Maximum Daily Load study will show the amount of pollutant reductions expected from motorized boats, TRPA to craft a program that meets those load reductions, consistent with Lake Tahoe's non-degradation standard.
Boat Wash Stations-Aquatic Invasive Elimination Program	Establishment of full exotic aquatic taxa elimination program to address invasive species, boats washed based on visual inspection;
Emerald Bay Motorized Boating Rest Day	Require 7-mph zone in Emerald Bay; identifies performance standards and adaptive management measures
Buoys	Initially, the number of buoys on Lake Tahoe capped at the existing 4,454; all existing TRPA buoy permits will be recognized and two installments of the annual buoy fee will be due; buoys permitted by a state or federal jurisdiction with authority at Lake Tahoe can be recognized if within TRPA location criteria; upland BMPs for erosion control must be completed; upon implementation of the Blue Boating Program, begin issuing permits beyond the 4,454 cap, with a maximum of all buoys in Lake Tahoe capped at 6,316.
Buoy Fees	Buoy application fee \$500 for first, \$1000 for the second; no filing fee for TRPA-permitted buoys; annual fees \$175 for private buoys, \$100 for public buoys due every two years with buoy chain/rode maintenance report; annual fees go to: 50% watercraft and buoy enforcement, 30% water and air quality monitoring, 20% shoreland scenic improvements on public land.
Recreation Threshold Fee	Lake Tahoe Public Access Fund, \$100,000 per new private pier, and \$20/sq.ft. for pier expansions, would go to purchase and remove piers from private parcels, deed restrict private parcels, improved recreational access to public agencies, and backshore restoration on public lands. Funds are limited to expenditures for improved recreational lake access, land acquisitions, facilities construction and improvement and other projects by public agencies that improve public access to and on the lake.
Public Piers	No more than 10 public piers with no specified rate of approval. Same mitigation, location and density criteria as private piers.
Prime Spawning Habitat	TRPA will initially open only prime feed and cover habitat to new piers. TRPA will begin a fish spawning habitat restoration bank program as a public/private partnership. Once determined to be successful, spawning habitat ban would be lifted, and spawning habitat would be mitigated in the restoration bank at 1.5:1.