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 THURSDAY, NOVEMBER 12, 1998, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

November 2, 1998

__________________________
Jerry Wells
Deputy Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Stateline and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

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. Amendment of Chapter 22, Height, to Provide Additional Height for Certain Structures in Adopted Ski Area Master Plans PAGE 1

B. Amendment of Round Hill Community Plan to Amend Figure 3, Transportation Element, to Add new Bike Paths PAGE 3

VI. PLANNING MATTER

A. Workshop on Research Related to Motorized Watercraft PAGE 9

VII. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

October 14, 1998

North Tahoe Conference Center
Kings Beach, California

REGULAR MEETING MINUTES

Chairperson Robert Jepsen called the regular October 14, 1998, meeting of the Advisory Planning Commission ("APC") to order at 9:35 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Doughty, Mr. Barham, Mr. McDowell, Ms. Kemper, Mr. Poppoff, Mr. Morgan, Mr. Haen, Ms. Kvas, Mr. Thompson, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Kehne, Mr. Hust, Mr. Morros, Mr. McCurry, Ms. Rohr, Mr. Joiner

Mr. Lawrence

II. APPROVAL OF AGENDA

MOTION by Mr. Marchio, with a second by Mr. Poppoff, to approve the agenda as presented. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS –

Mr. Taylor Jenkins, a concerned citizen, stated that he had been following the issue on personal watercraft and the water quality issues related to that. His company manufacturers a product line of storm drain filters and they believe that a large amount of the contamination to the Lake may be the result of water from gas stations, parking lots, etc., and they would like the committee to consider looking into such technology to help protect the quality of the Lake. In addition, Mr. Jenkins stated that he is working on some projects that would help to eliminate noise, air and water pollution of watercraft on the Lake.

IV. DISPOSITION OF MINUTES

Mr. Morgan stated that it should be noted that on the September 9, 1998, minutes, he should be listed as absent.

MOTION by Mr. Poppoff, with a second by Mr. Morgan, to approve the September 9, 1998, APC minutes as amended. The motion carried with Mr. Barham abstaining.

V. PLANNING MATTERS

A. Status Reports

1. Environmental Improvement Program (EIP)/Finance Plan
Environmental Improvement Coordinator Carl Hasty presented an updated report on the Environmental Improvement Program.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Taylor Jenkins, a citizen, stated that he wanted to have industries included in the watercraft discussions.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

2. Local Revenue Study

Public Affairs Coordinator Pam Drum presented an update on the local regional revenue feasibility study.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

VI. REPORTS

A. Executive Director

Deputy Director Jerry Wells stated that Jim Baetge was in Washington, D.C., this week working on some transportation planning issues and was due back in the office on Friday, October 16, 1998. In addition, Stan Hansen has chosen not to renew his position with the APC due to personal conflicts. Mr. Wells commented that Alice Baldwin will be returning to the APC in November. In addition, a vote was taken to move the November APC meeting from November 11th to November 12th due to Veterans Day. The majority of the APC members agreed to the rescheduled date.

B. Legal Counsel

Agency Counsel John Marshall reviewed the Judge's decision on October 1, 1998, in the Lake Tahoe Watercraft Association, et al. v. TRPA case. The Judge ruled that the statute of limitations within the Compact is not jurisdictional which means that TRPA can waive that statute of limitations. The League to Save Lake Tahoe intervened in the case and they asserted as one of their arguments that the waiver of the statute of limitations was illegal because that amended the Compact and TRPA does not have the authority to do that, and for the most part, the statute of limitations are jurisdictional and they cannot be waived and a person cannot be estopped from asserting the statute of limitations. The Judge found that, as a general rule, the statute of limitations is not jurisdictional unless they expressly say so, which the Compact statute of limitations does not indicate. In addition, the Judge ruled that TRPA's ordinances are federal law and TRPA could regulate two-cycle engines. As a result, the Court dismissed the entire complaint but with leave to amend and bring back some of the causes of action that they did not plead in the proper fashion, in which they have 15 days to do that. Mr. Marshall anticipated that the case would continue, but on a much more focused, factual-type basis.
Ms. Kemper questioned if the record could be amended with new information, and Mr. Marshall replied that the record for the existing ordinance could not be amended, but if TRPA adopts a new ordinance, then they could base that new decision on any information brought forth.

Mr. McDowell inquired as to whether TRPA was subject to NEPA regulations, and Mr. Marshall stated that TRPA's acts and not their regulations are subject to federal law and therefore not subject to NEPA.

(Break taken at 10:25 a.m.)

(Reconvened at 10:40 a.m.)

VII. PLANNING MATTERS

A. Status Reports

3. Research and Process Related to Motorized Watercraft

Principal Planner Gordon Barrett presented the status report on research and process related to motorized watercraft.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Taylor Jenkins, a citizen, stated that EPA had passed a law that fuel lines and tanks need to be secondarily contained. His company is working on the problem that marinas have with the lines having to be underground. He would appreciate the chance to do something about that situation.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

4. Tahoe Metropolitan Planning Organization (TMPO)

Principal Planner Gordon Barrett presented the resolution in support of the Tahoe Metropolitan Planning Organization (TMPO) designation and make a recommendation to the TRPA Governing Board.

Mr. Poppoff questioned what the TTD's role is. Mr. Kevin Cole, South Tahoe Council Member, replied that the TTD has the authority to be the sole operator of transit in the Tahoe Basin. The TTD has found that those services were difficult to manage from the standpoint of being a coordinating body, they have effectively determined that currently its role is to back away from being an operator and be more of a coordinator and facilitator of transit operations in the Tahoe Basin. Thus, their role is to coordinate, facilitate and implement transit within the Tahoe Basin.

Mr. Marshall stated that TTD's function will probably diminish even more as a result of the Tahoe Transportation Commission. That Commission will take over a lot of functions that the TTD presently does. The TTD could not itself function as the Commission the way the group wanted to set it up.
Mr. Poppoff questioned what the Resource Conservation District's (RCD) role is, and Mr. Wells stated that they are charged with BMPs and water quality improvements along many of the roadways and highway systems. The RCD would implement the BMPs and water quality improvements.

Mr. McDowell stated that there is no position with the title of "Executive Officer" at the Forest Service; the title should be "Forest Supervisor" in the policy maker diagram of the staff summary.

In addition, Mr. McDowell questioned what the Washoe Tribe's role was one of the policy makers. Mr. Barrett replied that the people implementing the policy believed that the Tribe needed to be part of it, as well as legislative history. Mr. Cole also commented that it is a result of the Presidential submit because they indicated the need to have the Washoe Tribe more involved in the policy making decisions.

Mr. McDowell suggested putting the Forest Service in the Project/Program Implementation box.

Mr. Doughty reviewed some of the issues that Douglas County had about the TMPO, along with a letter that he handed out.

A discussion ensued.

Chairperson Jepsen opened the meeting up for public comment. Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Haen, with a second by Mr. Morgan, to recommend approval to the Governing Board to support the Tahoe Metropolitan Planning Organization (TMPO) designation as rewritten by TRPA's Agency Counsel. The motion carried with Mr. Doughty abstaining.

Mr. Doughty stated that his Board would be reviewing this amendment and taking action on it and he believed it would be inappropriate at this point as the Douglas County representative to take an action.

VIII. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Chapter 18, Permissible Uses, and Related Chapters to Add the Public Service Use for Threshold-Related Research Facilities Associated with the Environmental Improvement Program (EIP)

Principal Planner Gordon Barrett presented the staff summary amending Chapter 18, Permissible Uses, to add a new use “Threshold-Related Research Facilities" to the TRPA list of permissible public service uses allowable in the Region.

Mr. Doughty stated that he had an issue with the statement in No. 3, on page 17 of the staff summary, “demonstrated need to locate" because he believed it was too vague and open and wanted some idea of what this meant.

Mr. McDowell suggested adding the words to No. 3 "by its very nature".

A discussion ensued.

(Mr. Barham left at 11:54 a.m.)
Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Marge Dickerson, from U.C. Davis, stated that this is part of an effort to help U.C. Davis. She stated that Davis shares some of the concerns of how we define what can be done in these exception areas. For example, if research is being done on biophysical, environmental, socioeconomic, political systems contributing to our understanding of the Tahoe Basin, but not directly threshold-related, are we going to be moved out of our facility or be told to do that research in a place different than the facility we are looking at doing it in. Ms. Dickerson believed it was possible to work out some language that would be advantageous to everyone involved.

Mr. Brent Allen, with the Tahoe Research Group, stated that he was concerned with the wording which may limit what the Research Group is able to go out and look at. Mr. Allen commented that to put limitations on what future research might be able to look into is the wrong direction to take.

Mr. Bob Richards, staff research associate and field life director at the Tahoe Research Group at Lake Tahoe, suggested that TRPA consider broadening the language in the proposed amendment to allow scientific work to continue.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Morgan suggested wording stating that we need applied research that would benefit Lake Tahoe which would include everything that is EIP related.

Mr. Wells questioned if social and political research would be included in Mr. Morgan’s suggestion, and Mr. Morgan responded yes.

A discussion ensued.

(Break taken for lunch at 12:25 p.m.)

(Reconvened at 1:34 p.m.)

Mr. Barrett suggested adding the words “social, political, biological or scientific research relating to the Lake Tahoe Environmental Threshold or ecosystem” after the words “used to implement” in (1) on page 17 of the staff summary. In addition, the sentence “Outside storage and display are not included as part of this use” on page 17, in the last paragraph, is deleted and the words “and outside storage” is added after the words “and caretaker facilities” in that same paragraph.

Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Dickersen, with U.C. Davis, stated that she was discussing with her colleagues as to what wording would best be appropriate for the amendment.

Mr. Gary Midkiff, a concerned citizen, stated that his concern is if there is an area where there are air quality monitoring stations that are on a trailer and during the winter they pull them out and bring them into a central location, they need to be able to store them outside. He also suggested striking the last paragraph of the amendment and make that determination at the time the plan area statement is being dealt with.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.
Mr. Barrett suggested adding the words at the end of (3) of page 17 of the staff summary "any of these that are outside the Community Plan are special uses".

**MOTION** by Mr. Poppoff, with a second by Mr. Haen, to recommend approval to the Governing Board amending Chapter 18, Permissible Uses, and Related Chapters to Add the Public Service Use of Threshold Related Research facilities, with the above-mentioned changes. The motion carried unanimously.

B. Amendment of Chapter 33, Allocation of Development; Chapter 34, Transfer of Development; and Related Chapters to Allow the Transfer of Residential Units of Use To Sensitive Lands; to Allow the Conversion of Commercial Floor Area, Tourist, and Residential Units; and to Allow Public Service Uses on Leased Property and Transfer of Commercial Floor Area

Principal Planner Gordon Barrett presented the staff summary amending Chapter 33, Allocation of Development, Chapter 34, Transfer of Development and Related Chapters to Allow Transfer of Residential Units to Sensitive Lands, to Allow the Conversion of Commercial Floor Area, Tourist, and Residential Units, to Allow Public Service Uses on Leased Property and to Transfer Commercial Floor Area.

Mr. McDowell suggested using the word "within sensitive lands" on page 19, No. 1., instead of "into sensitive lands", and also adding the word "or" after 2.a. on page 19.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public comment.

Mr. Gary Midkiff, representing the South Lake Tahoe Chamber of Commerce and the owners of the Round Hill Shopping Center, stated that since 1987 in South Lake Tahoe, there has been 51,892 square feet converted that is public floor area that is being used under leases more since 1984 than before, so just in the City, between County leases, Conservancy, and various other entities, they have tied up almost an additional 52,000 square feet since 1987 that is being taken out of the inventory available for commercial businesses to use. Mr. Midkiff commented that he wanted to find a way to free that up. He was supportive of TRPA's proposed amendment.

Mr. John Neisby, representing Neisby & Associates, stated that he was supportive of Item No. 2 on page 19 of the staff summary because he believed it provided an opportunity for affordable housing in the City of South Lake Tahoe.

Mr. Renz Robinson, a citizen, questioned if there was anything new on Attachment "E". Mr. Barrett stated that they are new questions to be put into the IEC and some of the questions are in a different form that came up with the transfer of conversion rules that people wanted to make sure they were addressed; basically new questions.

Mr. Robinson also questioned if tourist accommodations are included in the definition of recreation. Mr. Barrett stated the depending on the situation, it could or could not.

Mr. Kevin Cole, a local realtor, stated that he looked at the changes as necessary to move forward and make some good things happen. He urged the APC to recommend adoption to the Governing Board of the proposed amendments.
Mr. Midkiff urged the APC not to hold Item No. 3 over, the conversion issue, because there are two or three appeals that have been waiting to be resolved.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

Mr. Marchio commended Mr. Barrett for all his hard work on putting these amendments together.

**MOTION** by Mr. Poppoff, with a second by Mr. Marchio, to recommend approval to the Governing Board amending Code Chapter 33, Allocation of Development, Chapter 34 Transfer of Development and Related Chapters to Allow Transfer of Residential Units to Sensitive Lands, to Allow the Conversion of Commercial Floor Area, Tourist, and Residential Units, to Allow Public Service Uses on Leased Property and to Transfer Commercial Floor Area. The motion carried unanimously.

C. Amendment of Douglas County Community Plan to Allocate Commercial Floor Area from Outside Community Plans to Inside Community Plans

Associate Planner John Hitchcock presented the staff summary amending the Douglas County Community Plans, to Redistribute Commercial Allocations from Outside to Inside Community Plans in Douglas County.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

**MOTION** by Mr. Poppoff, with a second by Ms. Kvas, to recommend approval to the Governing Board amending the Douglas County Community Plans, to Redistribute Commercial Allocations from Outside to Inside Community Plans in Douglas County. The motion carried unanimously.

D. Development of Lake Tahoe Source Water Assessment and Protection Program

Water Quality Program Manager Jon Paul Kiel presented the status report on the development of the Lake Tahoe Source Water Protection Program.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Taylor Jenkins, with Webber Manufacturing, stated there are technological advances for infiltration systems.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

E. Amendments to the Stateline/Ski Run Community Plan (As Recommended by the Redevelopment Project 3 EIS/EIR) to Delete the Laurel Avenue Parking Concept and Related Goals and Policies and to Reassign the Commercial Floor Area Allocation to Project 3

Associate Planner John Hitchcock presented the staff summary amending the Stateline/Ski Run Community Plan Recommended by the Redevelopment Project 3 EIS/EIR to delete the Laurel
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Avenue Concept Plan and Related Goals and Policies, and Transfer Commercial Floor Area to Project 3.

Ms. Kemper stated that on page 63, Item No. 2, “Each” should be replaced with “The” and on Item No. 4, “If either of the entities are” should be replaced with “If an entity is”.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Doughty, with a second by Ms. Kvas, to recommend approval to the Governing Board amending the Stateline/Ski Run Community Plan recommended by the Redevelopment Project 3 EIS/EIR to delete the Laurel Avenue Concept Plan and Related Goals and Policies, and Transfer Commercial Floor Area to Project 3, along with the above-mentioned changes. The motion carried unanimously.

IX. REPORTS
   B. Legal

Agency Counsel John Marshall stated that we were just served with another lawsuit on an appeal that was denied on the Leonardini/Wager pier.

C. APC Members

Mr. Morgan commended the TRPA for the new multi-colored packet. He said it is much easier to follow.

Mr. Haen stated that while the APC was in session, a member of the audience came up and had a discussion with one of the APC members, and he believed that it was bad protocol to have an audience member come up while an item is being discussed.

Mr. Marchio suggested having the public hearing items heard first because of the people in the audience who are waiting to hear the items they are interested in. Mr. Wells stated that normally we do have them heard first.

Mr. McDowell urged the APC members to look at the agenda for the scientific symposium that is being held next week. Even though the grading deadline is tomorrow, he believed that was a lot of grading taking place.

Ms. Kvas asked what the status was of the streamlining survey, and Mr. Wells stated that the consulting firm was reviewing the study.

Mr. Doughty stated that he received a call from a person complaining about the noise on the rooftop from the construction at the Round Hill Shopping center. Mr. Wells replied that he would look into it.

Mr. Jepsen thanked Mr. Marchio for filling in for him the last couple months and thanked Mr. Wells for the updated APC and Governing Board member lists.

X. ADJOURNMENT – The meeting was adjourned at 3:00 p.m.
Respectfully submitted,

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (702) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Doria Court, Zephyr Cove, Nevada.
November 3, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 22, Height, of the TRPA Code of Ordinances, To Allow Additional Height For Certain Buildings Within Adopted Ski Area Master Plans

This public hearing item has been continued to the December Advisory Planning Commission.

JH/dmc

AGENDA ITEM V.B.
MEMORANDUM

November 2, 1998

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Amendment of the Round Hill Community Plan, to add bicycle paths to the Transportation Element of the Community Plan.

Proposed Action: Staff proposes to amend the Round Hill Community Plan by adding bicycle lanes to Figure 20-2 of the Design Standards for the Round Hill Community Plan. (See Attachment A). See Attachment B for language changes in the Community Plan.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend approval of the amendment to the TRPA Governing Board.

Discussion: Douglas County is currently working with the Nevada Department of Transportation (NDOT) on the Elks Point Road bicycle trail improvement project. The adopted Round Hill Community Plan calls for construction of a bike trail from the intersection of Dorla Court and Elks Point Road to Nevada Beach, and the use of sidewalks from the intersection of Dorla Court and Elks Point Road northeasterly to the Kingsbury bike trail. TRPA received a request from Douglas County to amend the Round Hill Community Plan to include a four foot striped bike lane along each side of Elks Point Road west of the intersection of Highway 50, and a signed bike route on the east side of Elks Point Road to the existing Kingsbury bike trail. NDOT is willing to incorporate this design into their project, however they will not modify their design until the Community Plan shows the modified design.

Analysis: The Round Hill Community Plan has been designated as a local service retail node and tourist center. The plan encourages continuation of the existing land uses: Round Hill as a local retail and service commercial node with opportunities for recreation and tourist accommodation in the area.

This amendment will help achieve the Goals and Policies of the Round Hill Community Plan and TRPA Goals and Policies. The amendment will reinforce the Community Plan's Goals by focusing on developing transportation systems that will tie in the many opportunities found in Douglas County. Linking the Kingsbury bike trail and the Nevada
Amendment of Douglas County Community Plans
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Page 2

Beach trail would reduce vehicle trips, improve access to public recreation areas, and improve circulation throughout the Round Hill area and Region.

Findings: Prior to amending the Round Hill Community Plan, TRPA must make the following Findings.

Chapter 6 Findings

1. Finding: The project 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: This amendment is consistent with the goals and policies of the Round Hill Community Plan, and TRPA Goals and Policies.

The amendment directly supports the Round Hill Community Plan's Traffic Circulation and Parking Goal: "Reduce the dependency on the automobile and improve the movement of people, goods, and services within Round Hill and the Region consistent with the economic and environmental goals of the community plan.", and the Recreation Goal: "Preserve and enhance the high quality recreational experience of the Round Hill and the Region.".

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment of the Round Hill Community Plan to add bike lanes and a bike route will help achieve air quality and transportation thresholds.

The addition of the bike lanes and bike route will be a crucial link between bicycle facilities in the area. The linked trail system will provide alternative transportation options within the region, thus reducing VMT and vehicle emissions.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See findings 1 and 2 above.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above.
The ordinance requires that all community plans in the jurisdiction be adopted. This finding can be made for the Douglas County Community Plans. Furthermore, all projects that may occur because of this amendment will still be subject to the Code, Goals and Policies, and the appropriate community plan and its guidelines for achieving and maintaining environmental thresholds.

Chapter 13 Findings as Applied to Community Plan Amendments

As a matter of policy, TRPA staff uses the Chapter 13 findings for Community Plan amendments to test for consistency with the Community Plan Designations.

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: Subsection 13.5.B refers to the Plan Area Major Land Use Classification and Management Designations. The Community Plan Area Land Use Classification is Commercial/Public Service. The purpose of this classification is to concentrate commercial/public service uses for public convenience, and separate incompatible uses. The amendment is consistent with the designation. The amendment will create a link between services through bike lanes and a bike route.

Subsection 13.5.B addresses Plan Area Designation. For this amendment the Plan Area Designation does not apply. The amendment does not change the existing designation.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Chapter 13 findings shown above.

Staff will begin this item with a brief presentation. Please contact Nick Haven at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
AMENDMENT TO CHAPTER III

C. Proposed Transportation Improvements

Bicycle Facilities

1. **Recreational Trail System** - To improve circulation, reduce vehicle trips, and improve public access to recreational areas, the construction of the conceptual trail system shown in Figure 3 is needed. The improvements include: 1) a pedestrian and bicycle trail linking Round Hill to Douglas County Middle School side of the proposed park; 2) a pedestrian and bicycle trail to Nevada Beach; 3) and a hiking trail to the Round Hill Resort, and 4) a bike route and bike paths linking the Nevada Beach Trail to the Round Hill/Douglas County Middle School Trail.
1. Introduction and Background
   1.1 Problem – with background on concerns and TRPA actions
   1.2 Motorized Watercraft Technical Advisory Committee
   1.3 Goal of committee
   1.4 Members of committee
   1.5 Specific objectives of committee
   1.6 Integration of study and description of individual studies (not just MTBE)
   1.7 Deliverables of study to TRPA Board of Governors
   1.8 What the report will not provide

2. Extent of Contamination From Watercraft Use – Monitoring Results
   2.1 Air
   2.2 Surface Water
      2.2.1 Lake Tahoe
         2.2.1.1 MTBE
         2.2.1.2 BTEX
         2.2.1.3 Other compounds
      2.2.2 Other Lakes
         2.2.2.1 MTBE
         2.2.2.2 BTEX
         2.2.2.3 Other compounds

3. Sources of MTBE, BTEX and Related Compounds
   3.1 Precipitation
   3.2 Runoff
   3.3 Groundwater
   3.4 Spills
   3.5 Emissions from motorized watercraft
      3.5.1 General relationship with watercraft
      3.5.2 Release from specific engine types
         3.5.2.1 Tank test
         3.5.2.2 Lake tests

4. Environmental Fate and Transport
   4.1 Short-term vs. long-term solubility in water
   4.2 Distribution relative to lake hydrodynamics and mixing
   4.3 Interannual persistence
   4.4 Seasonal distribution
   4.5 Loss to atmosphere

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5. **Impacts to Aquatic Life – Toxicology Testing**
   5.1 MTBE – SB 521
   5.2 PAH – Jim Oris
   5.3 Listing of water quality and other regulatory code (criteria)

6. **Impacts to Drinking Water Resources – Human Health**
   6.1 Location of intakes
   6.2 Monitoring data
   6.3 Listing of regulatory code (criteria)

7. **Current Status and Projected Future Status of Water Quality Relative to Aquatic Life and Human Health Goals**
   This will include a series of Tables which tell TRPA how close either the current condition or future condition (vis-à-vis, build-out of boating) is relative to each regulatory concentrations. Red, yellow and green will be used to denote how close we are to these regulatory values.

8. **Control Options for Reducing Impacts of Watercraft Emissions**
   8.1 Boating management
      8.1.1 Reduction in number
      8.1.2 Reduction in specific engine types
   8.2 New technology requirements

9. **Expected Effect of Control Options on Aquatic Life and Human Health Goals**
   Present modification of Tables in Section 7 based on expected reduction in exhaust.

10. **Potential Consequences of Control Options**
    This will primarily be increased NOx emission from 4-stroke

11. **Summary and Recommendations**

**APPENDIX**
The following reports will be included as presented by authors:

A. Oris – Toxicology
B. Monitoring data – Tables and Figures
C. Boat Survey
D. CARB study
E. Millier and Fiore
engines for use by water agencies to enforce water quality related activity restrictions.

In 1994, the Air Resources Board (ARB) approved a revision to the State Implementation Plan (SIP) which contains clean air strategies needed to meet the health-based, 1-hour, federal ozone air quality standard. The ozone SIP includes measures to reduce emissions from mobile sources under state control (including passenger cars, heavy-duty trucks, and off-road equipment) as well as federal assignments to control emissions from sources under exclusive or practical federal control (such as planes, marine vessels and locomotives). The responsibility to adopt emission standards for marine pleasurecraft (measure M16) was assigned to U.S. EPA. In addition to the mobile measures, the SIP relies on the development of additional advanced technology measures (the mobile source “Black Box”) to provide another 75 tons per day ROG plus NOx needed for attainment in the South Coast Air Basin.

At the time the 1994 SIP was adopted staff believed that marine pleasurecraft emitted far fewer emissions than we know they do today. The dramatic four fold increase\(^a\) in the emissions from pleasurecraft is a result of the explosive increase in the use and horsepower of personal watercraft. So, although U.S. EPA adopted the emission standards for pleasurecraft described in the 1994 SIP, staff believes that further emission reductions are feasible, cost-effective, and necessary. The staff’s proposal will provide additional emission reductions to address the increased emission impact. The reductions will also provide progress toward meeting state and new federal air quality standards for ozone and particulate matter.

The estimated statewide benefits total 110 tons per day of ROG and NOx emission reductions in 2010 and 161 tons per day in 2020\(^b\). These estimated benefits are above and beyond the U.S. EPA program. The estimated benefits in the South Coast Air Basin from staff’s proposal total 31 tons per day of ROG and NOx emission reductions in 2010 and 35 tons per day in 2020\(^b\).

The cost-effectiveness of this proposal ranges from $0.32 to $3.57 per pound. This translates to average price increases ranging from approximately $150 to $2,300 per new engine to comply with this regulation. For the 1998 model year, the

\(^a\) Comparing the SIP inventory estimate to current typical summer day emissions inventory estimates.

\(^b\) Emission reductions on a weekend summer day.
EXECUTIVE SUMMARY

The Air Resources Board (ARB) staff is proposing regulations to reduce emissions of hydrocarbons (HC) and oxides of nitrogen (NOx) from spark-ignition marine engines, specifically, outboard marine and personal watercraft engines. Development of this proposal was undertaken to address the significant emissions impact from these categories of marine engines.

Based on the latest emissions estimates, outboard and personal watercraft engines account for 777 tons per day of reactive organic gas (ROG) and NOx emissions on weekend summer days (days which are associated with peak ozone episodes). An example of the impact of emissions from a single engine is the comparison between the operation of a personal watercraft to the emissions of a passenger car. The operation of a 100 horsepower personal watercraft for 7 hours results in more ozone precursor emissions (hydrocarbons + oxides of nitrogen) than the operation of a 1998 passenger car over 100,000 miles. Carbureted two-stroke engines, commonly used in outboard and personal watercraft engines discharge as much as 25 to 30 percent unburned fuel into the water and subsequently into the air. For example, a typical personal watercraft consuming five gallons of gasoline per hour and operated 41 hours per year, discharges between 50 and 60 gallons of unburned gasoline into the environment. Consequently, in addition to air quality impacts, since marine engines exhaust through the water, water quality is also impacted.

Although the United States Environmental Protection Agency (U.S. EPA) adopted regulations that reduce emissions from outboard and personal watercraft engines by 75 percent by 2025, the benefits of that program will not be sufficient to meet California's air quality goals.

The proposed regulation is designed to harmonize as closely as possible with the federal program through the following:

- Emission standards that are a percentage of the U.S. EPA 2006 standards curve.
- Use of U.S. EPA test procedures for certification and in-use testing.
- Acceptance of U.S. EPA test data for in-use compliance testing.
- Use of U.S. EPA's Cumulative Sum method and Selective Enforcement Audit procedures.
- Use of U.S. EPA's certification label format with additional language added for California, eliminating the need for a second California specific certification engine label.
Sacramento, California 95812, no later than 12:00 noon December 9, 1998, or received by the Clerk of the Board at the hearing.

It is requested but not required that twenty copies of any written statement be submitted and that all written statements be filed at least 10 days before the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modifications of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, 43101, 43102, 43104, and 43105. This action is proposed to implement, interpret, and make specific Health and Safety Code sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5, and 43210-43212.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

[Signature]

Michael P. Kenny
Executive Officer

Date: October 13, 1998
Further inquiries regarding this matter should be directed to Ms. Analisa Bevan, Air Resources Engineer, Marine Team at (916) 323-8966 of the Air Resources Board, Mobile Source Control Division, P.O. Box 2815, Sacramento, California 95812.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determination of the Board’s Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on private persons and businesses. The Executive Officer has determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulation will affect small business because small businesses will not incur costs in reasonable compliance with the regulation. The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

The Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or businesses directly affected resulting from the proposed action.

Finally, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. Assessment of the economic impacts of the proposed regulatory action can be found in the staff report.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMISSION OF COMMENTS

A written report and oral statements will be presented by staff at the meeting. Interested members of the public may also present comments orally or in writing. To be considered by the Board, written comments must be filed with the Clerk of the Board, Air Resources Board, P.O. Box 2815,
Cumulative Sum Production-Line Test Procedures and Selective Enforcement Auditing Regulations

Staff proposes a production-line testing requirement to ensure that manufacturers are building engines that comply with emission standards. This program will follow the procedure used for the U.S. EPA's Cumulative Sum procedure. This procedure replicates the statistical foundation of a federal compliance program known as "Selective Enforcement Audit," while providing greater opportunity for a quick decision. Therefore, the Cumulative Sum procedure would reduce the manufacturer's testing burden, especially for those engine families consistently below the emission standard by a wide margin. The minimum number of tests required is only two and the maximum is thirty.

In addition to the other enforcement programs proposed, the proposal would implement a Selective Enforcement Audit (SEA) program to discourage inappropriate production-line testing and/or reporting of insufficient or erroneous data. This program is procedurally identical to that finalized by the U.S. EPA and, as the name implies, will be used when the Executive Officer determines that a manufacturer's production test data are questionable or not representative of the engine family. Since an SEA can be imposed at any time under short notice, manufacturers are more likely to ensure that their production engines are built exactly as certified rather than risk the assessment of potential noncompliance penalties.

BENEFITS OF THE PROPOSAL

The proposal is anticipated to result in 65 percent greater HC+NOx emission benefits over the U.S. EPA program when fully implemented. The cost effectiveness of this proposal is within the range of other mobile source measure costs.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared the staff report for the proposed action that includes a summary of the environmental impacts of the proposal. The staff report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990 beginning at least 45 days before the scheduled hearing. The ARB staff has compiled a record that includes all information upon which the proposal is based. The ARB has determined that it is not feasible to draft the regulation in plain English due to the technical nature of the regulation; however, a plain English summary of the regulation is available from the agency contact person named in this notice, and/or is also contained in the staff report for this regulatory action.

To obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 322-4505, TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.
will follow the same process as the U.S. EPA to implement testing. This includes appropriately
timed notification to the engine manufacturer of: the need to test an engine family, sample size
for the test, the test engine selection criteria, the emission testing protocol, and the data reporting
requirements.

If an engine family exceeds the applicable HC+NOx standard on average, the subject engine
family would be subject to remedial action designed to mitigate the increased emissions caused by
the noncompliance. These programs may include a combination of the following:

- Payment of a mitigation fee to be used for appropriate emission reduction or verification
  programs
- Adjustment of the corporate average standard for following model years
- Accelerated turn-over program to retire older technology engines, carried out by the
  manufacturer.
- Demonstration of advanced innovative emission reducing technology on future production
  engines

Under this program, manufacturers would not be permitted to use federal in-use credits to offset
noncompliance. The compliance plan used to mitigate increased emissions from non-compliance
with the in-use emission standards will be determined through a consultative process with the
ARB and approved by the Executive Officer. If a combination of these programs is found to be
ineffective at mitigating the increased emissions resulting from noncompliance, the manufacturer
will be subject to an engine recall order.

Defects Warranty Requirements and Emission Control Warranty Statement
Staff is proposing that engine manufacturers ensure that the engines they build will have
emission-related components that are reliable, durable and capable of complying with the
applicable emission standards. Staff's proposed emissions defects warranty would provide a
coverage period of 4 years or 250 hours, whichever occurs first for outboard and personal
watercraft engines. The yearly periods represent approximately 25 and 66 percent of the
outboard and personal watercraft engines' average useful life, respectively. Staff believes that
these warranty periods are appropriate given the cost and duty cycles of the engines.
Requirement of an extended emission warranty is consistent with other ARB mobile source
regulations. The proposed warranty requirements apply to engine components that affect
emissions performance. The warranty requirements do not cover routine and scheduled
maintenance, and do not warranty parts past their designed useful life.

For each new marine engine sold in California, engine manufacturers would be required to include
in the owner's manual an explanation of their emissions defect warranty, the warranty
responsibilities of the owner, including providing proper maintenance.
Emission Standards
Central to the proposal are the exhaust emission standards that are phased-in over three tiers. The first tier, starting in 2001, implements the U.S. EPA 2006 standards. This effectively accelerates the U.S. EPA program by 5 years. Tier 2, to be implemented in 2004, sets the exhaust emission standards at 80 percent of U.S. EPA's 2006 standards. Tier 3, to be implemented in 2008, lowers the standard to 35 percent of U.S. EPA's 2006 standard. The proposed exhaust emission standards are in-use standards, meaning that the engines must be certified by the engine manufacturer to perform at or below the certified emission standard throughout the useful life of the engine. The proposal also allows for corporate averaging of engines, so that on a sales and horsepower weighted basis, a manufacturer's production must meet the emission standards. Through the averaging provision, engine manufacturers may produce some engines that emit more than the emission standard, if they are offset with engines that emit sufficiently less than the standard. Averaging is only allowed within the model year; banking and trading of emission credits is not allowed by the proposed regulations.

Emission Control Labels
In order to clearly identify all California-certified, spark-ignited marine engines, staff proposes that each be affixed with a permanent engine label. The certification label would be located on the engine, inside the cowling or engine compartment. The label would indicate that the subject engine complies with the California regulations and would also be an effective tool used during inspections, in-use testing and other enforcement programs. The requirements for the certification label are not substantially different from the U.S. EPA requirements and will require minimal modification by engine manufacturers.

Consumer/Environmental Label Requirements and Consumer/Environmental Label Notification Requirements
The environmental label program is proposed in order to establish 3 tier designations for consumer awareness and water quality protection programs. The labels would establish criteria for low-, very low- and ultra low-emission engines. These designations will serve to educate consumers about the relative emissions impact of new engines. However, the labels also establish a standardized mechanism for clearly identifying clean technology engines for use by water agencies to enforce water quality related activity restrictions. The proposal would also establish a mechanism to recognize existing clean technology engines (four-stroke and direct injection two-stroke engines) through a fourth label denoted as “clean technology engine” or CTE. The CTE label would be available from manufacturers, distributors or dealerships for retrofit application to existing four-stroke and two-stroke direct injection engines.

In-Use Compliance Testing and Recall Provisions
Certification with the marine engine regulations requires manufacturers to demonstrate that the engines will comply with the emission standards during the useful life of the engine. It is the intent of staff’s proposal to use data obtained through the U.S. EPA in-use testing program to determine compliance with ARB’s exhaust emission standards. The proposal also includes the authority for ARB to conduct California-specific in-use testing. California-specific programs
vessels, locomotives, utility engines, off-road motorcycles, and off-highway vehicles. This regulation is being proposed to reduce emissions of hydrocarbons (HC) and oxides of nitrogen (NOx) from spark-ignition marine engines, specifically, outboard marine and personal watercraft engines. Development of this proposal was undertaken to address the significant emissions impact of these watercraft. Although the United States Environmental Protection Agency (U.S. EPA) has adopted a regulation intended to reduce HC emissions from outboard and personal watercraft engines 75 percent from baseline levels by 2025, the benefits of that program will not be sufficient to meet California's air quality goals.

In crafting the proposal, the ARB staff met with engine manufacturers, trade associations, water agencies, environmental organizations, and other interested parties in numerous individual meetings and calls. The staff also held a public workshop on July 9, 1998.

RELATED FEDERAL ACTIONS

In 1996 the United States Environmental Protection Agency (U.S. EPA) adopted exhaust emission standards for outboard marine and personal watercraft engines (Title 40, Code of Federal Regulations, sections 89 through 91, October 4, 1996). The U.S. EPA standards are established as a function of rated power of the engine using the equation; A+(151+(557/P^0.9)+B, where A and B are coefficients that change as the regulation is implemented from 1998 to 2006, and P is the rated power of the marine engines. The endpoint of the implementation period, 2006, establishes standards based on the equation 0.25+(151+557/P^0.9)+6.00. The ARB’s proposed emission standards are based on a percentage of the 2006 equation. The cost of the separate California program is justified by the benefit to human health, public welfare, and the environment. In addition, the differences from the federal program are authorized by Health and Safety Code sections 43013 and 43018.

STAFF PROPOSAL

The proposal, which would be implemented with marine engines produced in the 2001 and later model years, would apply to outboard marine and personal watercraft engines. The proposed regulations do not apply to inboard or sterndrive engines. The proposed regulation is designed to harmonize as closely as possible with the federal program through the following:

- Emission standards that are a percentage of the U.S. EPA 2006 standards curve.
- Use of U.S. EPA test procedures and test cycles for certification and in-use testing.
- Acceptance of U.S. EPA test data for in-use and compliance testing.
- Use of U.S. EPA’s Cumulative Sum method and Selective Enforcement Audit procedures.
- Use of U.S. EPA’s certification label format with additional language added for California, eliminating the need for a second California-specific certification engine label.
TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF EMISSION STANDARDS AND TEST PROCEDURES FOR NEW 2001 AND LATER SPARK-IGNITION MARINE ENGINES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider the adoption of emission standards and test procedures for new 2001 and later spark-ignition marine engines.

DATE: December 10, 1998
TIME: 8:00 a.m.
PLACE: Board Hearing Room, Lower Level
        2020 L Street
        Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 8:00 a.m., December 10, 1998, and will continue at 8:30 a.m., December 11, 1998. This item may not be considered until December 11, 1998. Please consult the agenda for the meeting, which will be available at least 10 days before December 10, 1998, to determine the day on which this item will be considered. At 8:00 a.m. on the day that this item will be considered, a demonstration of marine engine technologies will be conducted on the north side of the 2020 L Street building.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the Clerk of the Board at (916) 322-5594 or TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, by October 8, 1998.

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH POLICY STATEMENT OVERVIEW


The California Clean Air Act as codified in Health and Safety Code sections 43013 and 43018 grants the ARB authority to regulate off-road mobile sources of emissions. Included are marine
10. REDUCE THE IMPACTS OF MOTORIZED WATERCRAFT ON WATER QUALITY.

The use of motorized watercraft on lakes within the region adversely affects water quality through the direct discharge of pollutants. Pollutants that can be discharged by motorized watercraft include methyl tertiary-butyl ether (MTBE), polycyclic aromatic hydrocarbons (PAHs), and hydrocarbons. These pollutants adversely impact fish and wildlife, recreation and water supplies.
5. NO PERSON SHALL DISCHARGE SOLID WASTES IN THE LAKE TAHOE REGION BY DEPOSITING THEM ON OR IN THE LAND, EXCEPT AS PROVIDED BY TRPA ORDINANCE.

Landfilling or other practices for disposing of solid wastes can add harmful biological oxygen demand, nutrients, and toxic substances to the watershed of Lake Tahoe. Therefore, the control of solid waste disposal is necessary to protect and enhance water quality. Existing state policies and laws will continue to govern solid waste disposal in the Tahoe Region.

6. TRPA SHALL COOPERATE WITH OTHER AGENCIES WITH JURISDICTION IN THE LAKE TAHOE REGION IN THE PREPARATION, EVALUATION, AND IMPLEMENTATION OF TOXIC AND HAZARDOUS SPILL CONTROL PLANS.

A single spill of a toxic or hazardous material in the Basin could reverse progress in attaining water quality goals gained at great local expense and effort. TRPA will cooperate with the Forest Service, the EPA, and state water quality and health agencies to prevent and control toxic and hazardous spills.

7. THE BMPs WILL BE AMENDED TO INCLUDE SPECIAL CONSTRUCTION TECHNIQUES, DISCHARGE STANDARDS, AND DEVELOPMENT CRITERIA APPLICABLE TO PROJECTS IN THE SHOREZONE.

Sediment and other discharges from shorezone construction or dredging have an immediate and obvious impact on water clarity in localized areas, and are harmful to fish. Proper construction techniques and other measures will be required as necessary to mitigate activities in the shore zone and to protect the natural values of the shorezone.

8. LIQUID OR SOLID WASTES FROM RECREATIONAL VEHICLES AND BOATS SHALL BE DISCHARGED AT APPROVED PUMP-OUT FACILITIES. PUMP-OUT FACILITIES WILL BE PROVIDED BY PUBLIC UTILITY DISTRICTS, MARINAS, CAMPGROUNDS, AND OTHER RELEVANT FACILITIES IN ACCORDANCE WITH STANDARDS SET FORTH IN THE HANDBOOK OF BEST MANAGEMENT PRACTICES.

Attempts to control the addition of pollutants to Lake Tahoe and its tributaries should not overlook vehicle and vessel wastes. The present shortage of pump-out facilities contributes to the size of this problem. The Handbook of Best Management Practices shall be revised to address pump-out facilities.

9. EVALUATE THE FEASIBILITY AND EFFECTIVENESS OF PONDING FACILITIES ALONG STREAM CORRIDORS AS A STRATEGY FOR REMOVING INSTREAM LOADS OF SEDIMENT AND NUTRIENTS.

Streams in the Lake Tahoe Basin act as receiving waters for overland runoff which may contain substantial quantities of sediments, nutrients, and other impurities. In the absence of an effective filtering mechanism along the stream such as a marsh, these contaminants eventually will be deposited into Lake Tahoe. Diversions of stream water into settling ponds or marshes might be an effective mechanism for cleansing the stream water prior to it emptying into the Lake. The feasibility of this concept should be further evaluated based on its technical and environmental merits and consistency with the other goals and policies of this Plan.
GOALS AND POLICIES, CHAPTER 2, LAND USE ELEMENT, WATER QUALITY SUBELEMENT

GOAL #2
REDUCE OR ELIMINATE THE ADDITION OF OTHER POLLUTANTS WHICH AFFECT, OR POTENTIALLY AFFECT, WATER QUALITY IN THE TAHOE BASIN.
Although controlling nutrient and sediment loads to Lake Tahoe is crucial to meeting water quality standards and adopted thresholds, several other existing or potential problems also must be controlled to preserve the scenic, recreational, and other values of the Tahoe Region.

POLICIES:

1. ALL PERSONS ENGAGING IN PUBLIC SNOW DISPOSAL OPERATIONS IN THE TAHOE REGION SHALL DISPOSE OF SNOW IN ACCORDANCE WITH SITE CRITERIA AND MANAGEMENT STANDARDS IN THE HANDBOOK OF BEST MANAGEMENT PRACTICES.
Melting snow in snow disposal areas can represent not only a significant source of nutrients, but also of harmful hydrocarbons, metals, and biological oxygen demand. Therefore, site criteria and management standards are required to protect Lake Tahoe’s extraordinary water quality. The Handbook of Best Management Practices shall be revised to address snow disposal practices.

2. DISCHARGES OF SEWAGE TO LAKE TAHOE, ITS TRIBUTARIES, OR THE GROUNDWATERS OF THE LAKE TAHOE REGION ARE PROHIBITED. SEWAGE COLLECTION, CONVEYANCE AND TREATMENT DISTRICTS SHALL HAVE APPROVED SPILL CONTINGENCY, PREVENTION, AND DETECTION PLANS.
Sewage discharges, regardless of their cause, not only contribute unnecessary nutrient loads to Lake Tahoe, but may also cause public health problems. Accidental discharges may be minimized through proper design and construction practices and comprehensive spill contingency, prevention, and detection plans. All agencies which collect or transport sewage should have plans for detecting and correcting exfiltration problems.

3. ALL INSTITUTIONAL USERS OF ROAD SALT IN THE LAKE TAHOE REGION SHALL KEEP RECORDS SHOWING THE TIME, RATE, AND LOCATION OF SALT APPLICATION. STORAGE OF ROAD SALT SHALL BE IN ACCORDANCE WITH THE HANDBOOK OF BEST MANAGEMENT PRACTICES.
Road salt can be very harmful to vegetation near application and storage areas. This vegetation, in turn, is crucial to maintaining the Region’s water quality. Better knowledge and control of salt application will have positive impacts on vegetation and water quality. The Handbook of Best Management Practices shall be revised to address application and storage of road salt.

4. UNDERGROUND STORAGE TANKS FOR SEWAGE, FUEL, OR OTHER POTENTIALLY HARMFUL SUBSTANCES SHALL MEET STANDARDS SET FORTH IN TRPA ORDINANCES, AND SHALL BE INSTALLED, MAINTAINED, AND MONITORED IN ACCORDANCE WITH THE HANDBOOK OF BEST MANAGEMENT PRACTICES.
Leaking underground tanks are becoming a major nationwide water quality problem. In the Tahoe Basin, the environmental impacts of leaking tanks may be especially noticeable and harmful to the values of the Region. The Handbook of Best Management Practices shall be revised to address underground storage tanks.
**Workshop Agenda**

I. **Status Reports:** TRPA staff is working with other agencies (the Study Group) to study the impacts of motorized watercraft on the waters of the Lake Tahoe Region. We are trying to arrange workshop presentations related to the major studies:

- In Lake Watercraft Tests – University of Nevada Reno and Lahontan
- Watercraft Tank Test – California Air Resources Board
- Lake and Stream Monitoring – U.S. Geological Survey
- MTBE Monitoring – Tahoe Research Group
- Boating Use Survey - Nevada Division of Wildlife and California Boating and Waterways

II. **Discussion on Possible Responses:** The following is a list of items that have been requested for consideration:

- Goals and Policies Amendment Regarding Motorized Watercraft
- Change in criteria for identifying prohibited 2 stroke engines
- Possible extensions and/or exemptions from the June 1, 1999 prohibition for:
  - Under 30 hp 2 stroke carbureted outboard motors,
  - Auxiliary 2 strokes carbureted outboards for sailboats, or
  - Two stroke carbureted outboards on other lakes of the Region.

III. **Issues to be Addressed in December Environmental Documentation:** The Tahoe Research Group has agreed to help TRPA prepare a report based on the new information that has become available. The report will be reviewed by the Study Group and be presented to the APC and Governing Board in December (See Attachment D for Report Outline). Based on the scope of this report and the results of the workshop, staff is requesting APC input on the environmental issues that need to be addressed in December.
MEMORANDUM

November 1, 1998

To: Advisory Planning Commission

From: TRPA Staff

Subject: Status Report on Findings of Motorized Watercraft Studies

Proposed Action: This is a planning workshop on the motorized watercraft issue (See Agenda, Attachment A). The purpose of this workshop is to learn about new information and to discuss appropriate responses to this new information. No action is required on this item; however, comments or recommendations to the staff and Governing Board would be welcomed. We are anticipating public hearings on this issue in December.

Staff Recommendation: Staff recommends holding the workshop in preparation of possible December public hearings. At this time, staff recommends considering the following items:

1. Minor adjustments to the Goals and Policies to clarify TRPA's role in motorized watercraft regulation. (See Attachment B)
2. Using Tier 1 of the Air Resources Board's tiered labeling system to identify which two stroke motors should be prohibited. (See Attachment C)

At the meeting, TRPA Legal Counsel will update the APC on the current status of the lawsuit.

If you have any questions, please contact Gabby Barrett or John Marshal at 702-588-4547.