Chapter 7
RECREATION

7.1 INTRODUCTION

This chapter identifies the potential environmental impacts on recreation that could result from Alternative 6. The existing recreation conditions and trends are discussed in Section 7.1 of the DEIS and are not repeated here. Please refer to the DEIS. Many types of recreation activity take place in the Tahoe Basin. The following discussion focuses on recreation use of the Shorezone and the Lake, as it is supported by access and facilities in the Shorezone.

REGULATORY CONSIDERATIONS

The TRPA regulatory framework for recreation in the Basin includes the recreation threshold, Regional Plan goals and policies, EIP projects for recreation access, TRPA Code of Ordinances, and Persons at One Time (PAOT) allocations and Plan Area Statements. Recreation goals, policies, and plans have also been adopted by Federal, State, and local agencies in the Basin. Section 7.1 of the DEIS provides a detailed description of the regulatory considerations for recreation in the Basin. Please refer to the DEIS.

7.2 EXISTING RECREATION CONDITIONS AND TRENDS

EXISTING CONDITIONS

Section 7.2 presents a description of existing conditions regarding recreation activities, user survey results, recreation conditions, facilities, and conflicts. It also discusses the status and condition of public access to the lake. The DEIS reported that one recreation threshold, provision of high-quality recreation experience (R-1), is not in attainment and one threshold, capacity for recreation available to the general public (R-2), is in attainment, as of the 2001 Threshold Evaluation. Please refer to Section 7.2 of the DEIS for more details about existing recreation conditions.

TRENDS

The DEIS explained trends for recreation demand in the Tahoe Basin. Please refer to the DEIS.
7.3 SUMMARY OF PROJECT ALTERNATIVES – ALTERNATIVE 6

As discussed in Chapter 2 of the DEIS, the different alternatives would have varied effects on Shorezone development at Lake Tahoe. Section 7.3 of the DEIS contains a summary of the alternatives, except the new Alternative 6, which is summarized below.

ALTERNATIVE 6 – DENSITY-BASED, 230-PIER ALTERNATIVE

Alternative 6 implements a new approach to the authorization of pier construction, based on planned density of piers within specified shoreline types and a limited annual approval rate leading to no more than 220 private and 10 public (230 total) piers within the timeframe of the PATHWAY 2007 Regional Plan update (2027). Up to 10 new private piers may be approved each year. Under this alternative, all private parcels that do not have an existing pier or deed restrictions related to access to a multi-use pier would be potentially eligible for a pier. Eligibility criteria also require that existing shoreland structures achieve a scenic contrast rating score of 25 or better and that current Best Management Practices (BMPs) are in place, among other provisions. Also, only multi-use piers could be approved in shoreline travel units that have not attained scenic thresholds. Owners of eligible parcels may apply for a new single or multi-use pier, the approval of which would be determined by the length of shoreline retired by the approval (i.e., approval of a pier would retire the parcel or parcels with access to the pier from future eligibility and first priority would be assigned to applications with the greatest length of retired shoreline). All piers must comply with design standards adopted by TRPA to ensure that scenic code requirements and thresholds are met.

Up to two buoys would be allowed on every private littoral parcel, as long as they could meet adjacent property setback, shoreline distance, and separation standards. All buoys must be set back at least 25 feet from the adjacent property line, as measured from the line extended into the water. They must be located no more than 350 feet from the high water shoreline, or within the shorezone area defined by the 6,219-foot contour line on the lakebed where shallow water makes achievement of the 350-foot distance from the high water shoreline impossible. The minimum separation distance between buoys must be 50 feet.

At public marinas, in common areas controlled by homeowners associations (or similar entities), or on public properties where piers are allowed, the buoys must be located within the area defined by the side property setback and shoreline distance standards. The maximum number of buoys would be determined by these dimensions and the minimum separation distance of 50 feet. Also, buoy fields controlled by homeowners associations may not contain more buoys than the number of participating homes in the association.

Only public boat launching ramps could be added under Alternative 6. Therefore, they would only be added where public street access to the shoreline is present with shoreland area that is suitable for the launch ramp use and other mitigation (e.g., sewer and water connection).
RECREATION–RELATED PROJECT CHARACTERISTICS

Alternative 6 implements specific approaches intended to provide for and improve public recreational access. For instance, any new, modified, or expanded piers will not be allowed to substantially impair legal, lateral, public recreational access along the lake shoreline. TRPA-adopted pier design standards would require lateral access to be provided over, under, or around the structure, as is appropriate for the specific property. While existing structures would not be required to retrofit public access improvements, they would be required to do so if a modification or expansion is sought.

Although the new approach to the authorization of private pier construction includes a limited annual approval rate (up to 10 per year), this allocation system would not apply to new piers accessible to the general public. Instead, public piers would need to be consistent with density criteria for each scenic shoreline character class (up to a total of 10 by 2027), but would not be subject to public access mitigation fees. The number of buoys allowable at public marinas and on public properties that permit buoys would be based on the dimensions of the property, the 350 foot (or 6,219 foot lake elevation) limit, and 25-foot setback from extended property lines. Each buoy would have a minimum distance of 50 feet from other buoys.

7.4 STANDARDS OF SIGNIFICANCE

Criteria for determining whether significant recreation impacts would occur from implementation of Alternative 6 would be the same as those used for the other alternatives. Because of the complexity of the criteria, however, they are presented here for convenience.

The recreation threshold, with implementing policies and regulations, presents unique difficulties for environmental analysis. The TRPA recreation threshold is different than the other environmental threshold carrying capacities. The recreation threshold does not set numerical standards but rather encourages acquisition of lands and development of facilities for additional recreation opportunities. The recreation thresholds are policy statements by the Governing Board and do not lend themselves to simple quantification or linkage to particular numerical measurements.

The threshold seeks to protect the quality and enhance the accessibility of recreational resources that make the Tahoe Region unique. Access is an element that can be quantified, targeted, and predicted. The PAOT system of allocation is a tool TRPA uses to address access and capacity questions. However, the threshold also requires attaining and maintaining a quality standard for that access. Quality is a much less precise standard built on visitor expectations of elements such as facility design and maintenance, ease of access, flexibility of recreational choice, cost, and degree of solitude. Actions that enhance the quality of one recreational activity often produce no effects or negative effects on the quality of a different recreational activity.

No evaluation criterion exists today that allows quantitative assessment of predicted changes to recreational quality. However, existing policies and regulations establish a framework for evaluating predicted future changes. These include:
Violation of the policies of the Recreation Element intended to preserve and enhance the high-quality recreational experience, including the preservation of high-quality undeveloped Shorezone and other natural areas;

Failure to provide additional public access to the Shorezone and high-quality undeveloped areas for low-density recreational uses, and the loss of public access to the Shorezone and along the Shorezone;

Failure to minimize the impacts to top-line fishing in prime fish habitat; and

Violation of the TRPA Code of Ordinances.

**EVALUATION CRITERIA**

The evaluation of potential impacts to recreation is based on the alternative’s potential to conflict with existing or proposed land uses in the Shorezone area. In this analysis, an alternative is considered to have a significant impact on recreation if it would result in any of the following:

- Modification of existing structures or construction of new structures that impede lateral passage of pedestrians along the Shorezone.
- Modification of existing, and construction of new structures in the Shorezone that impede access or ability to navigate along the Shorezone by motorized or non-motorized watercraft.
- Construction of new structures in prime fish habitat that impact top-line fishing.
- Development of new facilities and increased boat usage resulting in an impact to high-quality undeveloped Shorezone areas.
- Non-attainment of threshold standard target for Summer Day Use PAOTs.
- Loss of access or public ownership of lands to private interest through quit claims, quiet titles, or other means.

**SUMMARY OF POTENTIAL RECREATION IMPACTS AND REQUIRED MITIGATION MEASURES**

The quality of the recreational experience along the shore and on Lake Tahoe is dependent on the ability to access Tahoe’s shores and open waters, and to pursue chosen activity without conflict. Alternative 6 would increase boating access to Lake Tahoe and include features to protect lateral shoreline access. Meeting the general public’s recreation need is important to achieving the PAOT targets related to the recreation threshold. This section evaluates the alternative’s contribution to meeting these targets.

This section examines potential effects on recreation associated with the following conditions:

1) Construction of new Shorezone structures leading to reduced access for:
   - boaters along the shoreline;
   - lateral pedestrian access along the shoreline;
- nearshore navigation for small non-motorized craft; and
- anglers in productive fishing waters.

2) Increased motorized boating use that decreases the quality of the recreational experience for non-motorized boaters and on-shore dispersed recreationists.

3) The creation of obstacles to top-line fishing (trolling) from Shorezone structures in prime fish habitat.

4) Attainment of Summer Day Use PAOT targets.

Please refer to Section 7.4 of the DEIS for a summary of the kinds of recreational effects that result from the range of alternatives. The remainder of the discussion in Section 7.5 below addresses the effects of Alternative 6.

### 7.5 POTENTIAL RECREATION IMPACTS AND REQUIRED MITIGATION MEASURES

**ALTERNATIVE 6 – DENSITY-BASED, 230-PIER ALTERNATIVE**

Alternative 6 implements a new approach to the approval and placement of a limited number of new piers in association with the time-frame of the PATHWAY 2007 Regional Plan. The approval of new piers would be directed by parcel eligibility and density criteria and would be implemented using a limited approval rate of up to 10 new private piers per year. All new piers would be required to comply with TRPA-adopted design standards to help ensure protection of lateral public access and recreation threshold requirements.

Two buoys would be allowed for every private littoral parcel that has a minimum width of 40 feet (to allow a minimum setback of the buoys from adjacent properties). At public marinas, common areas controlled by homeowners associations or similar entities, or public properties that support buoys, the number of allowable buoys would be determined by the dimensions of the property, a 25-foot setback from the edge of the property, and a 50-foot minimum distance between buoys. All buoys must be located within 350 feet of the shoreline or not beyond the 6,219-foot elevation, where shallow waters make it impossible to place buoys within 350 feet of the shoreline. The standards in Alternative 6 would lead to an estimated 1,862 additional buoys (1,686 private and 176 public).

The allowance of additional public and private piers and buoys, along with additional launch ramps, would increase the opportunity for motorized boating on the lake and, therefore, the number of boats and level of boating activity on the lake.

As a water quality improvement strategy, Alternative 6 would include the closure of Emerald Bay to motorized watercraft traffic one weekend day per week during July and August.

**Impact 7.6.1:** With the design standards included in Alternative 6, impairment of legal, lateral shoreline pedestrian access would take place to a lesser degree than under the previously described alternatives. Increased numbers of Shorezone structures and development would continue to reduce lateral pedestrian access along the Shorezone. This would result in a significant effect on shoreline recreational access.
The California public trust easement for lateral access along the shoreline is the area between elevations 6,228.75 and 6,223 feet. The State of Nevada owns the area lakeward of 6,223 feet. Under Alternative 6, provisions are included to avoid unreasonable impairment of lateral access to the public trust and public areas.

A limited number of new Shorezone pier structures would be allowed each year (up to 10) and within the overall program (up to 220 private and 10 public piers). Density criteria would limit the maximum density of piers in sandy beach areas, which provide important lateral access along the shoreline, to an average of no more than one pier per 200 feet. This density provision would promote the protection of substantial stretches of sandy beach without crossing piers. Density criteria allow a maximum average density of one pier per 100 feet in other classes of shoreline where piers can be placed (Visually Modified and Visually Dominated Shorelines), which would still retain stretches of shoreline without crossing structures. Approval of new, expanded, or modified piers would include the requirement to provide lateral shoreline access past the structure so as to not substantially impair public recreational access. The open pile design permitted under Alternative 6 generally allows passage. These provisions of Alternative 6 would help protect public access, consistent with the TRPA Recreation Threshold and the Recreation Element of the Goals and Policies.

Even under Alternative 6, however, increased numbers of Shorezone structures, quit claims to public easements/parcels privatizing current public access, and the continuation of private signage and fencing would further reduce lateral pedestrian access along the Shorezone within the public easement and public trust areas. Restricting public access would be contrary to the TRPA Recreation Threshold and the Recreation Element of the Goals and Policies. The potential for reduced Shorezone access for pedestrians would result in a significant impact on recreation and this user group in particular. To reduce limitations to pedestrian lateral access along the Shorezone, TRPA shall implement the following measures, which were included as Mitigation Measures 7.1.1b, 7.1.1c, and 7.1.1d of the DEIS:

Mitigation Measure 7.6.1a: TRPA shall develop a sign program, in cooperation with the California State Lands Commission, the Nevada Division of State Lands, and the California Tahoe Conservancy, in addition to all other public Shorezone property owners, which results in the installation of signs at key shoreline access points. The signs shall explain the rights of the public and the private property owner with respect to lateral access along the shoreline of the Lake, and encourage appropriate use of the lateral access. If necessary, TRPA should amend Code Chapter 26, Signs, to regulate signage in the Shorezone, such as “No Trespassing” signs that discourage persons from utilizing public trust lands and private lands containing public easements. The number of signs and the financial impact to the individual agencies is undetermined.

Mitigation Measure 7.6.1b: Fences that extend lakeward of high water, and which are not for the protection of the health and welfare of the general public or are not approved by agencies having jurisdiction, shall be retrofitted pursuant to TRPA’s Code of Ordinances. Where retrofit will not remove the impedance to access, fences shall be required to be removed.

Mitigation Measure 7.6.1c: TRPA shall discourage local jurisdictions from abandoning or quitclaiming interests in parcels or easements that could provide public access. TRPA shall amend its Code to require, as a condition of approval on any boundary line adjustment or lot
consolidation, the dedication of public access where there is a loss of public access to the Lake and/or where lateral access is affected.

Implementation of these mitigation measures would reduce this potential significant impact to a level that is less than significant.

**Impact 7.6.2:** New and expanded private piers approved under Alternative 6 would be limited in density by criteria in the Shorezone ordinance and in length by the TRPA-adopted design standards. While any new or extended pier would interfere to an extent with non-motorized watercraft navigation, the limitations required in the ordinance would keep the effect at a less-than-significant level.

In general, obstacles to nearshore non-motorized watercraft navigation are more pronounced during high water conditions when paddlers cannot cross under structures and are forced farther out onto the lake. Additionally, obstacles to nearshore navigation are expected to be most prevalent in urban areas, because these locations are where both paddling activity and Shorezone structures are most concentrated. Long stretches of publicly owned shoreline do not have as many structures that present obstacles to nearshore navigation.

Alternative 6 allows for a limited number of new Shorezone pier structures within the overall program (up to 220 private and 10 public piers). Density criteria would limit the maximum density of piers in sandy beach areas, which provide important, beach-launched paddling opportunities, to an average of no more than one pier per 200 feet. This density provision would promote the protection of substantial areas of open water in front of sandy beach without interfering piers. Density criteria allow a maximum average density of one pier per 100 feet in other classes of shoreline where piers can be placed (Visually Modified and Visually Dominated Shorelines), which would still retain areas of unobstructed water. Approval of new, expanded, or modified piers would include the requirement to limit the length of piers consistent with TRPA-adopted design standards. The provisions of Alternative 6 would limit the obstacles to nearshore navigation by requiring 50 feet of minimum separation between piers in the water and preventing construction of overly long new or extended piers that would force paddlers into difficult navigation in deeper waters. These provisions, which were required as Mitigation Measure 7.1.2a of the DEIS, help maintain consistency with the TRPA Recreation Threshold and the Recreation Element of the Goals and Policies. The potential for interference with nearshore, non-motorized navigation as a result of Alternative 6 would be less than significant.

No mitigation measures are required for Impact 7.6.2.

**Impact 7.6.3:** Alternative 6 would result in increased motorized boating, which may degrade the quality of the beach recreation experience, because of boat noise. This is a potentially significant effect.

Under Alternative 6, increasing the number of boats on the lake may degrade the recreation experience along the Shorezone where public access beaches exist, because of an attendant increase in boat noise. The Recreation Threshold and Recreation Element of the Goals and Policies require maintaining a high-quality experience, placing particular emphasis on the experience found along the undeveloped Shorezone. Boat noise disturbance could occur as a cumulative impact because the total number of boats in a region of the lake could increase with the addition of launch ramps, piers, and buoys. The
impact can also manifest from non-observance of the 600-foot no-wake zone. The recreation threshold fee of $100,000 that would be implemented as part of Alternative 6 would partially mitigate for the reduced quality of the recreational experience. As described in Chapter 2, the fee would be used for acquisition or improvement of public access, among other uses. This fee corresponds to the mitigation program required in Mitigation Measure 7.1.3c of the DEIS. However, implementing this program alone would not fully mitigate the impact.

To mitigate the potential impact to high-quality recreational experience in undeveloped Shorezone areas, TRPA shall implement the following measures, which were included as Mitigation Measures 7.1.3a and 7.1.3b of the DEIS:

Mitigation Measure 7.6.3a: TRPA shall provide or make available information on the 600-foot no-wake zone regulations and noise regulations pertaining to motorized watercraft at all public launching facilities and concessionaires that provide access to the use of watercraft (whether privately owned or rented). Appropriate information shall be made available to the general public, as well as the boating public.

Mitigation Measure 7.6.3b: TRPA shall coordinate with the States of Nevada and California to adopt the necessary regulations so that the Nevada Department of Wildlife and California Boating and Waterways can assist TRPA in enforcing the 600-foot no-wake zone.

Implementation of these mitigation measures would reduce this potentially significant impact to a level that is less than significant.

Impact 7.6.4: While Alternative 6 would add obstacles to top-line fishing (trolling) by increasing the number of piers and buoy fields in parts of the Shorezone with fish habitat, the density standards for new piers and the limited number of new structures in the program would maintain the interference at less-than-significant levels.

Alternative 6 would include some additional obstacles in the Shorezone that could interfere with top-line fishing (trolling) near the shoreline by allowing structures, such as new piers, to be constructed within fish habitat. The density criteria and the total pier limitation of the program (230 piers) would maintain substantial areas without new structures. Generally, piers that extend beyond the pierhead line force anglers away from the shore, into less productive waters. TRPA-adopted pier design standards would limit the length of single-use piers, but new piers would be allowed where they are not currently located.

Large arrays of buoys placed close together, particularly if located in buoy fields that extend far into the Lake, could create barriers to through travel that also force anglers into deeper waters away from prime fishing spots, particularly during the boating season when boats occupy the buoys. The placement standards in Alternative 6 would limit the size and density of buoy fields. Buos may not be placed farther than 350 feet from the high-water shoreline where water is deep enough to accommodate the buoys. Where the water is too shallow close to shore to feasibly place buoys within 350 feet of the shoreline, the alternative includes a secondary limitation of no farther than the 6,219 foot lakebed elevation contour. Removal of buoys during the off-season would allow increased access for top-line fishing during that period. These provisions of Alternative 6, and the limitations on buoy density, would maintain substantial open water, avoiding significant obstruction of fishing boat access to important recreational fishing locations.
Recognizing that Alternative 6 is intended to maintain substantial open water in the Shorezone, including in fish habitat areas, and that design standards require limitations that reduce the potential for interference with trolling, the degree of interference would be less than significant.

No mitigation measures are required for Impact 7.6.4.

Impact 7.6.5: Alternative 6 would provide for some public facilities that could help attain summer PAOT allocations and would not have provisions that inhibit attainment. Therefore, the effect of Alternative 6 on attainment of PAOT allocations would be less than significant.

Alternative 6 would not inhibit the attainment of summer PAOT targets and includes allowance for public Shorezone facilities that can help achieve attainment. The alternative includes the opportunity for up to 10 new public piers, and the timing of their approval and implementation is not restricted by the slow authorization approach applicable to private piers. Buoys available to the public (i.e., at homeowners associations, marinas, and public parcels with buoys) are also allowed, with some restrictions related to design standards necessary for navigation and limiting the number to no more than the number of participating homes for homeowner association buoy fields.

With the adoption of the Regional Plan package, TRPA established overall targets for PAOTs for public recreational uses. The goal was to realize the development of facilities that support PAOTs for public use, thus ensuring that a fair share of the Region’s resources are dedicated to publically accessible, recreation facility development versus commercial, residential, or other urban uses.

To date, PAOTs have been underutilized and there are many reasons for this shortfall. “Shorezone PAOTs” (i.e., those Shorezone uses requiring PAOTs) account for only 30 percent of all summer-day use PAOTs. Moreover, the vast majority of summer day-use PAOTs that have been allocated are for Shorezone uses, so the Shorezone is well represented in PAOT allocations. It is also important to note that private single-use and private multi-use Shorezone structures would not have PAOT allocations, because only Shorezone structures that are available to the general public would gain PAOT allocations. Therefore, in terms of meeting threshold attainment, as measured by PAOT allocations, restrictions on private piers have no effect. Stated differently, the approval of private piers and buoys would not inhibit attainment of public-use PAOT allocations.

No mitigation measures are required for Impact 7.6.5.

Other Non-Significant Recreation Impacts

There would be no other non-significant impacts on recreation with Alternative 6.

Beneficial Recreation Impacts

Alternative 6 would allow for an increase in the number of boat ramps and buoys, which would increase the capacity of the lake to support boating; this would be a beneficial effect primarily related to providing opportunity for motorized boating.

Summertime, weekend-day closure of Emerald Bay to private motorized craft would result in a beneficial enhancement of the experience for paddlers in non-motorized craft to enjoy this highly scenic location without the noise and wakes of motorized craft.
Public access requirements of Alternative 6 would protect and enhance public access for all Lake Tahoe visitors, not just boaters; this would be a beneficial impact.
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7.5 POTENTIAL RECREATION IMPACTS AND REQUIRED MITIGATION MEASURES

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