TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Tuesday, December 18, 2001, commencing at 2:00 p.m., at the offices of the TPRA, the Office Relocation Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) approval of minutes; 3) status of new office building; and, 4) member comments. (Committee: Heller, Seviston, Miner, Slaven, Solaro)

NOTICE IS HEREBY GIVEN that on Tuesday, December 18, 2001, commencing at 5:30 p.m., at the offices of the TPRA, the Environmental Improvement Program Implementation Committee (EIPIC) will meet. The agenda will be as follows: 1) public interest comments (no action); 2) approval of minutes; 3) EIP regional approach; 4) the Tahoe Integrated Information System; 5) science advisory group; 6) presentation on the 2004 threshold update; 7) status of BMP retrofit master plan; and, 8) member comments. (Committee: Waldie, Seviston, Miner, Cole, DeLanoy, Perock)

NOTICE IS HEREBY GIVEN that on Wednesday, December 19, 2001, commencing at 8:45 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the Horizon Casino Resort, U. S. Highway 50, Stateline, Nevada. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN that on Wednesday, December 19, 2001, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) monthly statement; and, 3) member comments. (Committee: Slaven, Heller, Galloway, Solaro, Plank)

December 10, 2001

Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley 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. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

pledge of allegiance (5 minutes)

roll call and determination of quorum (5 minutes)

public interest comments - All comments are to be limited to no more than five minutes per person.

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

approval of agenda (5 minutes)

approval of minutes (5 minutes)

The minutes will be available at the January 2002 Governing Board meeting.

consent calendar (see agenda pg. 3 for specific items) (5 minutes)

reports

A. Executive Director Status Report (10 minutes)
   1. Monthly Status Report on Project Activities
   2. Notice of Automatic Fee Schedule Adjustment

B. Legal Division Monthly Status Report (5 minutes)

planning matters

A. Presentation on the 2001 Threshold Evaluation Report (60 minutes)

B. Recommendation on Findings for Local Jurisdictions (45 minutes)
   Have Demonstrated Their Fair Share of Affordable Housing
IX. PROJECT REVIEW

A. Ray, Expansion of an Existing Pier and New Boatlift (30 minutes) and Catwalk, 6901 Meadows Boulevard, Douglas County, Assessor's Parcel Number 05-090-06, TRPA File No. 200119

B. Ruvo/Fein/Whittemore, New Multiple Use (60 minutes) (time certain 1:30 p.m.) Henley and Four Seasonal Buoy in Lake Tahoe, Glenbrook Road, Glenbrook, Nevada, Assessor's Parcel Number 01-070-16, TRPA File No. 200565

X. APPEAL

A. Appeal of Executive Director's Decision, Primm Pier, (60 minutes) El Dorado County, Assessor's Parcel Number 32-120-12, TRPA File Nos. 20040505 & 2004052

XI. PUBLIC HEARINGS

A. Amendment of Plan Area Statement 658, Glenbrook, to (45 minutes) (time certain 1:30 p.m.) Add Special Area #1 Where the Construction of New Piers Will Be Prohibited

B. Amendment of Chapter 33 of the Code, the Development (45 minutes) And Implementation Supplement of the Goals and Policies Plan to Allow Up to 300 Residential Allocations for 2002

C. Amendment of Chapter 20 Land/Coverage to Adjust (15 minutes) Excess Land Coverage Area

D. Scoping of Environmental Impact Report/Environmental (15 minutes) Impact Statement for the South Tahoe Public Utility District

E. Lakeside Trail Supplement Environmental Impact (15 minutes) Statement Notice of Preparation, Request for Comments

XII. ADMINISTRATIVE MATTERS

A. Performance Review of Executive Director and Agency Counsel (closed session) (time certain 12:00 p.m.)

B. Discussion of Settlement of Potential Litigation (closed session) (time certain 1:00 p.m.)

XIII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee (5 minutes)

B. Environmental Improvement Program Implementation Committee (10 minutes)

C. Office Relocation Committee (10 minutes)
XIV. REPORTS

A. Governing Board Members (5 minutes)

XV. ADJOURNMENT

CONSENT CALENDAR

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. November 2001 Financial Statement</td>
<td>Receipt</td>
</tr>
</tbody>
</table>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency’s staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III(g) Public Law 96-551

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Theodore Regional Planning Agency Governing Board Members:

Chairman Dean Heller, Nevada Secretary of State
Wayne Perock, Nev. Dept. of Conservation Appointee
Vice-Chairman Dave Solaro, El Dorado County
Drake DeLancy, Nevada Gov. Appointee
Jon Plank, Carson City
Jerry Waldie, Calif. Senate Rules Com. Appointee
Jim Galloway, Washoe County
Catherine J. Derringer, Calif. Assembly Spkr.
   Appointee
Hal Cole, South Lake Tahoe
Vacant, Calif. Gov. Appointee
Larry Sevison, Placer County

Ronald Slaven, Calif. Gov. Appointee
Paul Morgan, Nevada At-Large Member
Vacant, Presidential Appointee
Don Miner, Douglas County
December 5, 2001

To: TRPA Governing Board

From: Juan Palma, Executive Director

Prepared By: Mike Cavanaugh, Senior Planner, Project Review Division
Theresa Avance, Associate Planner, Project Review Division

Subject: TRPA Application Review Status Report
November 1, 2001 through November 30, 2001

Projects reviewed
at Staff Level

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Projects reviewed at
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**Total Active Applications**: 447

**Projects in Excess of 120 Days in Review**

**Project Review Applications**:  
The following applications are currently under review by the Project Review Division and have been complete for more than 120 days:

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<tr>
<th>APN/County</th>
<th>Applicant</th>
<th>Application Type</th>
<th>Date Complete</th>
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<tr>
<td>093-083-041</td>
<td>Craig Miller</td>
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</table>

At the request of the applicant the project has been re-scheduled for the January 2002 Governing Board meeting with a staff recommendation of denial.

12/5/2001  
/mc/ta  
VII. A.1
The applicant has requested that review of this application be continued to allow them to provide additional information and negotiate with staff for resolution of the legal issue.

Staff and the applicant are in the process of negotiating resolution to the scenic issue. Staff will take an action prior to the December 19 Governing Board meeting.

Staff and the applicant are in the process of negotiating resolution to the scenic issue. Staff will take an action prior to the December 19 Governing Board meeting.

**Land Capability and IPES Applications:**
Land Capability and IPES Applications: There are no Land Capability or IPES applications that have been complete for more than 120 days.

**Compliance Division**
There are no applications in the Compliance Division that have been complete for more than 120 days.
Memorandum

December 6, 2001

To: Governing Board

From: Juan Palma, Executive Director
Lyn Barnett, AICP, Project Review Division – Chief

Subject: Adjustment to the TRPA Fee Schedule

The TRPA application fee schedule will be adjusted for inflation effective January 1, 2002. In November 2000, the Governing Board approved a resolution for an automatic fee schedule adjustment indexed to the Consumer Price Index (CPI) for the San Francisco Region. Based on information available from the United States Bureau of Labor Statistics' web site, the CPI increased by three-percent for the intervening period. The enclosed fee schedule reflects this increase. In calculating the adjusted application fees staff rounded the increase to the nearest dollar.

The next automatic fee adjustment is scheduled for January 1, 2003. The Governing Board must approve future adjustments after this date. Please call me at (775) 588-4547 if you have any questions regarding this matter.

Thank you.

Enclosure
TAHOE REGIONAL PLANNING AGENCY
FILING FEE SCHEDULE

Adopted by Resolution No. 84-8, April 26, 1984
Amended by Resolution No. 84-15, August 23, 1984
Amended by Resolution No. 87-19, July 23, 1987
Amended by Resolution No. 88-2, January 28, 1988
Amended by Resolution No. 88-30, December 21, 1988
Amended by Resolution No. 89-32, August 24, 1989
Amended by Resolution No. 90-18, May 23, 1990
Amended by Resolution No. 90-25, November 29, 1990
Amended by Resolution No. 91-6, January 24, 1991
Amended by Resolution No. 92-4, January 22, 1992
Amended by Resolution No. 92-28, August 27, 1992
Amended by Resolution No. 94-4, January 26, 1994
Amended by Resolution No. 95-5, January 25, 1995
Amended by Resolution No. 96-3, January 24, 1996
Amended by Resolution No. 97-1, January 22, 1997
Amended by Resolution No. 98-4, February 25, 1998
Amended by Resolution No. 99-5, April 28, 1999
Amended by Resolution No. 2000-17, November 15, 2000
(Effective January 1, 2002)

TAHOE REGIONAL PLANNING AGENCY
FILING FEE SCHEDULE

Filing fees shall be in accordance with the adopted schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule in which case the actual cost shall be used.

A. RESIDENTIAL:

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<th>Description</th>
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<td>2. New Mobile Home Dwellings (GB review)</td>
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<td>7. New Nursing and Personal Care (Staff review)</td>
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<td>$654</td>
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<tr>
<td>8. New Residential Care (Staff review)</td>
<td>$635</td>
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<tr>
<td>9. New Single Family Dwellings (Staff review)</td>
<td>$440</td>
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<td>10. New Single Family Dwellings (Hearing Officer)</td>
<td>$600</td>
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<td>11. New Single Family Dwellings (GB review)</td>
<td>$765</td>
<td>$788</td>
</tr>
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<td>12. New Summer Homes (Staff review)</td>
<td>$520</td>
<td>$536</td>
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<td>13. Major Additions/Modifications (Staff review)</td>
<td>$505</td>
<td>$520</td>
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<td>14. Major Additions/Modifications (Hearing Officer)</td>
<td>$610</td>
<td>$628</td>
</tr>
<tr>
<td>15. Major Additions/Modifications (GB review)</td>
<td>$685</td>
<td>$706</td>
</tr>
<tr>
<td>16. Plan Revisions (Minor)</td>
<td>$190</td>
<td>$196</td>
</tr>
<tr>
<td>17. Plan Revisions (Major)</td>
<td>$460</td>
<td>$474</td>
</tr>
</tbody>
</table>

/LB
Memorandum to TRPA Governing Board
CPI Adjustment for 2002 Filing Fees
Page 3

18. Minor Additions/Modifications (Staff review) $190 $196
19. Minor Additions/Modifications (Hearing Officer) $375 $386
20. Minor Additions/Modifications (GB review) $445 $458
21. Driveway Paving (Staff review) $140 $144
22. Other (Staff review) $245 $252
23. Other (Hearing Officer) $375 $386
24. Other (GB review) $445 $458

* For projects involving greater than 4 units add $30/unit to the filing fee. This additional fee does not apply to affordable housing projects.

B. TOURIST ACCOMMODATION:

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FEE</td>
<td>FEE</td>
</tr>
<tr>
<td>1. New Hotel/Other Transient (Staff review)</td>
<td>N/A - No Staff Level Review</td>
<td></td>
</tr>
<tr>
<td>2. New Hotel/Other Transient (Hearing Officer)</td>
<td>$965</td>
<td>$994</td>
</tr>
<tr>
<td>3. New Hotel/Other Transient (GB review)</td>
<td>$1,405</td>
<td>$1,447</td>
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<tr>
<td>4. New Time Sharing (Staff review)</td>
<td>$780</td>
<td>$803</td>
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<tr>
<td>5. Major Additions/Modifications (Staff review)</td>
<td>$660</td>
<td>$680</td>
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<tr>
<td>6. Major Additions/Modifications (Hearing Officer)</td>
<td>$890</td>
<td>$917</td>
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<tr>
<td>7. Major Additions/Modifications (GB review)</td>
<td>$1,065</td>
<td>$1,097</td>
</tr>
<tr>
<td>8. Plan Revisions (Minor)</td>
<td>$270</td>
<td>$278</td>
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<tr>
<td>9. Plan Revisions (Major)</td>
<td>$480</td>
<td>$494</td>
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<tr>
<td>10. Minor Additions/Modifications (Staff review)</td>
<td>$330</td>
<td>$340</td>
</tr>
<tr>
<td>11. Minor Additions/Modifications (Hearing Officer)</td>
<td>$615</td>
<td>$633</td>
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<tr>
<td>12. Minor Additions/Modifications (GB review)</td>
<td>$695</td>
<td>$716</td>
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<tr>
<td>13. Other (Staff review)</td>
<td>$730</td>
<td>$752</td>
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<tr>
<td>14. Other (Hearing Officer)</td>
<td>$875</td>
<td>$901</td>
</tr>
<tr>
<td>15. Other (GB review)</td>
<td>$1,010</td>
<td>$1,040</td>
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</tbody>
</table>

- Note: For projects located in adopted Community Plans, the filing fee will be multiplied by a factor of 1.25.

- Note: For projects involving more than 12 units there will be an additional filing fee of $30/unit.

C. COMMERCIAL:

<table>
<thead>
<tr>
<th></th>
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<td>1. New Facilities (Staff review)</td>
<td>$1,025</td>
<td>$1,056</td>
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<tr>
<td>2. New Facilities (Hearing Officer)</td>
<td>$1,520</td>
<td>$1,566</td>
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<tr>
<td>3. New Facilities (GB review)</td>
<td>$1,645</td>
<td>$1,694</td>
</tr>
<tr>
<td>4. Redevelopment (GB review)</td>
<td>*</td>
<td>*</td>
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<tr>
<td>5. Major Additions/Modifications (Staff review)</td>
<td>$1,025</td>
<td>$1,056</td>
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<td>6. Major Additions/Modifications (Hearing Officer)</td>
<td>$1,430</td>
<td>$1,473</td>
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<td>7. Major Additions/Modifications (GB review)</td>
<td>$1,645</td>
<td>$1,694</td>
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</tbody>
</table>
8. Plan Revisions (Minor) $265 $273
9. Plan Revisions (Major) $470 $484
10. Minor Additions/Modifications (Staff review) $330 $340
11. Minor Additions/Modifications (Hearing Officer) $605 $623
12. Minor Additions/Modifications (GB review) $685 $706
13. Other (Staff review) $895 $922
14. Other (Hearing Officer) $1,320 $1,360
15. Other (GB review) $1,435 $1,478
16. Special Project Allocations $1,630 $1,679

* Each project component will be assessed a filing fee based on the adopted filing fee schedule and combined to determine the total fee. Projects reviewed under Section 15.9 of the TRPA Code shall be assessed a minimum fee of $3,095 in any event.

* Note: For projects located in adopted Community Plans, the filing fee will be multiplied by a factor of 1.25.

D. PUBLIC SERVICE:

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
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<tbody>
<tr>
<td>1. General – New Facilities (Staff review)</td>
<td>$930</td>
<td>$958</td>
</tr>
<tr>
<td>2. General – New Facilities (Hearing Officer)</td>
<td>$1,265</td>
<td>$1,303</td>
</tr>
<tr>
<td>3. General – New Facilities (GB review)</td>
<td>$1,700</td>
<td>$1,751</td>
</tr>
<tr>
<td>4. New Linear Public Facilities (Staff review)</td>
<td>$960</td>
<td>$989</td>
</tr>
<tr>
<td>5. New Linear Public Facilities (Hearing Officer)</td>
<td>$1,265</td>
<td>$1,303</td>
</tr>
<tr>
<td>6. New Linear Public Facilities (GB review)</td>
<td>$1,700</td>
<td>$1,751</td>
</tr>
<tr>
<td>7. Major Additions/Modifications (Staff review)</td>
<td>$960</td>
<td>$989</td>
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<tr>
<td>8. Major Additions/Modifications (Hearing Officer)</td>
<td>$1,070</td>
<td>$1,102</td>
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<td>9. Major Additions/Modifications (GB review)</td>
<td>$1,410</td>
<td>$1,452</td>
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<td>10. Plan Revisions (Minor)</td>
<td>$225</td>
<td>$232</td>
</tr>
<tr>
<td>11. Plan Revisions (Major)</td>
<td>$580</td>
<td>$597</td>
</tr>
<tr>
<td>12. Minor Additions/Modifications (Staff review)</td>
<td>$365</td>
<td>$376</td>
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<td>13. Minor Additions/Modifications (Hearing Officer)</td>
<td>$560</td>
<td>$577</td>
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<tr>
<td>14. Minor Additions/Modifications (GB review)</td>
<td>$870</td>
<td>$896</td>
</tr>
<tr>
<td>15. Other (Staff review)</td>
<td>$870</td>
<td>$896</td>
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<tr>
<td>16. Other (Hearing Officer)</td>
<td>$1,125</td>
<td>$1,159</td>
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<tr>
<td>17. Other (GB review)</td>
<td>$1,260</td>
<td>$1,298</td>
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E. RECREATION:

<table>
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<tr>
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<th>2002</th>
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<tbody>
<tr>
<td>1. New Facilities (Staff review)</td>
<td>$1,075</td>
<td>$1,107</td>
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<tr>
<td>2. New Facilities (Hearing Officer)</td>
<td>$1,245</td>
<td>$1,282</td>
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<tr>
<td>3. New Facilities (GB review)</td>
<td>$1,700</td>
<td>$1,751</td>
</tr>
<tr>
<td>4. Major Additions/Modifications (Staff review)</td>
<td>$890</td>
<td>$917</td>
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</table>
5. Major Additions/Modifications (Hearing Officer) $1,065 $1,097
6. Major Additions/Modifications (GB review) $1,340 $1,380
7. Plan Revisions (Minor) $245 $252
8. Plan Revisions (Major) $460 $474
9. Minor Additions/Modifications (Staff review) $250 $258
10. Minor Additions/Modifications (Hearing Officer) $540 $556
11. Minor Additions/Modifications (GB review) $880 $906
12. Other (Staff review) $890 $917
13. Other (Hearing Officer) $1,125 $1,159
14. Other (GB review) $1,300 $1,339

F. RESOURCE MANAGEMENT:

1. Timber Management (Staff review) $0.00
2. Timber Management (GB review) $0.00
3. Wildlife/Fishes (Staff review) $0.00
4. Wildlife/Fishes (GB review) $0.00
5. Range (Staff review) $0.00
6. Range (GB review) $0.00
7. Vegetation Protection (Staff review) $0.00
8. Vegetation Protection (GB review) $0.00
9. Watershed Improvements (Staff review) $0.00
10. Watershed Improvements (GB review) $0.00
11. Additions/Modifications (Staff review) $0.00
12. Additions/Modifications (GB review) $0.00
13. Plan Revisions (Minor) $0.00
14. Plan Revisions (Major) $0.00
15. Other (Staff review) $0.00
16. Other (GB review) $0.00

F. SHOREZONE:

<table>
<thead>
<tr>
<th>Description</th>
<th>2001 FEE</th>
<th>2002 FEE</th>
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<tbody>
<tr>
<td>New Piers, Jetties, Breakwaters (GB review)</td>
<td>$1,375</td>
<td>$1,416</td>
</tr>
<tr>
<td>New Buoys (Staff review)</td>
<td>$830</td>
<td>$855</td>
</tr>
<tr>
<td>New Buoys (GB review)</td>
<td>$1,380</td>
<td>$1,421</td>
</tr>
<tr>
<td>New Shoreline Prot. Structures (GB review)</td>
<td>$1,380</td>
<td>$1,421</td>
</tr>
<tr>
<td>New Marinas (GB review)</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>New Boat Ramps/Floating Docks (GB review)</td>
<td>$1,380</td>
<td>$1,421</td>
</tr>
<tr>
<td>Filling/Dredging (Staff review)</td>
<td>$2,195</td>
<td>$2,261</td>
</tr>
<tr>
<td>Marina Modifications (Staff review)</td>
<td>$830</td>
<td>$855</td>
</tr>
<tr>
<td>Marina Modifications (GB review)</td>
<td>$1,375</td>
<td>$1,416</td>
</tr>
<tr>
<td>New Tour Boat Operations (GB review)</td>
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<tr>
<td>New Waterborne Transit (GB review)</td>
<td>$1,375</td>
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<tr>
<td>New Seaplane Operations (GB review)</td>
<td>$1,375</td>
<td>$1,416</td>
</tr>
<tr>
<td>New Salvage Operations (Staff review)</td>
<td>$830</td>
<td>$855</td>
</tr>
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</table>

/LB
New Water Intake Lines (Staff review) $ 830
New Safety/Navig. Facilities (Staff review) $ 830
New Fences Below Highwater (GB review) $1,340
New Const. Equipment Storage (Staff review) $ 830
Additions/Modifications (Staff review) $ 830
Additions/Modifications (GB review) $1,340
Plan Revisions (Minor) $ 215
Plan Revisions (Major) $ 450
Other (Staff review) $ 830
Other (GB review) $1,340
Hearing Officer review $1,065

* Each project component will be assessed a filing fee based on the adopted filing fee schedule and combined to determine the total fee.

G. GENERAL:

<table>
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<tr>
<th>Item</th>
<th>2001 FEE</th>
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<tbody>
<tr>
<td>1. Land Capability Challenge (1 Ac.-)</td>
<td>$ 540</td>
<td>$ 556</td>
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<tr>
<td>2. Land Capability Challenge (1 Ac.+</td>
<td>$ 150</td>
<td>$ 154</td>
</tr>
<tr>
<td>3. Land Capability Verification (1 Ac.-)</td>
<td>$ 180</td>
<td>$ 185</td>
</tr>
<tr>
<td>4. Land Capability Verification (1 Ac.+ )</td>
<td>$ 180</td>
<td>$ 185</td>
</tr>
<tr>
<td>5. Existing Coverage Verification (1 Ac.-)</td>
<td>$ 180</td>
<td>$ 185</td>
</tr>
<tr>
<td>6. Existing Coverage Verification (1 Ac.+ )</td>
<td>$ 180</td>
<td>$ 185</td>
</tr>
<tr>
<td>7. Existing Use/Structure Verification</td>
<td>$ 215</td>
<td>$ 221</td>
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<tr>
<td>8. Shorezone Tolerance District Verification (100 l.f.-)</td>
<td>$ 485</td>
<td>$ 500</td>
</tr>
<tr>
<td>9. Shorezone Tolerance District Verification (100 l.f.+ )</td>
<td>$ 485</td>
<td>$ 500</td>
</tr>
<tr>
<td>10. Fish Habitat Verification</td>
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<td>$ 397</td>
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<td>11. Coverage Transfer</td>
<td>$ 420</td>
<td>$ 433</td>
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<td>12. Unit of Use Transfer</td>
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<td>N/A</td>
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<tr>
<td>13. Allocation Transfer</td>
<td>N/A</td>
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<tr>
<td>14. Development Right Transfer</td>
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<tr>
<td>15. (Reserved)</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>16. Bonus Unit Allocation/Transfer</td>
<td>$ 395</td>
<td>$ 407</td>
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<tr>
<td>17. Banking (Coverage, units, dev. rights)</td>
<td>$ 340</td>
<td>$ 350</td>
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<tr>
<td>18. Change/Conversion in Use or Operation (Staff Review)</td>
<td>$ 475</td>
<td>$ 489</td>
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<tr>
<td>18.a Change/Conversion in Use or Operation (Hearings Officer)</td>
<td>$ 570</td>
<td>$ 587</td>
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<tr>
<td>19. Change/Conversion in Use or Operation (GB review)</td>
<td>$ 670</td>
<td>$ 690</td>
</tr>
<tr>
<td>20. Temporary Event/Activity (Minor)</td>
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</tr>
<tr>
<td>21. Temporary Event/Activity (Major)</td>
<td>$ 550</td>
<td>$ 567</td>
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<tr>
<td>22. Temporary Use/Structure (Staff review)</td>
<td>$ 395</td>
<td>$ 407</td>
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<td>22.a Temporary Use/Structure (Hearings Officer)</td>
<td>$ 515</td>
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<td>23. Temporary Use/Structure (GB review)</td>
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</tr>
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<td>24. New Signs/Sign Modifications</td>
<td>$ 205</td>
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<td>25. Sign Plan Revisions</td>
<td>$ 200</td>
<td>$ 206</td>
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<tr>
<td>26. Re-subdivision/Subdivision Modifications*</td>
<td>$ 585</td>
<td>$ 603</td>
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<tr>
<td>27. New Subdivision/Existing Structure Conversion*</td>
<td>$ 660</td>
<td>$ 680</td>
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<tr>
<td>28. Subdivision for Govt. Conveyance/Court Order</td>
<td>$ 170</td>
<td>$ 175</td>
</tr>
</tbody>
</table>
29. Subdivision for Cemetery Plots $305 $314
30. Lot Line Adjustment $290 $299
31. Underground Storage Tank (Minor) $175 $180
32. Underground Storage Tank (Major) $305 $314
33. Grading (Minor – 20 CY or less) $190 $196
34. Grading (Major – greater than 20 CY) $350 $360
35. Goals and Policies Amendment $1,025 $1,056
36. Plan Area Statement Amendment $1,025 $1,056
37. Code Amendment $1,140 $1,174
38. Other Regional Plan Amendment $1,025 $1,056
39. Rules of Procedure Amendment $780 $803
40. Master Plan 8% of Doc. Fee
41. Environmental Assessment 8% of Doc. Fee
42. Environmental Impact Statement 10%($50000)+5%($50000)+Doc Fee
43. Individual Parcel Evaluation System (IPES)
   a. Appeal of IPES Score $315 $324
   b. IPES Re-Evaluation (Access/Utility Connections) $90 $93
   c. Different IPES Building Site $205 $211
   d. Initial IPES Evaluation $205 $211
   e. Determination of Allowable Coverage (<1 acre) $90 $93
   f. Det. of Allowable Coverage (>1 acre & < 5 acres) $205 $205
   g. Determination of Allowable Coverage (>5 Acres) Actual Cost
   h. Expedited Appeals Actual Cost
   i. Limited Incentive Program $90 $93
44. Appeal of Executive Director Decision $400 $412
45. Violation 2 x app. fee
46. All Other Projects/Matters (Staff review) $620 $639
47. All Other Projects/Matters (GB review) $985 $1,015
48. Security Administration (Cash security) $135 $139
48.a Security Administration (Non-Cash) $70 $72
49. Additional Plan Review/Stamping $1/sheet
50. Construction Schedule Extension (residential) $75 $77
51. Construction Schedule Extension (other) $215 $221
52. Soils/Hydro Investigation Report (1 Ac.-) $265 $273
53. Soils/Hydro Investigation Report (1 Ac.+ ) Actual Cost
54. Complete Site Assessment (1 Ac.-) $285 $294
55. Complete Site Assessment (1 Ac.+ ) Actual Cost
56. Partial Site Assessment (1 Ac.-) $140 $144
57. Partial Site Assessment (1 Ac.+ ) Actual Cost
58. Legal Opinions/Administrative Determinations $115 $118
59. Expedited Legal Opinions/Administrative Determinations Actual Cost
60. Q.E. Structural Remodels or Additions to Existing $50 $51
61. Structures as Defined in Section 4.3.A of the TRPA Code
62. Linked Project Status Designation $485 $500

*Note: For projects involving more than 10 lots there will be an additional filing fee of $20/lot.
I. **MOU MONITORING ANNUAL FEE**

$500 annually:
- McKinney Water District
- Fulton Water Company
- Tahoe Park Water Company
- Contel/GTE
- Kingsbury General Improvement District
- Nevada Bell
- Douglas County Sewer Improvement District
- Tahoe-Douglas District
- TCI Cablevision
- Tahoe Truckee Unified School District

$1,000 annually:
- Pacific Bell
- North Tahoe Public Utility District

$1,500 Annually:
- Tahoe City Public Utility District
- South Tahoe Public Utility District
- Incline Village General Improvement District
- Sierra Pacific Power Company
- Southwest Gas Corporation
- WP Natural Gas (Avista)

*To Be Paid By July 15 Each Year*

J. **Construction Inspection Fees:**
On larger Commercial, Tourist Accommodation, Public Service, Redevelopment, Resource Management and Recreation projects where the cost of construction inspection services will exceed the amount included in the base filing fee, an additional construction inspection fee will be charged based on an estimate of time required.
MEMORANDUM

December 12, 2001

To: Governing Board

From: TRPA Staff

Subject: Presentation on the 2001 Threshold Evaluation Report

Proposed Action: The draft of the 2001 Threshold Evaluation Report (document was mailed under separate cover) is being presented for Governing Board review. Staff will present an overview, and summary of findings and recommendations at the December GB meeting. Staff will be requesting recommendations from the APC and GB on the document at the January meetings and adoption at the February meetings.


TRPA will then hold public hearings at the January 9, 2002 APC meeting and at the January 23, 2002 Governing Board meeting to review the Report and Recommendation Package. There will be workshops open to the public to discuss the recommendations and the evaluations, tentatively set for January 10 and 17, 2002. The purpose of these hearings and workshops is to review the documents and provide input to the TRPA to assist in the preparation of final documents.

After the January 23 Governing Board meeting staff will consider the input and prepare final documents and recommendations for presentation at February 13 APC meeting and the February 23 Governing Board meeting.

If you have any questions please contact Gabby Barrett at 775-588-4547 or e-mail to gbarrett@trpa.org.
MEMORANDUM

December 12, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Recommendation on Findings that Local Jurisdictions have Demonstrated Their Fair Share of Affordable Housing.

Proposed Action: To make the finding that the City of South Lake Tahoe, El Dorado County, Placer County, Washoe County and Douglas County have demonstrated a commitment to assume their fair share responsibility to provide low and very-low income housing. This finding is necessary to permit approval of subdivisions on vacant parcels within preferred affordable housing areas (see Code subsection 43.4.F below).

Staff Recommendation: Staff recommends that a final finding be made that the City of South Lake Tahoe, El Dorado County, Placer County, Douglas County, and Washoe County have demonstrated a commitment to assume their fair share responsibility to provide low and very-low income housing.

APC Recommendation: Due to the Christmas holiday, this packet was prepared prior to the APC meeting. Staff will report the APC recommendation at the Governing Board meeting.

Background: At the January 2000 meeting, the Governing Board made the fair share finding for all of the jurisdictions, with a reconsideration scheduled in May 2000. Staff was directed to work with the jurisdictions to develop criteria by which each would be evaluated in the future. At the May meeting, the findings were not made for any of the local jurisdictions. This action was reconsidered during the June Governing Board meeting. At that meeting, the findings were made for each jurisdiction with a reconsideration using the Evaluation Criteria adopted by the Governing Board (see Attachment A) scheduled for December 2001.

In the TRPA Goals and Policies, the strategy for TRPA to influence the development of affordable housing is addressed within the Housing Subelement of the Land Use Element. It reads as follows:

HOUSING
The purpose of this Subelement is to assess the housing needs of the Region and to make provisions for adequate housing. The Compact does not specifically mandate this Subelement nor do the environmental thresholds address this topic. However, the states of Nevada and California both require housing to be addressed as part of a general plan. [It is the intent of this Subelement to address housing issues on a regional basis with local plans handling the specifics of implementation.

GOAL #1
TO THE EXTENT POSSIBLE, AFFORDABLE HOUSING WILL BE PROVIDED IN SUITABLE LOCATIONS FOR THE RESIDENTS OF THE REGION.
POLICIES

1. SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE GIVEN TO PROMOTE AFFORDABLE OR GOVERNMENT-ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS (80 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME) AND FOR VERY LOW INCOME HOUSEHOLDS (50 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME). EACH COUNTY'S MEDIAN INCOME WILL BE DETERMINED ACCORDING TO THE INCOME LIMITS PUBLISHED ANNUALLY BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

The 1980 census data indicate that approximately 95 percent of the region's lower income households were paying more than the recommended costs for rental housing. There is a need to reverse the current trend of higher cost housing and to provide needed affordable housing.

2. LOCAL GOVERNMENTS WILL BE ENCOURAGED TO ASSUME THEIR "FAIR SHARE" OF THE RESPONSIBILITY TO PROVIDE LOWER AND VERY LOW INCOME HOUSING.

Current data indicate the City of South Lake Tahoe and Placer County are assuming more than their share of the responsibility as detailed in the Regional Plan EIS.

3. FACILITIES SHALL BE DESIGNED AND OCCUPIED IN ACCORDANCE WITH LOCAL, REGIONAL, STATE, AND FEDERAL STANDARDS FOR THE ASSISTANCE OF HOUSEHOLDS WITH LOW AND VERY LOW INCOMES. SUCH HOUSING UNITS SHALL BE MADE AVAILABLE FOR RENTAL OR SALE AT A COST TO SUCH PERSONS THAT WOULD NOT EXCEED THE RECOMMENDED STATE AND FEDERAL STANDARDS.

4. AFFORDABLE OR GOVERNMENT ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS SHOULD BE LOCATED IN CLOSE PROXIMITY TO EMPLOYMENT CENTERS, GOVERNMENT SERVICES, AND TRANSIT FACILITIES. SUCH HOUSING MUST BE COMPATIBLE WITH THE SCALE AND DENSITY OF THE SURROUNDING NEIGHBORHOOD.

In addition to the Goal and Policy statements, affordable housing is addressed in 24 separate subsections of the Code of Ordinances, including Code subsection 43.4.F.

Staff recognizes that there is a certain degree of interpretation required by the existing code language, which reads:

43.4.F (2) Subdivisions in Preferred Affordable Housing Areas: Approval of Subdivisions after December 31, 1995 of post-1987 residential projects which do not qualify as affordable housing are prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within the existing urban areas pursuant to Goal #1 of the TRPA Housing Subelement of the Regional Plan Goals and Polices.

This Code provision was the result of the Joint Settlement Agreement and Stipulation for Entry of Judgment, August 4, 1994, League To Save Lake Tahoe vs. Tahoe Regional Planning Agency, Eastern District of California, Case No. CV-S-94-0069.

Discussion: Code subsection 43.4.F (2) only applies to those residential projects that apply for subdivision, within preferred affordable housing areas. Existing multi-residential structures, regardless of plan area location, are exempt from this code section. Table 1 provides a listing of those Plan Area Statements and Community Plans that have the special designation of Preferred Affordable Housing Area. These areas are also represented in graphic form on Attachment B.
Memorandum to the Governing Board
Affordable Housing Findings
Page 3

Table 1. Plan Areas With Preferred Affordable Housing Special Designation

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Plan Area Statement</th>
<th>Number</th>
</tr>
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<tbody>
<tr>
<td>Placer Co.</td>
<td>Tahoe City Industrial</td>
<td>001B</td>
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<td>Placer Co.</td>
<td>Fairway Tract</td>
<td>002</td>
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<tr>
<td>Placer Co.</td>
<td>Dollar Hill (1)</td>
<td>009B</td>
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<td>Placer Co.</td>
<td>Kings Beach Residential</td>
<td>028</td>
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<td>Placer Co.</td>
<td>Tahoma Residential</td>
<td>154</td>
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<tr>
<td>City of SLT</td>
<td>Pioneer/Ski Run</td>
<td>092</td>
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<td>City of SLT</td>
<td>Bijou</td>
<td>093</td>
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<td>City of SLT</td>
<td>Al Tahoe</td>
<td>099</td>
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<tr>
<td>City of SLT</td>
<td>Sierra Tract</td>
<td>105</td>
</tr>
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<td>City of SLT</td>
<td>South &quot;Y&quot;</td>
<td>110</td>
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<td>City of SLT</td>
<td>Tahoe Island</td>
<td>111</td>
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<td>El Dorado Co.</td>
<td>Camp Richardson</td>
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</tr>
<tr>
<td>El Dorado Co.</td>
<td>Fallen Leaf North (2)</td>
<td>129</td>
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<tr>
<td>Washoe Co.</td>
<td>Incline Village Residential</td>
<td>046</td>
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<table>
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<tr>
<th>Jurisdiction</th>
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<td>City of SLT</td>
<td>Stateline/Ski Run CP</td>
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<td>Placer Co.</td>
<td>Tahoe City CP</td>
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<td>Placer Co.</td>
<td>Tahoe Vista CP</td>
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<td>Placer/Washoe</td>
<td>North Stateline CP</td>
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<tr>
<td>Washoe Co.</td>
<td>Ponderosa Ranch CP</td>
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<td>Washoe Co.</td>
<td>Incline Village Commercial CP</td>
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<td>Washoe Co.</td>
<td>Incline Village Tourist CP</td>
</tr>
<tr>
<td>Douglas Co.</td>
<td>Kingsbury CP</td>
</tr>
</tbody>
</table>

Notes:  (1) Senior Citizen Only
        (2) USFS Employees Only

As has been previously discussed by the Governing Board, each jurisdiction has unique circumstances that warrant separate evaluative criteria. Although this may eliminate unrealistic expectations for some jurisdictions, it does make cross evaluation between jurisdictions very difficult.

It is important to remember that this Code section only applies to multi-residential projects on vacant land, which choose to subdivide. The reality is that there are very few locations where this type of activity will occur given the plan areas this Code provision applies to and the amount of remaining vacant land within those plan areas. Moreover, the prohibition of multi-residential subdivisions on vacant land is only one effort to preserve land for affordable housing development.

Staff sent a memo to the local jurisdictions in October requesting that they provide information demonstrating the jurisdiction's commitment to provide their fair share of affordable housing. Using the evaluation criteria listed in Attachment A, as these are the jurisdiction-specific criteria that were established by the Governing Board in the motions made at the June 2000 meeting. While Staff considered any and all information provided, Staff keyed on those milestones found in Attachment A. See Attachment C for copies of the memos given to staff for evaluation.

The City of South Lake Tahoe addressed all five criteria in Attachment A.
El Dorado County addressed all six of the criteria in Attachment A.
Placer County fully addressed five and partially addressed one of the criteria in Attachment A.
Douglas County fully addressed two, partially addressed one and did not pursue four of the seven criteria in Attachment A.
Washoe County fully addressed three, partially one and did not address two of the six criteria in Attachment A.

Given that TRPAs Housing subelement of the Goals and Policies directs the implementation of housing specific programs via local general plans at the local level, in addition to the limited effect and influence that this specific Code section has in implementing housing programs (limited land in Nevada, aggressive programs in California), Staff is recommending that the findings be made for each jurisdiction.

Requested Action: Staff requests the Governing Board take the following action:

1. Find that the City of South Lake Tahoe, El Dorado County and Placer County, California, Douglas County and Washoe County, Nevada have demonstrated a commitment to assume their fair share of affordable housing for low and very low income families.

Questions regarding this agenda item should be directed to Peter Eichar at (775) 588-4547, or recreation@trpa.org.

Attachments
A Jurisdiction Specific Milestones
B Map of Preferred Affordable Housing Areas
C Copies of memos from the local jurisdictions
Subdivisions in Preferred Affordable Housing Areas, 43.4.F (2)

City of South Lake Tahoe
1. Continue pursuit of private/public partnerships for new unit construction;
2. Continue funding and implementation of multi-residential and single-family housing rehabilitation program;
3. Continue support and funding for first-time homebuyer programs;
4. Continue conversion of illegal unit program;
5. Maintain funding and staffing for the City’s Housing and Economic Development Department.

El Dorado County
1. Implement the Affordable Housing Fee Structure Policy;
2. Continue Section 8, rental voucher program;
3. Continue Low Income Home Energy Assistance Program (weatherization);
4. Continue the various utility assistance programs;
5. Maintain the Mortgage Credit Certificate Program (MCC);
6. Pursue funding for housing rehabilitation programs.

Placer County
1. Implement the County Affordable Housing Strategy by following the Redevelopment Agency’s Affordable Housing Implementation Plan;
2. Continue multi-residential and single-family rehabilitation programs;
3. Continue first-time homebuyer program;
4. Pursue private/public partnerships for the development of affordable housing units;
5. Support staffing and funding levels for the Housing Division of the County Redevelopment Agency;
6. Engage major local employers to address affordable housing for employees.

Douglas County
1. Continue first-time homebuyer program, and pursue additional funding;
2. Pursue and participate in funding for acquisition of vacant and developed property for affordable housing unit construction and/or development;
3. Support Douglas County Board of Commissioners approval of Development Application Fee waiver;
4. Participate in and pursue implementation of mass transit (CTS) and support facilities;
5. Engage major local employers to address affordable housing for employees;
6. Pursue funding for staff member dedicated to housing issues inside and outside of the Tahoe Region;
7. Pursue private/public partnerships for the development of affordable housing units inside the Tahoe Region.

Washoe County
1. Continue first-time homebuyer program, and pursue additional funding;
2. Participate in and pursue implementation of mass transit (CTS) and support facilities;
3. Continue working with CSA to implement housing rehabilitation programs, and pursue additional funding;
4. Pursue and participate in funding for acquisition of vacant and developed property for affordable housing unit construction and/or development;
5. Pursue private/public partnerships for the development of affordable housing units inside the Tahoe Region;
6. Pursue funding for staff member dedicated to housing issues inside and outside of the Tahoe Region.
Preferred Affordable Housing Plan Areas
Attachment B
12/5/01
November 18, 2001

Mr. Peter Eichar
Associate Planner
Tahoe Regional Planning Agency
PO Box 1038
Zephyr Cove, NV 89448-1038

RE: Affordable Housing Fair Share Update

Dear Mr. Eichar:

Per your request, I am providing you with an update on the efforts that the City of South Lake Tahoe has made towards providing its fair share of affordable housing since 1995 when the Tahoe Regional Planning Agency enacted its fair share ordinance. Also, included is a listing of our current activities for existing projects and programs. Lastly, there is a brief discussion of our staffing levels and funding sources.

**Achievements**

Since 1995, the City has created programs or assisted with the development of projects to produce the following number of affordable housing units available to low- and/or very low-income persons:

- New Construction: 45 units
- Large Apartment Rehabilitation: 162 units
- Single Family/Small Rental Rehabilitation: 41 units
- Acquisition Assistance for First Time Homebuyer: 21 units
- Conversion of Illegal Units: 23 units

**Total**: 292 units

**In Progress**

The following projects and programs are presently in some stage of development and will result in the creation of additional affordable housing units beyond what has already been accomplished above:
• The City and the developer are in the process of obtaining grant funding and necessary zoning changes for an 18-unit new construction affordable housing project for very low-income persons with disabilities to be located on Emerald Bay Road;
• The City is presently working with affordable housing developers to locate another large apartment complex for an acquisition and rehabilitation project for low- and very low-income persons;
• The City is in the process of working with a City Council subcommittee to establish local policies for converting motels into deed restrictive affordable housing in accordance with the recent modifications to the TRPA Code;
• City staff is participating in on-going discussions with the US Department of Housing and Urban Development (HUD) to create a bi-state Community Housing Development Organization (CHDO) that would be able to provide additional resources for affordable housing into the Tahoe Basin;
• The City continues to generate new homeownership opportunities for low-income persons by providing subsidized financing under its First Time Homebuyer Program;
• The City continues to provide funding for essential repair work to owners of single family homes and small rental properties that are occupied by low- and very low-income persons under its Housing Rehabilitation Program; and
• The City continues to generate deed restricted affordable housing units, when possible, under its Illegal Unit Conversion Program.

The Housing and Economic Development Division of the City of South Lake Tahoe has the responsibility to produce the affordable housing. The Division has a staff of 5 fulltime positions and is funded through State and Federal grants and Redevelopment Low and Moderate Income Housing Funds. The City generates around $500,000 to $1,500,000 per year from these funding sources and often uses these monies to assist affordable housing developers in securing additional grant funding to construction and rehabilitate units for low- and very low-income persons.

If you have any questions regarding the above information, please feel free to contact me at (530) 542-6333.

Sincerely,

Patrick M. Conway
Housing and Economic Development Coordinator
November 20, 2001

Peter Eichar
Tahoe Regional Planning Agency
P. O. Box 1038
Zephyr Cove, Nevada 89448

Dear Peter:

As per your letter dated October 17, 2001, the following is El Dorado County’s update on the goals of El Dorado County demonstrating commitment to affordable housing in El Dorado County.

The Board of Supervisors acting as the Board of Directors of the Housing Authority adopted the Housing Authority’s mission statement to promote adequate, safe and affordable housing, economic opportunity and a suitable living environment free from discrimination to low income households in our communities.

**Short term goals for El Dorado County unincorporated areas are:**

- Over the next five (5) years to continue the Affordable Housing Fee Structure Policy passed by the Board of Supervisors March 14, 2000, which addresses affordable housing needs in the County. The new policy establishes an affordable housing fee structure that provides a mechanism for lower income and very low income households to benefit from the deferral, reduction, or waiver of certain Planning, Building, Transportation, Environmental Management, and Parks and Recreation fees. Under the Affordable Housing Fee Structure El Dorado County may provide fee deferrals to federally tax-exempt private non-profit or public agency applicants for construction of affordable housing utilizing primarily volunteer or self-help construction labor.

- To promote affordable housing opportunities countywide through a Density Bonus Program as described in the Housing Element, Policy 4.3.1.2, to encourage all builders and developers to provide dwelling units suitable for sale to low and moderate income groups.

- El Dorado County is currently working with an Affordable Housing Developer in locating available land in the unincorporated area of South Lake Tahoe wherein the Developer is actively seeking to build up to 40 units for Senior low-income housing.
• To continue to assist an increased number of low income residents with affordable housing through an application for additional rental Vouchers, and to provide assistance to low income families throughout El Dorado County including the incorporated and Unincorporated areas of South Lake Tahoe.

• Due to increased energy costs statewide, El Dorado County received for fiscal year 2001 an additional $479,000 in funding for the Energy/Weatherization programs to assist low-income households with electric bills and weatherizing their homes. This service has been provided to the residents in the City and unincorporated areas of South Lake Tahoe.

• To assist 15 households with Weatherization in the Low Income Home Energy Assistance Program providing more energy efficient homes, in the City and unincorporated areas of South Lake Tahoe in fiscal year 2001-2002, given adequate funding sources.

• To assist up to 200 households in the South Lake Tahoe area with a portion of their electric bills through the Low Income Home Energy Assistance Program.

• To assist up to 15 households through the CARE program to obtain a reduced rate for electric and natural gas. To assist 50-60 households with a portion of their natural gas bills through the SHARE program in the South Lake Tahoe area.

• To assist up to 20 households with their water and sewer bills in the South Lake Tahoe area.

• To assist up to 75 households with their electric bills through the SAFE program in the South Lake Tahoe Area.

• To develop the Mortgage Credit Certificate Program for the year 2002. South Lake Tahoe Board of Realtors was provided with a Lender training earlier this year offering information on the different programs available to first time homebuyer's through California Rural Home Mortgage Finance Authority. El Dorado County will continue to provide Mortgage Credit Certificates to first time homebuyers at a 15% tax credit. MCC's are available to the incorporated and unincorporated areas of South Lake Tahoe with a specific Target Area, which encompasses Census Tract 301.02.

• El Dorado County applied for and was awarded a grant for Housing Rehabilitation through the Community Development Block Grant Program for fiscal year 2001, where 12-15 low-income households will receive a loan with 3% interest or deferral based on their needs. This grant is targeted to specific areas, in which the Meyers area will be offered the opportunity for Housing Rehabilitation loans.
El Dorado County Long Term Goals:

- To assist low-income households in obtaining adequate, safe and affordable housing.
- To promote affordable housing needs with developers.
- To promote and assist in the affordable housing needs in the South Lake Tahoe Basin.
- To work cooperatively with Tahoe Regional Planning Agency in meeting the needs of affordable housing in the Basin.

How El Dorado County Approaches Issue of Affordable Housing:

- El Dorado County has an Economic Development Coordinator, a Housing, Community and Economic Development Manager on staff to research developers and low-income households with affordable housing needs.
- With the implementation of the Housing Authority Agency Plan, Economic/Community Development, Energy/Weatherization Assistance, and Mortgage Credit Certificate programs, El Dorado County is looking at and assisting in the issue of affordable housing in our unincorporated and incorporated areas.
- Effective 3/14/2000 El Dorado County Board of Supervisors adopted the Affordable Housing Fee Structure Policy promoting fee deferrals for construction of affordable housing.
- El Dorado County Planning Department and Housing Authority are currently working on an update to the Housing Element, which addresses the issue of Affordable Housing Needs in El Dorado County.

Respectfully submitted,

Joyce Aldrich
El Dorado County Housing, Community & Economic Development Manager
November 21, 2001

Peter Eicher
Long Range Planning
Tahoe Regional Planning Agency
308 Dorla Court
P.O. Box 1038
Zephyr Cove, Nevada 89448

RE: Placer County Fair Share for Affordable Housing

Dear Mr. Eicher:

This letter is to provide TRPA with information demonstrating Placer County’s commitments and actions to provide a fair share of affordable housing. This information is listed in the order of the Placer County Criteria, considered by your Board, May 15, 2000.

Implement the County Affordable Housing Strategy by following the Redevelopment Agency’s Affordable Housing Implementation Plan

The Placer County Redevelopment Agency adopted a new Five-year Implementation Strategy on April 3, 2001. In section IV starting on page 37, programs are described for First Time Homebuyers, Multi-family rental new construction, Kings Beach Rehabilitation, and Mixed Use. A copy of the housing section is attached.

Placer County Redevelopment Board of Directors adopted the 2001-2002 Budget on November 8, 2001. It includes $312,500 for multi-family new construction pre-development expenses, earmarked primarily for use in the Agency partnership with Affordable Housing Development Corporation (AHDC), as further described, below.

Continue Multi-residential and single family rehabilitation programs

Since 1998, the Kings Beach Rehabilitation Program has provided housing rehabilitation and weatherization services to low-income households within Kings Beach. In the past three years approximately 40 units have benefited from this program. In 2000, the Agency received $100,000 in additional State CDBG funds to continue the program. The Agency local match is $50,000 from Housing Set-Aside.
Continue First Time Homebuyer Program

In 2000 the County was awarded a First Time Homebuyers (HOME) grant for $500,000. The Redevelopment Agency matched the grant with a $120,000 contribution. The $620,000 countywide program is being implemented now. To date no eligible properties have been matched with eligible buyers, primarily since the maximum purchase price currently allowed in the program is $188,000. It is anticipated that this price maximum will rise with the publication of new limits by HUD in early 2002. However, it may not raise high enough to accommodate even the most modest home in the Tahoe region.

Pursue private/public partnerships for the development of affordable housing units

In March 2001, the Agency entered into a Memorandum of Understanding (MOU) with Affordable Housing Development Corporation (AHDC) to produce new rent restricted units in the Tahoe Basin, Squaw Valley, and Martis Valley areas. AHDC has a priority position for funding of larger new projects. This program will also fund smaller private property owner development proposals at infill locations in the Tahoe Basin. Under this program, the County and Agency will leverage private funds on several projects targeted towards the housing shortage in the area. The Agency will also enter into other partnerships as financial resources allow. This program will designate a specific amount of Housing Set-Aside funds to write down fees for projects in which at least 10% of the units are affordable to very low income households, or at least 20% of the units are affordable to low income households. The program is budgeted with $312,500 in Housing Set-Aside funds. Other funds, such as the Employee Housing In Lieu Fee will be utilized as "gap" financing in affordable housing developments.

HELP/CHFA Gap Financing for New Multifamily Project (local match) - If successful in our State application, the Agency can provide approximately $1,000,000 in State housing funds towards a Tahoe area new construction project. These funds are provided to the County/Agency as a low interest loan. Anticipated first year debt service is $50,000. This obligation will be paid with tax increment funds from Housing Set-Aside. Other funds, such as the Employee Housing In Lieu Fee will be utilized as "gap" financing in affordable housing developments.

Support staffing and funding levels for the Housing Division of the County Redevelopment Agency.

Two positions currently exist and are filled by experienced housing professionals. Joanne Auerbach is the Housing program Coordinator and Joe Serrano is the Senior Redevelopment Specialist for Housing. The current Redevelopment Agency budget authorized and funded an additional Redevelopment Specialist of housing. Recruitment is currently underway.
Engage major local employers to address affordable housing for employees

This summer RDA staff participated in several housing forums in North Lake Tahoe.

This fall, the Placer County Planning Commission approved a Use permit for the Sawmill development off of highway 267 for 96 units of employee and affordable housing.

These are highlights of our recent efforts for affordable housing. Please contact me if you need more examples or more details.

Respectfully Submitted

[Signature]

Joanne Auerbach
Housing Program Coordinator
November 21, 2001

Mr. Peter Eichar
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448-1038

Re: Local Jurisdiction Commitment to Providing Fair Share of Affordable Housing

Dear Peter:

This letter is being provided in response to your request for information regarding Douglas County’s commitment to the Tahoe Region’s Fair Share for Affordable Housing. Over the past year, the County has continued to address the issue of affordable housing within the basin and the County as a whole. The County’s response to the adopted criteria is provided below.

DOUGLAS COUNTY CRITERIA and RESPONSES

1. Continue first-time homebuyer program, and pursue additional funding;

Response: Douglas County works in partnership with the Western Nevada HOME Consortium “Down Payment Assistance Program” to enable qualifying residents the ability to acquire up to $10,000 for down payment and closing costs. Currently, the income limits for a four-person household is $46,700 with mortgage limits at $155,250. Due to the inflated cost of housing within the Tahoe Basin, these mortgage limitations are difficult, if not impossible, to reach. The median home price within the Tahoe Basin based on the 1996 Master Plan is $228,000.

2. Pursue and participate in funding for acquisition of vacant and developed property for affordable housing unit construction and/or development;

Response: The County assisted the Lake Vista Apartment proponents through the review process and ultimate construction of the Market Street multi-family affordable housing development. The end result will be improved water quality and drainage improvements which meet TRPA’s BMP standards on the Kahle Drive property as well as improved affordable housing in the Lower Kingsbury area. The TRPA Needs Assessment identifies the Lower Kingsbury area as the preferred area for affordable housing.
3. Support Douglas County Board of Commissioners approval of Development Application Fee waiver;

Response: In mid 2000, County staff considered bringing forward a recommendation for waiver of development fees for affordable housing projects in the basin. Because the amount of development fee for new construction would be approximately $1,500 (excludes building and engineering fees), a waiver was not proposed. Staff believed the waiver was minimal in comparison to other fees required by TRPA and outside reviewing agencies.

4. Participate in and pursue implementation of mass transit (CTS) and support facilities;

Response: The County continues to hold stakeholder meetings regarding transit facilities. The County is currently constructing a parking garage next to the County Administration Building which will assist with Park & Ride uses. In addition, the County continues to pursue a joint partnership for the development of a full transit system in this area (next to Hwy 50).

5. Engage major local employers to address affordable housing for employees;

Response: In the past year, County staff supported a master plan amendment and zone change to Receiving Area which would increase the density for property held by Heavenly Ski Resort just below Tahoe and Summit Village. Approval would have allowed the construction of employee housing consistent with the approved Master Plan adopted by TRPA. After public hearings, the Board of Commissioners denied the proposal, citing increased density, traffic, and incompatibility with the surrounding neighborhood. Although the site is outside of the basin, County staff believed approval would go a long way in meeting employee housing needs. Douglas County staff continue to have discussions with major employers regarding this matter.

6. Pursue funding for staff member dedicated to housing issues inside and outside of the Tahoe Region;

Response: The County has not pursued the funding of a staff member to handle housing issues within the basin. This is due in part by the lack of available property for such development, as well as the lack of work necessary to support a full-time position. Currently, the planning division manages the CDBG program and assists developers in answering housing questions and directing them to other funding agencies based on their needs. Further discussion of technical assistance is provided under no. 7 below.

7. Pursue private/public partnerships for the development of affordable housing units inside the Tahoe Region;

Response: In May 2000, Western Nevada HOME Consortium submitted a written request to HUD for technical assistance in identifying strategies for developing
affordable housing projects in the Tahoe Basin. As a result, County staff and other
interested parties participated in discussions with a representative of the Rural
Community Assistance Corporation in establishing a Community Housing Development
Organization (CHDO). A framework plan has been proposed which identifies the steps
in providing a variety of services and assistance to the communities and stakeholders. In
addition, during the past year, County staff attended the monthly Local Government
Committee Affordable Housing meetings to provide input and discussion on ways to
assist with affordable housing development. The County will continue to participate in
these programs.

Examples of ongoing activities of the County are also provided below:

1) In 1996, Douglas County joined 9 other jurisdictions in the State of Nevada in
forming Carson City Housing Consortium. The consortium receives and administers
funds from the HOME Investment in Affordable Housing Program. The
Consolidated Plan was prepared and includes a variety of programs to address new
construction and rehabilitation of housing. Douglas County actively participates in
this program.

2) The County continues to participate in the Small Cities Community Development
Block Grant program which is administered by the Nevada Commission on Economic
Development. Over the past years, the County has been successful in obtaining
funding for various projects for low to moderate income households and senior
citizen households. The Lake Vista Multi-family Residential project on Market Street
in the Lower Kingsbury area received $200,000 in funds. Currently, 24 housing units
for low-to moderate income levels have been constructed. The County continues to
encourage the proposal of projects throughout the County including the Tahoe Basin.

3) The County continues to work with potential developers to identify sites and
opportunities for development of affordable housing within the County, including the
Tahoe Basin. In 1998, the Board of Commissioners approved an approximate 300
unit affordable rental and “for sale” housing project within the Carson Valley.
Currently some 75 units have been constructed. The County is also continuing to
work with KGID to address out-of-basin water issues for the Tahoe Village area.
Resolution of the water issue will dictate the next steps.

4) The County has taken a proactive role in the efforts of the TRPA in a variety of areas
including the residential and commercial floor area allocations. The County has also
completed a basin-wide rezoning and consolidation of County zoning and TRPA
provisions.

5) On October 2, 1997, the Board of Commissioners formed the Douglas County
Redevelopment Agency. The Agency formed redevelopment project areas within
various portions of the County. Currently, there are no redevelopment areas within
the Tahoe Basin. The most likely area would be the upper Kingsbury area which has
a high number of deteriorating structures, but is outside of the ¼ mile area which
must be reached to meet the TOD findings. It is the County’s hope that affordable housing or, at minimum, a funding source can be integrated into any redevelopment plan proposed for the Tahoe Basin.

6) The County remains committed to working with TRPA staff and the Local Government Committee to address regulatory reform, particularly those areas affecting housing and development related costs. Finally, given the nature of TRPA growth management programs and other TRPA regulatory factors, the proximity of the Carson Valley/Eagle Valley and the market factors influencing peoples housing location choices, the agency must consider out-of-basin solutions (including mass transit improvements) to address affordable housing.

The preceding represents a sampling of the current/on-going efforts and commitment of Douglas County to address the issue of affordable housing. We believe that these efforts warrant an affirmative recommendation by staff and an affirmative finding by the Governing Board. Thank you for the opportunity to address this issue.

Sincerely,

Dan Holler
County Manager

Cc: Board of Commissioners
    Planning Commission
    Bob Nunes
    Mimi Moss
Subject: Fair Share

Dear Peter:

While the County takes the issue of affordable housing very seriously, we do not ascribe to the Tahoe Regional Planning Agency (TRPA) Fair Share approach. The issues of affordable housing in the basin are not limited by county boundaries, and neither are the solutions. In addition, the regulations limiting density, building height, development rights and coverage may protect the basin from environmental degradation, but they also limit the availability of land and drive up housing costs. Over the years the TRPA regulations have helped to develop a strong NIMBY attitude in the basin and have been used repeatedly to reject the very housing projects that are being proposed to address the affordable housing issue. The regulations that require "affordable housing" be developed in areas where the land values are the highest and available land is most limited, are unrealistic and self-defeating. To pit counties against each other in this quest you have laid before us does not facilitate cooperation between jurisdictions and limits all the counties ability to work together on worthy projects. The County believes that the development of affordable housing should not be limited by jurisdictional boundaries, and that all affordable housing in the basin is good for the basin. We also believe putting people into homes that they can afford to own, whether it is in the basin or not, is good for people. The County supports the ideas of commuter programs that can bring people into the basin to work and return them to an area where they can afford to be homeowners. The Fair Share program is counter-productive to addressing the affordable housing shortage in the basin.

In response to Exhibit A, Evaluation Criteria, Washoe County:

1. Washoe County has designated the Incline Village/Crystal Bay area as a priority funding area, so Home Consortium self-directed funds can be used for first-time homebuyer programs in this area. Using self-directed funds significantly speeds up the funding process by placing priority area applications ahead of other funding requests, thereby eliminating the need to compete for funding.

2. There are no CTS programs in the North Shore area. Washoe County is in discussion with NDOT about the development of a mass transit system for basin workers. The program is intended to provide affordable and reliable transportation for basin workers who choose to live in the Truckee Meadows area.

3. The county has continued to work with and support CSA. The county has dedicated $90,000.00 in Home Funds to the consortium to help rehabilitate existing multi-family residences.
4. Due to the high cost of land, the low-density allowances, height restrictions, the limited availability of developable land, and a limited County budget, the County has not acquired property for the development of affordable housing.

5. The County is in discussion with IVGID on developing employee housing. The County is also in discussion with HUD to develop a basin-wide CHDO to assist and support the creation of public-private partnerships to help create affordable housing in the basin.

6. Washoe County has one FTE, divided between two employees, devoted to the issues of affordable housing.

If you have any additional questions or would like more information, please feel free to call me at (775) 328-3796.

Sincerely,

[Signature]

Eva M. Krause
Planner

cc: Mike Harper, Advanced Planning Manager
Jim Galloway, County Commissioner, District 1
Affordable Housing - Fair Share
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Beverly Ray Pier

Application Type: Shorezone-Pier Rebuild and Expansion

Applicant: Beverly Ray

Applicant’s Representative: Gary Midkiff, Midkiff & Associates

Agency Planner: Elizabeth Harrison, Associate Environmental Specialist, Erosion Control Team

Location: 690 Lakeview Boulevard, Zephyr Cove, NV

Assessor’s Parcel Number/Project Number: 05-090-06/200119

Staff Recommendation: Staff recommends approval of the project subject to the recommended conditions of approval contained in this staff summary. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The proposed project includes the expansion of an existing pier and the addition of a boatlift and catwalk. The existing pier extends 68 feet from the high water elevation 6229.1 (Lake Tahoe Datum) and includes no accessory structures. The proposed pier extends 138 feet from the high water elevation 6229.1 (Lake Tahoe Datum) and includes one low-level 6,000 lb. forked boatlift with forks not to exceed 10 feet in width and a catwalk which is 3 feet x 45 feet. The pier is proposed to be double-pile with a deck width of 6 feet for the first 88 feet of pier deck and 10 feet in width for the remaining 50 feet of pier deck. The project includes the removal of a stairway, decking and a railing located within the backshore of the subject property. The applicant will replace this stairway with large granite rocks that will stabilize the backshore and also provide an access to the pier. In addition the applicant proposes to enhance the existing rock along the shoreline to stabilize the exposed sandy areas using a minimal amount of granite cobbles.

Site Description: The project area consists of two residential structures, parking areas, and stairs and walkways to the beach and the pier. The residential units of use associated with the structures on the subject parcel have not been verified as part of this permit. The project site is in an area mapped and verified as Prime Fish Habitat (Feed and Escape/Cover). This property is located in Zephyr Cove, Nevada. Adjacent land uses include residential development.

Issues: This project involves the expansion of an existing nonconforming structure and therefore, the project requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary issues associated with this project are:
1. **Fish Habitat:** This project is located in an area mapped and verified as Prime Fish Habitat (Feed and/or Escape Cover). Large rocks and cobbles are typical of an area designated as feed and/or escape cover habitat. No rocks or cobbles will be removed or disturbed for the construction of the proposed pier. TRPA staff has conducted a site visit and has determined that the proposed project should not result in increased impacts to fish habitat. The applicant will be required to install either caissons and/or a turbidity curtain at the discretion of the TRPA Environmental Compliance Officer to retain sediment suspended as a result of the project construction.

2. **Scenic Quality:** The proposed project is visible from Scenic Shoreline Unit Number 29, Zephyr Cove. This scenic shoreline unit has a score of 9, which is in attainment with TRPA scenic thresholds. The applicants have proposed a pier that is 6 feet wide for the first 88 feet, and 10 feet wide for the remaining 50 feet of pier. The proposed pier also includes a low-level, 6,000 lb. forked boatlift with forks not to exceed 10 feet in width, and a catwalk which is 3 feet x 45 feet.

The applicants have agreed to remove the stairs and the associated railing from the backshore of the subject property to offset the potential scenic impacts associated with the proposed project. The applicant will replace this stairway with large granite rocks that will stabilize the backshore and also provide an access to the pier. It is anticipated that the granite boulders will generally blend well with the surrounding environment.

The proposed project is designed with pier decking that is lighter in color than the existing pier decking. Lighter colors generally show a greater contrast with the surrounding environment than darker colors. The applicants have agreed to paint the perimeter around the pier a dark gray. It is anticipated that the project as proposed will not degrade the scenic quality of Scenic Shoreline Unit 29, Zephyr Cove.

3. **Tahoe Yellow Cress:** At the site visit conducted on September 18, 2001, it was discovered that over 20 plants of Tahoe Yellow Cress (TYC) (*Rorippa Subumbellata*) were on the beach to the east of the existing pier. At the site visit, it was unclear where the property boundaries were and therefore some of these plants may actually be located on the adjacent property to the east. A Draft Conservation Strategy for TYC has been drafted by TRPA and other partnering agencies in the Tahoe Basin, to protect this rare, endemic plant. The property owner would be required as a condition of this project approval to provide all means to protect the plant during and after construction through the submittal of a TYC Management Plan specific for this site. Some measures such as time of construction, construction staging areas and the use of protective fencing are expected to protect the species during construction. TRPA requests that the property owner grant access to TRPA to conduct future inspections of their property to tract the success of this population. In
addition, TRPA requests the applicant be available for future TYC Stewardship ventures once the protocol has been established.

4. Responses from the public: Two letters in opposition to the proposed project were received. The first letter came from a property owner within Zephyr Cove who felt that the length of the pier would be a navigation hazard (see Attachment F). Since no response has been received from the U.S. Army Corps of Engineers regarding this project, a Special Condition of Approval has been added to the draft permit that will require the permitees to obtain a permit from the U.S. Army Corps of Engineers prior to the acknowledgement of the TRPA permit. The letter also stated that the property the Ray pier is located on is owned by the Zephyr Cove Property Owners Association. Sufficient information has been submitted to TRPA staff to indicate that the subject property is indeed a littoral property as defined by the TRPA Code of Ordinances and is not owned by the Zephyr Cove Property Owners Association. Jordan Kahn, TRPA Assistant Legal Counsel has summarized these findings in a memo which is found as Attachment E.

The second letter came from the Zephyr Cove Property Owners’ Association (ZCPOA) President which objected to the proposed project because Ms. Ray is a member of the ZCPOA and therefore has the ability to use the multiple-use facilities (a pier and a buoy field) (see attachment G). The TRPA Code of Ordinances Subsection 54.8(3) prohibits new structures when the following situation applies, "Where individual lots fronting the shoreline are within a residential land development served by multiple-use facilities..." The proposed project is an addition to a legal existing pier which extends 68 feet beyond the highwater elevation 6229.1 (Lake Tahoe Datum) and is serviceable as a pier in its existing condition. The proposed project, therefore, is a modification and expansion to an existing use and structure. The letter also had concerns regarding navigation (see response above). Lastly, the letter felt that the proposed structure is "overly large" and will be an "eyesore". TRPA has evaluated potential impacts to the Scenic Shoreline Unit, please see the discussion under item #2 above.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) and a scenic analysis to assess the potential impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC and the scenic analysis will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area Statement 067, Marla Bay/Zephyr Heights. The Land Use Classification is Residential and the Management Strategy is Mitigation. The proposed structure (pier) is an allowable accessory structure in

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the subject plan area statement. Agency staff has reviewed the subject plan area statement and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies.

C. Land Coverage:

1. **Land Capability Districts:** The verified land capability districts for the project area are Class 4, Class 2, and Class 1a. The project area is 10,762 square feet in size.

2. **Existing Land Coverage:**
   - Class 1a: 305 square feet
   - Class 2: 176 square feet
   - Class 4: 5,159 square feet
   - Total: 5,680 square feet

3. **Proposed Land Coverage:**
   - Class 1a: 305 square feet
   - Class 2: 176 square feet
   - Class 4: 5,159 square feet
   - Total: 5,680 square feet

4. **Total Allowable Land Coverage:**
   - Class 1a: 67 square feet
   - Class 2: 17 square feet
   - Class 4: 3,089 square feet
   - Total: 3,173 square feet

5. **Excess Land Coverage:**
   - Class 1b: 238 square feet
   - Class 1a: 159 square feet
   - Class 4: 2,070 square feet
   - Total: 2,467 square feet

6. **Land Coverage Mitigation:** As a condition of project approval, the applicant will be required to mitigate the excess land coverage based upon the difference between the existing land coverage and the allowable land coverage in the project area in accordance with Subsection 20.5 of the TRPA Code of Ordinances. There is currently 2,467 square feet of excess coverage to be mitigated.

D. **Shorezone Tolerance District:** The subject parcels are located within Shorezone Tolerance District 3. Projects within Shorezone Tolerance District 3 must ensure that existing vegetation in the shorezone is maintained and that eroding slopes are protected from further destruction. Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore. The proposed project will not remove any of the existing vegetation in the backshore. In addition, the proposed project includes a shoreline stabilization project to stabilize an existing access way to the beach and to protect an existing tree. Existing access areas to the beach will be used for the proposed project and no new disturbance in the backshore will result. The project, as conditioned, complies with the shorezone tolerance district standards.

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E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 50, and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 - Required Findings:**

   a. **The project is consistent with and will not adversely affect the implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.**

   (i) **Land Use:** There are two existing residential dwellings on the subject parcel. TRPA has not verified the residential units of use associated with these structures, however this project does not propose modifications to these structures. Single family dwellings are an allowed use within the applicable plan area statement. The project proposes to rebuild and expand an existing allowed accessory use (pier). Surrounding land uses include single family residences.

   (ii) **Transportation:** No increase in vehicle trips is expected as a result of this project.

   (iii) **Conservation:** The project proposed is located within an area identified as feed and/or escape cover habitat. It is not anticipated that the project as proposed will negatively impact fish habitat. The lake bottom consists of widely scattered boulders. The project as proposed should not require the removal of any existing boulders. The applicant will be required, as a condition of approval, to apply Best Management Practices (BMPs) to the entire project area.

   The proposed project is visible from Scenic Shoreline Unit Number 29, Zephyr Cove. This scenic shoreline unit has a score of 9, which is in attainment with TRPA scenic thresholds. The applicants have agreed to remove the stairs and the associated railing from the backshore of the subject property which should offset the potential scenic impacts associated with the proposed project. The applicant will replace this stairway with large granite rocks that will stabilize the backshore and also provide an access to the pier. It is anticipated that the granite boulders will generally blend well with the surrounding environment.
The proposed project is designed with pier decking that is lighter in color than the existing pier decking. Lighter colors generally show a greater contrast with the surrounding environment than darker colors. The applicants have agreed to paint the perimeter around the pier a dark gray. It is anticipated that the project as proposed will not degrade the scenic quality of Scenic Shoreline Unit 29, Zephyr Cove.

At the site visit conducted on September 18, 2001, it was discovered that over 20 plants of Tahoe Yellow Cress (TYC) (Rorippa Subumbellata) were on the beach to the east of the existing pier. (At the site visit, it was unclear where the property boundaries were and therefore some of these plants may actually be located on the adjacent property to the east). A draft TYC Management Plan has been drafted by TRPA and other partnering agencies in the Tahoe Basin, to protect this rare, endemic plant. The property owner would be required as a condition of this project approval to provide all means to protect the plant during and after construction through the submittal of a TYC Management Plan specific for this site. Some measures such as time of construction, construction staging areas and the use of protective fencing should protect the species during construction. In addition, TRPA will request that the property owner permit TRPA to conduct future inspections of their property to track the success of this population. In addition, TRPA will request the applicant to be available for future TYC Stewardship ventures once the protocol has been established. There are no known cultural or historical resources within the project area.

(iv) **Recreation:** This project does not involve any public recreation facilities or uses. No comments from the California Fish and Game Department have been received to indicate that this project will adversely affect recreational boating or top-line angling.

(v) **Public Service and Facilities:** This project does not require any additions to public services or facilities.

(vi) **Implementation:** This project does not require any allocations of development.

b. **The project will not cause the environmental threshold carrying capacities to be exceeded.**
The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B. of the TRPA Code of Ordinances. Staff concurs with all responses contained on said checklist which indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

c. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 1.b, above)

2. Chapter 50-Shorezone:

a. The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) onshore wildlife habitat, including wildfowl nesting areas.

It is not anticipated that the proposed project will have an impact on littoral processes because the proposed pier is built using open pile construction. The lake bottom has not been identified as spawning habitat and the project as proposed will not disturb or remove any existing rocks or cobbles in the area of the pier. The project should not impact backshore stability as the existing footprint of the pier will be utilized for construction of the new pier. In addition, the applicant proposes to enhance the existing rock along the shoreline to stabilize the exposed sandy areas and also to block a pathway that leads to pier using a minimal amount of granite cobbles. The proposed project is not located within an area that is mapped as onshore wildlife habitat nor has the site been shown to be a waterfowl nesting area.

b. There are sufficient accessory facilities to accommodate the project.

This project involves the expansion of an existing pier for a property containing two residences (although they have not been verified by TRPA). Each residence has at least two on-site parking spaces available and access to the shorezone currently exists to accommodate this project.

c. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.
The proposed pier expansion is located within Zephyr Cove, Nevada. Surrounding properties contain piers and jetties and a large public buoy field exists to the north of the subject property. The proposed pier expansion is therefore compatible with structures and uses within the vicinity of the subject parcel.

d. The use proposed in the foreshore or nearshore is water-dependent.

The pier is located in the foreshore and nearshore of Lake Tahoe and is water dependent.

e. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the spray painting and the use of tributyltin (TBT). Also, conditions of approval prohibit the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface water of the Lake Tahoe Basin. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

f. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials in the backshore and all construction access shall be from a barge only. The proposed pier will be constructed using the existing pier footprint and therefore no new disturbance in the backshore will be created during construction. The applicant will be required to install either caissons and/or a turbidity curtain at the discretion of the TRPA Environmental Compliance Officer at the time of the pre-construction inspection. In addition construction fencing will be in place during the entire construction period to protect the TYC plants and their habitat from damage or destruction.

g. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

Comments from the State of Nevada, Division of State Lands and the Army Corps of Engineers were solicited as part of the review of this project and no comments were received. As a condition of approval, the applicant will be required to get a permit for the
proposed project from the U.S. Army Corps of Engineers prior to permit acknowledgement.

h. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the State of Nevada, Division of State Lands, and the U.S. Army Corps of Engineers. Comments from these agencies were solicited as part of the review of this project and no comments were received. As a condition of approval, the applicant will be required to get a permit for the proposed project from the U.S. Army Corps of Engineers prior to permit acknowledgement.

4. Chapter 52 - Repairs/Modifications to Existing Structures:

a. The structure is not an obstacle to navigation, is not causing significant shoreline erosion or interference with sediment transport, and is not contributing to noncompliance with a scenic threshold.

Comments from State of Nevada, Division of State Land, and the U.S. Army Corps of Engineers Division were solicited as part of the review of this project and no comments were received. As a condition of approval, the applicant will be required to get a permit for the proposed project from the U.S. Army Corps of Engineers prior to permit acknowledgement. The project is utilizing an open-piling design. It has been found that open pilings generally do not interfere with sediment transport or contribute to significant shoreline erosion.

The proposed project is visible from Scenic Shoreline Unit Number 29, Zephyr Cove. This scenic shoreline unit has a score of 9, which is in attainment with TRPA scenic thresholds. The applicants have proposed a pier that is 6 feet wide for the first 88 feet, and 10 feet wide for the remaining 50 feet of pier. The proposed pier also includes a low-level, 6,000 lb. forked boatlift with forks not to exceed 10 feet in width, and a catwalk which is 3 feet x 45 feet.

The applicants have agreed to remove the stairs and the associated railing from the backshore of the subject property to offset the potential scenic impacts associated with the proposed project. The applicant will replace this stairway with large granite rocks that will stabilize the backshore and also provide an access to the pier. It is anticipated that the granite boulders will generally blend well with the surrounding environment.
The proposed project is designed with pier decking that is lighter in color than the existing pier decking. Lighter colors generally show a greater contrast with the surrounding environment than darker colors. The applicants have agreed to paint the perimeter around the pier a dark gray. It is anticipated that the project as proposed will not degrade the scenic quality of Scenic Shoreline Unit 29, Zephyr Cove.

b. The structure has not been unserviceable for more than three years.

The existing structure projects beyond the high-water elevation (6229.1 Lake Tahoe Datum) and has not been unserviceable for more than three years.

c. The expansion decreases the extent to which the structure does not comply with the development standards and/or improves the ability to attain or maintain the environmental thresholds.

The project as proposed complies with all development standards for piers with the exception for its location in prime fish habitat. No additional impacts to the fish habitat are anticipated due to the proposed project. The project, as conditioned, will not create a degradation of any of the environmental thresholds. The proposed project is visible from Scenic Shoreline Unit No. 29, Zephyr Cove which has a score of 9. This unit is in attainment with TRPA scenic thresholds, and the applicant has proposed scenic mitigation that is anticipated to offset the identified potential scenic impacts associated with the proposed project. The project is located in an area mapped and verified as Feed and/or Escape Habitat which is considered Prime Fish Habitat. The proposed project should not require the removal of any boulders. TRPA has field inspected the subject property and has determined that the proposed project should not adversely impact fish habitat.

d. The project complies with the requirements to install Best Management Practices (BMPs) as set forth in Chapter 25.

All permanent BMPs will be required to be installed as a condition of project approval. The BMPs will be required to be designed to capture stormwater runoff associated with a 20 year/1 hour storm event consistent with Chapter 25 of the TRPA Code of Ordinances. In addition the applicant will be required to pave all gravel driveway surfaces. Temporary BMPs such as caissons or a turbidity curtain will be required to be installed at the discretion of the TRPA Environmental Compliance during the pregrade inspections to retain the suspended sediment during pier construction.
e. The project complies with the design standards in Section 53.10.

The proposed project complies with all design and color standards identified in Subsection 53.10 of the TRPA Code of Ordinances.

f. The repair does not increase the extent to which the structure does not comply with the development standards.

The proposed project will comply with all development standards except for its location in Prime Fish Habitat.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record.

I. A motion based on this staff summary, for the findings contained in this staff summary, and a finding of no significant environmental effect.

II. A motion to approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit:

This item will begin with a brief presentation by staff. If you have any questions regarding the proposed project, please call Elizabeth Harrison at (775) 588-4547 x 269.

Attachments:
A. Conditional Permit
B. Site Plan Map
C. Simulation
D. Elevation Drawings
E. Letter from Jordan Kahn, TRPA Assistant Legal Counsel
F. First Letter of Opposition
G. Second Letter of Opposition
DRAFT PERMIT

PROJECT DESCRIPTION: Pier Expansion/Boat Lift Addition

PERMITTEE(S): Beverly Ray

COUNTY/LOCATION: Douglas County/690 Lakeview Boulevard

APN: 05-090-06

FILE #200119

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on November 28, 2001 subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on November 28, 2004 without further. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED.

TRPA Executive Director/Designee

______________________________ Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee ___________________________ Date __________________

/eh

PERMIT CONTINUED ON NEXT PAGE

/EH
01/27/2001

AGENDA ITEM NO. IX.A
Excess Coverage Mitigation Fee (1): Amount $_______  Paid ____  Receipt No._____
Shorezone Mitigation Fee (2): Amount $2,600  Paid ____  Receipt No._____
Security Posted (3): Amount $_______  Posted ______  Type ____  Receipt No._____
Security Administrative Fee (4): Amount $_______  Paid ____  Receipt No._____

Notes:
(1) Amount to be determined. See Special Condition 3. C, below.
(2) See Special Condition 3. E, below.
(3) Amount to be determined. See Special Condition 3. F, below.
(4) $135 if a cash security is posted, or $70 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date:______________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

______________________________________________
TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. The proposed project includes the expansion of an existing 68-foot long open pile pier. The expansion includes the addition of 70 feet of pier, the addition of a catwalk which is 3 feet x 45 feet and a low-level 6,000 lb. forked boatlift. The approved pier shall extend no further than 138 feet from the high water elevation 6229.1 (Lake Tahoe Datum). The pier deck is proposed to be a maximum of 6 feet in width for the first 88 feet of pier and 10 feet for the remaining 50 feet of pier. The proposed railing on the pier has not been approved as part of this project.

2. The standard conditions approval listed in Attachment S.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

A. The site plan shall be revised to include:

   (1) The removal of the stairway leading to the beach. The site plan shall show granite boulders to stabilize the backshore and also to provide access to the pier.

/ EH
012/07/2001
(2) A three-inch layer of gravel (1"-2" drainrock) beneath all raised decks.

(3) Vegetation protective fencing around the entire beach on both sides of access way to the pier to prevent vehicular and pedestrian traffic and the storage of construction materials and equipment on the beach.

(4) The installation of infiltration trenches below roof driplines that are not protected by hard cover or vegetation. The permittee shall submit calculations demonstrating that the proposed infiltration trenches are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20-year/1 hour storm event.

(5) The paving of the gravel driveway and the installation of infiltration facilities sized to capture runoff from the driveway. The permittee shall submit calculations demonstrating that the proposed infiltration facilities for the driveway are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20-year/1 hour storm event.

(6) The addition of a note on both residences that indicates TRPA has not verified any residential units of use as part of this project.

(7) A note indicating: “All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.”

(8) A note indicating either a turbidity curtain or caissons will be installed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The TRPA Environmental Compliance Inspector has the discretion to indicate which technology shall be used at the time of the pregrade inspection.

(9) A note added to the areas of backshore stabilization to indicate that minimal amounts of rocks will be placed to stabilize the bare soil areas and to block the pathway to the pier.

(10) A note indicating that the perimeter of the pier will be painted a dark gray.

B. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA.
C. The affected property has 2,467 square feet of excess land coverage.  
The permittee shall mitigate a portion or all of the excess land coverage 
on this property by removing coverage within Hydrologic Transfer Area 3 
or by submitting an excess coverage mitigation fee.  
To calculate the amount of excess coverage to be removed, use the 
following formula:

Estimated project construction cost multiplied by the fee percentage 
identified in Table A (see attached) divided by the mitigation factor 
of 8.  If you choose this option, please revise your final site plans 
and land coverage calculations to account for the permanent 
coverage removal.

An excess land coverage mitigation fee may be paid in lieu of 
permanently retiring land coverage.  The excess coverage 
mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula (1) 
above) multiplied by the coverage mitigation cost fee of $12.00 per 
square foot for Nevada projects and $6.50 for California projects.  
Please provide a construction cost estimate by your licensed 
contractor, architect or engineer.  In no case shall the mitigation fee 
be less than $200.00.

D. The permittee shall revise the elevation drawings to eliminate the railing 
originally proposed.  The railing has not been permitted as part of this 
project.

E. The permittees shall submit a shorezone mitigation fee of $2,680 for the 
construction of 70 feet of new pier (assessed at $30/foot) and one 6,000 
b. low-level boatlift (assessed at $500/boatlift).  This mitigation fee may 
be adjusted dependent on the final project approved by the Governing 
Board.

F. The security required under Standard Condition A.3 of Attachment S shall 
be determined upon the permittee’s submittal of required Best 
Management Practices plan and related cost estimate.  Please see 
Attachment J, Security Procedures.  In no case shall the security be less 
than $5,000.

G. Elevation drawings shall be revised to include notations that all the 
ancillary features of the pier and all other components of the pier shall be 
painted a dark brown or black color and shall be non-reflective.

H. The preparation of a TYC Management Plan for the subject parcel.  The 
protection plan shall include methods used during construction for 
protection of the species and the habitat and also protection measures to
be utilized long term. Construction methods must include vegetation fencing to prevent vehicular disturbance, pedestrian disturbance and storage of equipment on the beach. TRPA requests that this management plan also provide permission to TRPA and the other affected agencies in the Tahoe Basin to conduct yearly inspections of the property to evaluate the population's viability. TRPA also requests that the property owner by willing to take part in the TYC Stewardship program once it has been established.

I. The permittee shall submit a construction schedule to TRPA. This schedule shall identify dates for the following: When construction will start; when protection fencing for Tahoe Yellow Cress will be installed; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed. Construction activities conducted between May 1 and October 31 will require a subsequent site inspection by the TRPA Vegetation Program Manager prior to commencement of construction to determine if additional temporary or permanent measures will be required to protect the Tahoe Yellow Cress. Any changes to the submitted construction schedule must be submitted to TRPA for review and approval.

J. The permittee shall provide a landscape plan and fertilizer management plan for the backshore area in accordance with the standards required in Sections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval. Additional landscaping planted shall not cause the removal or disturbance to any existing vegetation in the backshore.

K. The permittee shall provide permit approval from the U.S. Army Corps of Engineers for the proposed project.

4. Scenic mitigation for the construction of the proposed pier includes the removal of the stairway, decking and railing that leads to the pier and the painting of the perimeter of the pier, dark gray. This stairway will be replaced with granite boulders that will be used to stabilize the backshore and also provide access to the pier.

5. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.

6. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.

7. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
8. Primary construction access to the shorezone structures shall be from a barge. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.

9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

10. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

11. Boat cleaning operations should be performed on land wherever feasible to avoid the release of harmful cleaners and solvents into surface water. Detergents containing phosphorus, ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, and cleaning compounds are discouraged. Detergents shall not contact surface waters.

12. Boat repair including hull scraping or any process that occurs underwater to remove paint from the boat hull shall not be conducted on the water and should be conducted at a marina that provides repair service. All wastes associated with hull maintenance and cleaning (paint chips, sandings, debris etc.) should be collected and disposed of properly. Vacuuming is the preferred method of collecting these wastes.

13. Waste disposal including disposal of waste oil, waste gasoline, used antifreeze, and waste diesel shall only be to appropriate receptacles.

14. Vessel fueling shall only be conducted if the project proponent can implement BMPs to prevent petroleum hydrocarbons from entering surface waters. If the project proponent uses a portable 5-gallon tank to fuel a boat, spills shall be minimized by wrapping the nozzle with fuel absorbent pads.

15. This permit does not verify the existence of two residential units of use on this property. Verifications of residential units of use requires the submittal of a separate permit application to TRPA for review and approval.

16. The trees on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval.

17. The permit does not authorize the removal of any boulders for pier construction.

18. Prior to security return, the permittee shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality is viewed from 300 feet from shore looking landward and the lake bottom conditions as viewed from the subject parcel.
19. This approval is based on the permittee’s representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

20. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

21. Pier lighting has not been reviewed or approved as part of this permit.

END OF PERMIT
ATTACHMENT E

TAHOE REGIONAL PLANNING AGENCY

306 Dorla Court
Elks Point, Nevada
www.ceres.ca.gov/trpa

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

Memorandum

To: File (APN 05-090-9, 10)
From: Jordan Kahn
Date: August 31, 2000
Re: Littoral parcel ownership in Zephyr Cove

Beverly Ray applied to TRPA to modify a pier in Zephyr Cove. The Assessor’s Parcel Map indicates that a littoral strip owned by the Zephyr Cove Homeowner’s Association (APN 05-090-24) exists between Ms. Ray’s property and the Lake. Consequently, Project Review required that the Homeowner’s Association be included on the application. Ms. Ray’s representatives submitted a deed indicating that she owned both her parcels and the strips between them and the lake. Given the discrepancy between the Assessor’s Parcel Map and the deed, and the history of litigation over this issue at Zephyr Cove, the Legal Division was asked to investigate the matter.

I contacted the Douglas County District Attorney’s office and was informed that this issue had been litigated (Schultz v. Zephyr Cove Property Owner’s Association, 809 P.2d 619 (Nev. 1998)). The case involved an assertion of ownership via adverse possession over a portion of the littoral strip known as the Sandy Beach. The Nevada Supreme Court ruled that the Zephyr Cove Homeowner’s Association owned the parcel. I then contacted Ronald Alling who has been attempting to have TRPA reverse its decision to require the Homeowner’s Association as an applicant. Curiously, Mr. Alling represents both Ms. Ray and the Homeowner’s Association on this issue.

Mr. Alling explained that the littoral parcel between Ms. Ray’s property and the lake was deeded from the developer to those who previously owned the property. I asked why this was not reflected on the Douglas County Assessor’s Parcel Map and was informed that the map is out of date and contains a disclaimer. I then asked about the Schultz decision and was told that the Homeowner’s Association still owns, and is very protective about, the littoral parcel that contains the Sandy Beach at Zephyr Cove. Mr. Alling said that in contrast to the Sandy Beach, the Homeowner’s Association does not have an ownership interest in the portion between Ms. Ray’s property and the lake. Rather, the Homeowner’s Association acknowledges that such littoral property was properly deeded to private interests and is now owned by Ms. Ray.

The Legal Division is satisfied that Ms. Ray is the littoral parcel owner and that the Zephyr Cove Homeowner’s Association need not be included on the application. Although the Assessor’s Parcel Map raises significant concerns, the deed is sufficient to establish Ms. Ray’s ownership. Moreover, we have assurances that the Homeowner’s Association will not challenge Ms. Ray’s status as a littoral property owner as set forth in the deed. However, this determination is specific to Ms. Ray and other assertions of littoral ownership at Zephyr Cove will be more controversial and may require that the Homeowner’s Association be included as an applicant. Accordingly, all such applications should be referred to the Legal Division for consideration of this issue.
ATTACHMENT F

Ted Thondson, President
Zephyr Cove Property Owners' Association, Inc.
9550 Ashley Drive
Windsor, CA 95492-7405
(Home) 707-837-8569, Fax 707-838-6124
(Work) 707-539-1611, Fax 707-539-6537
ova@tdl.com

Facsimile 1 page
477-588-4527

Tahoe Regional Planning Agency
P. O. Box 1038
Zephyr Cove, NV 89448-1038

Re: Application for Pier Expansion, Beverly Ray
690 Lakeview Boulevard, Douglas County, Nevada (APN 05-090-06)

Gentlemen:

Kindly read this statement into the public record at the hearing on November 28, 2001.

The Board of Directors of the Zephyr Cove Property Owners' Association, Inc., (a Nevada corporation) respectfully objects to the proposed project. The ZCPOA was formed in the late 1940's. The ZCPOA owns the beach, main pier and buoy field at Zephyr Cove, all located just south of Zephyr Cove Resort. ZCPOA's membership comes exclusively from property owners served by its beach, pier or buoy field at Zephyr Cove.

We oppose the project for the following reasons:

- The project is overly large and encroaches into a relatively confined harbor area.
- The project will be an eyesore compared with the present situation.
- The project will intrude into our licensed buoy field and eliminate up to three of our buoy locations.
- The project represents an unwelcome change in the character of the cove area, which means so much to our long-time owners and members.
- The project is unnecessary. Applicant has the right to use our pier area, becomes a member of the association or not. Applicant has the right to use our buoy field for annual fees (for the first buoy) not in excess of $285, which includes annual membership.

Notwithstanding our opposition to her subject project, we welcome Ms. Ray into the Cove and wish her many years of enjoyment of her property and cordiality with her neighbors.

Sincerely,

[Signature]

E. W. "Ted" Thondson, President
Zephyr Cove Property Owners’ Association, Inc.
Dear TRPA, Elizabeth Harrison,

re: Beverly Ray pier expansion

The pier extension, doubling from 68' to 138'', seems to me, to be excessive. There are already 2 other piers close by in the same area. I think, a pier of 168' length would be a boating hazzard. I have no objection to the project, if the pier is no longer than 80'. I also think that if this pier is allowed, the existing break water rock pile that exists now should be removed, allowing more water circulation.

You may want to contact the Zephyr Cove Property Owners Association, as they own the property that this pier was built on. I can provide an address, if you let me know.

Sincerely, Lauren Ellis
686 Lakeview
Zephyr Cove, Nevada

22080 Call of the Wild Rd.
Los Gatos, Calif. 95033
ccvvee@aol.com (v v, not w)
Project Name: Fein, Ruvo, Whittemore, Postmistress Properties LLC - New Multi-Use Pier and Stream Environment Zone Improvement Project

Application Type: Shorezone, New Multiple-Use Floating Pier, Recognition of Multiple-Use Facility, and Stream Environment Zone (SEZ) Habitat Restoration

Applicants: Edward Fein, Lawrence Ruvo Living Trust; Harvey Whittemore; and Postmistress Properties, LLC

Agency Planner: Lyn Bamett, AICP, Project Review Division Chief

Location: Approximately 400 feet south of the existing Glenbrook Homeowner's Association pier in Glenbrook Bay, Glenbrook, Nevada. The project area includes 1951, 1955, 1960, 1949, and 1963 Glenbrook Road.

Assessor's Parcel Numbers (APNs)/File Number: 010-070-16 and 17 (Fein); 01-070-27 (Postmistress Properties, LLC); 01-190-12 (Whittemore); and 01-190-13 (Ruvo)/TRPA File Number 200565.

Staff Recommendation: Staff recommends that the Governing Board approve the project. The recommended conditions of approval are listed in Section F of this staff summary.

Project Description and Short Project History: The proposed project includes the following:

- One new multiple-use floating pier with two boat lifts,
- Four seasonal mooring buoys, and
- A fish habitat restoration in the lower 600-foot section of Glenbrook Creek.

The pier is proposed to be located approximately 400 feet south of the existing Glenbrook Homeowners’ Association (GHOA) pier in Glenbrook Bay. The structure is proposed to be 300-feet in length and 10-feet wide. (For comparison, the GHOA pier is approximately 303 feet in length and 10 feet wide). The new pier would be constructed with a single row of pilings and would have no catwalks or other similar accessory structures, except lighting and marine cleats.

The seasonal buoys are proposed to be located in a line parallel to, and about 40-feet south, of the proposed pier alignment and would be placed in Lake Tahoe from May 1 to October 15 of each year. The buoy line would begin approximately 200-feet from the high water line and extend to a point 350-feet from the high-water line.

The new pier is proposed to be located on property owned by Edward Fein and shared by the other applicants. This proposal amends a prior application by Mr. Fein to construct a new 140-foot multiple use pier for two of his lakefront parcels, and results in the withdrawal of an application by Messrs. Ruvo, Whittemore and Carano for a new multiple-use 276-foot pier located 150 feet south of the GHOA pier. The GHOA pier is
the closest pier in the vicinity of the project, and is one of fewer than 10 piers in Glenbrook Bay (from Deadman's Point south to South Point).

In conjunction with the proposed development, the applicants are requesting the Governing Board recognize the pier as a multiple-use facility and thus allow one deviation from TRPA design standards. This deviation would allow the addition of a second boatlift on the pier. No other deviations are requested or necessary.

The applicants are also proposing to assist with certain projects identified in the Environmental Improvement Program (EIP) by restoring the lower 600 feet of Glenbrook Creek located north of the proposed pier. The proposed project is designed to remove existing fish passage barriers and restore the creek bed and surrounding stream environment zone to a habitat that is once again suitable to support fish passage and spawning. The stream restoration project is further discussed in the “Issues” Section, below, and in Exhibit G.

**Site Description:** The proposed pier is to be constructed in Glenbrook Bay at the southerly end of a prominent sandy beach. The outlet of Glenbrook Creek is approximately 200 feet to the north. The lake bottom substrate in the area of the proposed pier has been mapped and verified as marginal fish habitat. The existing pier in the vicinity of the project is the Glenbrook community pier about 400-feet to the north. Adjacent land uses include other residential development, and domestic animal raising.

The proposed pier would serve landowners, residents, and guests of five littoral parcels (two of which are owned by Mr. Fein). Exhibit D shows the location and layout of the subject parcels. The following is a summary of development in the project area:

**APN 01-070-16 and 17 (Fein).** These parcels contain several historic residences, barn, a portion of Glenbrook Road (a twenty-five foot wide easement), various accessory structures, and the physical remnants of the historic Bliss Family Boathouse (now collapsed and derelict). The proposed pier would be located on APN 01-070-16, the northern most of the two Fein parcels. There is a fair amount of detritus in the water in the vicinity of the proposed pier consisting of floating wood, branches, etc. Several historic pier pilings are located offshore, but are not proposed for removal under this application.

**APN 01-190-13 (Ruvo).** The parcel is currently developed with a rebuilt, TRPA approved, single-family residence (formerly the site of the “Beach House”), and has no existing shoreline structures other than a rock shoreline protective structure that was constructed sometime before 1975. The withdrawn application proposed a new pier on this property.

**APN 01-070-27 (Postmistress Properties, LLC).** This unusually shaped parcel forms the “Glenbrook Rodeo Grounds”, and is developed with several residential units and accessory structures, including an historic barn. The parcel meets the shoreline in two locations: south of APN 01-190-13 and north of APN 01-190-12. The northern portion of the parcel that meets the shoreline contains the existing community pier and a portion of the community beach.
APN 01-190-12 (Whittemore). Located on the lowest reach of Glenbrook Creek, and the proposed stream restoration site. This parcel is currently developed with an historic single-family residence (the "Lakeshore House") with no accessory shorezone structures.

Issues: This project involves the construction of a new pier, recognition of the pier as a multiple-use facility, and modification to a Stream Environment Zone (SEZ). The project requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary issues associated with this project are:

1. **Potential Interference with Recreational Easement:** The proposed project appears to cross into a recreational easement in Lake Tahoe held by the Glenbrook Homeowner's Association. When a proposed shorezone development affects a recorded easement TRPA requires that the project proponents obtain agreement from the holder of the easement. Such an agreement demonstrates that the project applicants have, in fact, the legal right to construct the project if it is approved by TRPA. If the project proponent and the holder of the easement cannot agree on whether the proposed structure interferes with the easement or right-of-way, TRPA may deny the application or direct the parties to settle their differences (in court of necessary).

The question here, however, is whether the proposed pier will or will not illegally interfere with GHOA's property interest. GHOA contends that the proposed pier will preclude the full exercise of the Glenbrook residents' rights under its easement. The applicants contend that the property interest granted is non-exclusive and preserves the right of the littoral owners to build structures for recreational purposes. The applicants contend that the easement in front of the Fein parcels is offshore and that, in any event, a floating pier will not unreasonably interfere with beach access. In other words, a controversy exists whether GHOA's easement precludes the construction of the proposed pier.

The applicants propose that the Governing Board resolve this issue by conditioning the permit to require the applicants to obtain a decision from an acceptable court that the proposed pier will not interfere with GHOA's rights prior to permit acknowledgment. See Proposed Permit Special Condition 3.N.

The recreational easement (and how it affects the proposed pier and buoys) is the subject of an unresolved debate between the project proponents and opponents. This debate is clearly a legal matter, however, and staff has no objections to placement of the new structures from a planning perspective. In our opinion, the proposed floating pier design allows greater ease of access across this area during low water conditions than would a fixed pier structure because a person can step-over a this type of pier. In addition, the pier structure itself will serve a recreational purpose (although it is, by definition, accessory to a residential use).
2. **Recognition of a Multiple-Use Facility:**

Subsection 54.8.A of the TRPA Code prohibits new single use piers when applicants are served by a multiple use pier facility. Specifically, Section 54.8.A(3) precludes development of a new single use pier "[w]here individual lots fronting the shoreline are within a residential land development served by multi-use facilities . . . ."

Both the proponents and opponents have each presented arguments on whether or not the affected properties are already served by the GHOA pier and thus eligible for a new pier pursuant to Subsection 54.8.A(3) of the Code. As with the easement issue, the applicants assert that TRPA is not well suited to resolve the GHOA’s community pier access issue.

The issue is not whether there are more than one littoral property owner that will be served by the proposed pier, but whether these littoral property owners are already served by a multiple use facility. If the Fein parcels are not served by the community pier, then the applicants may qualify for a multiple use designation because the proposed project will result in shorezone development potential (i.e. deed restriction of the other Fein parcel). The existing Glenbrook Homeowners Association (GHOA) community pier is located on one of the properties included in the current proposal (the Ruvo parcel). The GHOA pier meets the definition of “multiple use” set out in Chapter 2 of the TRPA Code because it is used by a homeowners association and there are a large “number of people utilizing the facility” as set forth in Subsection 54.8.D(1)(b) of the Code. The applicants have never contested that the GHOA pier is a multiple use facility.

The applicants contend that they lack access to the GHOA pier and are, therefore, not served this facility. This argument is not clear when one attempts to examine the recent ownership history of the pier, including the transfer of pier rights and licenses. In 1987 Glenbrook Company, then owners of the existing pier, deeded the structure to GHOA. In the instrument conveying the pier, Glenbrook Company specifically reserved for itself and its “successors and assigns, the right to use said property in common with others entitled to use the same.”

In subsequent transactions, the applicants became "successors and assigns" of the Glenbrook Company, thereby possibly acquiring rights to access the GHOA pier at the time of purchase. However, deeds to the applicants do not specifically mention the GHOA pier. The applicants thus claim that there is no explicit reservation of rights to them by the Glenbrook Company. Furthermore, applicants contend that GHOA’s license to use the community pier is an unwanted offer of access that is contingent upon a future event (a ban on new piers).

To resolve this matter the applicants have requested that a condition be added to the draft permit settling this issue through the court. Prior to acknowledgement of the TRPA permit (if approved), the applicants would be required to obtain a
decision from an appropriate court that at least the Fein parcels do not have the legal right to access GHOA’s pier. Staff has no objection to this proposal.

3. **Deviation from Pier Design and Location Standards:** The proposed pier requires the Governing Board to consider one deviation from TRPA pier design standards. This deviation would permit the installation of a second boatlift on the pier structure. Based on an estimated TRPA property line projection into Lake Tahoe, the proposed pier will not encroach into any setback. The pier will, however, be located within five feet of fee title land in Lake Tahoe belonging to The Glenbrook Trust property, located to the north. This information is provided for information only and does not affect the application in relation to TRPA Code requirements.

Pier development standards in the TRPA Code may be considered as guidelines pursuant Subsections 54.8.B and 54.8.C if the Governing Board recognizes the proposed pier as a multiple-use facility. Generally, staff has no objections to the recognition of the proposed pier as a multiple-use facility because more than one littoral property owner will be served by the pier. If the applicants successfully demonstrate through the courts that they do not have access to the GHOA pier then a significant reduction in shoreline development potential would be realized. If the courts affirm that the applicants in fact do have access to the GHOA pier (as contended by GHOA), then the proposed permit could not be acknowledged by TRPA and the pier would not be constructed.

4. **Scenic Quality:** The proposed project is located within Scenic Shoreline Unit 26, Cave Rock. In 1996, this shoreline unit had a Threshold Composite score of 10, which is in attainment with the established scenic thresholds. And while current data, although not approved by the Governing Board, suggests that this Scenic Shoreline Unit has fallen-out of attainment in 2001, the proposed project will not result in a negative scenic impact if **sufficient mitigation is identified.**

Staff is comfortable with a recommendation of approval based on the materials submitted to date, a final analysis, including identification of all available mitigation measures, will not be ready until the Governing Board hearing. Staff feels that sufficient mitigation opportunities exist for the project and will work with the applicants to develop an acceptable mitigation package.

5. **Fisheries:** The lake-bottom substrate in the area of the proposed pier is primarily sand, silt, detritus, and sawdust from historic sawmill activities, and has been mapped and verified as marginal fish habitat. A review of aerial photographs and the fisheries analysis completed for the original Ruvo et. al. project, but applicable to this area of lakebed, indicates that the proposed pier may occasionally be within the influence of Glenbrook Creek during low lake levels. It is reasonable to expect that the stream will occasionally migrate into contact with the proposed pier under low-water conditions. According preliminary fisheries analysis completed for this the former Ruvo (et. al.) project, this creates the possibility that the creek could be partially or completely blocked by debris accumulating against the new pier pilings or floating structure. The analysis goes
on to state that if the stream became blocked by debris it would likely occur during the spring fish-spawning run.

The applicants are proposing to mitigate impacts to nearby Glenbrook Creek, as well as assist in partial fulfillment of certain projects identified in the Environmental Improvement Program (EIP), by completing a stream restoration project on the lower 600 feet of the stream. Currently the creek does not support fish migration and spawning because of barriers (primarily culverts crossing roadways) and poor stream habitat. The proposed project is designed to remove existing fish passage barriers and restore the creek bed and portions of the surrounding SEZ to a habitat that is suitable to support fish passage and spawning. The project would also benefit other aquatic and riparian species.

As proposed in Exhibit H, the fisheries restoration component of the project consists of three elements. The first element involves repairing the lower culvert that crosses Glenbrook Inn Road, and installing boulder step pools at the outlet to raise the stream elevation and pool depth. This will improve upstream fish passage into the next reach of the creek. The second element consists of reconstructing the channel reach from the maintenance road to a point 300 feet downstream into boulders step pools and gravel-riffle pool channels. This is intended to create high-quality spawning and rearing ground for rainbow trout and Kokanee salmon (if introduced to Glenbrook Creek). The third project element involves replacing the maintenance road crossing and existing culvert. The applicants propose to replace the culvert crossing with a new 30-foot long flatcar steel bridge. The bridge would span over a five-foot wide low water channel and 25-foot wide flood plain area. The intent of this element is to remove an existing barrier and provide for upstream fish passage under a full range of flow conditions. Mr. Ruvo is also proposing to transfer existing water diversion rights from Glenbrook Creek and North Logan House Creek to the waters of Lake Tahoe.

Another element of the project includes rehabilitation of barren areas in various backshore and bluff areas on Mr. Fein’s property. This includes the removal of one dirt access trail to the lake and construction of a stabilized wooden stairwell over another dirt trail.

Staff has determined that the proposed stream restoration project will mitigate any adverse impact created by construction of the pier. Staff has also concluded that the stream restoration work, and restoration of other areas on Mr. Fein’s property, goes beyond mitigating adverse environmental impacts from the pier. Final stream restoration, modification plans will be reviewed and by staff prior to permit acknowledgement.

6. **Consistency with Prior Staff Summary on Ruvo/Whittemore/Carano Application:**
Staff, in its August 14, 2000 Staff Summary on the Ruvo/Whittemore/Carano pier application, recommended denial of that application on three grounds: (1) uncertainty regarding interference with GHDA’s easement, (2) access by Ruvo and Whittemore to the Community Pier, and (3) unmitigated scenic impacts.
Staff recommends a conditional approval of the project proposed herein as a result of changes in the proposed structure, project location, and applicants and experience over the last year with the controversy. A shift in project location and to a floating pier reduces the chance of interference with GHOA's easement. As for the access issue, less evidence exists that the Fein parcels have access to the Community Pier. In approximately 1996, Glenbrook Properties granted access rights to the Community Pier to Ruvo and Whittemore but not to Fein. As a result, staff cannot categorically conclude that Fein parcels have access to the Community Pier. Staff also cannot definitively conclude that the Fein parcels do not have access. Therefore, staff recommends granting the application conditioned upon proof that Fein did not acquire access to the Community Pier.

Staff also recommends a conditional permit to conserve staff and Governing Board resources. The controversy over the proposed pier and Plan Area Statement Amendment to ban new piers has occupied a disproportionate amount of staff and Governing Board time. In addition, it is highly likely if not certain, that any decision made by the Governing Board will be subject to litigation. Furthermore, if the Governing Board rejects the application pending resolution of the easement and access issues, it will likely see the application return when those issues are resolved. A permit conditioned upon subsequent resolution of the discrete legal issues relating to the easement and access will likely preclude a return visit of these issues to staff and the Governing Board by consolidating final determination of those issues with judicial review of the propriety of the permit.

The final grounds for the recommendation for denial of the Ruvo/Whittemore/Carano application was unresolved scenic impacts. As discussed in Issue 4 above, staff determines that with the new pier design (principally floating versus fixed) sufficient opportunities for scenic mitigation exist to recommend approval of the application.

Staff Analysis:

A. Environmental Documentation: The applicants have completed an Initial Environmental Checklist (IEC), a Fish Habitat Impact Determination, a fisheries analysis, and a partial scenic quality simulation to assess the potential environmental impacts of the project. Staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC and supporting documents will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area Statement (PAS) Number 058 (Glenbrook). The Land Use Classification is Residential and the Management Strategy is Mitigation. The proposed structure (pier) is an allowable accessory structure in the plan area and single-family dwellings are an allowable use. Staff has reviewed the plan area statement and has determined that the project, as conditioned, is consistent with the applicable planning statement and planning considerations.
C. **Land Coverage:** Due to late project material submittals, a complete analysis of land coverage in the project area was not available at the time this staff summary was prepared. A full analysis will be ready by the Governing Board hearing. In accordance with Chapter 20 of the TRPA Code of Ordinances, the applicant will be required to mitigate any excess land coverage on the parcel if the project is approved.

D. **Shorezone Tolerance District:** The subject parcels are located within Shorezone Tolerance District 3. Projects within Shorezone Tolerance District 3 must ensure stabilization and the least environmental impact to the backshore. Access to the shoreline is limited to stabilized pathways. The project, as proposed, complies with the shorezone tolerance district standards and will result in some will result in some shoreline stabilization.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 20, 28, and 50 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can or cannot be made.

**Chapter 6 Findings:**

1. *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.*

Because Special Conditions 3.N and 3.O of the Proposed Permit require the applicants to demonstrate that (1) the project will not improperly interfere with GHOA’s easement and (2) that the Fein parcels did not acquire access to the Community Pier, the project, if it goes forward, will be consistent with the Regional Plan, Goals and Policies, Code of Ordinances, etc.

   (a) **Land Use:** The existing residential dwellings in the project area are permissible uses within the applicable plan area statement. The proposed project involves the construction of allowable accessory structures (piers and buoys). Surrounding land uses are residential.

   (b) **Transportation:** The proposed pier serves the homeowners of the affected parcels and, as such, will not result in an increase of daily vehicle trip ends (dvte) to the subject parcel.

   (c) **Conservation:** The proposed project will not negatively affect scenic quality because adequate mitigation opportunities exist to offset the net impacts of the new structures. The project includes a stream habitat restoration plan that is consistent with the
fisheries sub-element of the Regional Plan. As part of the project the applicant will install all required Best Management Practices (BMPs) on the parcel, in accordance with Chapter 25 of the TRPA Code. There are no known special interest animal species within the project area.

The special interest plant *Rorippa subumbellata* (Tahoe Yellow Cress) has not been recorded in the location of the proposed pier, but it has been found in the immediate area. A report prepared for the former Ruvo project indicates that the area south of Glenbrook Creek is unsuitable for Tahoe Yellow Cress. An on-site inspection for Tahoe Yellow Cress should be conducted prior to any development lake ward of the high water line if the project is approved.

Historical surveys have been completed in the Glenbrook Bay and they have identified historic pilings and cribbing that should be retained. The project does not propose to physically impact the historic structures, and it is not likely the project will impact any other unknown historic or cultural resources. Due to significant historical activities in the bay, however, the applicants are proposing to complete a cultural resource survey of the area if the project is approved. The survey will be able to identify potential impacts to any discovered artifacts. The Nevada State Historic Preservation Office (SHPO) has reviewed the work plan of the proposed survey for the former Ruvo et. al. project and found it to be adequate provided all field reconnaissance is completed in partial fulfillment of an actual historical resources survey, and not as a preliminary examination as proposed. SHPO will be asked by TRPA to review an expanded survey to include Mr. Fein’s property if the project is approved.

(d) **Recreation:** This project does not involve any public recreation facilities or uses. The proposed pier will be similar in length to the adjacent existing community pier and will not extend beyond the TRPA pier headline or lake-bottom elevation 6,219 feet. The proposed pier will not adversely affect recreational boating or top-line angling. The HOA recreational easement will not be negatively impacted by the proposed project because the floating pier will not restrict access across the private easement.

(e) **Public Service Facilities:** This project does not require any additions to public services or facilities.

(f) **Implementation:** The proposed project does not require any allocations of development.
2. The project will not cause the environmental threshold carrying capacities to be exceeded.

(Refer to paragraph 1, above.)

3. Wherever federal, state or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities pertaining to air and water quality standards. A copy of the completed checklist will be made available at the Governing Board hearing and at the TRPA.

Findings required allowing disturbance of an SEZ in conjunction with a habitat restoration project:

4. The project, program or facility is necessary for environmental protection.

TRPA staff has identified the restoration of Glenbrook Creek as necessary for the environmental improvement of the area. The restoration of the fisheries habitat in Glenbrook Creek and the transfer of water diversion rights to Lake Tahoe have been identified as project numbers 890 and 891 of the Fisheries component of the Environmental Improvement Program (EIP).

5. There is no reasonable alternative, including relocation, which avoids or reduces the extent or encroachment in the stream environment zone.

The project proposes restoration of a stream environment zone (SEZ) and, therefore, is therefore located in the SEZ.

6. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

The restoration component project is intended, in part, to mitigate potential adverse impacts from the proposed pier development and to restore a portion of Glenbrook Creek and create an environmental benefit to fisheries and wildlife. Measures have been incorporated into the restoration project to avoid and mitigate any potential adverse impacts that may be caused by the project.
Land Coverage Relocation Findings:

7. The relocation is to an equal or superior portion of the parcel or project area.

Land coverage relocation needed to access the proposed pier would occur on Class 1b land (Stream Environment Zone) and land coverage near the lake will be reduced through the reduction of access trails. The applicants will mitigate the land coverage relocation impacts by reducing land coverage at a ratio of 1.5:1 the amount of land coverage to be relocated.

8. The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.5.

The area from where the coverage is proposed to be removed will be retired and restored in accordance with Subsection 20.5 of the Code.

9. The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.

All land coverage is proposed to be relocated within Land Capability District 1b land (Stream Environment Zone).

Findings required allowing a habitat restoration project with a 100-year flood plain:

10. The project, program or facility is necessary for environmental protection.

(Refer to paragraph 4, above.)

11. There is no reasonable alternative, including relocation, which avoids or reduces the extent or encroachment in the flood plain.

The project proposes restoration of a stream and, therefore, must encroach into the flood plain.

12. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

(Refer to paragraph 6, above.)

Shorezone Findings:

13. The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.
The project will not have an impact on littoral processes because the project does not involve a structure that is less than 90 percent open. The lake-bottom substrate has not been identified as spawning habitat (except for possible fish passage to Glenbrook Creek during periods of low lake elevation). The project will minimize impact to the lakebed substrate. The applicants are proposing to mitigate any adverse impacts created by the pier's proximity to Glenbrook Creek by completing a stream restoration project. The project includes restoration of disturbed areas in the backshore and removal of access pathways.

The proposed pier is not located within an area that is mapped as onshore wildlife habitat nor has the site been shown to be a waterfowl nesting area. Meadow areas adjacent to Glenbrook Creek have been identified in the Plan Area Statement as important waterfowl nesting areas, but the applicants have not proposed a development or activity that would change the habitat of the meadow areas. Proposed restoration of a lower portion of the creek could benefit fish and wildlife.

14. There are sufficient accessory facilities to accommodate the project.

This project involves the construction of a new pier, buoys, and accessory structures. The project is located offshore of properties occupied by single and multiple family residences. The owners of the properties and their guests will only use the pier. There are sufficient parking and upland facilities, including restrooms, to accommodate the project.

15. The project is compatible with existing shorezone and lake zone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.

While the proposed pier will intersect the GHOA easement, it will not significantly impede movement along the shoreline during high and low lake level events.

16. The use proposed in the foreshore or near shore is water-dependent.

The pier and buoys will be located in the foreshore and near shore of Lake Tahoe and is water-dependent.

17. Measures will be taken to prevent spills or discharges of hazardous materials.

Spray painting and the use of tributyltin (TBT) are prohibited by TRPA. Conditions of approval prohibit the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin. All surplus construction waste materials shall be removed from the project and deposited only at
approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

18. **Construction and access techniques will be used to minimize disturbance to ground and vegetation.**

The applicant shall not be permitted to store construction materials on the beach. Permanent disturbance to ground and vegetation is prohibited.

19. **The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.**

The proposed pier will not extend beyond the TRPA pier headline and is approximately 400-feet from the nearest shorezone structures. The U.S. Army Corps of Engineers must also review this project for navigational safety.

20. **TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.**

The Interagency Shorezone Committee discussed this project on December 5, 2001. The intent of the committee is to solicit comments from all shore zone regulating agencies as required in the finding. This project must receive approval from the Nevada Division of State Lands and the U.S. Army Corps of Engineers.

F. **Required Actions:** Agency staff recommends that the Governing Board approve the project by making the following motion and findings based on this staff summary and the evidence contained in the record:

   I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

   II. A motion to approve the project, based on the staff summary, subject to the conditions in the draft permit.
DRAFT PERMIT

PROJECT DESCRIPTION: New Multiple-Use Pier and Four New Seasonal Buoy in Lake Tahoe

PERMITTEES: Edward Fein, Lawrence Ruvo, Postmistress Properties, Harvey Whittemore

FILE #200565

APNs 01-070-16, 17 and 27; 01-190-12 and 13

COUNTY/LOCATION: Douglas/1951 and 1955 Glenbrook Road, Glenbrook

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on December 19, 2001, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on December 19, 2004 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR ACTIVITY SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR ACTIVITY SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIVED OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PRE-CONSTRUCTION INSPECTION HAS BEEN CONDUCTED

TRPA Executive Director/Designee

Date

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittees

Edward Fein

Lawrence Ruvo

Postmistress Properties

Harvey Whittemore

Date

Date

Date

Date

AGENDA ITEM IX.B

12/11/01

/LB
APNs 01-070-16, 17 and 27; 01-190-12 and 13
FILE NO. 200565

Excess Coverage Mit. Fee: Amt. $\text{(1)}$ Paid _______ Receipt No. ________________
Shorezone Mitigation Fee: Amount $9,500 Paid _______ Receipt No. ________________
Security Posted \text{(3)}: Amount $10,000 Posted _______ Receipt No. ______ Type ______
Security Administrative Fee \text{(2)}: Amount $______ Paid _______ Receipt No. ________________

Notes

\text{(1)} To be determined based on final plans. See related permit condition, below.
\text{(2)} $135 if cash security posted, $70 if non-cash security posted, see Attachment J.
\text{(3)} See Attachment "J", Security Procedures.

Required plans determined to be in conformance with approval: Date: ________________

TRPA ACKNOWLEDGEMENT: The permittees have complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This project allows the construction of one new multiple-use floating pier in Lake Tahoe. The proposed pier will be approximately 300 feet long and 10 feet wide. The project also includes the installation of two boatlifts and four seasonal mooring buoys.

2. The Standard Conditions of Approval outlined in Attachment S shall apply to this project.

3. Prior to final acknowledgement of this permit, the following special conditions of approval must be satisfied:

A. The site plan shall be revised to include the following:

\text{(1)} A revised site plan clearly defining the entire project area and all affected properties.

12/11/01
/LB

AGENDA ITEM IX.B
(2) Verified land capability boundaries, backshore boundaries and land coverage calculations for the entire project area.

(3) Final land coverage calculations by land capability district. The final land coverage calculations shall include a calculation for excess land coverage and a 1.5:1 retirement of land coverage for relocation within low capability land in accordance with Chapter 20 of the TRPA Code.

B. The security required under Standard Condition A.3 of Attachment S shall be $10,000. Please see Attachment J, Security Procedures, for appropriate methods to post a security and for calculation of the required Security Administrative Fee.

C. The permittees shall mitigate excess land coverage in the project area by removing land coverage within Hydrologic Area 3 (see attached map) or by submitting an excess land coverage mitigation fee.

To calculate the amount of excess coverage to be removed use the following formula:

(1) Estimated project construction cost multiplied by the fee percentage (determined by Chapter 20, Table A, of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal. Chapter 20 of the TRPA Code is available on-line at www.trpa.org, and is available by contacting TRPA.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

(2) Coverage reduction square footage (as determined by C (1), above) multiplied by $12.00 per square foot.

Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than $200.00.

D. The permittees shall submit a Shorezone Mitigation Fee of $9,500 to TRPA. This fee is based on the creation of a 300-foot pier assessed at $30 per lineal foot, and $500 for the proposed boatliffee and mooring buoys.

E. The permittees shall submit a Best Management Practices (BMP) plan for all parcels within the project area for TRPA review and approval. The BMP plan shall include, but not be limited to, infiltration devices for all
driveways and roof runoff areas and re-vegetation of barren areas. Engineered calculations for the sizing of the infiltration devices shall be included.

F. The permittees shall submit final stream restoration plans and engineered drawings for Lower Glenbrook Creek for final TRPA review and approval.

G. The permittees shall submit a landscape/re-vegetation plan for the project area. The landscape plan shall include the re-vegetation of shoreline areas identified on the preliminary plans for land coverage relocation, restoration, and stabilization.

H. The permittees shall record a TRPA “approved-as to form” deed restriction against the entire project area. The deed restriction will “consolidate” the parcels for TRPA purposes only related to future shorezone uses and TRPA multiple-use issues. TRPA will prepare the document upon the submittal of the most recent copies of the grant deeds for the parcels within the project area. Evidence of document recordation is required prior to final acknowledgement of this permit.

I. (A condition defining required scenic quality mitigation shall be inserted here, and will be presented to the Governing Board at the public hearing).

J. The permittee shall demonstrate that the proposed pier has received approvals from the U.S. Army Corps of Engineers, Nevada Division of State Lands, and the United States Coast Guard.

K. The permittee shall submit a lake bottom debris removal plan for TRPA review and approval. The plan shall include, but is not limited to, area of removal, storage of debris, length of storage, final debris location and method for removal. No fixed structures shall be removed.

L. The permittee shall submit a construction methodology plan for TRPA review and approval. The plan shall identify the proposed construction method, material storage area and access to pier. No storage of material shall be permitted within the backshore or on low capability land.

M. The permittees shall submit three sets of final construction drawings and site plans to TRPA.

N. The permittees shall obtain a decision from an appropriate court that this project will not unreasonably interfere with any recreational/access rights GHOA holds in the project area.

O. The permittees shall obtain a decision from an appropriate court that, as of the date of Governing Board final action on this permit, the owners of the Fein parcels (APN 01-070-16 and 01-070-17) do not have a legal right to use the GHOA community pier independent of actions by GHOA.
Index to Exhibits

A. Vicinity Map
B. Project Narrative
C. Construction Methodology
D. Project Area Site Plan
E. Pier and Buoy Site Design
F. Pier and Boat Lift Plan
G. Fisheries Enhancement Description
H. Water Right Diversion Documentation
I. TRPA EIP Fisheries Habitat Restoration
J. View of Lake Bottom Debris During Low Water Period
Existing Conditions: A collapsed boathouse located on the Fein lakefront property has been in existence since the early 1900’s and associated with the Bliss Family’s historic residential and sawmill operations within Glenbrook Bay, Nevada. This affected area of shorezone has historically been denuded of vegetation and possessed at one time numerous shoreline structures (i.e. piers, boathouses, marine railways, etc.) as demonstrated by vintage photographs and current lakebed debris. The lakebottom contains sawdust and other detritus material that have remained while the sawmill operations have left the area some time ago. Efforts were made by the current owner (Fein) to rebuild the old boathouse via a TRPA project application. However, the pursuit to gain federal listing of this structure was determined not to be feasible through significant amount of agency coordination and research.

Consequently, the owner (Mr. Fein) amended the project application to rehabilitate the existing wood walkway and install a 140 lineal foot floating pier with two seasonal buoys via TRPA File No. 200565 located approximately 400 lineal feet south from the GHOA pier. This project included the restoration of the bluff, shoreline, and vegetation management of the affected Fein lakefront properties. By restoring the bluff and shoreline, three existing lake access pathways were being reduced to one lake access stairway to the proposed pier.

A separate application (TRPA File No. 990108) was being processed and initially heard but not acted upon by the TRPA Governing Board for Recreational Enterprises, Ruvo, Postmistress, and Whittemore properties (APN: 01-070-20, 27 and 01-190-12, 13). This project application was proposing a 289 lineal foot open piling pier, catwalk, inclusive of the installation two boatlifts located approximately 150 feet south of the GHOA pier. This project included approximately 600 lineal feet of stream (fish/wildlife habitat) restoration of Glenbrook Creek in conformance with Special Policy No. 3, TRPA Plan Area Statement No. 58, Glenbrook.

Proposed Project: After extensive negotiations with the Fein, Postmistress, Ruvo, and Whittemore parties, an initial agreement was mutually made between the applicants to consolidate the two project applications to the Fein project application, while deed restricting the Postmistress, Ruvo, Whittemore lakefront properties.

The project currently being proposed by this agreement is a 300 lineal foot long, single pile, floating pier, inclusive of two boatlifts and four seasonal mooring buoys located lakeward of the Fein lakefront parcels. However, the project area comprises of two Fein lakefront properties (APN: 01-070-16, 17), Postmistress lakefront property (APN: 01-070-27), Ruvo lakefront property (APN: 01-190-13), and Whittemore lakefront property (APN: 01-190-12).
The mitigation included as part of the proposed project continues to include the stream (fish/wildlife habitat) restoration project, bluff and shoreline restoration of the affected lakefront properties, reduction of lake access points from the Fein lakefront properties, and vegetation placement to provide partial screening of existing buildings located in close proximity of the shoreline.

The construction measures incorporated into this proposed project complies with the current TRPA Code of Ordinances [Sections 54.4.A.(1),(2),(3),(4),(5),(6); 54.4.B.(1),(2),(3),(4),(5),(6); 54.6.A.(1),(2),(3),(4),(5); 54.8.A.(1),(2),(3); 54.8.B; 54.8.C; 54.8.D.(1),(2)]. The proposed location of the pier, boatlifts, and seasonal mooring buoys will comply with the TRPA Design Review Guidelines, [Section 6, Landscaping, pp. 37-40; Section 7, Exterior Lighting, pp. 41-43; Section 11, Shorezone, pp. 51-55]. The metal components of the pier shall be painted “flat black, chocolate brown, or dark red/brown”. While the pier decking, stairway, and other wood components shall be stained dark brown. The lighting and ancillary features (marine cleats, etc.) located on the proposed pier shall match earthtone/woodtone color ranges and other applicable guidelines and recommendations set forth in the TRPA Design Review Guidelines. Please refer to the attached site, pier exhibit drawings, and site photographs for a visual depiction of the proposed conditions of these properties.

Conclusion: The consolidation of two piers projects into one pier project demonstrates reduction of development potential. The property owner’s lakefront properties located within the proposed project area do not assert their respective lakefront properties utilize or have access to the GHOA pier.

The applicant’s legal counsel has provided agency counsel documentation in regard to the recreation easement located along the shoreline of the affected lakefront properties within the proposed project area does not prohibit the placement of pier structures for recreational purposes. The placement of the proposed pier approximately 400 feet away from the GHOA Pier demonstrates no navigation impacts should occur providing substantial clearance between these two shorezone structures. The creation of an enlarged project area which adds the Postmistress, Ruvo and Whittermore lakefront properties basically restricts the viable development of additional piers in the southeast quadrant of Glenbrook Bay is being demonstrated.

The segment of shoreline where the proposed pier, boatlifts, and buoys are located have been recently determined by TRPA staff as “marginal” fish habitat makes the pier prohibition based upon fish habitat not applicable. While the pier is proposed to be located away from the mouth of Glenbrook Creek, the stream (fish/wildlife habitat) restoration of 600 lineal feet of this creek will demonstrate an obvious environmental improvement. Restoration of the bluff and shoreline, inclusive of partially screening the existing buildings located along the shoreline, and “clean-up” of the lakebed between the GHOA pier and the Fein lakefront properties also demonstrates an obvious environmental and scenic improvement.

EXHIBIT B-3/2
Construction Method

Environmental Protection Measures: The proposed construction will occur within the dates specified by the Tahoe Regional Planning Agency and/or Nevada Division of Wildlife representative based upon an onsite inspection of the project site. These dates will be adhered to by the owner/contractor in order to minimize impacts to fisheries and potential spawning activity of sensitive species identified by the appropriate agencies. Additionally, the construction will comply with the recommendation and requirements set forth by the applicable agencies to minimize impacts and disturbance to sensitive land and marine environments.

Caissons will be used if lakebottom sediment is resuspended during pile driving operations. A turbidity curtain will be installed at the Tahoe Regional Planning Agency Compliance Inspector OR Nevada Division of Wildlife Warden’s discretion if suspension of lakebottom sediment or other construction material is discharged into the water column or onto the shoreline during the proposed construction activity. If the installation of the turbidity curtain is required, it shall be removed upon acquiring the respective agency compliance inspector’s authorization.

Access/Equipment: Access to this site will primarily be from the lake. No vehicular traffic and/or storage of construction materials will occur on the shoreline. The pile driving is to be performed by amphibious vehicle (i.e. Larc, Duc, etc.) with pile driver and/or crane, portable equipment, and manual labor. Tarps or a small boat will be placed underneath the work areas to prevent discharge of waste material from entering into the lake or onto the shoreline. All construction wastes will be collected and disposed at the nearest dumpster or sanitary landfill site.

Restoration: The wood and steel debris and other non-inert materials will be removed from the lake by manual labor and portable equipment. This material will be disposed at a dumpster and/or sanitary landfill site. Any boulders, cobbles or other lakebed and shoreline characteristics which were significantly changed or moved from their original location shall be returned to their original location by hand placing them to avoid creation of any bare or disturbed areas other than what naturally existing on the project site. Lakebed disturbance will be minimized in order to protect sensitive fish and/or other aquatic habitat (i.e. crayfish, etc.), but not impede the recreational uses surrounding the newly built floating multiple-use pier.

The bluff, shoreline and stream restoration aspects of the project will be performed under the provisions of an agency approved management and restoration plan(s) which are to be constructed under the supervision of a qualified professional(s) and the appropriate agency representatives.
NOTE:

1. THIS PROJECT INVOLVES THE CONSTRUCTION OF A FLOATING MULTIPLE USE PIER, INCLUSIVE OF INSTALLING TWO BOATLIFTS AND FOUR SEASONAL MOORING BUOYS.


3. THE PROPOSED SHOREZONE PROJECT ALSO INCLUDES STREAM (FISH/WILDLIFE) HABITAT RESTORATION OF GLENBROOK CREEK, BLUFF AND SHORELINE RESTORATION OF THE SOUTHEAST QUADRANT OF GLENBROOK BAY, LAKE TAHOE, NEVADA.
TYPICAL PIER SECTION

NO SCALE

PLAN:
SCALE 1"=60'

PROFILE:
SCALE 1"=60'

FEIN ET AL MULTIPLE USE PIER/BOATLIFTS/BUOYS
1951-1955 GLENBROOK ROAD, GLENBROOK, NEVADA
DOUGLAS COUNTY, APN: 01-070-16, 17

THIS DRAWING IS FOR PERMIT EXHIBIT PURPOSES ONLY

AGAN CONSULTING CORPORATION
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DECEMBER 2001
SHEET 3 OF 4

EXHIBIT F
March 3, 2000

Mr. Paul Kaleta
Basin Strategies
P.O. Box 11945
Zephyr Cove, NV 89448

Re: Glenbrook Creek Proposal

Dear Paul:

As requested, we have completed our revised conceptual design for a fisheries enhancement on Glenbrook Creek.

Project Setting

Glenbrook Creek drains a 4.2 square mile basin in Nevada from Spooner Summit to Lake Tahoe. The project site is located within the lower 0.6 miles of Glenbrook Creek, within the historic Glenbrook residential area. Although the proposed projects are located within the lower 600 feet of Glenbrook Creek, our assessment of enhancement opportunities for fisheries and water quality conditions extend through the meadow area to the Old Highway 50 crossing (Figure 1).

Lower Glenbrook Creek has undergone many modifications due to historical human activities. The lower 600 feet of channel was apparently moved southward in the late 1800s to accommodate the construction and launching of the steel hulled ship Meteor. Glenbrook Creek has been confined by three crossings.

The lower crossing is a 30-inch CMP culvert that underlies the shoreline maintenance road and a number of underground utilities (sewer, phone and electrical). The Tahoe Regional Planning Agency (TRPA) has identified the culvert as a partial fish passage barrier for spawning rainbow trout that migrate upstream from Lake Tahoe.

The middle crossing is a maintenance road. The riparian corridor in the road alignment is filled with fill and asphalt. Flow is concentrated in a 30-inch CMP culvert that daylights 4.0 feet above the channel bed on the downstream side and is regarded as an impassable fish barrier.

The upper crossing occurs at old Highway 50 where a 30-inch culvert completely blocks fish passage.
The lower 0.6 mile of Glenbrook Creek has been channelized to accommodate residential development and historical grazing.

The focus of the enhancement proposal is the lower 600 feet of channel from Lake Tahoe to the maintenance road crossing (middle crossing). This reach is bounded on the north by landscaped areas of lawn and shrubs and to the south by a dense riparian corridor. Silty, eroding banks and a sandy substrate characterize this reach of channel and, as mentioned above, the reach contains two significant fish barriers. Only minor areas of low quality spawning habitat occur in this reach and the eroding fine clay/silty banks provide a constant source of turbidity.

The reach above the maintenance road crossing up to the Old US Highway 50 was straightened in the 1800s to accommodate grazing. Review of historical aerial photographs reveals old sinuous meander channels in the meadow. The creek now flows within a dense forest cover of old (decadent) willow and alder and is characterized by a sandy bed. Instream woody cover dominates channel morphology and erosion and sedimentation processes. No spawning habitat was observed in this reach.

**Proposed Project**

The proposed project consists of three elements designed to correct fish passage problems in the lower and middle crossings, increase spawning habitat and improve water quality. It involves re-constructing the channel from the maintenance road crossing to a point approximately 250 feet downstream.

The lower culvert will be corrected for fish passage by installing two boulder step pools at the outlet to raise the tailwater elevation and pool depth. A rock step pool will also be constructed at the upstream end to reduce supercritical flow inside the culvert inlet. The two downstream weirs could be constructed of hand-placed native rock or in the style of the mortar and rock walls found in the bridge railings. The rock walls would be less prone to modification by recreational users. The 30-inch culvert has corroded inside and should be repaired; replacement would be very difficult and expensive as most underground utilities lie directly above the culvert. Repair of the culvert could be accomplished by patching with concrete after flow is diverted. Rocks could be placed in the concrete patches to provide resting-places for upstream migrating adult fish.

The channel reach from the maintenance road crossing to a point about 300 feet downstream would be re-constructed into a boulder step pool channel at the upper 75 feet and a meandering gravel-riffle pool channel for the lower 225 feet. This would create high quality spawning and rearing habitat for rainbow trout and possibly Kokanee salmon (if introduced to Glenbrook Creek) and would create continuous fish passage to the Old US Highway 50 crossing.

The maintenance road crossing and 30-inch culvert would be replaced with a new 30-foot long steel flatcar bridge spanning over the 5-foot wide low water channel and 25-foot wide flood plain area. This improvement will allow for upstream fish passage under a full range of flow conditions.
Construction Procedure

Lower Culvert Crossing

Construction would begin by de-watering the existing channel by diverting flow in a 500-foot long pipe along the south side of the channel. Construction would occur in late summer and early fall (September to October). The lower crossing culvert weirs, step pools and culvert repairs would be carried out by hand crews. The weirs would be about 18 feet wide and 1.5 feet high. A 1.5-foot deep pool would be immediately below each boulder step. The boulder step on the upstream side of the culvert would be constructed to create a pool "tailout" at the culvert inlet and would also be constructed by hand crews. The channel would be re-watered with the completion of the upstream sections.

300-foot Channel Reach

The channel from just above the maintenance road would be re-constructed by first diverting flow from the channel and around the construction site into a pipe that discharges into Lake Tahoe. The conceptual design calls for creating a 75-foot long boulder step pool channel (Rosgen B-2 stream type) from existing ground just upstream of the maintenance road to a point about 60 feet downstream. From this point, a meandering gravel riffle channel (Rosgen C-4 stream type) would be constructed to point just above the USGS streamgage. After flow diversion and de-watering, the channel and flood plain areas would be excavated. The channel alignment would expand into the lawn area behind the Glenbrook Lodge by 12-15 feet. The excavated material would be hauled offsite and disposed of. The excavation area would then be lined with 1.0 feet of pit-run alluvial material and compacted by portable equipment. The next step involves placement of channel substrate in the B channel section. This would begin with placement of river-rounded boulders, cobbles and gravels by an excavator and a two-person hand crew. Boulder step drops and pools would be strategically placed to achieve channel stability and fish passage. After placement of the substrate, the banks of the new channel and flood plain would be constructed in three lifts of coir fabric encapsulated soil and with vegetation plantings (willow, alder sedges, etc.). The coir lifts would be constructed by a three-person hand crew and an excavator.

Once the B channel section is complete, a transition to the C channel type would be constructed. The transition would be one sequence of a boulder step, then a pool-to-pool tailout to the first riffle. Gravel sizes appropriate to spawning and channel stability would be placed in the riffle. The riffle would be shaped naturally to guide flow into the next pool. A sinuosity of 1.3 will be used to construct 4 riffle pool sequences. The lowermost pool would be connected to the existing channel at the last pool tailout. The banks would be constructed with layers of live meadow sod, which would be acquired from the meadow upstream; the area of sod removal will be re-seeded. 6-foot by 3-foot sod layers would be placed along the channel banks and staked in. The outside bends of the meanders would be filled with 2 to 3 layers of sod; the edges of the riffles would be bounded by sod partially buried beneath the placed gravels. Willows and alders would be planted in the sod along banks. Salvaged woody materials would be placed in pools to provide fish cover.
A small excavator and a three-man hand labor crew would carry out the channel work. The area between the new channel and the lawn area would be covered with sod salvaged from the initial excavation.

*Replace Maintenance Road culvert with a Bridge*

The new bridge would be constructed by first removing the asphalt and fill on the southerly bridge approach to the south edge of the culvert crossing. A 30-foot span over the creek and flood plain would be constructed using concrete abutments 30-feet apart holding a 30-foot long steel flatcar bridge. Steel piles would be driven at the new abutment and concrete would be poured. With the channel de-watered, the culvert crossing would be removed and hauled for disposal off-site. Construction of the B channel section would be completed before the span is placed. The bridge would be completed as the channel construction downstream is completed.

*Re-watering Channel*

The new channel would be flushed by discharging part of the natural flow into the head of the new channel then pumping the flow out at the downstream end into the sanitary sewer or into water trucks that would haul the water for offsite disposal. Once the flow in the new channel is acceptably clear, the natural flow would be re-introduced fully.

*Monitoring and Maintenance*

The new channel and crossings would be monitored for a five-year period for vegetative success, fish population, passage and usage, erosion and channel stability. Data collection would include spawning redd counts, fish counts, topographic surveys, substrate sampling and vegetative success monitoring. Any problems would be corrected as necessary and all monitoring information would be archived.
August 7, 2000

Mr. Jon-Paul Harries  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV  89448  

Re:  RUVO Beachhouse Pier Project, TRPA File Number 990108  
Douglas County APN's 01-190-09, 01-190-11, and 01-070-26  

Dear Jon-Paul:

Consistent with our conversation of this afternoon, I want to take this opportunity to provide you additional information pertaining to Mr. Ruvo's ownership of rights for the diversion of water from both Logan House Creek and Glenbrook Creek, and would ask that you consider the foregoing during your review of the above-referenced pier application.

Larry Ruvo has for several years owned and yet not exercised the following water diversion rights.

1. A portion of Certificate Record No. 3491 diverted from North Logan House Creek, not to exceed 78.784 acre feet annually.
2. Permit No. 52272 diverted from Glenbrook Creek, not to exceed 22.072 acre feet annually.
3. Permit No. 52271 diverted from Glenbrook Creek, not to exceed 14.012 acre feet annually.

(The above-outlined appropriation quantities are not necessarily additive because some of the places of use for various appropriations overlap. Total appropriation from all sources will be limited to 92.796 acre feet annually, for irrigation of 23.199 acres.)

Further, in keeping with the State Engineer's Office's requirement that he do so, Mr. Ruvo has made appropriate application each year for an extension of those rights.

Understanding the potential for negative environmental impact should he utilize these water rights and remove water from Glenbrook and Logan House Creeks, Mr. Ruvo has decided that, in conjunction with the proposed Glenbrook Creek Restoration / Mitigation Project, he will make application for a transfer of the point of diversion from Logan House Creek and Glenbrook Creek to the waters of Lake Tahoe.

As this specific type of transfer of water diversion rights is outlined in the EIP as being important to the health of Glenbrook Creek, we believe it will have a valuable impact as a part of the entire Glenbrook Creek restoration project. We are therefore proposing this transfer for inclusion in the mitigation portion of the pier application package.
We would ask that you please take this information into consideration during your review of the project, and if necessary give us a call for clarification of any information.

Kindest regards

Toni A. Lutes

/tl

cc: Larry Ruvo
Harvey Whittemore
Dean Bennett / Mark James
Larry Hoffman
### HABITAT RESTORATION-GLENBROOK MIGRAT PHASE I

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FACILITATE THE EXCHANGE OF POINT OF DIVERSION FROM THE STREAM TO SOME OTHER SOURCE. REMOVE BARRIERS TO FISH PASSAGE AND IMPROVE THE CHANNELIZE CONDITIONS WITHIN THE FIRST REACH.

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<th>PAS/CP:</th>
<th>58</th>
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Needs Assessment: X  
Concept: TRPA Permit: Completed:

**EIP THRESHOLD SUBJECT**

- Water Quality: X
- Soils/SEZ: X
- AQ/Trans: X

- Noise: 
- Recreation: X
- Fish: X

- Wildlife: X
- Scenic: X
- Vegetation: X

**COMMENTS:** PHASE I WILL ASSIST 5 MI MIGRATORY TO GO FROM MARG. TO GOOD

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### HABITAT RESTORATION-GLENBROOK CK IMPROV PHASE II

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IMPROVE CHANNEL MORPHOLOGY BY RECONTOURING CHANNELIZED SECTIONS. IMPROVE STREAMBED SUBSTRATE, STABILIZE STREAM BANKS AND IMPROVE SHADE CANOPY COVER.

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Needs Assessment: X  
Concept: TRPA Permit: Completed:

**EIP THRESHOLD SUBJECT**

- Water Quality: X
- Soils/SEZ: X
- AQ/Trans: X

- Noise: 
- Recreation: X
- Fish: X

- Wildlife: X
- Scenic: X
- Vegetation: X

**COMMENTS:** COMPLETING PHASES I & II WILL ASSIST 3.1 MILES TOTAL TO EXCEL

Fisheries - Page 38
VIEWING NORTHEASTERLY AT EXISTING SHORELINE
(EXISTING GHOA PIER IN BACKGROUND)
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Primm Pier Repair and Expansion

Application Type: Appeal of a permit Special Condition #1 prohibiting the construction of a low-level boatlift and adjustable pier end.

Applicant: Roger Primm

Agency Planner: John Hitchcock, Senior Planner

Location: 3115 Jameson Beach Road, El Dorado County

Assessor’s Parcel Number (APN)/TRPA File Number: 032-120-012/20010505

Staff Recommendation: Staff recommends the Governing Board uphold the Executive Director’s determination of the permit condition of the boatlift and adjustable pier end and deny the appeal. The required actions are outlined in Section F of this staff summary.

Project Description: The applicant, Mr. Roger Primm, is appealing Special Condition #1 of the permit which does not allow for the construction of a low level boat lift and adjustable pier end in conjunction with the permit issued for reconstruction of the existing pier. A permit was issued for a rebuild of a pier 10 feet wide and 70 feet long as measured from the high-water line, and a 3-foot by 45-foot adjustable catwalk. The permit did not allow the construction or placement of low-level boatlifts to the proposed pier (See Attachment A, Permit Conditions). Staff denied the boatlift and pier end based on its direct conflict with the recommendations for maintaining and improving the scenic quality of areas that were identified in the TRPA 1993 Scenic Resources Evaluation and the 1982 Scenic Resource Inventory.

Site Description: The subject parcel is located in the residential area of Jameson Beach Drive in El Dorado County, California. The surrounding land uses consist of single-family residences and accessory shorezone structures (primarily piers and buoys). The property is developed with a single residence. The project area is located in an area mapped as marginal habitat. The area is located within Scenic Shoreline Unit #2 and fronts on Jameson Beach and is visible from the USFS Pope Beach Recreation Area.

Summary of Issues and Reason for Conditions: The project is an appeal of an Executive Director’s Special Condition #1 prohibiting the placement of a low-level boatlift and adjustable pier end on the permitted pier reconstruction and expansion located at 3115 Jameson Beach Road. Staff issued a permit on July 3, 2001 for the reconstruction and expansion of an existing pier. Due to concerns of potential view blockage of an identified scenic resource and inconsistency with adopted recommendations to protect scenic quality from recreation areas, staff placed a special condition in the permit prohibiting the placement of the boatlift and pier end on the proposed pier reconstruction.

The recommendation to prohibit the placement of boatlift and pier end on the proposed pier is consistent with pass actions on piers located in the Jameson Beach Area.

12/12/01
/JH

AGENDA ITEM X.A
1996 and 2001 Threshold Evaluation continue to address concerns with the continual degradation of scenic quality in the area due to existing piers and new residential rebuilds.

The applicants argue that staff has offered no substantive basis for the prohibition of the boatlift and pier end with the sole objection due to alleged scenic impacts. Staff disagrees with this argument and feels evidence has been presented that illustrates potential view blockage would occur and that the addition of the boatlift and pier end is inconsistent with adopted recommendations to protect scenic quality. The applicant further argues that the original intent of the recommendation to protect view blockage only applies to boathouses and that the proposed boatlift would only be minimally visible. Staff disagrees with this argument in that the issue is view blockage and a boathouse was only used as an example. Although the boatlift would likely be smaller in mass and size it would still create view blockage that the recommendation was intended to prevent. Furthermore, new boathouses are not permitted by the Code and the boatlift should not be compared to a boathouse but should be analyzed on its own merits and in consistency with the adopted scenic threshold standards.

**Issues:** This project is an appeal of Special Condition #1 of a permit issued for the reconstruction and expansion of an existing pier. The special condition prohibited the construction or placement of a low-level boatlift on the proposed pier.

1. **Lake Tahoe Scenic Resources Evaluation:** The permitted project involves the demolition of an existing pier and the construction of a 10 foot wide and 70 foot long pier, and a 3-foot by 45-foot adjustable catwalk. The applicant also proposed a low-level boatlift and adjustable pier end as part of the application, which was denied by staff through Special Condition #1. The denial was based on its potential impact and direct conflict with the recommendations for maintaining and improving scenic quality in the area as identified in the 1993 Lake Tahoe Scenic Resources Evaluation.

The 1993 Scenic Resource Evaluation study identified and evaluated the quality of the scenic resources in the Lake Tahoe Basin as viewed from public recreation areas and bicycle paths. It is recognized that the scenic quality of the Tahoe Basin is one of its most important natural resources. As the pressure of growth has increased in the basin, so has awareness that its high scenic quality is a fragile resource, which needs protection. The aim of the study was to evaluate recreation areas, which serve the greatest number of people, and provide an active planning tool and recommendations for preserving and improving scenic resources as viewed from recreation areas. The threshold standard requires maintenance and attainment of scenic quality; therefore, it is a non-degradation standard.

The subject parcel is located immediately adjacent to Pope Beach. Several features of very high scenic quality surround Pope Beach. The Lake stretches out to the north and the marsh to the south forming diverse foregrounds for the mountain peaks in the distant background view. The proposed boatlift would be visible from Scenic Resource 34-4 and is a panoramic view towards the north of the lake with major peaks anchoring each end of a viewshed comprised mostly of views of the very distant shoreline. In the immediate foreground view towards the north is an area of developed homes (Jameson Beach) with fences demarking
private property from Pope Beach and built piers out into the lake, and Camp Richardson in the middleground view.

The Resource Evaluation identified elements within the viewshed of Pope Beach that detracted scenic quality, including the piers and fencing at the west end of the beach. They create a visual barrier that interrupts the natural line of the shore and creates a physical break in the long stretch of protected shoreline reaching to Eagle Point. Additionally, the Resource Evaluation identified recommendations for the areas surrounding Pope Beach to maintain and attain the scenic quality threshold. Recommendation D.2 states that existing piers adjacent to the beach extend into the foreground views to the west, and they do not actually obstruct the view of any features. However, to prevent such obstruction, structures (e.g., boathouses) should not be permitted to be built out on the piers. This recommendation is necessary to prevent future potential view blockage of distant views as seen from Pope Beach. Although the recommendation specifically cites a boathouse as an example of potential view blockage, the issue is any structure that potentially could create a view blockage. Staff believes that the proposed boatlift with an associated boat would create such a view blockage and, therefore, is inconsistent with this recommendation. The applicant’s argument that the boats would be minimally noticeable among the surrounding structures does not provide a valid argument to make threshold findings. The recommendations state no view blockage should occur and the threshold strives for maintenance and attainment of scenic quality. Therefore, it can be logically argued that even though the boat life may be minimally visible, it does create additional view blockage.

The applicant further argues that the boatlift would not be any more visible than the other structures on Jameson Beach, which include piers with large sitting areas and “couch” structures that are built above the pier decks. Furthermore, the argument states that the proposed boatlift with a boat in place does not compare to a boathouse, but is similar in size/mass to the many existing structures existing on adjacent properties. Again staff disagrees with this argument. It is true that many of the existing piers do have sitting areas, couches, and appurtenances above the pier deck; however, all these piers predate the Regional Plan adoption and are all non-conforming shorezone structures. If and when the other properties decided to reconstruct or expand their piers, staff would apply the same standard to bring the structures into conformance with design standards and limit the above deck appurtenances to protect the scenic resource within the Jameson Beach area.

2. Lake Tahoe Scenic Resource Inventory and Scenic Quality Ratings Threshold (SR-2): The parcel is located within Shoreline Scenic Unit #1, Pope Beach, and fronts on Jameson Beach directly adjacent to Pope Beach recreation area. The proposed boat lift would impact Jameson Beach, an identified scenic resource. The sandy beach stretch that encompasses Jameson Beach is identified and inventoried in the Lake Tahoe Basin Scenic Resources Inventory as Scenic Resource 2.4 and 3.3. Resource 2.4 is the view of the shoreline and Jameson Beach, and is described as a view of dense coniferous forest, flat shoreline, sandy beaches and some houses visible among the trees. Resource 3.3 is described as a view of a flat, low shore, sandy beach, many old wooden piers, cabins among trees, open pine forest. Camp Richardson Marina has an
established appearance and is generally low impact. The scenic quality rating for the two resources are moderate.

The Scenic Quality Rating Threshold (SR-2) was adopted in 1982 with the purpose to maintain or enhance existing scenic resources. The scenic resources in the region include views of the natural landscape and distinctive natural features identified, mapped, described, and adopted as part of the 1982 Scenic Resources Inventory. This threshold was designed to ensure that development does not remove or substantially degrade individual scenic resources. The threshold standard requires maintenance and attainment of the 1982 adopted baseline conditions therefore this threshold is a non-degradation standard. Two resources are directly impacted by the proposed boatlift and adjustable pier end they are Scenic Resource 2.4 and 3.3.

In the 1996 Threshold Evaluation, Scenic Resource 3.3, view of shoreline at Jameson Beach, realized a rating decrease from a composite score of 7 to 6. This was due to the intactness subcomponent threshold rating being reduced due to large and bulky additions to residential uses which are unscreened and set very close to the water's edge, and due to the expansion of pier and related accessory structures at the Camp Richardson Marina. Due to the drop in its composite score from the baseline conditions, Scenic Resource 3.3 is not in threshold attainment. The area was evaluated again in the 2001 Threshold Evaluation and, with the exception of the improved pier at Camp Richardson with the placement of a floating pier; the concerns of visual blockage from piers and appurtenances are still relevant. The visual component of Scenic Resources 2.4 and 3.3 most likely to be impacted from the construction of piers with elevated boatlifts and appurtenances, is the sandy beach. In many areas around the basin, sandy beaches create an interesting visual contrast in relation to the lake and the dark green-forested background; for this reason, sandy beaches are considered scenic resources. The view of sandy beach that usually comprises the scenic resource is easily impacted when structures built on piers block views of the sandy beach and reduce the dominant shoreline view.

In order to maintain or attain the scenic quality for the two identified scenic resources, it is imperative the resource is protected from view blockage. This is especially important in this area of the shoreline since no boatlift currently exists on any of the piers along the full length of Jameson Beach. The argument put forth by the applicant, that the view blockage is minimal at best, is not a compelling argument to allow additional degradation to occur. The threshold standard requires either maintenance of baseline conditions or attainment in areas that are in non-attainment.

3. **Past TRPA actions and Decisions:** TRPA staff are aware of two similar past applications which involved the reconstruction and expansion of an existing pier located within the Jameson Beach area, where staff has recommended expansion without boatlifts or appurtenances above pier deck

_McCull Pier Expansion, APN 032-110-11, TRPA File No. 970120_

A permit was issued on June 23, 1997 for the reconstruction and expansion of an existing pier at 3047 Jameson Beach Road. The reconstruction brought a non-conforming pier into conformance within design standards. The issued permit allowed the construction of a pier that did not exceed the pier head of existing
structures, one catwalk, cut-off pilings, and no boatlift. The pier was designed to minimize the overall mass and to prevent view blockage of the Jameson Beach. See Attachment B for permitted pier.

*Landen Pier Expansion, APN 032-110-04, TRPA File No. 20000823*

The Governing Board approved a floating pier located at 3021 Jameson Beach Road at the November 28, 2001 regular meeting. The floating pier with no boatlift design was chosen in order to minimize mass and protect the Jameson Beach resource and make findings consistent with the Scenic Resources Thresholds.

As stated earlier, many of the existing shorezone structures along Jameson Beach are non-conforming; when and if the property owner proposes to reconstruct or expand an existing non-conforming use, staff will apply the same standards to ensure maintenance and attainment of the scenic quality for Jameson Beach.

**Staff Analysis:**

A. **Environmental Documentation:** The applicants have completed an Initial Environmental Checklist (IEC) and visual simulation in order to assess the potential environmental impacts of the project. Potential significant unmitigated impacts were identified, however, the project would not have a significant effect on the environment if conditioned appropriately.

B. **Plan Area Statement:** The project is located within Plan Area Statement Number 127, Camp Richardson. The Land Use Classification is Recreation, and the Management Strategy is Mitigation. The proposed pier is an allowed accessory structure in the plan area, and single-family dwellings are special uses. TRPA staff have reviewed the plan area statement and have determined that the project, if conditioned appropriately, would be consistent with the applicable planning statement, planning considerations and special policies.

C. **Land Coverage:**

1. **Land Capability District:** The parcel is comprised of land capability class 1b Backshore. The total project area is 38,537 square feet in size.

2. **Existing Land Coverage:**

   7,360 Square feet

2. **Total Allowable Land Coverage:**

   770 square feet

4. **Proposed Land Coverage:**

   7,360 square feet

D. **Shorezone Tolerance District:** The subject parcels are located within Shorezone Tolerance District 1. Projects within Shorezone Tolerance District 1 must ensure stabilization and the least environmental impact to the backshore. Vehicle access to the shoreline is not permitted and pedestrian access to the shoreline is limited to stabilized access ways. The project, if conditioned appropriately, would comply with the shorezone tolerance district standards.
E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50, and 52 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. 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.

   This finding cannot be made. The proposed boatlift and adjustable pier end are in direct conflict with maintaining and attaining scenic quality in the area. The boatlift and the pier end are not consistent with the recommendations established in the Lake Tahoe Resources Evaluation to protect scenic quality and would have potential impacts on existing identified scenic resources.

   (a) Land Use: The single family dwelling on the subject parcel is a special use within the applicable plan area statement. The proposed project involves a rebuild and expansion of an existing pier with the addition of a boatlift and adjustable pier end, which is listed as allowed accessory structure (pier). Surrounding land uses are residential with accessory shorezone structures (primarily piers and buoys).

   (b) Transportation: The existing pier serves the homeowners of the affected parcel and, as such, will not result in an increase of daily vehicle trip ends (DVTE) to the subject parcel.

   (c) Conservation: The proposed boatlift and adjustable pier end are not consistent with the scenic subelements of the Conservation Element of the Regional Plan. This project will result in the obstruction or degradation of any identified scenic resource.

   (d) Recreation: This project does not involve any public recreation facilities or uses. The proposed pier is proposed to be similar in length to adjacent existing piers and will not extend beyond the TRPA pierhead line. By remaining consistent with existing surrounding development the proposed pier would not adversely affect recreational boating or top-line angling.

   (e) Public Service Facilities: This project does not require any additions to public services or facilities.

   (f) Implementation: The proposed project does not require any allocations of development.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.
This finding cannot be made. The proposed boatlift and adjustable pier end will have a direct impact on identified scenic resources, create view blockage as seen from Pope Beach and from the Lake and negatively impact the scenic quality of the area. The scenic quality ratings are a non-degradation standard and are designed to ensure that existing scenic resources are not impacted by development.

3. **Wherever federal, state or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.**

(Refer to paragraph 2, above.)

4. **The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.**

The proposed project will not have an impact on littoral processes because the project does not involve a proposed structure that is less than 90 percent open. The site has not been identified as spawning habitat. Any project approved in the shorezone of this parcel will require the restoration of the backshore to a near natural condition. The proposed project is not located within an area that is mapped as on-shore wildlife habitat nor has the site been shown to be a waterfowl nesting area.

5. **There are sufficient accessory facilities to accommodate the project.**

The project is located offshore of properties occupied by single-family residences. The proposed pier will only be used by the owners of the properties and their guests. There is sufficient parking and shorezone access to accommodate the project.

6. **The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.**

The project, as proposed, is compatible with existing lake and shorezone uses and structures in the vicinity. The surrounding uses consist of piers, buoys, and other recreational facilities that will not be adversely affected by this pier.

7. **The use proposed in the foreshore or nearshore is water-dependent.**

The pier is proposed to be located in the foreshore and nearshore of Lake Tahoe and is water-dependent.

8. **Measures will be taken to prevent spills or discharges of hazardous materials.**
The project, as proposed, includes elements to prevent spills and discharges of hazardous materials. Permit conditions typically require these measures be employed.

9. **Construction and access techniques will be used to minimize disturbance to ground and vegetation.**

The applicant shall not be permitted to store construction materials on the beach. Permanent disturbance to ground and vegetation is prohibited.

10. **The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.**

The proposed pier will not extend beyond the TRPA pierhead line. The U.S. Army Corps of Engineers have done a preliminary review of this project for navigational safety and have not indicated any safety concerns with the proposed pier expansion.

**F. Required Actions:** Agency staff recommends that the Governing Board deny the project allowing for the addition of a boatlift and adjustable pier end by making the following motion based on this staff summary and evidence contained in the project record:

1. A motion to approve the project, *which motion should fail.* (To approve the project, a 5/9 vote is required – five in the affirmative from California.)
July 3, 2001

Mr. Garth Alling
Midkiff & Associates
PO Box 12427
Zephyr Cove, NV 89448

Dear Mr. Alling:

PRIMM PIER REPAIR AND EXPANSION, 3115 JAMESON BEACH ROAD, EL DORADO COUNTY, ASSESSOR'S PARCEL NUMBER (APN) 32-120-12, TRPA FILE NUMBER 200452.

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. Please note that TRPA staff was unable to approve the proposed boatlifes because the placement of such structures would be in direct conflict with the recommendations for maintaining and improving the scenic quality of the area that were identified in the TRPA 1993 Scenic Resource Evaluation. To appeal this staff action to the TRPA Governing Board, you must do so by filing a notice of appeal, including a $400 application fee, no later than 21 days from the date of this letter (July 24, 2001). For your reference, I have enclosed a copy of Article XI from the TRPA Rules of Procedure, which describes the appeal process. I have also enclosed a Notice of Appeal application if you wish to file an appeal.

TRPA will acknowledge the permit only after all standard and special conditions of approval have been satisfied. Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans. I am usually available for telephone calls and appointments on Mondays, Wednesdays, and Fridays.

Please note that combined security and mitigation fee payments can be accepted. Acceptable ways to post a security are listed in the enclosed handout entitled "Attachment J."

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

[Signature]

Jon-Paul Harries
Associate Planner
Project Review Division

Enclosures

c: Roger Primm, 51 Franklin Road, Carson City, NV 89704
Ninette Lee, California State Lands Commission
TAHOE REGIONAL PLANNING AGENCY
308 Dorla Court
Elks Point, Nevada
www.ceres.ca.gov/trpa

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

PERMIT

PROJECT DESCRIPTION: Pier Repair and Catwalk Addition  APN: 23-120-12
PERMITTEE: Roger Primm  FILE NO. 200862

COUNTY/LOCATION: 3115 Jameson Beach Road, El Dorado County, CA

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board
approved the project on July 3, 2001, subject to the standard conditions of approval attached hereto
(Attachment S) and the special conditions found in this permit.

This permit shall expire on July 3, 2004, without further notice unless the construction has commenced
prior to this date and diligently pursued thereafter. Commencement of construction consists of driving the
pier pilings and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined
as completion of the project within the approved construction schedule. The expiration date shall not be
extended unless the project is determined by TRPA to be the subject of legal action which delayed or
rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION
CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT
OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL
TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEES HAVE
ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE
PERMIT.

TRPA Executive Director/Designee: 7/3/01

Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand
and accept them. I also understand that I am responsible for compliance with all the conditions of the
permit and am responsible for my agents' and employees' compliance with the permit conditions. I also
understand that if the property is sold, I remain liable for the permit conditions until or unless the new
owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also
understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA.
I understand that it is my sole responsibility to obtain any and all required approvals from any other state,
local or federal agencies that may have jurisdiction over this project whether or not they are listed in this
permit.

Signature of Permittee:

Date

PERMIT CONTINUED ON NEXT PAGE
Excess Coverage Mitigation Fee\(^{(1)}\): Amount $_____  Paid _____  Receipt No. ________

Shorezone Mitigation Fee\(^{(2)}\):  Amount $500  Paid _____  Receipt No. ________

Security Posted\(^{(3)}\):  Amount $1,500  Posted _____  Receipt No. ________  Type ________

Security Administrative Fee\(^{(4)}\):  Amount $_____  Paid _____  Receipt No. ________

Notes:
(1) Amount to be determined. See Special Condition 3.C, below.
(2) See Special Condition 3.D, below.
(3) See Special Condition 3.E, below.
(4) $130 if a cash security is posted, or $55 if a non-cash security posted.

Required plans determined to be in conformance with approval: Date: ________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee __________________________ Date ____________

SPECIAL CONDITIONS

1. This permit allows the demolition, modification and rebuild of an existing pier. The rebuilt pier shall be 10 feet wide and 70 feet long, as measured from the high-water line. This permit also authorizes the addition of a 3-foot by 45-foot adjustable catwalk. This permit authorizes no increase in land coverage. This permit does not allow the construction or placement of low-level boatlifts to the proposed pier.

2. The Standard Conditions of approval in Attachment S.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. The site plan and/or construction plans shall be revised to eliminate the proposed boatlift and adjustable platform.

   B. The land coverage calculations shall be revised to indicate the existing coverage to be equal to 7,360 square feet.

PERMIT CONTINUED ON NEXT PAGE
C. The permittees shall mitigate 6,975 square feet of excess land by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 5, Upper Truckee.

The excess coverage mitigation fee shall be calculated as follows:

1. Estimated Project Construction Cost x 0.02.

   Please provide a construction cost estimate by your contractor, architect or engineer. In no case shall the mitigation fee be less than $100.00.

2. Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed use the following formula:

   Excess coverage mitigation fee (per formula (1), above) divided by $5.00 per square foot. If you choose this option, please revise your final site plan and land coverage calculations to account for the coverage removal.

D. The permittees shall submit a shorezone mitigation fee of $500 for the addition of an adjustable catwalk (assessed at $500/application).

E. The security required under Standard Condition A.3 of Attachment S shall be $1,500. Please see Attachment J, Security Procedures.

F. The permittee shall submit 3 sets of final construction drawings and site plans to TRPA.

4. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin are prohibited.

5. Disturbance of the lakebed materials shall be kept to the minimum necessary for project construction.

6. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. Caissons shall be utilized if lake bottom sediment is resuspended during pile driving or at the TRPA compliance inspector’s discretion.

7. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
8. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

9. Surveys done in the area indicate habitat for Tahoe Yellow Cress (*Rorippa subumbellata*), a TRPA-designated sensitive plant species, exists in the backshore and foreshore of the subject parcels. Therefore, no storage of construction material and equipment or beach recreation equipment is permitted in the foreshore or backshore. Beach raking and other forms of beach grooming are strictly prohibited.

END OF SPECIAL CONDITIONS AND PERMIT
STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Pier Repair and Catwalk Addition
APN: 23-120-12

PERMITTEE: Roger Primm
FILE NO.: 200862

COUNTY/LOCATION: 3115 Jameson Beach Road, El Dorado County, CA

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

[Signature]
TRPA Chairman or Executive Director

7/3/01
Date
Pope Beach is located on the south shore of the lake one mile south of Camp Richardson off Highway 89. The recreation area is operated by the U.S. Forest Service and is open for swimming and picnicking throughout the summer months.

Pope Beach is a very long narrow area sandwiched between the lake and the Truckee Marsh. The beach itself is a long sandy strip which changes character from one end to the other because of the change in vegetation which occurs along the inland edge. The western half of the beach is backed by a dense stand of young pines which gives it an enclosed character and focuses the viewer's attention toward the lake. The eastern half of the beach is backed by lower growing and sparser wetland vegetation (e.g., willows) which creates a more open, less defined area in which the viewshed is almost 360 degrees and the visual focus, while still on the lake, is not so strong. The view to the south from the beach includes strong features in the form of Mt. Tallac on the west, and Freel Peak to the east, with the less dramatic Tahoe Mountain in between. To the north one has a panoramic view of the lake with major peaks anchoring each end of a viewshed comprised mostly of views of the very distant shoreline. Along the shoreline to the east, development is visible from Tahoe Keys east to the casinos at Stateline. The scars created by the ski runs on the face of Monument Peak are also quite evident. Relatively little development along the shoreline to the west is visible. The major points of development are immediately adjacent to the west end of the beach where owners of private residences have fenced off their property and built piers out into the lake, and at Camp Richardson where the metalclad structures stand out. From the parking lots which parallel the beach, the view south includes both the mountain peaks and an open foreground of marshlands. To the east across this marshland, the inland portion of Tahoe Keys is visible in front of the distant peaks.

**Pope Beach--Components**

**Views from the Recreation Area**

34-1. Panorama of lake from east end of beach (Photos #29-34).
Rating: 14 Unity 4; Vividness 4; Variety 3; Intactness 3.

34-2. View from mid-beach looking south (Photos #6-9).
Rating: 14 Unity 3; Vividness 3; Variety 4; Intactness 4.

34-3. Views south from parking lot (Photos #23-26).
Rating: 16 Unity 4; Vividness 4; Variety 4; Intactness 4.

34-4. Panorama of lake from west end of beach (Photos #13-18).
Rating: 14 Unity 4; Vividness 4; Variety 3; Intactness 3.

**Natural Features of Pope Beach**

34-5. Beach (Photos #5, 10, 12, 13, 18).
Rating: 14 Unity 4; Vividness 3; Variety 3; Intactness 4.
Lake Tahoe Scenic Resource Evaluation
34. Pope Beach

34-6. Pine forest (Photo #12, 20, 22).
Rating: 14 Unity 4; Vividness 3; Variety 3; Intactness 4.

34-7. Marshlands (Photos #23-26, 28).
Rating: 16 Unity 4; Vividness 4; Variety 3; Intactness 5.

Man-Made Features of Pope Beach

34-a. Restrooms (Photos #3, 4, 11).
Rating: 15 Coherence 3; Condition 4; Compatibility 4; Design Quality 4.

34-b. Parking areas (Photos #21, 27).
Rating: 13 Coherence 3; Condition 4; Compatibility 2; Design Quality 3.

Summary:

Pope Beach is surrounded by several natural features of very high scenic quality. The lake stretches out to the north and the marsh to the south, forming diverse foregrounds for the four groups of peaks which seem symmetrically placed around the beach. Areas of heavy development, particularly around South Tahoe, are beginning to compromise the natural character of the area by competing for the viewer's attention.
Elements That Contribute to the Scenic Quality of Pope Beach

A. The panoramic view of the lake.
B. The long stretch of sandy beach.
C. The dense stand of pine trees which backs the western half of the beach.
D. The distinctive Mt. Tallac that rises southwest of the beach.
E. The rugged peaks that frame the western edge of the lake.
F. The block of mountains that forms the backdrop for South Tahoe and frames the eastern edge of the lake.
G. The marshland and the distinctive contrast it creates to the surrounding landscape.

Elements That Detract from the Scenic Quality of Pope Beach

A. The casinos rise high above the tree cover, forming a grouping that contrasts greatly with the even texture and color of the forest.
B. The Tahoe Keys residential development has been built on reclaimed marsh that had no tree cover to absorb the visual impact of so many structures. The houses are on the edge of the lake, making them highly visible from the beach. The use of light-colored materials adds to their impact because they stand out against the dark forest background.
C. The clearings for ski runs create large scars running vertically up the slopes east of the beach. The light-colored ground stands out against the dark forest background.
D. The piers and fencing at the west end of the beach create a visual barrier which interrupts the natural line of the shore and creates a physical break in the long stretch of protected landscape which reaches to Eagle Point.
E. The long stretch of parking lot that parallels the beach is visually monotonous in its unbroken linearity.

Recommendations for Preserving the Scenic Quality of Pope Beach

A. Area around Stateline and the casinos

From this distance only the casinos can be distinguished because their size dominates the surrounding landscape. Further high rise development should be prohibited, because the landscape cannot absorb the visual disruption this type of building causes. (Photos #5, 30)
Tahoe Keys and shoreline east of Pope Beach

1. Structures should be sited to preserve existing trees as a visual screen. This is particularly important on the beachfront, where structures are visible from many points around and on the lake and thus should be set back from the shore beyond the edge of vegetation.

2. Structures should not be permitted to exceed the height of the existing tree cover.

3. Use of reflective building materials should be restricted and use of materials which blend into the surrounding landscape encouraged. Hues should fall within a range of natural colors that complements rather than contrasts with the existing vegetation and earth tones. Values should be equal to or darker than those of surrounding colors. The recommendations should apply to all visible surfaces of structures including roofs, siding, fences, etc. (Photos #5, 29)

C. Area south of Pope Beach

The viewshed to the south has very high scenic quality and, with the exception of the development at Tahoe Keys, appears to be completely intact. The marsh/wetland environment that comprises the foreground is a very simple ecosystem which cannot absorb the visual impact of development. All development should be prohibited in this area. The dense woodland that forms the middle ground has the potential for absorbing development; however, if even the slightest glimpse of development is visible, the pristine character of the viewshed will be destroyed. For this reason, it is recommended that development not be allowed in this area unless it can be demonstrated that neither the proposed development nor its attendant improvements will be visible from Pope Beach. (Photos #6-9, 23-26, 28)

D. Shoreline west of Pope Beach

1. The solid wooden fence that terminates the west end of the beach effectively blocks views of the private development adjacent to the beach and the development at Camp Richardson. Any future development should not be visible over the top of this fence.

2. Although the existing piers adjacent to the beach extend into the foreground of views to the west, they do not actually obstruct the view of any features. To prevent such obstruction, structures (e.g. boathouses) should not be permitted to be built out on the piers. This restriction should also apply to any new piers to be built in the future.

3. Structures should be sited to preserve existing trees as a visual screen. This is particularly important on the beachfront where structures are visible from many points around and on the lake and thus should be set back from the shore beyond the edge of vegetation.
4. Structures should not be permitted to exceed the height of the existing tree cover.

5. Use of reflective building materials should be restricted and use of materials which blend into the surrounding landscape encouraged. Hues should fall within a range of natural colors that complements rather than contrasts with the existing vegetation and earth tones. Values should be equal to or darker than those of surrounding colors. The recommendations should apply to all visible surfaces of structures including roofs, siding, fences, etc. (Photos #13, 19, 34)

E. Pope Beach

1. Additional plant materials should be added to areas at the east end of the beach where the vegetation is not dense enough to screen the parking lot from the beach area. Plants should be of the same species as the existing vegetation. (Photos #2, 7, 8)

2. If parking can be reduced, a redesign of the parking areas should be undertaken to introduce landscaped parking islands into the area to mitigate the extremely long, unbroken stretch of asphalt pavement. (Photos #21, 27)
#### 1996 CHANGES TO SHORELINE SCENIC RESOURCE RATINGS

**Resource 3.3 View of Shoreline (Unit 3 - Jameson Beach)**

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<thead>
<tr>
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<th>Threshold Rating</th>
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Comments: The intactness subcomponent of the threshold rating has been reduced due to large and bulky additions to residential uses which are unscreened and set very close to the water's edge, and due to the expansion of the pier and related accessory structures related to the marina and resort at Camp Richardson.

**Resource 12.8 View of Shoreline (Unit 12 - McKinney Bay)**

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Comments: The recent utility undergrounding project near Cherry Street and erosion control along the shoreline have increased the intactness of the resource which is highly visible from the Lake because of the proximity of the road (and improvements) to the edge of the shoreline.

**Resource 23.3 View of Shoreline (Unit 23 - Crystal Bay)**

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Comments: The intactness subcomponent of the threshold rating has been reduced through numerous large, unscreened, new and remodelled houses on this very visible hill slope. There are very few opportunities to screen structures here due to the landform and existing vegetative cover.

**Resource 23.9 View of Shoreline (Unit 23 - Crystal Bay)**

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Comments: The intactness subcomponent of the threshold rating has been reduced through several significant, large, unscreened residential and other structures which are set too close to the edge of the shoreline, and are highly contrasting with the natural landscape, or are poorly screened. Additional fences, pier expansions, and additional clutter on piers (e.g., numerous boat lifts) have contributed to the reduced rating.
MEMORANDUM

December 11, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment of Plan Area Statement 058, Glenbrook, to Add Special Area #1 Where the Construction of New Piers Will Be Prohibited.

Proposed Action: The applicant, Glenbrook Homeowner's Association, proposes to amend Plan Area Statement (PAS) 058, Glenbrook, by adding Special Policy #7 (see Exhibit 1) that would prohibit new piers within the boundaries of a new Special Area #1 (see Attachment B). The applicant-proposed boundaries for Special Area #1 would include all littoral parcels between Slaughterhouse Creek and the southern boundary of APN 01-070-17 on the south end of Glenbrook Bay. The purpose for this amendment is to protect and preserve the natural, historic, and scenic values of Glenbrook Bay.

APC Public Hearing and Recommendation: The APC held a public hearing on this item April 12, 2000. After a three-hour public hearing, the APC unanimously voted to recommend staff's proposal of Special Area #1 with the prohibition of new piers between Slaughterhouse Creek and Glenbrook Creek (see Attachment C).

Attached to this staff summary are the minutes from the public hearing that was conducted on this item (see attachment D). Both the Glenbrook Homeowner's Association (GHOA) and the Glenbrook Property Owner's Association (GPOA) felt Special Area #1 should extend south to APN 01-070-17 and not stop at Glenbrook Creek. They are of the opinion that the riparian area and beach south the Glenbrook Creek not only has scenic value but also has outstanding biological value for both fish and waterfowl and warrants the additional protection.

The representative of the parties opposing the recommendation of the applicant is of the opinion that continuing Special Area #1 south of Glenbrook Creek was "spot" zoning. It was the opinion of the speaker that walking south of the community pier along the beach presented a different landscape type than walking the beach north of the community pier to Slaughterhouse Creek.

Staff Recommendation: Staff supports the applicant's proposal with a slightly different boundary alignment for Special Area #1. Staff recommends that the southern boundary be drawn at Glenbrook Creek. Staff's recommendation is consistent with the Landscape Units that have been developed and identified in the TRPA Shorezone EIS. Staff recommends the Governing Board adopt the proposed PAS amendment with staff's proposed Special Area #1 boundary alignment.

Background: The amendment of PAS 058, Glenbrook, is to ensure that the direction of the Glenbrook Homeowners Association (GHOA) and the Glenbrook Property Owners Association (GPOA) members be implemented. During the summer of 2000 associations' meetings, the majority of members from both groups went on record to
show their continued support for prohibiting new piers in Glenbrook Bay. This application is an attempt to further codify language that was developed in the Glenbrook Bay Shorezone Plan (April, 1984) and provide more direction for Special Policy #4 which exists in PAS 058 today.

In 1983, Nevada State Lands facilitated drafting a plan for the shorezone of Glenbrook Bay. The purpose of the plan was to bring together all interests to develop a plan that would be useful to permitting agencies, meet the concerns of the people in Glenbrook, provide direction for resource management and planning in Glenbrook Bay, and provide direction for future decisions affecting Glenbrook Bay. The Glenbrook Bay Shorezone Plan was completed and presented to the Tahoe Regional Planning Agency Governing Board. The TRPA Governing Board did not adopt or certify the plan; however, when the TRPA adopted the Plan Area Statements in 1987, PAS 058 Special Policy #4 states the “the Glenbrook Shorezone Plan should serve as a planning guide for development in the shorezone”.

"The Plan" identifies recommendations for the following: pilings, buoys, swim areas, piers, breakwaters, and watercraft. Pertinent to this proposed PAS amendment are the five recommendations for piers. The recommendations are listed below in their entirety:

1. A landing may be added to the south side of the existing community pier as space allows between preserved pilings and the pumphouse, similar in size and construction to the present landing on the north side of the pier, providing the pilings mentioned in item 1.C, under Pilings, are removed and appropriate permits obtained.

2. For the present, no additional modifications or extensions should be allowed to the community pier, including boat hoists, except the landing discussed above. A future review of this pier may be made by a representative committee of the various interests and property owner groups in the Glenbrook community to evaluate the adequacy of the pier and landing space. However, extensions and/or additions that may be approved in the future, if any are to be designed to preserve the remaining historic pilings.

3. No additional piers should be constructed on the community beaches, including the China Garden beach area.

4. Individual private piers should be kept to a minimum and allowed only where there is a special need (i.e., where littoral properties are inaccessible to the lake for boating purposes due to the terrain). Multiple ownership piers serving as many littoral property owners as possible are preferable to individual private piers. Pier applications may be reviewed by a representative committee of the various interests and property owner groups in the Glenbrook community for appropriateness and need.

5. All pier owners shall be entitled to repair or replace their piers when necessary in accordance with existing regulations.

Discussion: By restricting the development of new piers in Special Area #1 in Glenbrook Bay the amendment would maintain unimpeded lateral beach access from the community pier on the south end through Slaughterhouse Creek on the north end. The amendment assists maintaining scenic quality within the Bay. Glenbrook Bay falls within the Shoreline Unit 26, Cave Rock. The overall unit scenic quality composite rating is moderate (2); however, Shoreline View 26.2 is the view specifically of the low shore.
with long sandy beaches of Glenbrook, and the scenic quality is rated as high (3). TRPA has identified thirty-three (33) shoreline units around the entire shoreline of Lake Tahoe. Only 7 shoreline units have a high-rated view of a sandy beach. Of the 7 units, Rubicon Point (Paradise Flat view), Edgewood (Edgewood Golf Course view), and Cave Rock (Glenbrook Bay view) are privately owned. All other shoreline units' shoreline view ratings of a sandy beach are either rated moderate or low.

Special Area #1 includes all littoral parcels where terrain does not pose a problem for lake access from the beach. The area known as Yellow Jacket Point on the south end and Deadman's Point (or Lands End) on the north end of the bay are not included in the Special Area #1 designation because of the steep and rocky condition of the backshore. Glenbrook has a rich and varied history. During the Comstock, the bay was full of lumbering/milling activity. Logs were floated from the West Shore across the Lake to Glenbrook where they were milled at any one of a number of mills located around or over the bay and then shipped by rail and flume to the mines in Virginia City. The historic piles that dot the waters of Glenbrook bay are the only structures left to remind us of that time in Glenbrook's history and the mills that operated over the waters of Glenbrook Bay. The historic piles have been recognized by the Nevada State Historic Preservation Officer as important historic resources. By prohibiting the construction of new piers in Special Area #1, we also protect these historic resources. There is a potential conflict between safe navigation to new piers built in the bay and the hazard the piles pose to navigation to a pier along the shoreline.

Special Policy #7 language will prohibit new piers from being constructed in Special Area #1 and recognize the Glenbrook community pier as an existing permissible use. This special policy language is consistent with TRPA’s Draft Shorezone EIS mapped landscape units which identify some units as visually sensitive. The Glenbrook Bay sandy beach area is identified as visually sensitive which requires a reduction in potential pier density.

Since the beach area in Glenbrook Bay is critical to scenic and vegetation thresholds, staff is recommending limiting Special Area #1 to the beach area mapped on attachment C.

**Required Findings:** The following findings must be made prior to adopting the proposed amendments:

**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:** The proposed amendments to PAS 058, Glenbrook, will not adversely affect implementation of the Regional Plan. The amendment supports Special Policy #4 that is currently found in PAS 058, assists in maintaining scenic quality, is consistent with the Glenbrook Bay Shorezone Plan and maintains the historic character of the long sandy beaches.
2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment will support environmental threshold maintenance and attainment. As discussed above in the background section, the view of Glenbrook Bay's long sandy beach is one of only 3 privately owned beaches around the entire Lake that has a rating of high (3) for its shoreline view. This amendment assists TRPA in maintaining this scenic quality rating. In addition, Tahoe yellow cress (Rorippa subumbellata), a sensitive plant species listed as endangered in California and critically threatened in Nevada, and a potential listing candidate for endangered species by the U.S. Fish and Wildlife Service, is found along Glenbrook's sandy beaches. Piers tend to concentrate activity rather than disperse it and, therefore, create areas where Tahoe yellow cress cannot tolerate the level of disturbance. The amendment provides for the same level of dispersed beach recreation as is currently being experienced. Glenbrook is currently served by a community pier. This structure is still permissible and provides recreational access to Lake Tahoe for the Glenbrook Community.

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

Rationale: No new pier structures would be allowed in Special Area #1; therefore, there will be no impacts on federal, state, and local air and water quality standards due to this amendment.

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: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

Chapter 13 Findings

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

Rationale: These amendments are consistent with the Plan Designation for the attached Plan Area Statement and the addition of Special Policy #7 further supports Special Policy #4.
Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

Requested Action: Staff requests that the Governing Board make the following motions:

1. Move to make a Finding Of No Significant Effect based on the Chapter 6 and Chapter 13 findings in addition to the completed IEC.
2. Move to Adopt the Ordinance amending PAS 058.

Staff will begin this item with a brief presentation. Please contact Coleen Shade at (775) 588-4547 or coleens@trpa.org if you have any questions regarding this matter.

Attachments:
A. Adopting Ordinance with Exhibit 1, PAS 058, Glenbrook
B. Map of New Special Area #1, Applicant Proposed
C. Map of New Special Area #1, Staff Proposed
D. April 2000 APC minutes
E. View of Glenbrook Shoreline
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 01 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE
REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; TO AMEND PLAN
AREA 058, GLENBROOK, TO ADD A SPECIAL POLICY #7 LIMITING NEW PIERS IN
SPECIAL AREA #1 AND AMEND THE PLAN AREA STATEMENT MAP H-10 TO ADD
SPECIAL AREA #1, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING
THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00       Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended,
which ordinance relates to the Regional Plan of the Tahoe Regional Planning
Agency (TRPA) by amending PAS 058, Glenbrook TO AMEND PLAN AREA
058, GLENBROOK, TO ADD A SPECIAL POLICY #7 LIMITING NEW PIERS IN
SPECIAL AREA #1 AND AMEND THE PLAN AREA STATEMENT MAP H-10 TO
ADD SPECIAL AREA #1 as illustrated in Adopting Ordinance Exhibit 2, in order to
further implement the Regional Plan pursuant to Article VI(a) and other
applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the
environment, and are therefore exempt from the requirements of an
environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the
amendments and recommended adoption. The Governing Board has also
conducted a noticed public hearing on the amendments. At those hearings, oral
testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings
required by Chapter 6 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to
implement the Regional Plan, as amended, in a manner that achieves and
maintains the adopted environmental threshold carrying capacities as required by
Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00       Amendment of the Glenbrook Plan Area Statement

Subsection 6.10, subparagraph (2)(____) of Ordinance No. 87-9, as amended, is hereby
further amended as set forth on Exhibit 1, dated November 20, 2001, which attachment is
appended hereto and incorporated herein.
Section 3.00 Amendment of the Glenbrook Plan Area Boundary Map

Subsection 6.20, subparagraph (1)(____) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 2, dated November 20, 2001, which attachment is appended hereto and incorporated herein.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Plan Area Statements adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Plan Area Statements shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Plan Area Statements are hereby declared respectively severable.

Section 5.00 Effective Dates

The provisions of this ordinance amending the Glenbrook Plan Area Statement (058) shall be effective 60 days after its adoption pursuant to Subsection 13.7.B.

The provisions of this ordinance amending the Glenbrook Plan Area Map shall be effective immediately after its adoption pursuant to Subsection 13.7.B.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 19, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency
New language is underlined.

058
GLENBROOK

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy     MITIGATION
Special Designation      NONE

DESCRIPTION:

Location: This area around Glenbrook Bay is located on TRPA maps H-10 and H-11.

Existing Uses: This area is a mixture of older low density residential development and a new planned unit development that includes condominiums, single family dwellings, and restored resort structures. The beaches are private, but the golf course is open to the public. The area is 65 percent built out.

Existing Environment: The area is 40 percent SEZ, 25 percent low hazard, 20 percent high hazard and 15 percent moderate hazard. The planned unit development area is developed in accordance with the land capability system although there are some SEZ conflicts. The older areas at both ends of the Bay are high hazard. The shoreline contains tolerance districts 3, 4, 5 and 7. The land coverage is 10 percent plus an additional 20 percent disturbed.

PLANNING STATEMENT: This area should continue as residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. Public access to beaches and historical structures is limited.
2. Subdivision improvements are not up to minimal BMP standards in the Deadman’s Point area.
3. This beach is identified as a habitat for an endangered plant species.
4. The meadow area adjacent to Glenbrook Creek could be managed as a waterfowl habitat.
5. Scenic Roadway Unit 29 and Scenic Shoreline Unit 26 are within this Plan Area.

SPECIAL POLICIES:

1. The Glenbrook Master Plan should be used as a planning guide for the area subject to such a plan.
2. Designated beach areas should be set aside and protected for Rorippa subumbellata.
3. Enhancement of wildlife habitats along Glenbrook Creek should be encouraged.
4. The Glenbrook Shorezone Plan should serve as a planning guide for development in the shorezone.
5. The lots in the Glenbrook Subdivisions designated as eligible for multi-density under the approved subdivision map shall be eligible for such density with TDR.

6. New or additional commercial development shall be limited to parcels with commercial development on the effective date of this Plan or conversion to a commercial use of accessory recreation uses.

7. In Special Area #1, the existing Community pier shall be the only permissible pier.

**PERMISSIBLE USES:** Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area:

**Residential**
- Single family dwelling (A), employee housing (S), and multiple family dwellings (S) only on the lots in the Glenbrook Subdivision that are designated as eligible for multi-density on the approved subdivision maps.

**Commercial**
- Eating and drinking places (S) and professional offices (S).

**Public Service**
- Cemeteries (A), public health and safety facilities (S), transit stations (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), and local post offices (S).

**Recreation**
- Participant sports facilities (S), temporary events (A), day use areas (A), outdoor recreation concessions (S), riding and hiking trails (A), cross country ski courses (A), beach recreation (A), and golf courses (A).

**Resource Management**
- Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), farm/ranch accessory structures (A), grazing (A), range pasture management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

**Shorezone:** Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.
Tolerance Districts 4, 5 and 7

Primary Use

Beach recreation (A), safety and navigational devices (A), outdoor recreation concessions (S), and salvage operation (A).

Accessory Structures

Buoys (A), piers (A), fences (S), boat ramps (S), breakwaters or jetties (S), shoreline protective structures (S), floating docks and platforms (A), and water intake lines (S).

* See Special Policy 7

Tolerance District 3

Primary Use

Safety and navigational devices (A), and salvage operations (A).

Accessory Structures

Buoys (A), piers (A), fences (S), boat ramps (S), breakwaters or jetties (S), shoreline protective structures (S), floating docks and platforms (A), and water intake lines (S).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>In accordance with Special Policy #5 for this Plan Area</td>
</tr>
</tbody>
</table>

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USES 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Program (EIP) for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)
LAKE TAHOE

Proposed Special Area #1

PAS 057

PAS 058

ATTACHMENT B
APPLICANT PROPOSED AMENDMENT
11/20/01
APC REGULAR MEETING MINUTES
APRIL 12, 2000

Senior Planner Coleen Shade presented the staff summary amending the Plan Area Statement 058, Glenbrook, to prohibit new piers between Slaughterhouse Creek and the South End of Glenbrook Bay.

Mr. Poppoff questioned how many piers were on the stretch now, and Ms. Shade said one, which is the Glenbrook community pier.

Chairperson Marchio asked Ms. Shade if the 1984 plan had been adopted, and she replied that it has not been officially adopted, but is used as a basis in the plan area.

Chairperson Marchio opened up the meeting for a public hearing.

Mr. Doug Jones, President of the Glenbrook Homeowners' Association ("GHOA") and a consultant in the utility industry, he stated that the reason why he is here is to preserve the scenic beauty of Glenbrook Bay, the environment and also the historical culture and history of that area. Our community fully supports this amendment. There are about 273 property owners in Glenbrook, of which 228 are GHOA members. There are a few independents, and there is also another group called Glenbrook Property Owners’ Association, which is 50 plus members. We are looking at 273 people. Last Spring, this pier thing went all over the papers and we got a lot of calls on the Board about the possibility of piers appearing on Glenbrook Bay. We felt that it would be important to quantify what the community's feeling for it was. We got a group of volunteers together and ran a survey in May of 1999 and talked to all of the people that we could get a hold of. The total number of people contacted is 198, which is 73% of the population. The total number against pier building on Glenbrook Bay was 185, which represents 93% of the people contacted. The total number for pier building were 6, representing 3% of the people contacted; 7 people had no opinion. We feel very confident, as a community there is a strong outcry for no pier building on Glenbrook Bay. I think that is very important to mention.

GPO is an organization that exists, but they were formed prior to the PUD; before GHOA occurred. All of them are littoral property owners. He read the following letter from Mr. Bob Ham, president of that organization, "In further support of the current application for a Plan Area Statement Amendment for Glenbrook Bay, I would make the following points: 1) the membership of Glenbrook Property Owners Association; those 50 plus residents of the Glenbrook Community who are not part of the PUD, that is GHOA, continue to support enthusiastically the GHOA requested amendment calling for no new piers on the West facing the sandy beach of Glenbrook Bay; 2) this long stretch of sand interrupted only by the historic community pier is a precious part of the ecstatic quality of Glenbrook; a quality gradually disappearing from other areas of the lake; 3) granting even one new pier would be a precedent setting event that could open the door to many such requests and lead to the loss of this visual assets. All residents of the Glenbrook Community are afforded access to the Lake by virtue of the GHOA-owned and maintained beaches of the North and South ends of the Bay, and the community pier located on the South beach area. My neighbors and I, all non-GHOA members, have always felt no restriction on the usage of that pier to board passengers or to tie up all visiting friends. Other non-GHOA residents moor boats in the vicinity of that pier and use it and the GHOA operated tender regularly. For myself, and on behalf of the members of GPOA, I encourage approval of the requested Amendment, Robert Ham, President". That represents the 50 plus people that we are talking about.

We want to make this crisp and short. We appreciate your time, and I would like to turn this over to Bud Hicks, who is also on our Board, to talk a little about our belief that everybody in that community has excess to the community pier.

Mr. Bud Hicks, homeowner in Glenbrook and on the Board of Directors, stated that Glenbrook is a community founded by the Bliss family, who has historic roots in the area. At one time, the Bliss family owned the entire valley and the area known as Glenbrook. Glenbrook truly is a planned
community. The Bliss family planned it. They established principles that allow all property owners in Glenbrook to utilize the recreational aspects of the community: beaches, hiking trails, and most importantly, the community pier. The community pier for years was always used by all residents of Glenbrook freely; without charge and limitation. The Glenbrook community pier is a good example of the positive benefits that were addressed in the 1994 plan that Ms. Shade spoke about. In that plan, it limits the proliferation of private piers in areas where there are multiple use or community piers available. Nevertheless, you are going to hear today, I believe, some legalistic arguments that some people are not allowed to use the community pier. In fact, on behalf of GHOA, I can tell you that no one has been denied the use of that pier; it is open for everyone’s use.

However, to clarify GHOA’s position on this issue; and GHOA presently is the owner of the pier and sits on – it doesn’t own the land under the pier; it has an easement – but it owns the physical pier. To clarify GHOA’s position to the extent that there is any ambiguity on it, and at the request of GHOA’s Board of Directors, a series of resolutions have been prepared for adoption at their next meeting, and they will be adopted at the next meeting. He stated that it is fully the intent of GHAO to honor and respect the right of all Glenbrook residents, as it always has, to use the community pier. He asked Mr. Gary Midkiff, their consultant, to talk about the environmental, historic, and scenic issues.

Mr. Lane questioned how many affected privately owned lakefront parcels are there, and Mr. Midkiff responded 15 or 16 private owners.

Mr. Gary Midkiff, the consultant for Glenbrook Homeowners’ Association, showed a series of displays and photos that reviewed the history of Glenbrook.

Ms. Huntington, a homeowner in Glenbrook, stated that Glenbrook pier and doesn’t know why a private pier is being considered 240 feet from a perfectly adequate, well-maintained community pier opened to everyone in Glenbrook. It has a boatman on duty during the summer, and it is very well taken care of, and people are served well. She stated that 99% of the beachfront property owners, South of Slaughterhouse, are opposed to piers. These are long-time owners; second and third generation owners. If they wanted to have a pier when they were a first generation, they would have had it. But none of them wanted it, and they don’t want it today. When the developer bought a large part of Glenbrook – this was in the early 80’s from the Bliss family – he explicitly set up beach rights for all of the community. This was to help sell property in the backshore as well. This access started at the Avery property, which is mid-Bay, and goes south to my family’s property on the South cove of the Bay. There was one exempt property. Why must my family residence, in place for more than 30 years now, be subject to a view corridor of Glenbrook beach area, totally disturbed by an extended pier with a boathouse at the end that will house two boats? That is directly in our view’s corridor.

In normal years, this protected cove of the Bay has had tremendous fish spawning and wildlife nesting. In drought years – and we have them – this cove is a sandy and sawdust covered beach out to the old rock crib, built by the Prey brothers, who owned and operated the first sawmill in Glenbrook, and that sawmill was right on our property. Some of things that were found, like old teacups and old milling things still come to the surface.

APC and TRPA were established many years ago, and I was around then too, to preserve and look after Lake Tahoe, to that it is restored and preserved for generations to come. This is a difficult role with so many people in our present world only selfishly interested in what today brings them. This is your opportunity to stand up for what is right for our Lake Tahoe and to stand up for the reasons you were created as a governing entity.

Mr. Mark James, representing the Ruvo and Whittemore families, stated that this is the first time he has appeared before a Tahoe Regional Planning Agency board. He is from Las Vegas. There is a theme that best describes what is being proposed today and those two words are "improper" and "unnecessary". Improper as a matter of fact. He will show why existing TRPA law and existing laws and plans governing Glenbrook don’t allow TRPA to do what it would do by
eliminating the right for certain property owners to build a pier, which is part of their property right. Secondly, unnecessary from a practical standpoint. As you will see, one of the exhibits that Mr. Midkiff’s exhibits did not reveal is the fact that piers are already prohibited in all of the scenic areas of Glenbrook Bay that everyone, specifically, the TRPA staff and the people who did the shorezone plan back in 1984 were talking about. He presented a slide show of the history of Glenbrook.

Glenbrook Homeowners’ Association (“GHOA”) concerns to protect environmental and scenic issues stemming from piers do not because the property in question is so different. They are questionable at best. The reason is in 1994, Mr. Midkiff, who represents GHOA, submitted a proposal on behalf of GHOA to place a water ozone treatment facility in precisely the area that the proposed pier would be built. Back in 1994, it apparently was not as scenic enough or historic enough area not to disturb with a water treatment plant, but now in 2000, it’s so scenic that no one can construct a pier there under any circumstances, even with whatever kind of mitigation of Glenbrook Creek that they are proposing. He stated that it is disingenuous for GHOA to express concern about the ability to support environmental impact from a pier in the same area that they wanted to build this facility.

Mr. James stated that he and his client opposes the GHOA proposal, and agrees to TRPA staff’s proposal. He commented that if the plan the GHOA proposes were adopted, it would not be general zoning legislation; it is what is called “spot zoning”. The only legal argument that he made to the APC is that spot zoning is unconstitutional. One can’t say, “we are going to do something general, but it’s just going to apply to a couple of people down here”. If there is a really good basis for “saying you guys are differently situated”, and if you think that these properties are not differently situated, he suggested those people stand at the community pier and walk south. Because whether or not it is a drought or it is the high-water mark of the Lake, you will run straight ahead into thick riparian brush and rocks, and it is an absolute different change in topography. To say that that land is different then this land or that land, would be an irrational basis upon what to make a distinction and it would be spot zoning and it would be wrong.

In closing, he suggested that the APC adopt what staff has recommended, and leave it there, and we will go forward and support it at the Board level, and the issue will be done with.

A discussion ensued.

Mr. Dave Roberts, on behalf of the League to Save Lake Tahoe, commented that the League supported the Glenbrook Homeowners’ Association recommendation. He is not familiar with the all the issues surrounding the development of the proposed pier. But he did know that there are substantial environmental issues, and issues as to whether or not there is going to be a reduction in development potential which would facilitate the multi use designation. Of the 12 alternatives presented, he stated that the Glenbrook Homeowners’ Association’s proposal is by far the more environmentally superior of the two alternatives. With the change in Ordinance language that is being proposed in the draft environmental impact statement for shorezone, this type of change represents the only alternative that homeowner associations have to protect the integrity of the community in which they live in and which they care about and which they hope to preserve.

The League supports this type of change, and he encouraged other homeowner associations around the Lake that hope to preserve their communities to do likewise.

Ms. Jan Brisco, representing the Tahoe Lakefront Owners’ Association, stated that it is important to note that we keep hearing about the EIS and all this information on the scenic, and this is just a draft; nothing has been finalized so it is very discouraging to them that as part of the partnership process, they have not reviewed this issue. This is something that the Association has been working on for a long time in terms of who is eligible, what we are trying to preserve, to make sure that we take into account all the interests involved. She stated that she has been hearing most of the afternoon about protecting and preserving all of these important environmental and threshold-related issues. But who is protecting the property rights? We don’t necessary agree that this is
the only way. There is a way to resolve this issue within the community without having to pass any special amendments and having any special areas to further complicate the issue. For those lakefront owners, who so desire, can deed restrict their property from having a pier, which will take care of this issue.

Ms. Brisco further commented that when she heard Ms. Huntington mention that 99% of the property owners were in support of this proposal — the lakefront property owners — she thought this was a simple way to go about this; by deed restricting. This takes the issue out of contention for future generations.

The other concern is that for the last thirteen years or so, regardless of whether the Glenbrook shorezone plan was codified or not, no new piers have been constructed in Glenbrook Bay. The system is working very, very well. Why fix it if it isn’t broken.

So she is concerned about the property owners, just because they are not here today, either in support or opposition or this proposal, doesn’t mean that their interests should not be very carefully considered by this Agency. Ms. Brisco stated that it is incumbent that the APC really look at those issues in detail. As part of the partnership process, she stated that the Association would be willing to look at this issue in more detail so that we can come up with an accommodation. We don’t want to get into specifics on any of these projects. We are not advocating anything other than the potential for this type of amendment for every other association around Lake Tahoe to come in with a similar plan area amendment. She stated that she could see other owners taking this type of action to preclude the lakefront and littoral property rights that are so valuable at Lake Tahoe. If an individual lakefront property owner wants to give up those rights in perpetuity, so be it. That should be an individual choice and not something put upon them by TRPA or by special interest or by anything other than a voluntary situation.

Ms. Brisco believed that we should be reviewing this proposal as part of the draft EIS. It is going to have impact, regardless of what happens today and what the Governing Board acts upon. It will have an impact on our draft environmental impact report that is still in the works. She urged the APC to at least defer action on this specific issue until after we have had a chance to look at what the impact will be in the document.

Mr. McIntyre commented to Mr. Midkiff that there has been a change in the policy of the water master where they have decided to hold the Lake as much as possible to no more than a foot and a half below the top of the Dam. He believes that whenever possible the water will always be at this current elevation, which he is against. Mr. Midkiff replied that he was against it also but there wasn’t much anyone can do about the Federal Water Master, but there are environmental impacts that result from that policy and there are continuing to be other efforts to deal with that issue. Mr. McIntyre stated that holding the Lake higher eliminates a lot of the potential beach property we used to have.

Mr. Lohman questioned that if the pier extends beyond the high water line, it is inhibiting the public’s right to the beach area below the highwater line. Mr. Marshall stated he did not think that an assertion that you are prohibiting piers, one is doing something illegal. The APC should feel free to consider the issue on its underline merits, whether it is good policy or not.

Ms. Shirley Synder, a homeowner in Glenbrook, stated that Mr. Ruvo owns and belongs to GHOA so he has a right to the pier. Ms. Synder said that when people get up and say things that are not true — she wished all the facts were presented and looked into.

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

Chairperson Marchio asked staff where do we stand with the shorezone EIR/EIS and how does this proposal fit into that document, and when do we anticipate seeing that document before the APC and the Governing Board. Ms. Shade answered that she is hoping to be bringing a final document forward in August; best case scenario. To answer the second question as how this proposal fits into the EIR/EIS, Ms. Shade responded that this proposal is applicant driven. This is
outside of that process in that we had an applicant bring forward their proposal and application fee, and like any other application, TRPA is obliged to bring that forward to the APC and Governing Board. In addition, for the most part, the issues that have been discussed were being discussed in a partnership group that is also a consensuses group. This proposal is a very, very specific area; very specific issue that is supported by a very specific community. Taking this to a consensus group, personally, would be a set up for failure because of the specific issues that are addressed in the application.

Mr. Cole asked Ms. Shade what purpose does this application serve TRPA and its goals. Ms. Shade stated that when we look at amendments to the Regional Plan, such as a plan area amendment, TRPA asks three questions: 1) Is there something wrong; was a mistake made that needs to be change; 2) Has something changed in that area; some land use activities that would require this amendment; and, 3) Does this assist TRPA to better obtain and maintain thresholds; yes. Specifically, on the scenic quality issues. We have an environmental document in draft stage, and our consultants are telling us that we have very few sandy beaches that our left that are in this high of a quality. We should be reducing development potential on these resources. It is not to say that the riparian area to the South of Glenbrook Creek does not hold significant scenic value; it does; but, in terms of the sandy beach itself and what we have identified as visually sensitive, this is consistent with what TRPA's staff is proposing in the shorezone EIS and this helps us to attain that high rating that is there today.

Mr. Cole said that is why TRPA's proposal is different than the Homeowners' Association, and Ms. Shade responded yes.

Mr. Kehne questioned whether the Glenbrook Homeowners' Association, as they apply for this application, support TRPA staff's proposal, and if they don't, would they withdraw their application if the proposal were approved by the APC. Mr. Wells stated that an applicant submitted an application, TRPA reviewed it, and we have some difference of opinion on what that should be in terms of the final approval by the Governing Board. Staff makes a recommendation to the APC; the APC makes an application to either support or not support the original application. TRPA would then forward that on to the Board, and then the Board would decide.

Ms. Kvas questioned if plan area statements can be made with requirements. Mr. Marshall replied that there is nothing that prohibits the conditioning of a plan area statement amendment on an applicant-driven plan area amendment.

Ms. Baldrica pointed out that there are some wood pilings North of what is called an existing pier on the map; one of three in the Glenbrook shorezone plan. There is an existing pier and cribbing. If the line is to fall at Glenbrook Creek, there would be some – not the majority – historic features which fall within the shorezone area under Special Area #1 that would be preserved. There are some historic things that would be left out of that Special Area #1 should we go with the staff recommendation. However, the majority of the features would be within that Special Area #1

**MOTION** by Mr. Cole, with a second by Mr. Morgan, to recommend to the Governing Board amending Plan Area Statement 058, Glenbrook, to prohibit new piers between Slaughterhouse Creek and the South End of Glenbrook Bay. The motion carried unanimously.

Mr. Kehne went on record to say he supports staff's recommendation that believed that the purpose of the APC's efforts here are to protect the environment in a capacity that we can. That process then would happen. If this applicant goes through for a pier development that is another process that will happen. Cultural resource issues and historical issues will not be escaped and will be covered in a different process. He suggested that the APC supports staff's proposal.

In addition, Mr. Kehne passed out copies of the Home Landscape Guide to each of the APC members.
MEMORANDUM

December 12, 2001

To: Governing Board

From: TRPA Staff

Subject: Amendment of Chapter 33 of the Code and the Development and Implementation Subelement of the Goals and Policies Plan to Allow Up to 300 Residential Allocations for 2002

Proposed Action: Pursuant to the recommendations of the draft 2001 Threshold Evaluation Report, staff proposes to extend the current number and distribution of residential allocations for 2002 as shown below. This extension is part of the 2001 Threshold Review Process.

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>Adopted for 2001</th>
<th>Proposed 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>23</td>
<td>23*</td>
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<td>Washoe</td>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>300</strong></td>
</tr>
</tbody>
</table>

*Pursuant to the PFR Committee's review, Douglas allocations will be reduced by one allocation and assigned to the allocation pool.

Staff Recommendation: Consistent with the 2001 Threshold Evaluation, staff recommends approval of the proposed amendments in Attachment A.

APC Recommendation: Because the mailing of this staff summary occurs prior to the APC meeting, staff is unable to include an APC recommendation. The APC recommendation will be presented at the December 19 Governing Board Meeting.

Background: The existing table of residential allocations, in the Goals and Policies Plan and Chapter 33, expires at the end of 2001. Recognizing that the 2001 Evaluation process will not be completed in December and that there is a need to provide a timely delivery of residential allocations, the staff recommends adoption of 300 additional residential allocations for 2002.

It should be clear that this action does not propose to provide allocations beyond the end of 2002. The allocations for years 2003-2006 will be addressed with the approval of the 2001 Threshold Evaluation recommendations. Allocations from the sensitive lot allocation pool and the exemption of allocations for affordable housing are not affected by these actions.

GWB/dmc

AGENDA ITEM XI.B.
Memorandum to TRPA Governing Board  
Amendment of Chapter 33  
Page 2

Staff recommends 300 special one-year residential allocations for 2002, based on the following factors:

- In 2000 TRPA’s Residential Performance Review Committee reviewed the existing 2001 and the proposed 2002 allocations. The Governing Board approved the PRC’s recommendations.

- A special 300 one-year allocation is within the rate analyzed and found acceptable by the Regional Plan environmental documentation (i.e., a rate of 300 per year).

- In the 1996 Threshold Evaluation, TRPA concluded that 1500 allocations over the 1997-2001 period, would be consistent with thresholds and not cause significant adverse environmental effects. Over the last five years, approximately 300 allocations went unused. Therefore, the special one-year allocations will not exceed the rate assessed in the 1996 Threshold documentation.

- As part of the adoption of the 2001 Threshold Evaluation, the Governing Board must address threshold attainment issues.

- Allocation of 300 residential units for 2002 will not, in and of itself, adversely impact thresholds or the environment.

Three hundred allocations may not be needed. Table 1 demonstrates that in the years 1997-2000, an average of 75 allocations went unused. These unused allocations went into a pool that can be accessed by anyone in the Region desiring an allocation and willing to retire a sensitive lot. Because this process is beginning to see success (18 sensitive lots retired), staff sees no need to reduce allocations at this time.

| Table 1. RESIDENTIAL ALLOCATIONS |
|---------|------|------|------|------|------|
| Douglas | 23   | 23   | (2)  | 23   | (5)  |
| Washoe  | 59   | 59   | (8)  | 59   | (22) |
| El Dorado| 130  | 130  | (4)  | 130  | (2)  |
| Placer  | 88   | 88   | (71) | 88   | (39) |
| Total   | 300  | 300  | (83) | 300  | (68) |

The number in parenthesis indicates the number of residential allocations that were unused in the identified year. Beginning in 1997, the unused allocations are rolled into the allocation pool. Allocations can be assigned from the allocation pool provided the recipient retires a sensitive lot in the basin.

Table 2 indicates there are still enough eligible parcels as of 11/01 to justify the allocation numbers. Eligible parcels are those vacant parcels with scores above the IPES eligibility line.

<p>| Table 2. PRIVATE VACANT IPES PARCELS |</p>
<table>
<thead>
<tr>
<th>COUNTY</th>
<th>Total Parcels</th>
<th>Eligible</th>
<th>Not Eligible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>278</td>
<td>251</td>
<td>27</td>
</tr>
<tr>
<td>Washoe</td>
<td>330</td>
<td>324</td>
<td>6</td>
</tr>
<tr>
<td>Placer</td>
<td>1544</td>
<td>864</td>
<td>680</td>
</tr>
<tr>
<td>El Dorado</td>
<td>4298</td>
<td>3298</td>
<td>1000</td>
</tr>
<tr>
<td>Total</td>
<td>6450</td>
<td>4737</td>
<td>1713</td>
</tr>
</tbody>
</table>

GWB/dmc  
AGENDA ITEM XI.B.
Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. 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:** The Regional Plan contemplates the orderly build-out of the existing vacant residential parcels. The environmental documents for the 1986 Regional Plan and the 1988 208 Plan assumed 300 units per year as the rate of growth for purposes of assessing environmental impacts. Construction of the residences will be in conformance with TRPA regulations. The addition of one year of allocations is consistent with the TRPA Performance Review Committee’s evaluation and recommendation.

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

   **Rationale:** If the other recommendations of the 2001 Threshold Evaluation are implemented, it may be concluded that the 2002 allocations will not cause the environmental thresholds to be exceeded.

3. **Finding:** Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, 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.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level assuming the recommended mitigations of the 2001 Evaluation are implemented in a timely manner.

Requested Action: Staff requests that the Governing Board make the following motions:

1. Move to make a Finding of No Significant Effect based on the IEC and the Chapter 6 findings documented above.

GWB/dmc

AGENDA ITEM XI.B.
Memorandum to TRPA Governing Board 
Amendment of Chapter 33 
Page 4

If you have any questions regarding this agenda item, please contact Gabby Barrett at 775-588-4547 or e-mail to gbarrett@trpa.org.

Attachments: A. Proposed Adopting Ordinance, with Exhibit 1, Proposed Amendments
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THETAHOE REGIONAL PLANNING AGENCY; AMENDING THE DEVELOPMENT AND IMPLEMENTATION PRIORITIES SUBELEMENT OF THE IMPLEMENTATION ELEMENT OF THE GOALS AND POLICIES PLAN; AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES RELATING TO 2002 ALLOCATIONS FOR RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, by amending, as a portion of the TRPA's Regional Plan, Goal #2 of the Development and Implementation Priorities Subelement, Implementation Element, the Goals and Policies Plan; and to amend Chapter 33 of the Code of Ordinances in order to further implement the Regional Plan of the Agency, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended.

1.20 Pursuant to Article V(a) of the Tahoe Regional Planning Compact, the Advisory Planning Commission ("APC") conducted a noticed public hearing on the proposed amendments to the Implementation Element of the Goals and Policies and the Code of Ordinances. The Governing Board has also conducted a noticed public hearing. At those hearings, oral testimony and documentary evidence were received and considered.

1.30 The provisions of this ordinance have been determined not to have a significant effect on the environment, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.4 of the and 6.5 Code and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

1.50 The amendments to the Goals and Policies Plan and Code adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00 Amendment of Regional Plan for the Lake Tahoe Basin, Goals and Policies

2.10 Subsection 6.10 of Ordinance No. 87-9, as amended, is hereby further amended to amend subparagraph (1) thereof to read as follows:

6.10 Plan Document

Amended (1) Tahoe Regional Planning Agency, Regional Plan for the Lake Tahoe Basin, Goals and Policies, September 17, 1986, as amended by Ordinance Nos. 88-6, 88-24, 89-3, 89-15, 90-8, 91-9, 91-21, 92-6, 92-7, 92-12, 92-17, 96-1, 96-2, and 01-

2.20 Goal #2, Development and Implementation Priorities Subelement, Implementation Element of the document entitled Regional Plan for the Lake Tahoe Basin, Goals and Policies, September 17, 1986, as amended, is hereby amended by the addition of Policy 10 as set forth below:

Goal #2, new Policy 10.

A MAXIMUM OF 300 ADDITIONAL RESIDENTIAL UNITS MAY BE AUTHORIZED TO RECEIVE PERMITS FOR CONSTRUCTION DURING THE YEAR 2002. THIS LIMITATION SHALL NOT APPLY TO AFFORDABLE HOUSING UNITS AS DESCRIBED IN THE HOUSING SUBELEMENT. UNUSED 2001 ALLOCATIONS SHALL BE ASSIGNED TO THE ALLOCATION POOL IN 2002. THE ALLOCATION OF THESE RESIDENTIAL UNITS SHALL BE MADE AS FOLLOWS:

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>E1 Dorado</td>
<td>78</td>
</tr>
<tr>
<td>STPUD</td>
<td>14</td>
</tr>
<tr>
<td>TTSA</td>
<td></td>
</tr>
<tr>
<td>City of South Lake Tahoe</td>
<td>38</td>
</tr>
<tr>
<td>Placer</td>
<td>88</td>
</tr>
<tr>
<td>Washoe</td>
<td>59</td>
</tr>
<tr>
<td>Douglas</td>
<td>23</td>
</tr>
</tbody>
</table>

Section 3.00 Amendment of Chapter 33 of the Code

Chapter 33, Subsection 33.2.A is hereby amended to delete the stricken language and add the underlined language as set forth in Exhibit A, dated December 2, 2001, attached hereto and incorporated herein by reference.
Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Goals and Policies and the Code adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or the amendments shall not be affected. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 5.00 Effective Date

Section 2.00 of this ordinance shall become effective immediately upon its adoption. Section 3.00 of this ordinance shall become effective 60 days after the date of its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held December 19, 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

______________________________
Dean Heller, Chairman
Tahoe Regional Planning Agency
Chapter 33
ALLOCATION OF DEVELOPMENT

Proposed Amendment to Subparagraph 33.2.A(3)

(3) Maximum Number Of Units And Distribution Of Allocations Among Jurisdictions: From January 1, 1997 to December 31, 2004 2002, a maximum of 4,600 1,800 additional residential units may be authorized to receive permits for construction. The allocation and distribution of allocations each year shall not exceed the following, except for assignment of allocations from the allocation pool administered by TRPA:

<table>
<thead>
<tr>
<th>BASE YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>EL Dorado County</td>
</tr>
<tr>
<td>TTSA</td>
</tr>
<tr>
<td>STPUD</td>
</tr>
<tr>
<td>City of SLT</td>
</tr>
<tr>
<td>Placer County</td>
</tr>
<tr>
<td>Washoe County</td>
</tr>
<tr>
<td>Douglas County</td>
</tr>
<tr>
<td>Initial Allocation Pool</td>
</tr>
</tbody>
</table>

(a) A total of 1400 additional multi-residential development rights shall be available for the 20-year life of this Plan as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of this Plan. Multi residential units shall be subject to the foregoing allocation limitations.

(b) Unused allocations from years prior to 1997 shall not be added to a jurisdiction’s successive year’s allocations. Unused allocations from 1997 and beyond shall be assigned to the allocation pool.

(c) Allocations assigned to the City of South Lake Tahoe and the STPUD service area within El Dorado County may be assigned to parcels within either jurisdiction provided the sending jurisdiction approves the reassignment. Such reassignment shall not be considered an allocation transfer.

(d) Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA’s reasonable satisfaction that there is sufficient
capacity, the TRPA shall distribute the affected allocations to the jurisdiction.

(e) In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

(4) **Allocation Pool**: At the beginning of each year, unused allocations or allocations deducted from a jurisdiction, shall be assigned to a allocation pool administered by TRPA.

(a) TRPA shall initially supply the pool with 100 allocations. The initial allocations shall be replaced by unused or deducted allocations as specified above.

(b) TRPA may assign allocations to parcels throughout the Region providing the recipient retires a sensitive parcel within the Region.

(c) TRPA may assign allocations to jurisdictions that qualify for additional allocations pursuant to the performance review pursuant to subparagraph 33.2.B(5).
MEMORANDUM

December 7, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 20 Land Coverage to Adjust Excess Land Coverage Fees

Proposed Action: Chapter 20.5A(3) of the TRPA Code of Ordinances requires TRPA staff to adjust the Excess Coverage Mitigation Fee by January 1st of each year based on a certified real estate appraiser’s estimate. Staff requests that the Governing Board review the appraisal document produced by Johnson-Perkins and Associates, Inc. and give an affirmative recommendation on the proposed action (see Attachment A).

Staff Recommendation: Unless the Governing Board wishes to amend section 20.5A(3) of the TRPA Code of Ordinances, staff recommends leaving the Excess Land Coverage Mitigation fees at the current rate of $6.50 per square foot in California and $12.00 per square foot in Nevada as established by the Governing Board in April 2001.

APC Recommendation: Due to the Christmas holiday, this packet was prepared prior to the APC meeting. Staff will report the APC recommendation at the Governing Board meeting.

Background: The Excess Land Coverage Mitigation Program is described in Section 20.5 of the TRPA Code of Ordinances. This program applies to projects where the amount of land coverage for the project area exceeds the base land coverage for that area. Land coverage in excess of the base must be mitigated by the transfer of land coverage or through the Excess Land Coverage Mitigation Program (ELCMP). The options offered by the ELCMP are summarized as follows:

1) reduce coverage onsite;
2) reduce coverage offsite;
3) pay a land coverage mitigation fee,
4) parcel consolidation or parcel line adjustment; or
5) projects within Community Plans.

Chapter 20.5A(2) of the TRPA Code of Ordinances describes the options of program in more detail.

In April 2001, the Governing Board approved a revision of Chapter 20.5 of the TRPA Code of Ordinances that raised the Excess Land Coverage Mitigation Fee from $5.00/sq. ft. for the entire Tahoe Basin to $12.00/sq. ft. in Nevada and $6.50/sq. ft. in California.
Memorandum to TRPA Advisory Planning Commission  
Discussion Regarding Excess Coverage Mitigation Fees  
Page 2

Discussion: The Johnson-Perkins & Associates report (Attachment A) found that in Nevada land coverage ranged from a low of $10.00 per square foot to a high of $50.00 per square foot with most data falling in the range of $15.00 to $20.00 per square foot. It is the opinion of the appraisers' that the Market Value of land coverage in the Nevada portion of the Lake Tahoe Basin is above the current $12.00 per square foot price established by the TRPA. However current ordinance limits TRPA from raising the fee above 12.00 per square foot prior to May 1, 2003 (adopted by the Governing Board in April 2001 and codified in Chapter 20.5(3)(b) of the TRPA Code of Ordinances).

The appraisers also found that in California the cost of land coverage ranged from a low of $5.00 per square foot to a high of $11.00 per square foot. It is the opinion of the appraisers' that the Market Value of land coverage in the California portion of the Lake Tahoe Basin is best reflected by the prices established by the California Tahoe Conservancy, ranging from $5.00 to $11.00 per square foot. Based on information provided from the California Tahoe Conservancy the average cost to acquire land coverage is currently $6.50 per square foot.

The California Tahoe Conservancy and Nevada State Lands have both reviewed the report and agree with leaving the Excess Land Coverage Mitigation Fees at $6.50 per square foot in California and $12.00 per square foot in Nevada.

This item will begin with a brief staff presentation. If you have any questions please call Mike Vollmer at 775-588-4547 ext. 241 or email at mvollmer@trpa.org.

Attachment A. Real Estate Appraiser's Report (The sections “Standard Assumptions and Limiting Conditions” and “Qualifications of Appraiser” of the Johnson Perkins & Associates Real Estate Report are not included in this staff summary)
November 19, 2001

Mr. Gordon Barrett
Long Range Planning Division Chief
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, Nevada 89448

RE: Analysis of the Market Value of Land Coverage in the Lake Tahoe Basin

Dear Mr. Barrett:

This letter is in response to your request for a complete summary appraisal estimating the Market Value of land coverage in the Lake Tahoe Basin. It is our understanding that the value conclusions derived in this report will be utilized to determine the excess land coverage mitigation cost factor for use during the calendar year 2002, as outlined in the Tahoe Regional Planning Agency’s Code of Ordinances. The intended users of this report include representatives of the Tahoe Regional Planning Agency (TRPA). The date of valuation of this report is November 1, 2001. This report was completed on November 19, 2001.

In order to complete the report, these appraisers reviewed TRPA ordinances pertaining to land coverage in the Lake Tahoe Basin. Also, historical data regarding the Excess Land Coverage Mitigation Program as set out in the TRPA Code of Ordinances was reviewed. Furthermore, these appraisers reviewed historical data regarding the California Tahoe Conservancy’s land bank. The supply and demand for land coverage in the Lake Tahoe Basin was researched and analyzed. Also, numerous interviews were conducted with knowledgeable parties regarding land coverage sales in the Lake Tahoe Basin. These
appraisers also reviewed the California Tahoe Conservancy pricing for 2002 for land coverage in the California portion of the Lake Tahoe Basin. In addition, these appraisers determined whether the threshold mitigation fee coverage cost factor set by TRPA for the Nevada portion of the Lake Tahoe Basin is above market levels. Finally, we analyzed the Market Value of land coverage in the California portion of the Lake Tahoe Basin.

This report conforms with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal foundation.

The Excess Land Coverage Mitigation Program is outlined in the Code of Ordinances in Chapter 20, beginning at Section 20.5. The Excess Land Coverage Mitigation Program facilitates the retirement of land coverage for projects where the amount of land coverage existing on the project site exceeds the allowable land coverage. For example, to construct a project on a parcel with existing land coverage totaling 70% of the total land area, and where the maximum allowed land coverage is 30% of the total land area, 40% of the existing land coverage would need to be mitigated. The project developer has four options to reduce or mitigate the existing land coverage. First, the excess land coverage may simply be removed and revegetated on-site. Second, land coverage may be removed and revegetated on another site within the same hydrologic area. Third, a land coverage mitigation fee can be paid to TRPA. Finally, an adjacent parcel or parcels with existing land coverage below TRPA maximums can be consolidated with the project parcel to establish a larger project area to reduce the overall percentage of land coverage in the larger project area.

Should the developer choose to pay the land coverage mitigation fee, the amount of land coverage required to be mitigated is calculated by a formula set out in Section 20.5.A (3)(a). Once the amount of land coverage to be mitigated is determined, it is multiplied by the mitigation fee coverage cost factor. The purpose of this appraisal report is to establish the Market Value of land coverage in the Lake Tahoe Basin to allow TRPA to determine the
appropriate mitigation fee coverage cost factor for the various hydrologic areas in the Lake Tahoe Basin.

The mitigation fee coverage cost factor was established by TRPA in 1987, at $5.00 per square foot. In 2001, the TRPA staff recommended that the excess land coverage fees be adjusted to reflect current Market Values. The adjustment was requested because of unforeseen increases in land coverage costs in the Nevada portion of the Lake Tahoe Basin. Because of these increases in costs, TRPA’s Soil Threshold was not in attainment in 1991 and 1996, and it was projected by TRPA staff that this threshold will be further out of attainment in the future.

In response to the TRPA staff’s request for an adjustment of the fees, TRPA’s Code of Ordinances, Chapter 20.5 was amended on May 23, 2001. The amended ordinance indicates that the mitigation coverage cost factor is $6.50 per square foot in California and $12.00 per square foot in Nevada. The TRPA ordinance further indicates that prior to May 1, 2003, the coverage mitigation cost fee cannot exceed $12.00 per square foot in Nevada. Accordingly, our analysis in the Nevada portion of the Lake Tahoe Basin will focus on determining whether the Market Value of land coverage in Nevada exceeds the $12.00 per square foot threshold established by TRPA. The mitigation coverage cost factor for California, at $6.50 per square foot, is to be adjusted annually on January 1, based upon “a certified real estate appraiser’s estimate of the land bank’s cost to acquire and restore land coverage.” Accordingly, for California, appropriate Market Value figures for each hydrologic area will be analyzed to allow TRPA to establish an appropriate mitigation fee coverage cost factor.

The Tahoe Regional Planning Agency has divided the Lake Tahoe Basin into nine hydrologic areas. Hydrologic areas 1, 2, and 3 (identified as Incline, Marlette, and Cave Rock, respectively) are located entirely in the Nevada portion of the Lake Tahoe Basin. Hydrologic areas 5, 6, 7, and 8 (Upper Truckee, Emerald Bay, McKinney Bay, and Tahoe City, respectively) are located entirely within the California portion of the Lake Tahoe Basin.
Hydrologic areas 4 and 9, identified as South Stateline and Agate Bay, are located in both the California and Nevada portions of the Lake Tahoe Basin. A map depicting the location of the various hydrologic areas is set out below.

TAHOE REGIONAL PLANNING AGENCY HYDROLOGIC AREAS
The funds generated by the Excess Land Coverage Mitigation Program are used by the respective states of California and Nevada to acquire and retire land coverage. The land coverage mitigation program has been in effect since 1987, with the mitigation fee coverage cost factor initially having been established at that time at $5.00 per square foot.

In the state of California, the California Tahoe Conservancy established a land bank in 1990. The California Tahoe Conservancy receives funds generated by the TRPA’s Excess Land Coverage Mitigation Program, and uses the fees to acquire and retire land coverage in the hydrologic areas located in the California portion of the Lake Tahoe Basin. The state of Nevada is in the process of establishing a land bank similar to the one operated by the California Tahoe Conservancy in order to acquire and retire land coverage in accordance with the TRPA’s Excess Land Coverage Mitigation Program in the hydrologic areas located in the Nevada portion of the Lake Tahoe Basin.

There are three classifications of land coverage. “Hard” land coverage involves land coverage which is physically on the ground. “Potential” land coverage is land coverage which is available to be installed, based upon the IPES system or the Bailey system, but which has not been placed on the ground. “Soft” land coverage involves coverage which is installed, but which is not a completely impervious surface. An example of soft land coverage is a dirt walkway or driveway which is compacted, but not covered with pavement.

**Nevada Portion of the Lake Tahoe Basin**

The purpose of this report is to determine whether the Market Value of the land coverage in the Nevada portion of the Lake Tahoe Basin exceeds the $12.00 per square foot threshold established by the Tahoe Regional Planning Agency. The $12.00 per square foot mitigation fee coverage cost factor was established by the Tahoe Regional Planning Agency in May 2001.
For the Nevada portion of the Lake Tahoe Basin, the Market Value of land coverage in general has been rising. The increase in the value of land coverage in the Nevada portion of the Lake Tahoe Basin is a result of a limited supply and an increasing demand. The increase in demand is attributable to several factors, including development and redevelopment of parcels that require additional land coverage to be transferred due to limited available land coverage associated with the parcel. In order to construct a residence or other structure on a parcel, land coverage is utilized. Another factor that has increased the demand for land coverage is the advance in the telecommunications industry, which allows a greater number of people to live in remote locations and continue to work in metropolitan areas by telecommuting. In addition, the recent strong economy and low interest rates have resulted in more commercially oriented construction.

On the other hand, the supply of land coverage in the Nevada portion of the Lake Tahoe Basin is limited by the amount of total land area in general, and by the large percentage of the land area under the ownership of government agencies. Furthermore, there is a high percentage of low capability land due to the more steeply sloping topography in the Nevada portion of the Lake Tahoe Basin.

In order to determine whether the Market Value of land coverage in the Nevada portion of the Lake Tahoe Basin is above the $12.00 per square foot threshold established by the TRPA, these appraisers conducted numerous interviews with knowledgeable individuals, including land planners, Realtors, developers, and others.

Knowledgeable parties interviewed include Gary Midkiff of Midkiff & Associates, Randy Lane, a local developer, Paul Kaleta of Basin Strategies, Lew Feldman of Feldman & Shaw, Doug Rastello, a local developer, Dave Fairbank of Prim Ventures, and Candy Rohr of the Kingsbury General Improvement District. Also, we interviewed Mr. Vince Scott, a Realtor/developer in Incline Village; Chris Plastiras, a real estate broker in Incline Village; Dan Schwartz, a real estate broker in Incline Village; Dianne Severance of Sierra Nevada College; Paul Zahler, a developer in Incline Village; Jim Borelli, a developer in the Nevada
area; Lynn Fetterly, a developer in Incline Village; and Mary Gilanfarr, a Realtor on the north shore.

The sales of land coverage in the Nevada portion of the Lake Tahoe Basin which are set out on the chart below are the result of our research and interviews with knowledgeable individuals.

**COMPARABLE LAND COVERAGE SALES CHART – NEVADA**

<table>
<thead>
<tr>
<th>Sale Number</th>
<th>Hydrologic Area</th>
<th>Sale Date</th>
<th>Type of Land Coverage</th>
<th>Quantity Sold</th>
<th>Sale Price Per S.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NLCS-1</td>
<td>Incline Area 1</td>
<td>3-20-99</td>
<td>2,885 s.f. Class 6 316 s.f. Class 1b</td>
<td>3,200 s.f.</td>
<td>$19.00</td>
</tr>
<tr>
<td>NLCS-2</td>
<td>Incline Area 1</td>
<td>Purchase contract 3-30-99</td>
<td>Existing</td>
<td>17,000 s.f.</td>
<td>$16.00</td>
</tr>
<tr>
<td>NLCS-3</td>
<td>Incline Area 1</td>
<td>Offer 5-8-00</td>
<td>Class 6 Existing</td>
<td>1,300 s.f.</td>
<td>$20.00</td>
</tr>
<tr>
<td>NLCS-4</td>
<td>Agate Bay Area 9</td>
<td>5-12-00</td>
<td>Class 1a Existing</td>
<td>13,884 s.f.</td>
<td>$16.00</td>
</tr>
<tr>
<td>NLCS-5</td>
<td>Incline Area 1</td>
<td>10-25-00</td>
<td>Residential</td>
<td>1,600 s.f.</td>
<td>$20.00</td>
</tr>
<tr>
<td>NLCS-6</td>
<td>Incline Area 1</td>
<td>Escrow 12-12-00</td>
<td>Class 1b Existing</td>
<td>22,000 s.f.</td>
<td>$20.00</td>
</tr>
<tr>
<td>NLCS-7</td>
<td>Incline Area 1</td>
<td>1-01</td>
<td>Class 3 Potential</td>
<td>1,390 s.f.</td>
<td>$30.00</td>
</tr>
<tr>
<td>NLCS-8</td>
<td>Agate Bay Area 9</td>
<td>3-1-00 to 7-1-01</td>
<td>Class 1a Existing</td>
<td>100± s.f.</td>
<td>$21.00 to $35.00</td>
</tr>
<tr>
<td>NLCS-9</td>
<td>Incline Area 1</td>
<td>6-01</td>
<td>Existing</td>
<td>700± s.f.</td>
<td>$25.00</td>
</tr>
<tr>
<td>NLCS-10</td>
<td>Incline Area 1</td>
<td>9-01</td>
<td>Existing</td>
<td>100 s.f.</td>
<td>$22.00</td>
</tr>
<tr>
<td>NLCS-11</td>
<td>Incline Area 1</td>
<td>9-1-01</td>
<td>Class 2 and 3 Potential</td>
<td>1,700 s.f.</td>
<td>$32.00</td>
</tr>
<tr>
<td>NLCS-12</td>
<td>Agate Bay Area 9</td>
<td>9-11-01</td>
<td>Class 1a Existing</td>
<td>22,071 s.f.</td>
<td>$17.00</td>
</tr>
<tr>
<td>NLCL-13</td>
<td>Agate Bay Area 9</td>
<td>Listing 9-01</td>
<td>Class 1a Existing</td>
<td>Various</td>
<td>$25.00 to $30.00</td>
</tr>
<tr>
<td>NLCS-14</td>
<td>Incline Area 1</td>
<td>9-01</td>
<td>Class 6 Potential</td>
<td>100,000 s.f.</td>
<td>$10.00</td>
</tr>
</tbody>
</table>
COMPARABLE LAND COVERAGE SALES CHART – NEVADA

<table>
<thead>
<tr>
<th>Sale Number</th>
<th>Hydrologic Area</th>
<th>Sale Date</th>
<th>Type of Land Coverage</th>
<th>Quantity Sold</th>
<th>Sale Price Per S.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NLCS-15</td>
<td>Incline Area 1</td>
<td>6-22-01</td>
<td>Class 1a Potential</td>
<td>2,242± s.f.</td>
<td>$50.00</td>
</tr>
<tr>
<td>NLCS-16</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>4-5-01</td>
<td>Class 4 Potential</td>
<td>33,743± s.f.</td>
<td>$10.55</td>
</tr>
<tr>
<td>NLCS-17</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>3-00</td>
<td>Class 3 Potential</td>
<td>2,304± s.f.</td>
<td>$10.00</td>
</tr>
<tr>
<td>NLCS-18</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>10-00</td>
<td>Class 3 Hard</td>
<td>1,800 ± s.f.</td>
<td>$18.00</td>
</tr>
<tr>
<td>NLCS-19</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>Escrow 11-00</td>
<td>Class 4 Potential</td>
<td>3,159± s.f.</td>
<td>$15.00</td>
</tr>
<tr>
<td>NLCS-20</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>Escrow 11-00</td>
<td>Class 1b Hard</td>
<td>&lt;2,000± s.f.</td>
<td>$20.00</td>
</tr>
<tr>
<td>NLCS-21</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>9-01</td>
<td>Class 3 Hard</td>
<td>2,400± s.f.</td>
<td>$18.00</td>
</tr>
<tr>
<td>NLCS-22</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>Spring 2001</td>
<td>Class 3 Hard</td>
<td>1,250± s.f.</td>
<td>$16.00</td>
</tr>
<tr>
<td>NLCS-23</td>
<td>South Stateline Area 4 (Nevada)</td>
<td>Escrow 2001</td>
<td>Class 1a Potential</td>
<td>500± s.f.</td>
<td>$20.00</td>
</tr>
<tr>
<td>NLCS-24</td>
<td>Cave Rock Area 3</td>
<td>6-1-99</td>
<td>Potential</td>
<td>1,800± s.f.</td>
<td>$18.00</td>
</tr>
</tbody>
</table>

The sales chart indicates sale prices for land coverage in the Nevada portion of the Lake Tahoe Basin ranging from a low of $10.00 per square foot to a high of $50.00 per square foot. The majority of the data falls within a range from $15.00 to $20.00 per square foot. However, the reader should note that no sales of land coverage in the Marlette hydrologic zone (Area 2) were found. This hydrologic zone involves a reasonably large, very sparsely developed area just south of Incline Village and north of Glenbrook Bay.

In analyzing an appropriate Market Value for land coverage in the Nevada portion of the Lake Tahoe Basin, consideration has been given to possible increases in the supply of land coverage. As land coverage has become more valuable, private property owners have been reassessing whether they have excess land coverage that could be sold. For example, the Ponderosa Ranch in Incline Village reportedly has approximately 1,000,000 square feet of
potential Class 1a land coverage, and Incline Lakes subdivision reportedly has approximately
200,000 square feet of potential Class 1a land coverage. In addition, the Incline Village
General Improvement District has identified approximately 1,000,000 square feet of potential
Class 1a and Class 6 land coverage which could potentially be sold. There are numerous
other potential sources of land coverage which could emerge. This would increase the supply,
which would most likely result in lower values for land coverage.

Based upon an analysis of the data that was able to be found, it is these appraisers’
opinion that the Market Value of land coverage in the Nevada portion of the Lake Tahoe
Basin is above the $12.00 per square foot threshold established by the Tahoe Regional
Planning Agency, as of November 1, 2001.

**MARKET VALUE CONCLUSION**
(Nevada Portion of Lake Tahoe Basin)

**MORE THAN $12.00 PER SQUARE FOOT**

**California Portion of the Lake Tahoe Basin**

In the California portion of the Lake Tahoe Basin, the Market Value for land coverage
has remained relatively constant since 1987. As noted previously, the mitigation fee coverage
cost factor was established by the TRPA in 1987 at $5.00 per square foot. The California
Tahoe Conservancy (CTC) established a land bank in 1990. The purpose of the land bank is
to utilize the Excess Land Coverage Mitigation Program fees to acquire and retire land
coverage. Additionally, the California Tahoe Conservancy sells land coverage for use on
approved projects in the state of California. One of the advantages of the land bank is the
reduced amount of time required to transfer land coverage to a project. By buying land
coverage from the CTC land bank, the time to complete the transfer is greatly reduced.
Another advantage is the convenience of purchasing land coverage from the land bank. This
saves the buyer from having to locate land coverage on the open market, and possibly hiring a
consultant or Realtor to handle the transaction.
The California Tahoe Conservancy produces an annual staff recommendation report that summarizes the activity of the land bank for the previous year. The report dated December 8, 2000 indicates that the CTC has acquired 1,229,785 square feet of land coverage since the initiation of the land bank in 1990. In 1999, 26,000± square feet of land coverage was sold, and in 2000, approximately 30,000 square feet of land coverage has been sold. Since the inception of the land bank, 445 projects have utilized land coverage purchased from the CTC. A total of 382,074 square feet of land coverage has been sold since the initiation of the land bank in 1990. The overall average sale price for all sales by CTC which have occurred since 1990 is $6.15 per square foot.

The California Tahoe Conservancy report dated December 8, 2000 indicates that the CTC has 82,738 square feet of potential land coverage, 44,898 square feet of hard land coverage, and 132,553 square feet of soft land coverage. The remaining land coverage under the ownership of CTC has been retired, in accordance with the Excess Land Coverage Mitigation Program of the TRPA. The CTC annual staff recommendation also identifies anticipated demand for 2001. The supply and anticipated demand in the various hydrologic areas, as outlined by the California Tahoe Conservancy, is summarized on the chart on the following page.
**CALIFORNIA TAHOE CONSERVANCY LAND COVERAGE**

*Supply and Demand*

*December 2000*

<table>
<thead>
<tr>
<th>Hydrologic Area</th>
<th>Type of Land Coverage</th>
<th>CTC Inventory</th>
<th>CTC Anticipated Demand for 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Stateline Area 4 (California Portion)</td>
<td>Potential</td>
<td>4,900 s.f.</td>
<td>3,000 s.f.</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>23,595 s.f.</td>
<td>500 s.f.</td>
</tr>
<tr>
<td></td>
<td>Soft</td>
<td>1,160 s.f.</td>
<td></td>
</tr>
<tr>
<td>Upper Truckee Area 5</td>
<td>Potential</td>
<td>45,774 s.f.</td>
<td>9,000 s.f.</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>21,303 s.f.</td>
<td>2,000 s.f.</td>
</tr>
<tr>
<td></td>
<td>Soft</td>
<td>131,385 s.f.</td>
<td></td>
</tr>
<tr>
<td>Emerald Bay Area 6</td>
<td>Potential</td>
<td>9,767 s.f.</td>
<td>1,621 s.f.</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>McKinney Bay Area 7</td>
<td>Potential</td>
<td>16,000 s.f.</td>
<td>5,000 s.f.</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Tahoe City Area 8</td>
<td>Potential</td>
<td>7,964 s.f.</td>
<td>6,000 s.f.</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Agate Bay Area 9 (California Portion)</td>
<td>Potential</td>
<td>14,036 s.f.</td>
<td>5,000 s.f.</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>None</td>
<td>4,500 s.f.</td>
</tr>
<tr>
<td></td>
<td>Soft</td>
<td>4,387 s.f.</td>
<td></td>
</tr>
</tbody>
</table>

On January 4, 2001, the California Tahoe Conservancy announced the public sale of land coverage rights. The announcement sets out CTC prices for potential and hard land coverage in each hydrologic area in California. These established prices are summarized on the chart on the following page.
CALIFORNIA TAHOE CONSERVANCY
Land Coverage Prices
As of January 4, 2001

<table>
<thead>
<tr>
<th>Hydrologic Area</th>
<th>Type of Land Coverage</th>
<th>Price Per S.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Stateline Area 4 (California Portion)</td>
<td>Potential</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>$5.50</td>
</tr>
<tr>
<td>Upper Truckee Area 5</td>
<td>Potential</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Potential (Tahoe Keys)</td>
<td>$6.00</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>$5.50</td>
</tr>
<tr>
<td>Emerald Bay Area 6</td>
<td>Potential</td>
<td>$8.00</td>
</tr>
<tr>
<td>McKinney Bay Area 7</td>
<td>Potential</td>
<td>$7.25</td>
</tr>
<tr>
<td>Tahoe City Area 8</td>
<td>Potential</td>
<td>$8.00</td>
</tr>
<tr>
<td>Agate Bay Area 9 (California Portion)</td>
<td>Potential</td>
<td>$7.50</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>$11.00</td>
</tr>
</tbody>
</table>

In order to derive an estimate of the Market Value of land coverage in the California portion of the Lake Tahoe Basin, historical sales by the CTC were reviewed, along with the current prices for land coverage established by CTC. In addition, private party transfers of land coverage in the California portion of the Lake Tahoe Basin were researched. This research involved interviews with numerous knowledgeable individuals who handle transfers of land coverage in the California portion of the Lake Tahoe Basin.

Ms. Peggy Eichhorn of Coldwell Banker McKinney & Associates was able to identify sales of potential land coverage taken from one-acre parcels in the South Stateline hydrologic zone (Area 4). The land coverage was sold for a price between $2.50 and $2.75 per square foot. The deed restricted parcels were then sold to adjacent property owners for $5,000 each. In addition, Ms. Eichhorn indicated that there are 67,082± square feet of potential land coverage (which is primarily Class 5) which is available to be purchased for $4.00 per square foot. This land coverage is located in the Upper Truckee hydrologic zone (Area 5).
In addition, Mr. Dave Sexton of Coldwell Banker McKinney & Associates currently has 15,000± square feet of soft land coverage for sale in the South Stateline hydrologic zone. The asking price is $6.00 per square foot. Several parties have expressed interest to Mr. Sexton in purchasing small amounts of land coverage at the asking price, ranging from 500 square feet to 1,000 square feet. The seller has turned down these offers, as he is interested in selling larger quantities at one time.

Mr. Mike Shreve, who represents a church located in the South Stateline hydrologic area, indicated that the church was able to obtain 19,000 square feet of potential land coverage from seven individual parcels of land. The church purchased the seven parcels of land, stripped off the available land coverage, and then sold the parcels for $500 each. In addition, each residential development right was sold for $1,500. Mr. Shreve indicated that the average cost to obtain the 19,000 square feet of land coverage was $3.75 per square foot, including escrow fees. The transfers occurred in 1999.

Mr. Lew Feldman of Feldman & Shaw, a local attorney who is knowledgeable with regard to land planning in the South Lake Tahoe area, indicates that he advises clients to purchase land coverage from the California Tahoe Conservancy in almost every case.

Mr. Bob Hedley, a Realtor with Aspen Realty, indicated that he has witnessed only three or four private party transactions for land coverage in California over the past several years. He indicated to these appraisers that when he builds and needs land coverage, he buys it from the California Tahoe Conservancy.

Mr. Paul Kaleta of Basin Strategies, a land planning agency on the south shore of Lake Tahoe, indicated that he has been involved in transfers of small amounts of land coverage over the years. He indicated that the sellers would investigate the cost to acquire similar land coverage from the California Tahoe Conservancy and then discount their asking price by $0.25 to $0.50 per square foot. However, the last private party transfer was many years ago.
Mr. Gary Midkiff of Midkiff & Associates, a land planning firm on the south shore of Lake Tahoe, indicated to these appraisers that he is unaware of any private party sales of land coverage in the California portion of the Lake Tahoe Basin.

Mr. Mike Dill of Aspen Environmental, a land planning agency on the south shore of Lake Tahoe, indicated that he is unaware of any private party sales in the South Stateline or Upper Truckee hydrologic areas. He is aware of land coverage for sale in the Emerald Bay hydrologic area, which is available from the Cascade Properties subdivision. Land coverage in this area has been selling in the private market at prices ranging from $8.00 to $10.00 per square foot. All of the available land coverage is potential, and ranges from Class 1a and 1b to Class 7. Land coverage sold in Class 2 or below sells for $10.00 per square foot, while the higher class land coverage is selling at $8.00 to $9.00 per square foot.

Sue Simon, a land planner on the south shore, was unable to recall any private party transfers of land coverage in the California portion of the Lake Tahoe Basin. Ms. Simon works primarily in the South Lake Tahoe area.

Mr. Gary Furumoto of Sagan Design indicated that he is unaware of any private party sales of land coverage, and that the land coverage purchases that he is aware of have all been through the California Tahoe Conservancy. Mr. Furumoto works primarily on the west and north shores of the Lake Tahoe Basin.

Mr. Doug Sherman, a residential builder on the north shore of Lake Tahoe, indicated that he had some land coverage many years ago, but he currently has no land coverage for sale.

Ms. Leah Kaufman of Leah Kaufman Planning & Consulting Services indicated that she has been involved in a few sales of land coverage in the Agate Bay hydrologic zone,
identified as Area 9. Ms. Kaufman indicated that the sale prices ranged from $8.00 to $12.00 per square foot.

Ms. Mary Gilanfarr, a Realtor on the north shore of Lake Tahoe, indicated that she has not been involved in any private party sales of land coverage in the California portion of the Lake Tahoe Basin. Ms. Gilanfarr indicated that she anticipates the demand for land coverage in California will rise if the IPES line moves down.

Mr. Mike Thomas, a land planner on the north shore of Lake Tahoe, indicated that he is unaware of any private party transfers.

Mr. Tim Hauserman, a Realtor on the north shore of Lake Tahoe, also indicated that he is unaware of any private party sales in California.

Mr. Brian Shinault, an architect on the south shore of Lake Tahoe, indicated he is unaware of any private party sales.

Mr. Klaus Utech of Coldwell Banker McKinney & Associates is unaware of any private party sales of land coverage in California.

The private party sales of land coverage in the California portion of the Lake Tahoe Basin which were identified through the interviews above are summarized in the chart on the following page.
<table>
<thead>
<tr>
<th>Sale Number</th>
<th>Hydrologic Area</th>
<th>Sale Date</th>
<th>Type of Land Coverage</th>
<th>Quantity Sold</th>
<th>Sale Price Per S.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLCS-1</td>
<td>South Stateline Area 4</td>
<td>Late 1990s</td>
<td>Class 6 Potential</td>
<td>13,000± s.f.</td>
<td>$2.50 to $2.75</td>
</tr>
<tr>
<td>CLCS-2</td>
<td>South Stateline Area 4</td>
<td>Spring 1999</td>
<td>Class 6 Potential</td>
<td>19,000± s.f.</td>
<td>$3.75</td>
</tr>
<tr>
<td>CLCS-3</td>
<td>South Stateline Area 4</td>
<td>Listing 2001</td>
<td>Class 5 Soft</td>
<td>15,000± s.f.</td>
<td>$6.00</td>
</tr>
<tr>
<td>CLCS-4</td>
<td>Upper Truckee Area 5</td>
<td>Listing 2001</td>
<td>Class 5 &amp; 1b Potential</td>
<td>67,082± s.f.</td>
<td>$4.00</td>
</tr>
<tr>
<td>CLCS-5</td>
<td>Emerald Bay Area 6</td>
<td>2001</td>
<td>Class 1a, 1b, 2</td>
<td>Various</td>
<td>$10.00</td>
</tr>
<tr>
<td>CLCS-6</td>
<td>Emerald Bay Area 6</td>
<td>2001</td>
<td>Class 3 thru 7</td>
<td>Various</td>
<td>$8.00 to $9.00</td>
</tr>
<tr>
<td>CLCS-7</td>
<td>Agate Bay Area 9</td>
<td>1995</td>
<td>Potential</td>
<td>700± s.f.</td>
<td>$7.25</td>
</tr>
<tr>
<td>CLCS-8</td>
<td>Agate Bay Area 9</td>
<td>1996</td>
<td>Potential</td>
<td>2,424± s.f.</td>
<td>$6.50</td>
</tr>
<tr>
<td>CLCS-9</td>
<td>Agate Bay Area 9</td>
<td>1998</td>
<td>Hard</td>
<td>109± s.f.</td>
<td>$8.50</td>
</tr>
</tbody>
</table>

As noted from the chart, three sales were found in the South Stateline hydrologic area, one in the Upper Truckee hydrologic area, two in the Emerald Bay hydrologic area, and three in the Agate Bay hydrologic area. The sale prices range from $2.50 to $10.00 per square foot, with the majority of the sales ranging from $4.00 to $6.50 per square foot.

These sale prices compare with prices established by the California Tahoe-Conservancy, ranging from $5.00 to $11.00 per square foot, with the majority of the established prices between $5.50 and $7.50 per square foot. In hydrologic areas where the CTC has a limited supply, the established price has been increased. For example, in the Emerald Bay, McKinney Bay, and Tahoe City hydrologic areas, the prices established by CTC range from $7.25 to $11.00 per square foot. As the CTC supply of land coverage in the South Stateline and Upper Truckee hydrologic areas is the highest, these hydrologic areas have established prices at the low end of the range, from $5.00 to $6.00 per square foot. The
overall historical average sale price for all types of land coverage sold by the California Tahoe Conservancy since 1990 is $6.15 per square foot.

Based upon information provided by representatives of the California Tahoe Conservancy, including Mr. Bruce Eisner and Mr. Gerry Willmott, the Conservancy’s average cost to acquire land coverage is currently $6.50 per square foot, including administrative costs.

The sale prices per square foot for the nine comparable private party land coverage sales that were found in the California portion of the Lake Tahoe Basin closely reflect the California Tahoe Conservancy established prices for land coverage in the same hydrologic zones. It should be noted, however, that no private party transactions of land coverage in the Tahoe City and McKinney Bay hydrologic areas were found.

Overall, it is these appraisers’ opinion that the Market Value for land coverage in the California portion of the Lake Tahoe Basin is best reflected by the actions of the California Tahoe Conservancy. The supply of land coverage under the ownership of the California Tahoe Conservancy appears to be in balance with the demand. In hydrologic areas where there is an adequate supply, the CTC established prices are lower. Alternatively, in hydrologic areas where the Conservancy’s supply is somewhat limited, the established prices are increased to balance the supply-demand equation. Accordingly, the CTC established prices for land coverage in the various hydrologic zones as outlined previously in this report are considered to represent Market Value in the California portion of the Lake Tahoe Basin, as of November 1, 2001. The established prices for the various classes of land coverage are summarized on the chart on the following page.
<table>
<thead>
<tr>
<th>Hydrologic Area</th>
<th>Type of Land Coverage</th>
<th>Price Per S.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Stateline</td>
<td>Potential</td>
<td>$5.00</td>
</tr>
<tr>
<td>Area 4 (California Portion)</td>
<td>Hard</td>
<td>$5.50</td>
</tr>
<tr>
<td>Upper Truckee</td>
<td>Potential</td>
<td>$5.00</td>
</tr>
<tr>
<td>Area 5</td>
<td>Potential (Tahoe Keys)</td>
<td>$6.00</td>
</tr>
<tr>
<td></td>
<td>Hard</td>
<td>$5.50</td>
</tr>
<tr>
<td>Emerald Bay</td>
<td>Potential</td>
<td>$8.00</td>
</tr>
<tr>
<td>Area 6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>McKinney Bay</td>
<td>Potential</td>
<td>$7.25</td>
</tr>
<tr>
<td>Area 7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe City</td>
<td>Potential</td>
<td>$8.00</td>
</tr>
<tr>
<td>Area 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agate Bay</td>
<td>Potential</td>
<td>$7.50</td>
</tr>
<tr>
<td>Area 9 (California Portion)</td>
<td>Hard</td>
<td>$11.00</td>
</tr>
</tbody>
</table>

In summary, it is these appraisers' opinion that the Market Value of land coverage in the Nevada portion of the Lake Tahoe Basin is more than the $12.00 per square foot threshold set by the Tahoe Regional Planning Agency in May 2001. Furthermore, it is our opinion that the Market Value of land coverage in the California portion of the Lake Tahoe Basin is best reflected by the prices established by the California Tahoe Conservancy, ranging from $5.00 to $11.00 per square foot.
We hope this appraisal meets your needs. Should you have questions or wish to discuss this report, please contact us.

Respectfully submitted,

Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License #00003
California Certified General Appraiser
License #AG007038

Lynn Barnett-Burton
Nevada Certified General Appraiser
License #02649
California Certified General Appraiser
License #AG025038
APPRAISERS' CERTIFICATION

Each of the undersigned does hereby certify that, to the best of his/her knowledge and belief:

I have made a personal inspection of the property that is the subject of this report.

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions in this review report are limited only by the reported assumptions and limiting conditions stated in this review report and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this appraisal report and no personal interest with respect to the parties involved.

I have no bias with respect to any property that is the subject of this appraisal report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the developing or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

No one provided significant real property appraisal assistance to the persons signing this certification.

This appraisal report has been made in conformity with, and is subject to, the requirements of the Code of Professional Ethics of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

The Appraisal Institute conducts a mandatory program of continuing education for its designated members. As of the date of this report, Stephen R. Johnson has completed the requirements under the continuing education program of the Appraisal Institute.

The Appraisal Institute has the right to review this appraisal report.
The Market Value of land coverage in the Nevada and California portions of the Lake Tahoe Basin, as of November 1, 2001, is as presented below:

**Nevada Portion of the Lake Tahoe Basin**
*More Than $12.00 Per Square Foot*

**California Portion of the Lake Tahoe Basin**
*Market Value Is Best Reflected In the Prices*
*Established By The California Tahoe Conservancy, Ranging From $5.00 to $11.00 Per Square Foot*

Respectfully submitted,

[Signature]
Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License #00003
California Certified General Appraiser
License #AG007038

[Signature]
Lynn Barnett-Burton
Nevada Certified General Appraiser
License #02649
California Certified General Appraiser
License #AG025038
STANDARD ASSUMPTIONS AND LIMITING CONDITIONS

The acceptance of this appraisal assignment and the completion of the appraisal report submitted herewith are contingent upon the following assumptions and limiting conditions.

LIMITS OF LIABILITY

The liability of Johnson-Perkins & Associates, Inc. and its employees and associates is limited to the client only and to the fee actually received by the appraisal firm. There is no accountability, obligation, or liability to any third party. If the appraisal report is disseminated to anyone other than the client, the client shall make such party or parties aware of all limiting conditions and assumptions affecting the appraisal assignment. Neither the appraisers nor the appraisal firm is in any way to be responsible for any costs incurred to discover or correct any physical, financial and/or legal deficiencies of any type present in the subject property. In the case of limited partnerships or syndication offerings or stock offerings in real estate, the client agrees that in the event of a law suit brought by a lender, a partner or part owner in any form of ownership, a tenant or any other party, the client will hold the appraiser(s) and the appraisal firm completely harmless in such action with respect to any and all awards or settlements of any type in such law suits.

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Possession of this report or any copy thereof does not carry with it the right of publication, nor may it be used for any purpose or any function other than its intended use, as stated in the body of the report. The appraisal fee represents compensation only for the analytical services provided by the appraiser(s). The appraisal report remains the property of the appraisal firm, though it may be used by the client in accord with these assumptions and limiting conditions.

The Bylaws and Regulations of the Appraisal Institute require each Member and Candidate to control the use and distribution of each appraisal report signed by such Member or Candidate. Except as hereinafter provided, the client may distribute copies of this appraisal report in its entirety to such third parties as he may select. However, selected portions of this appraisal report shall not be given to third parties without the prior written consent of those signing the appraisal report. Neither all nor any part of this appraisal report shall be disseminated to the general public by use of advertising media, public relations media, news media, sales media, or other media for public communication without the prior written consent of the appraisal firm.

This appraisal is to be used only in its entirety, and no part is to be used without the whole report. All conclusions and opinions concerning the analysis as set forth in the report were prepared by the appraiser(s) whose signature(s) appears on the appraisal report, unless it is indicated that one or more of the appraisers was acting as "Review Appraiser." No change of any item in the report shall be made by anyone other than the appraiser(s). The appraiser(s) and the appraisal firm shall bear no responsibility for any such unauthorized changes.
CONFIDENTIALITY

Except as provided for subsequently, neither the appraiser(s) nor the appraisal firm may divulge the analyses, opinions or conclusions developed in the appraisal report, nor may they give a copy of the report to anyone other than the client or his designee as specified in writing. However, this condition does not apply to any requests made by the Appraisal Institute for purposes of confidential ethics enforcement. Also, this condition does not apply to any order or request issued by a court of law or any other body with the power of subpoena.

INFORMATION SUPPLIED BY OTHERS

Information (including projections of income and expenses) provided by informed local sources, such as government agencies, financial institutions, Realtors, buyers, sellers, property owners, bookkeepers, accountants, attorneys, and others is assumed to be true, correct and reliable. No responsibility for the accuracy of such information is assumed by the appraiser. Neither the appraiser(s) nor the appraisal firm is liable for any information or the work product provided by subcontractors. The client and others utilizing the appraisal report are advised that some of the individuals associated with Johnson-Perkins & Associates, Inc. are independent contractors and may sign the appraisal report in that capacity. The comparable data relied upon in this report has been confirmed with one or more parties familiar with the transaction or from affidavit or other sources thought reasonable. To the best of our judgment and knowledge, all such information is considered appropriate for inclusion. In some instances, an impractical and uneconomic expenditure of time would be required in attempting to furnish absolutely unimpeachable verification. The value conclusions set forth in the appraisal report are subject to the accuracy of said data. It is suggested that the client consider independent verification as a prerequisite to any transaction involving a sale, a lease or any other commitment of funds with respect to the subject property.

TESTIMONY, CONSULTATION, COMPLETION OF CONTRACT FOR APPRAISAL SERVICE

The contract for each appraisal, consultation or analytical service is fulfilled and the total fee is payable upon completion of the report. The appraiser(s) or those assisting in the preparation of the report will not be asked or required to give testimony in court or in any other hearing as a result of having prepared the appraisal, either in full or in part, except under separate and special arrangements at an additional fee. If testimony or a deposition is required because of any subpoena, the client shall be responsible for any additional time, fees and charges, regardless of the issuing party. Neither the appraiser(s) nor those assisting in the preparation of the report is required to engage in post- appraisal consultation with the client or other third parties, except under a separate and special arrangement and at an additional fee.

EXHIBITS AND PHYSICAL DESCRIPTIONS

It is assumed that the improvements and the utilization of the land are within the boundaries of the property lines of the property described in the report and that there is no encroachment or trespass unless noted otherwise within the report. No survey of the property
MEMORANDUM

December 19, 2001

To: TRPA Governing Board

From: Michael Rhoades, Project Review Division

Subject: Scope of Impacts for an Environmental Impact Report/Statement (EIR/EIS/EIS) for the proposed replacement of the South Tahoe Public Utilities District Export Pipeline

The South Tahoe Public Utility District (STPUD) is proposing to construct a new sewage export pipeline to replace an existing pipeline that has nearly exceeded its expected lifespan. The proposed pipeline will extend between the STPUD Grass Lake Road sewage export pump station in Christmas Valley (upper Lake Valley) and the U.S. Forest Service Big Meadow campground near Luther Pass, where it will connect to a segment of pipeline that was previously replaced.

Three potential alignments for the pipeline have been identified. A description of each pipeline alignment is included in the attached TRPA Initial Environmental Checklist (IEC). A full-color map showing each pipeline alignment will be available at the Governing Board hearing.

Based on an evaluation of the responses contained in the IEC and discussions with STPUD, TRPA staff has determined that the project may result in significant impacts to the areas affected by construction. Staff is requiring the preparation of Environmental Impact Statement in accordance with TRPA environmental regulations to further evaluate the impacts associated with construction of the pipeline and how those impacts vary with each pipeline alignment. In addition, this document will serve as an EIR under the California Environmental Quality Act (CEQA) with STPUD as the lead agency, and as an EIR under the National Environmental Protection Act (NEPA) with the U.S. Forest Service as the lead agency. At this time, staff is asking the Governing Board to comment on the scope and content of the EIR/EIS/EIS.

The TRPA Advisory Planning Commission (APC) heard this item at their December 12, 2001 hearing. The APC's comments concerning the scope of the document will be incorporated into the scope and content of the document. In addition to scoping the EIR/EIS before the APC and Governing Board, staff has solicited comments from appropriate local, state and federal agencies and from affected property owners. A distribution list for the Notice of Preparation (NOP) is attached.

The draft outline for the EIR/EIS, the TRPA IEC and a location map are included with this staff summary for your review. The applicant's representative will be present to provide a brief presentation of the project. Should you have any comments or questions regarding this project, please contact Michael Rhoades at (775) 588-4547, extension 244.

/mr
12/19/01

AGENDA ITEM XI.D.
NOTICE OF PREPARATION/NOTICE OF INTENT

for the

SOUTH TAHOE PUBLIC UTILITY DISTRICT
B-LINE PHASE III PROJECT
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

PROJECT NAME AND DESCRIPTION

The South Tahoe Public Utility District (District) proposes to construct Phase III of the B-Line Export Pipeline to complete the replacement of the original export pipeline that was constructed in 1969 and 1970. The remaining segments of the B-Line have been replaced with the completion of Phase II this summer (2001).

A detailed description of the pipeline replacement alternatives is included in the attached Tahoe Regional Planning Agency Initial Environmental Checklist. The project includes the construction of a new effluent export pipeline between the Luther Pass Pump Station (located at the end of Grass Lake Road) and the project's terminus within the USFS overflow campground east of State Route 89. This segment of the B-Line pipeline is located approximately 3.5 miles south of Meyers, CA. Four alternatives have been proposed for inclusion in the EIR/EIS. The alternatives include: parallel the existing pipeline alignment (Alternative A), cross national forest lands (Alternative B), parallel existing roadways (Alternative C), and do nothing (No Project/No Action - Alternative D). The No Project/No Action alternative would maintain the existing pipeline constructed in 1969. According to the District, the existing pipeline has deteriorated and will continue to experience new leaks and breaks in the future. Construction activities required to repair the broken pipeline will duplicate the techniques described for the replacement alternatives. However, the pipeline repairs will affect only the portions of the alignment affected by the break.

LEAD AGENCY

The Tahoe Regional Planning Agency (TRPA), South Tahoe Public Utility District (District), and US Forest Service, LTBMU and will serve as joint lead agencies for the preparation of an EIR/EIS. The TRPA will serve as lead agency for an EIS under the TRPA Rules of Procedure (Chapter 5). The South Tahoe Public Utility District will serve as the lead agency for the EIR under the California Environmental Quality Act. The US Forest Service will serve as lead agency for an EIS under the National
Environmental Policy Act (NEPA). The US Environmental Protection Agency will work closely with the US Forest Service under NEPA.

YOUR VIEWS ARE REQUESTED

A copy of the TRPA Initial Environmental Checklist is attached. TRPA, the District, and the Forest Service need to know the views of you or your agency regarding the scope and content of environmental issues which are relevant to your agency's statutory responsibilities in connection with the alternatives that will be evaluated.

RESPONSE TIME

Due to time constraints, please send your response no later than December 30, 2001. Please send your written response to:

Michael Rhoades
Associate Planner
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448

Telephone: 775/588-4547
Fax: 775/588-4527
E-mail: mrhoades@trpa.org

FOR FURTHER INFORMATION

If you have further questions or require additional information regarding this matter, please contact Michael Rhoades at the address or telephone number provided above.

This Notice of Preparation/Notice of Intent was circulated beginning: November 30, 2001.
TABLE OF CONTENTS

SUMMARY

Introduction

The Summary will provide an overview of the findings presented in the EIR/EIS. The chapter will include the summary table and alternative analysis matrix (as described below). The introduction will also include project location, brief description of the project, and process undertaken to review the project.

Summary of Alternatives to be Considered

Includes brief summary of the proposed action and alternatives that will be considered in the EIR/EIS. Refer to Chapter 2 for a more detailed list of the alternatives.

Key Environmental Issues

Includes a list of the environmental issues that will be addressed in detail in the EIR/EIS.

Impact and Mitigation Summary

Summary Table - The summary will include a table that identifies: potential impacts (including cumulative impacts), the significance of the impact before mitigation, a description of recommended mitigation measures, the resulting significance after mitigation is completed, and alternatives that would mitigate identified project impacts.

Alternatives - An alternative analysis matrix will be prepared in tabular form that allows for a simple comparison of the relative magnitude of each impact associated with an alternative in relation to the magnitude of impact that would be associated with the proposed action. This type of presentation facilitates rapid and concise comparison of the relative benefits/adverse effects of the various project alternatives without requiring the reviewer to read through the sometimes voluminous body of the EIR/EIS. Where possible, the relative comparison of the impacts associated with each alternative will be quantified.
1 INTRODUCTION AND BACKGROUND

Introduction

Project Background

Purpose and Need (Project Objectives)

Project Location

Environmental Process

STPUD (CEQA)

USFS (NEPA)

TRPA (TRPA Rules of Procedure)

Public Participation

Includes list of the Public Participation Program that will have been conducted for the Project. Program activities will include agency site visits, NOP/NOI circulation, and presentations to agency Boards.

2 PROPOSED ACTION AND ALTERNATIVES

Introduction

The South Tahoe Public Utility District has developed a Proposed Action alternative. Three other alternatives have been identified by responsible agencies and include: No Project/No Action, Parallel Existing Alignment, and Parallel Existing Roadways. A detailed description of these alternatives is provided in the TRPA Initial Evaluation Checklist.

Alternatives Considered but Rejected from Further Consideration

This section will document alternatives that have been considered and rejected. The documentation will include a detailed explanation for rejecting the alternatives. These alternatives include those that would not meet the purpose and need for the project. Examples include: Cross Upper Truckee River and Parallel South Upper Truckee Road, and Use Liners on the Existing Pipeline.

Alternative A: Parallel Existing Pipeline Alignment

Alternative B: STPUD Proposed Action

Alternative C: Parallel Existing Roadways
Alternative D: No Project/No Action

3 RELATIONSHIP TO EXISTING LAND USE PLANS, POLICIES AND REGULATIONS

Federal


Tahoe Regional Planning Agency

TRPA Plans will be identified and evaluated for consistency.

State of California

State regulations include possible permitting requirements of the Regional Water Quality Control Board, Department of Fish and Game, and Caltrans.

El Dorado County

El Dorado County regulatory departments with jurisdiction over the District will be identified (i.e., Department of Transportation, Air Pollution Control District and Health Management Department).

4 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

A description of the affected environment for each topic area identified below will be prepared. The existing environment will be described at a level of detail necessary to provide an understanding of the significant impacts of the proposed action and alternatives. At this time, it is not anticipated that any additional technical studies will be needed for the project. Background studies have been prepared for biological resources, wetlands/SEZs, Cultural and Historic Resources, and Grass Lake Creek Hydrology. If additional studies are determined to be necessary during formal project scoping, these studies will be conducted at the direction of the USFS and TRPA.

The description of the affected environment will be followed by identification of the impact evaluation criteria and a discussion of the anticipated changes (impacts) to the environment from the proposed action and alternatives. Each impact analysis, including cumulative impacts, will consist of an impact heading, analysis of the impact in relation to the identified evaluation criteria, and significance of the impact prior to mitigation. In order to determine potential cumulative impacts, each technical section of the EIR/EIS will incorporate a resource-specific cumulative development scenario that will provide the basis for the analysis of cumulative impacts.
When an impact is determined to be significant or potentially significant, the environmental document will identify measures to avoid the impact (note: under TRPA Rules of Procedure, a threshold-related impact must be mitigated to a less than significant level). Whenever possible, multiple and equally effective mitigation measures will be presented. Each mitigation measure will include detail regarding the timing of mitigation implementation, responsibility for mitigation implementation, and, as necessary, the performance standards for determining mitigation effectiveness.

Each technical section of the EIR/EIS will include an alternatives analysis that describes the relative magnitude of impacts to be reduced, or intensified, under one or more of the alternatives under consideration. Based on these analyses, an alternatives analysis matrix will be prepared in tabular form, allowing for a simple comparison of the impacts associated with the project versus the alternatives to the project. The alternatives analysis matrix will be presented in the Introduction and Summary Chapter.

The general scope and content of each section of the EIR/EIS is described in further detail below.

4.1 Earth, Topography, Soils, and Geology

Data shall be assembled from existing and available sources to provide a comprehensive description of the physical environmental setting of the project site and the surrounding environs. The Natural Resource Conservation Service (NRCS) soil mapping and TRPA Stream Environment Zone mapping will be used for determination of both existing and proposed corridor characteristics. TRPA land capability verification mapping prepared by Tom Sinclair will be used to quantify SEZ impacts.

Information shall be provided to describe regional geologic conditions of the site. Quadrangle maps from the USGS or maps supplied by the District will be assembled as a basis for topographic evaluation. Soil spoils and soil compaction that will be required during pipeline construction will be described. Impacts created by the project and mitigation measures to reduce any significant impacts to a less than significant level will be presented. Mitigation measures will likely include a restoration plan for wetland and SEZ areas affected by project construction.

4.2 Hydrologic Conditions/Water Quality

Data will be assembled from existing available sources to provide a description of the surface and subsurface hydrologic environmental setting. Mapping and flow calculations of Grass Creek will be used to develop mitigation measures for the creek crossing. Information shall be provided to describe the regional and local surface and subsurface hydrologic conditions. General impacts to creeks, drainage patterns, infiltration and/or runoff, public water supplies, and channeled surface flows will be discussed and mitigation measures provided.

The construction corridor will be delineated and measures will be developed to ensure that water quality effects are reduced during ground disturbing activities. Ground disturbance within the construction corridor, staging areas and access locations will be described so that measures can be developed to ensure both short-term and long-term restoration occurs.
4.3 Public Safety

The potential for risks of upset and danger to public safety shall be evaluated. City and County disaster preparedness programs will be reviewed where available. Seismic history and earthquake hazard potential will be reviewed based on local data and information from the California Division of Mines and Geology. The potential for pipeline breaks to interfere with the use of state highways will be addressed. The potential for hazard trees to interfere with construction operations will be identified based upon mapping prepared by the USFS foresters. Erosion and flood hazards will be determined based on FEMA flood maps. Pipeline sections subject to flooding will be mapped. The fire risks associated with welding operations will be described and a program will be developed to ensure that appropriate fire suppression activities are undertaken. This analysis will also integrate various discussions found elsewhere in the document and act as a summary of potential impacts and possible mitigation measures to address seismic safety, fire safety, traffic safety, and public health safety.

4.4 Biological Resources

The alternative corridors will be mapped and compared to existing and newly collected wildlife and vegetation data to provide a description of the affected environment. Species specific surveys conducted for the project have included CA spotted owl, northern goshawk, and forest carnivore surveys. Willow flycatcher surveys have been conducted by the USFS for the project area.

A Biological Evaluation/Assessment (BE) will be prepared for the USFS (see Appendix - Biological Evaluation). As part of the preparation of the BE, threatened, endangered, and USDA Forest Service sensitive species will be inventoried and impacts evaluated. In addition, the assessment will determine impacts to wildlife not addressed in the BE, including TRPA threshold species, candidate species for federal listing, and state listed species. Impacts identified in the BE and to other resources will be quantified and mitigation will be proposed as needed.

4.5 Traffic and Circulation

Based upon the location of the alternative route locations, it is anticipated that only traffic effects related to the project construction will be analyzed. Level of service calculations for nearby roadways and intersections will not be conducted. Construction activity estimates and schedules will be developed from information supplied by the project engineer. Impacts will be determined and a level of significance will be identified. Mitigation measures, such as detailed traffic management plans, will be prepared for any significant traffic and circulation impacts.

4.6 Air Quality

The climatological characteristics of the project site will be summarized. The existing air quality environment will be described in terms of the study area's compliance with TRPA, state, and federal regulations concerning ozone, carbon monoxide, and particulate levels. Based on construction impacts and operational impacts, air quality impacts to both the local residential
area and the regional recreational area will be evaluated. Mitigation measures will be recommended to reduce impacts from increased air pollutants and odors.

4.7 Noise

Ambient noise levels in the area will be established using existing documentation. Construction activities that generate noise impacts will be identified. In addition, the potential relocation of the pump station will be studied to determine if new receptors will be affected. Based on the identification of potential noise impacts, specific mitigation measures will be recommended, if needed.

4.8 Land Use/Recreation

This section will evaluate the impacts of the project on existing and planned land uses along the pipeline corridor. Project effects on recreational uses in the project area (USFS campground and bicycling along South Upper Truckee Road) will also be addressed. Potential conflicts with the TRPA Regional Plan and USFS Forest Plan will be addressed. Where the potential exists for planning conflicts, measures to mitigate the problems will be presented.

4.9 Public Services

Public Services are not assumed to be a concern for this project. If scoping determines that a public service may be impacted by the project, the scope of work will be modified to include the appropriate discussion.

4.10 Visual Resources

The existing conditions along the alternative corridors will be photographed from the Luther Pass pump station to the USFS campground site. Photographs will be used to document the proposed pipeline alignment as well as the existing alignment corridors. Photographs will also be taken from key vantage points such as U.S. Highway 50 and State Route 89. Tree removal required for the pipeline construction will be visible from both US Highway 50 and State Route 89. Therefore, TRPA Travel Route ratings will be described for these scenic highways.

4.11 Cultural Resources

Archaeological research and surveys have been conducted along the proposed B-line Export Pipeline replacement corridors. Trail resources have been mapped. The USFS is currently consulting with California SHPO to determine if the trail resources are potentially eligible for the National Register. Based upon the consultation, impacts of project implementation will be determined. The Washoe Tribe will be consulted during project scoping. If additional archaeological or historic resources sites are identified along the proposed routes, avoidance or appropriate mitigation measures will be developed in consultation with the USFS and California SHPO (see Appendix - Cultural Resources MOU).
Mitigation Monitoring Program

The mitigation measures set forth in the Draft EIR/EIS will be incorporated into the Mitigation Monitoring Program. The Mitigation Monitoring Program will include:

- Overview of mitigation monitoring, compliance and reporting requirements,
- Description of the required mitigation measure or action,
- Assignment of monitoring responsibilities by agency,
- Identification of the timing and method of ensuring mitigation implementation, and
- As needed, criteria for evaluating effectiveness of mitigation measures.

The Mitigation Monitoring Program will be provided with the Draft EIR/EIS for review and comment.

5 CEQA/TRPA MANDATED ENVIRONMENTAL REVIEW

This chapter will provide a discussion of mandated topics, including:

- irreversible or irretrievable commitments of resources;
- growth-inducing effects; and
- unavoidable adverse impacts.

The environmentally preferred alternative will be identified based on a comparison of the significant impacts associated with the proposed action and alternatives.

6 REPORT PREPARATION/REFERENCES

A list of preparers will be provided and will identify individuals on the consultant and client team that contributed to preparation of the EIR/EIS. A list of references will also be provided to identify each data source used during preparation of the background studies and environmental document.

Lead Agency Contacts

South Tahoe Public Utility District

Richard Solbrig, Assistant Manager/Engineer

Jim Hoggatt, Construction Manager

US Forest Service

Gary Weigel, Special Uses

Joe Oden, Planning
Mollie Hurt, Wildlife
Gail Durham, Vegetation
Michael Weichman, Historic Resources
Denise Downie, Hydrology

**Tahoe Regional Planning Agency**
Lyn Barnett, Current Planning Division Chief
Michael Rhoades, Associate Planner

**Report Preparers**

**Parsons**
Anders Hauge, Principal in Charge
Rob Brueck, Project Manager
Kelly Heidecker, Archaeological Resources
Adam Ballard, Biological Resources
Steve Herrera, Hydrology and Water Quality

**Agencies and Individuals Consulted**

**References Cited**

**APPENDICES**

**Biological Evaluation**

A Biological Evaluation (BE) will be prepared as a supplement to the NEPA documentation being prepared for the B-line Phase III Export Pipeline Replacement project. The purpose of the BE is to review the findings of biological field studies conducted for sensitive plant and animal species on land held in public trust by the Forest Service and to evaluate the potential biological effects associated with the B-line Export Pipeline Replacement project.

The BE will address species that are listed or proposed for listing by the U.S. Fish and Wildlife Service (USFWS) as threatened or endangered as well as species considered "sensitive" by the Regional Forester for the Forest Service Pacific Southwest Region (Region 5). By addressing the potential effects of the proposed pipeline installation, the BE provides a process and standard through which proposed, endangered, and threatened species receive full consideration in the
decision-making process. With respect to sensitive species, the BE evaluates whether the proposed action will result in a trend towards federal listing of a species as threatened or endangered. The BE also determines whether formal consultation or conference is required with the USFWS to address proposed, threatened, or endangered species. The BE will follow the standards established in the Forest Service Manual (FSM) 2672.42 and, if required, will comply with the legal requirements set forth under Section 7 of the Endangered Species Act (19 USC 1536(c), 50 CFR 402.12(f) and 402.14(c)).

**Cultural Resources Memorandum of Agreement**

If necessary, Parsons will coordinate with the USFS to prepare a Memorandum of Agreement (MOA) with the California State Historic Preservation Office. Documentation will include:

1. One (1) MOA between SHPO and LTBMU for FS 05-19-777 (abandoned wagon road).

2. Transmittals and backup documentation for LTBMU to facilitate the Section 106 consultation process with SHPO. Transmittals will include, but not be limited to:
   - Initial transmittal to SHPO conveying technical report and request for consultation (routed through LTBMU).
   - Informal consultations (including on-site) with SHPO and LTBMU staff to develop a defensible MOA.
   - Transmittal of Final MOA to LTBMU for distribution to SHPO, and STPUD (if required), for signatures.
   - Deliver five (5) copies and one-camera ready original of the signed MOA to LTBMU for transmittal to SHPO.

3. On-site meeting with STPUD engineers and LTBMU staff to negotiate redesign of proposed project, if necessary, to eliminate or reduce adverse affects to FS 05-19-777.

4. Transmittal of three (3) copies of the technical report and signed MOA to the North Central Information Center for archiving into the state database of archaeological and historical resources.
STPUD B-LINE PHASE III EXPORT
PIPELINE REPLACEMENT PROJECT -
DRAFT DISTRIBUTION LIST

South Tahoe Public Utility District
Attn: Richard Solbrig
1275 Meadow Crest Drive
South Lake Tahoe, CA 96150

USDA Forest Service, Region Office
630 Sansome Street
San Francisco, CA 94111

Tahoe Regional Planning Agency
Attn: Juan Palma
P.O. Box 1038
Zephyr Cove, NV 89448-1038

California Office of Planning and Research
Attn: Terry Roberts
1400 10th Street, Room 121
Sacramento, CA 95814

USDI Fish and Wildlife Service
Attn: Maria Borouja, Forest/Foothills Branch Chief
2800 Cottage Way, Room W-200
Sacramento, CA 95825

Caltrans, District 3
Attn: Phil Corbin
P.O. Box 579
Truckee, CA 96160-0579

El Dorado County Planning
Attn: Steve Hust
2850 Fairlane Court
Placerville, CA 95667

City of South Lake Tahoe Planning
Attn: Teri Jamin
1052 Tata Lane
South Lake Tahoe, CA 95705

USDA Natural Resources Conservation Service
Attn: Mike Brenner
P.O. Box 10529
South Lake Tahoe, CA 96158

USDA Forest Service, LTBMU
Attn: Gary Weigel
870 Emerald Bay Road, Suite 1
South Lake Tahoe, CA 96150

USDA Forest Service, Carson Ranger District
Attn: Gary Schiff, District Ranger
1536 S. Carson Street
Carson City, NV 89701

EPA Region 9
Attn: Linda Reeves
75 Hawthorne Street
San Francisco, CA 94105

Nevada Office of Community Services
Attn: John Walker
Capitol Complex, Suite 117
Carson City, NV 89710

U.S. Army Corps Of Engineers
Attn: Nancy Kang
300 Booth Street
Reno, NV 89509

Caltrans, District 3
Attn: Irene Itamura and Bruce Capaul
P.O. Box 911
Marysville, CA 95901

Douglas County Community Development
Attn: Mimi Moss
P.O. Box 218
Minden, NV 89423

CA RWQCB, Lahontan
Attn: Lauri Kemper
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Washoe Tribe of Nevada and California
Attn: Brian Wallace
919 Highway 395 South
Gardnerville, NV 89410
California Department of Fish and Game  
Attn: Banky Curtis  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

Wildlife Conservation Board  
Attn: W. John Schmidt  
1807 13th Street, Suite 103  
Sacramento, CA 95814

California Tahoe Conservancy  
Attn: Dennis Machida  
2161 Lake Tahoe Blvd., Suite 2  
South Lake Tahoe, CA 96150

Nevada State Historic Preservation Office  
Attn: Alice Baldrica  
100 North Stewart Street  
Carson City, Nevada 89710

CA Attorney General's Office  
Attn: Dan Siegel  
P.O. Box 944255  
Sacramento, CA 95814

California State Historic Preservation Office  
Attn: Cherilyn Widdel  
P.O. Box 942896  
Sacramento, CA 94296-0001

Department of Interior  
US Bureau of Reclamation  
P.O. Box 640  
Carson City, NV 89702

Department of the Interior/REO  
Attn: Patricia S. Port  
600 Harris Street  
San Francisco, CA 94107-1375

Division of State Lands  
Capitol Complex  
201 S. Fall Street, Room 120  
Carson City, NV 89710

El Dorado County Library  
South Lake Tahoe Branch  
1000 Rufus Allen Blvd.  
South Lake Tahoe, CA 95702

Tahoe Sierra Preservation Council  
Attn: Mary Gilanfarr  
P.O. Box 1908  
Tahoe City, CA 96145

Endangered Species Office  
U.S. Fish & Wildlife Service  
3310 El Camino Avenue, Suite 130  
Sacramento, CA 95821-6340

Federal Emergency Mgmt. Agency  
Natural & Technological Hazards Div.  
Building 105 Presidio  
San Francisco, CA 94129

League to Save Lake Tahoe  
Attn: Rochelle Nason  
955 Emerald Bay Road  
South Lake Tahoe, CA 96150

Linda Martinez, CA State Lands Comm.  
Lands Management Section  
100 Howe Ave., Suite 100-South  
Sacramento, CA 95825

Mother Lode Chapter  
Sierra Club  
1414 K Street, Suite 309  
Sacramento, CA 95814-4930

Oregon-California Trails Association  
Attn: Don Buck  
1158 Ribier Court  
Sunnyvale, CA 94087

Oregon-California Trails Association  
Attn: Michael Scialfa  
P.O. Box 9474  
South Lake Tahoe, CA 96158

Alpine County Fish and Game  
Attn: Larry Kuhl  
P.O. Box 333  
Markleeville, CA 96120

Alpine County Planning Department  
Attn: Brian Peters  
17300 State Route 89  
Markleeville, CA 96120

Alpine County Public Works Department  
Attn: Leonard Turnbeaugh, Director  
50 Diamond Valley Road  
Markleeville, CA 96120

El Dorado Dept. of Transportation  
Attn: Dick Bird  
2850 Fairlane Court  
Placerville, CA 95667
Alpine County Board of Supervisors  
P.O. Box 158  
Markleeville, CA 96120

Desert Research Institute  
Attn: Bill Albright (Alternate: David McGraw)  
P.O. Box 60220  
Reno, NV 89506

Nevada Division of Environmental Protection  
Attn: Leo Drozdoff, Valerie King, Allen Biaggi  
333 W. Nye Lane  
Carson City, NV 89706

Adjacent/Affected Property Owners

APN: 36-491-01 - 23 Grass Lake Rd  
Rufus D Pearce Jr Exec.  
P O Box 11915  
Tahoe Paradise

APN: 36-491-04 - 3694 Grass Lake Rd  
Richard J Hillestad  
20668 W Callon Dr  
Topanga CA 90290-3712

APN: 36-502-01 - 3613 Grass Lake Rd  
Patrick & Julie Baginski  
3613 Grass Lake Rd  
South Lake Tahoe CA 96150-5194

APN: 36-370-26 - 3801 Grass Lake Rd  
Larry Batch  
521 Marilyn Lane  
Redlands CA 92373-7329

APN: 36-370-29 - 3550 Grass Lake Rd  
Jon & Paula Corley  
1047 Kerry Lane  
Gardnerville NV 89410-8932

APN: 36-481-05 - 1021 Grass Lake Way/L5  
James Agee  
669 Blair Ave  
Piedmont CA 94611-3445

APN: 36-481-13 - 3748 Grass Lake Rd  
Ronald J Weeks  
1841 Hoke Court  
Pinole CA 94564-1851

APN: 36-503-03 - 3657 Grass Lake Rd  
Donna E Carmory  
P O Box 963  
San Andreas CA 95249

El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Lake Tahoe Executive Committee  
Attn: Maribeth Gustafson  
870 Emerald Bay Rd, Suite 1  
South Lake Tahoe, CA 96150

APN: 36-491-02 - 3728 Grass Lake Rd  
Vincent N Roman  
2904 San Juan Blvd  
Belmont CA 94002-1346

APN: 36-492-01 - 3685 Grass Lake Rd  
Grant & Cheryl Zaiger  
4005 California Ave  
Modesto CA 95358-8330

APN: 36-503-01 - 74 Grass Lake Rd  
Richard & Suzanne Capella  
P O Box 11334  
Tahoe Paradise CA 96155-1334

APN: 36-370-27 - 3781 Grass Lake Rd  
Scott C & Cynthia W Verges  
35 Parkside  
Berkeley CA 94705-2409

APN: 36-481-04 - 4 Grass Lake Rd  
Merkel & Mueller  
3421 Ben Lomond Rd  
Sacramento CA 95821-6203

APN: 36-481-08 - 8 Grass Lake Way  
Joseph Holt  
P O Box 6863  
South Lake Tahoe CA 96157-2863

APN: 36-481-14 - 1 Grass Lake Rd  
Thomas Chilcote  
13 Robin Ct  
Lodi CA 95242

APN: 36-512-01 - 36 Grass Lake Rd  
Jackson Rancheria  
P O Box 1090  
Jackson CA 95642-1090
TRPA ENVIRONMENTAL CHECK LIST

for

The Initial Determination Of Environmental Impact

I PROJECT NAME OR IDENTIFICATION:

STPUD B-Line Phase III Export Pipeline Replacement Project

Project Background

The South Tahoe Public Utility District’s (District) owns and operates an effluent export system that pumps treated effluent from the District’s wastewater treatment plant in South Lake Tahoe to the Harvey Place Reservoir in Alpine County, CA. The export system is divided into three segments, the A-Line, B-Line, and C-Line. The A-Line consists of the portion of pipeline between the wastewater treatment plant and the Luther Pass Pump Station. The B-Line consists of the portion of the pipeline between the Luther Pass Pump Station and the top of Luther Pass where the force main breaks to gravity. The C-Line consists of the gravity pipeline between Luther Pass and the Harvey Place Reservoir. The original force main was installed in 1969/70 and utilized steel pipe that was installed using poorly monitored construction techniques. Problems developed soon after the installation was completed, and have continued as the line has aged.

Numerous repairs to the B-Line began as early as 1980, including the replacement of approximately 4,445 lineal feet of the existing steel pipe located in State Route 89 (south of the proposed project area). At the same time, the District installed a 48-inch surge tower that extended approximately 1,260 lineal feet. In 1996, the District installed a surge tank on the system to protect the force main from transient flows that had occurred whenever electrical power was suddenly lost at the pump station. At this time, the District also replaced an additional 5,725 lineal feet of the force main (called B-Line Phase I Replacement). This reach of force main extended from the middle of the USFS overflow campground to the portion of the B-Line that was replaced in SR 89 in 1980.

Construction is currently being completed on the reach that extends from the 1980 replacement to the gravity break at Luther Pass (approximately 9,982 lineal feet known as B-Line Phase II). The current proposal will extend from the Luther Pass Pump Station to the middle of the USFS campground (where the Phase I replacement began) and will result in the complete replacement of the original B-Line pipeline.

Project Alternatives

Four alternatives have been identified for further study in the STPUD B-Line Phase III Export Pipeline Replacement Project EIR/EIS. The action alternatives are shown on
Figure 1, and include Alternatives A, B, and C. Alternative D describes the No Project/No Action alternative.

<table>
<thead>
<tr>
<th>Alt. #</th>
<th>Description of the Alternative Corridor</th>
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<tbody>
<tr>
<td>A.</td>
<td>Alternative A – Parallel Existing Pipeline Alignment. Alternative A would parallel the existing pipeline alignment through National Forest lands from the Luther Pass Pump Station to the project’s terminus in the USFS campground. However, the pipeline would not use the existing pipeline’s trench because it would still be in operation during construction. The pipeline would parallel the existing pipeline with at least 50 feet of separation from the existing pipeline to avoid damage during construction activities, such as blasting. This alternative would be approximately 4,400 feet in length.</td>
</tr>
<tr>
<td>B.</td>
<td>Alternative B - Proposed Action. Alternative B would begin at the Luther Pass Pump Station and end within the USFS campground at a connection with the B-Line Phase I replacement project. The total length of the proposed action is approximately 5,900 feet. The proposed action would begin at the pump station, generally follow the hillside contours to the south, cross Grass Lake Creek, cross South Upper Truckee Road twice, continue on to SR 89, cross SR 89, follow the USFS campground access road, and end at the terminus of the B-Line Phase I replacement project that was constructed in 1996.</td>
</tr>
<tr>
<td>C.</td>
<td>Alternative C – Parallel Existing Roadways. Alternative C would follow existing roadway rights-of-way. This alternative would use Grass Lake Road to the intersection of SR 89. At the intersection of Grass Lake Road and SR 89, the alternative would follow SR 89 south to the USFS campground access road. At this intersection, Alternative C would follow the same route as Alternative B (Proposed Action) to the project’s terminus. This alternative would be approximately 16,000 feet in length. Approximately 8,700 feet of the pipeline alignment would be located within SR 89. Of this total, approximately 60 percent (5,200 feet) would have to be located inside the fog line of the highway (within the roadway pavement). Due to the pipeline’s length, additional storage capacity may be needed at the Luther Pass Pump Station to allow for the draining of the pipeline during maintenance operations. This additional storage capacity would require construction of a third storage tank, or enlargement of an existing tank.</td>
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</table>

As a sub-alternative to Alternative C, the Luther Pass Pump Station may be relocated to a location near the intersection of Grass Lake Road and SR 89. A relocated pump station would eliminate the need for the export pipeline to travel within Grass Lake Road. Depending upon the site of the relocated pump station, the length of this alternative could be reduced by up to 5,000 feet (the distance along Grass Lake Road from SR 89 to the Luther Pass Pump Station). Potential sites for the relocated pump station are shown on Figure 1. Sites must include adequate land area for the construction of the pump station building, electrical sub-station, emergency generator, and storage tank capacity sufficient to drain the pipeline during maintenance operations. Under this sub-alternative, the site of the existing pump station would be
restored following construction of the new pump station.

D. Alternative D - No Project/No Action. This alternative would require no immediate action and would maintain the existing pipeline that was constructed in 1969. While no immediate action would occur, the continued use of the existing pipeline will increase the chances of a pipeline break. Pipeline breaks require immediate repair by the District and would use the same construction techniques that are described below.

Construction Details Applicable to All Action Alternatives

The following section describes the construction details that would be used for the action alternatives. Some details would apply to more than one alternative (i.e., the USFS campground road would be used for both alternatives B and C).

Trenching and Pipeline Details

The project would consist of a pressurized 24-inch-diameter pipeline placed below ground level. The pipeline trench would be a minimum of 7 feet deep and approximately four to six feet wide, depending upon soil conditions. The 24-inch diameter pipeline replaces an existing 20-inch diameter pipeline that was built in 1969. As stated in the Background section, the existing pipeline is no longer reliable. Following replacement, the existing pipeline would be abandoned in place. Depending upon the alternative selected, the pipeline could cross the existing pipeline in several locations, including one location east of the Luther Pass Pump Station, a location within SR 89, and several locations within the USFS campground. Within the USFS campground and Grass Lake Road segments, a portion of the existing pipeline would need to be removed to allow for construction of the new pipeline in the same location.

The replacement project would use welded steel pipeline. The pipeline would be constructed using excavators and rubber-tired loaders, with the steel pipe welded onsite. The welding and coating activity would take place adjacent to and above the trench. Following welding and pipeline coating activities, the pipe segments (up to 1,000 feet in length) would be placed into the trench. Due to the need to conduct welding along side the pipeline trench, all ground vegetation will need to be removed within the immediate trench corridor to avoid the risk of wild fire. The proposed widths for the construction corridor are provided below.

Within the USFS campground road, an option exists to utilize a rock-trencher for trenching activities. The benefit of using a rock-trencher is that it requires a narrower construction corridor than traditional construction methods (vehicles can work front to back rather than side by side). However, the rock trencher is much heavier than an excavator or other rubber-tired equipment and requires a more stable base from which to operate.
Construction Corridor

A 50-foot-wide temporary construction easement has been requested by the District for the pipeline construction within forested areas. Within the 50-foot easement, a 25-foot-wide construction corridor will be established to allow construction of the trench. Within the 25-foot-wide construction corridor, trees, surface vegetation and top soil would either be removed or significantly disturbed by construction equipment. The trench does not need to be centered within this corridor, rather the corridor can be shifted to allow for significant trees and rock outcrops to be preserved. However, 25-feet is the minimum clearance area needed for construction of the pipeline. Adjacent to the 25-foot corridor, and within the 50-foot temporary easement, tree removal would only occur if approved beforehand by the USFS and TRPA. Within this portion of the easement, disturbance would occur from construction equipment access and material storage. Following construction, the 50-foot construction easement and any adjacent soil disturbance caused by construction activities will be revegetated pursuant to USFS and TRPA approved plans.

For pipeline construction within Grass Lake Road and SR 89, the District would require equipment access within the roadway rights-of-way, including pavement and shoulders. Traffic control would be required for both roadways. Refer to the description below regarding SR 89 lane closures.

SR 89 Lane Closures

Alternatives A and B would cross SR 89 in one location. At the crossing locations, project construction activities would be timed to avoid the simultaneous closure of both travel lanes on SR 89. Delays due to lane closure shall not exceed 30 minutes in any situation, according to Caltrans requirements. Open trenches in SR 89 would be backfilled or covered with non-skid plates during times when construction activities are stopped, and the edges of the plates would be ground in to match the existing asphalt surface to smooth the surface for passing vehicles.

Alternative C would follow SR 89 from its intersection with Grass Lake Road to the intersection with the USFS campground road. Within this corridor, 24-hour lane closures would be required seven days a week, including the use of "K" rail to separate construction activities from the open travel lane. Blasting would be required for trenching within the right-of-way. During blasting activities, traffic would be held in both directions. However, to comply with Caltrans policy, traffic delays on SR 89 would have to be maintained at less than 30 minutes.

Erosion Control

To prevent soil erosion and sediment discharge into down-slope drains or low lying drainages, pipeline trench erosion control practices shall be used. Erosion control practices, such as TRPA BMPs 9 and 10, would require filter fabric fencing down slope of construction activities through the project corridor. This fencing would be removed after the revegetation activities or heavy mulching of disturbed areas is complete. No erosion or runoff shall be allowed to reach any adjacent creeks or Rivers. Under alternatives B and C, the pipeline will cross Grass Lake Creek. In these locations, more
detailed erosion control and restoration plans will be required to ensure adequate
diversion of the creek flows during pipeline construction. A more detailed discussion
concerning the crossing of Grass Lake Creek is provided below.

**Grass Lake Creek Crossings**

The pipeline will cross Grass Lake Creek in two of the three action alternatives
(Alternatives B and C). One of the creek crossings would occur in an undisturbed area to
the north of the South Upper Truckee Road (Alternative B). At this creek crossing
location, the project would require the construction of a temporary roadway to facilitate
equipment access. The creek will be temporarily diverted using pumps or placed in a
culvert under the temporary roadway during construction. After construction is
completed, the roadway material will be removed and the creek will be restored to pre-
project conditions. A creek restoration plan will be developed for inclusion in the
pipeline design for this alternative.

Two other creek crossings would occur within SR 89 for Alternative C and within the
USFS campground road for Alternatives B and C. In both locations, the creek flows
through a culvert. The SR 89 crossing would occur within the roadway prism and above
the existing box culvert. The USFS campground road crossing would also occur within
the roadway prism, but could either be constructed underneath or above the existing
corrugated metal pipe (cmp). Construction of the pipeline underneath the cmp would
require removal and replacement of the culvert. Construction of the pipeline above the
cmp would avoid effects to the cmp but would require raising the road grade.

**Trench Dewatering**

Based upon the results of soil investigation within the Alternative B corridor, it is
anticipated that some groundwater will be intercepted during trenching activities. In
order to prevent the discharge of trench waters, water collected from dewatering
operations shall be disposed as follows: 1) water from the pipeline trench will be pumped
into a settling tank or water trucks with sufficient volume to handle projected water
quantities, 2) water will be decanted from the settling tanks or trucks for use as
construction water during backfilling operations, 3) settled water will be taken to the
Luther Pass summit and placed in the gravity export pipeline (C-Line) that flows to the
Harvey Place reservoir, or 4) settled water will be placed in the sanitary sewer in Grass
Lake Road.

**Stockpiling/Staging Area**

The South Upper Truckee Road is proposed for temporary material stockpiling and
equipment staging. To use the roadway for material stockpiling and staging, the District
will request its closure. This roadway is under the control of the El Dorado County
Department of Transportation. The proposed closure would be located between SR 89
and the roadway’s crossing of the Upper Truckee River (west of SR 89). Stockpile areas
will be surrounded by filter fabric fencing, and covered with plastic sheeting prior to
storm events. Historic trail resources adjacent to the roadway will be protected by
temporary construction fencing.
Vegetation Removal

To protect trees within the 50-foot construction easement (outside of the 25-foot construction corridor), vegetation protection fencing will be installed around every live tree or group of trees greater than 6 inches dbh. In addition, no tree roots greater than 1.5 inches in diameter shall be cut without the prior authorization of the USFS and TRPA. In situations where tree roots greater than 1.5 inches must be cut, the contractor shall treat the roots in accordance with standard practices. All areas disturbed by construction activity shall be revegetated according to the specifications set forth in the Specifications and Contracts Documents for the B-Line Replacement Phase III Project (under preparation). The revegetation shall be with a matching seed mix to restore the loss of vegetation that will result from pipeline construction. A goal of vegetation/site restoration following construction shall be to ensure that the pipeline corridor does not become a new trail for recreational bicyclists.

Groundwater Interception

Groundwater channeling would be minimized by using an aggregate (Class 2) fill for the pipeline bedding zone (this zone is the area 6 inches under the pipeline to one foot above the pipeline). Any excavated soils that are wet require air drying to proper moisture content or mixing with drier soils prior to being used as compacted backfill. In addition, the installation of trench cutoff walls or “coffer dams” is proposed in areas where high groundwater and the slope of the terrain would dictate that groundwater channeling is a probability. The use of trench cutoff walls is indicated by the following conditions:

- The slope of the terrain that the pipeline is being installed in;
- The soils the trench is being cut through;
- The backfill that is being used as pipe bedding;
- The groundwater depth in the area; and
- The depth of the pipe trench.

Trench cutoff walls are generally installed on steep slopes where there is a tendency for any groundwater or infiltrating surface water to follow the path of least resistance. This would be especially true if the soils surrounding the trench were less permeable than the soils used as trench backfill (i.e., using pea gravel as pipe backfill in clay soils).

During pipeline trenching, field inspections of the trenches would be performed to make final determinations regarding the need for cutoff walls to control potential high groundwater flows.

Pipeline Pressure Testing

During construction, the pipeline will be pressure tested at 2,000 foot intervals. The pressure testing will be performed using potable water. Following pressure testing, the potable water will be drained from the pipeline and into tanks or water trucks similar to procedures used for trench dewatering. At the conclusion of construction, the entire segment of new pipeline will be tested before it is placed into operation. This test will also be performed using potable water. Following the completion of the final testing, the
pipeline will be placed into service and the test water will be pumped out of the Basin and into the Harvey Place reservoir.

**Best Management Practices**

The construction of the pipeline must comply with TRPA's standard conditions of approval and the Handbook of Best Management Practices (BMPs) Standards. The use of BMPs will be documented in a Stormwater Pollution Prevention Plan (SWPPP) prepared for approval by RWQCB, Lahontan Region. The purpose of the SWPPP is to provide a site-specific plan for preventing storm water pollution caused by construction activities, including land disturbance. The SWPPP will be designed to comply with the federal requirements to achieve compliance with the effluent limits and receiving water objectives set forth in the California General NPDES Permit for Discharges of Storm Water Associated with Construction Activities through implementation of BMPs. The SWPPP will be implemented concurrent with the commencement of construction activities.

## II ENVIRONMENTAL IMPACTS:

The following questionnaire has been completed by the applicant based on initial agency discussions and a review of existing data. All "yes" and "no, with mitigation" answers include written discussion. Each alternative has been addressed, indicated by the letters A, B and C. The letter “A” refers to Alternative A, “B” refers to Alternative B, and “C” refers to Alternative C.

### 1 Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

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C) The construction of additional storage capacity at the Luther Pass Pump Station may require a new storage tank. New land coverage at the pump station would exceed allowable land coverage at the site.

C) The relocation of the pump station would require new land coverage at the relocation site. The land coverage requirements at the selected site may exceed allowable land coverage totals. However, the restoration of the existing pump station site may provide the District with land coverage reduction credits.
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

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A and B) The construction of the pipeline through the forest will require the construction of a temporary roadway for construction equipment access. The new roadway will temporarily change the topography and ground surface relief features of the natural forested area. The District will be required to restore the project corridor to natural conditions following the completion of the pipeline construction.

c. Unstable earth conditions during or after completion of the proposal?

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A and B) Construction of the pipeline requires trenching and the export of an undetermined amount of spoils. Adequate controls must be used to ensure that stockpiled spoils do not enter nearby drainages. Post construction measures will be required to stabilize soils disturbed by trenching and blasting on sensitive lands.

C) Construction of the pipeline requires trenching and the export of an undetermined amount of spoils. Adequate controls must be used to ensure that stockpiled spoils do not enter nearby drainages. Post construction measures will be required to stabilize roadway shoulders used for construction activities.

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

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A, B, and C) The placement of the pipeline would require the removal of underground rock/boulders and the introduction of bedding underneath the pipe. The placement of the bedding material, which involves compaction, could have an effect on groundwater (refer to Section 3 – Water Quality).
c. The continuation of or increase in wind or water erosion of soils, either on or off the site?

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A, B, and C) Trenching involved with the project construction could increase the possibility of soil erosion within the pipeline construction corridor. Alternative A would follow a steeper corridor, increasing the risk of erosion during and after construction activities, whereas Alternative C is located primarily along paved roadways, lowering the erosion potential. However, construction of a relocated pump station may result in an increase in potential erosion from the site. Existing TRPA requirements for erosion control, including best management practices, would be required during and following construction.

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

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B) The pipeline would cross Grass Lake Creek in two locations. One location consists of an existing culvert within an USFS campground access road, the other location is an undisturbed reach of the Creek on USFS lands. The possibility exists that the Creek channel would be permanently modified as a result of the pipeline construction through and adjacent to the Creek.

C) The pipeline would cross Grass Lake Creek in two locations. Both crossings would occur within roadway rights-of-way. One location consists of an existing culvert within an USFS campground access road, the other location consists of an existing box culvert within SR 89. The existing culverts may require modification as a result of the pipeline construction.
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

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2 Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

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A and B) Short-term air impacts may occur due to project construction activities. Implementation of the following measures would reduce these impacts to a less than significant level:

- The construction contractor shall implement Best Management Practices No. 6 and No. 7 from the TRPA Handbook of Best Management Practices.
- Construction equipment shall be maintained and tuned at the interval recommended by the manufacturers to minimize exhaust emissions.
- Equipment idling shall be kept to a minimum when equipment is not in use.

C) Short-term air impacts may occur due to project construction activities. Implementation of the measures identified above would reduce construction equipment impacts on air quality. However, this alternative would also require the closure of one lane of traffic on SR 89, 24 hours a day, seven days a week. This would significantly increase traffic delays on SR 89, resulting in continual delays of 30 minutes or more. Because of the increase in traffic delays, emissions from idling vehicles would increase. Alternative traffic detours would likely increase the trip lengths of both truck and automobile traffic.
b. Deterioration of ambient (existing) air quality?

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A, B, and C) See response to 2.a above.

c. The creation of objectionable odors?

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d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

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e. Increased use of diesel fuel?

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3 Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

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B) The pipeline would cross Grass Lake Creek in two locations. One location is an existing culvert under an USFS campground access road, the other location is an undisturbed reach of the Creek within USFS lands. The course and direction of the water movement within the Creek would be changed during construction.
through and adjacent to the Creek. Any permanent modification of the course or direction of water movements would depend upon the construction technique used at the Creek crossing.

C) The pipeline would cross Grass Lake Creek in two locations. Both crossings would occur within roadway rights-of-way. One location consists of an existing culvert within an USFS campground access road, the other location consists of an existing box culvert within SR 89. The existing culverts may require modification as a result of the pipeline construction.

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

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A and B) As stated in ld, bedding material would be placed underneath the new pipeline. This compacted material may have an effect on absorption rates within the forested portion of the project corridor. Trench cut-off walls will be incorporated into the project design to avoid groundwater modifications.

C) The potential relocation of the pump station would create new land coverage. The resultant runoff may be difficult to contain on site given the low capability of the available relocation sites.

c. Alterations to the course or flow of 100 year flood waters?

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B and C) Following construction, existing Creek channels and culverts will be returned to existing conditions. However, it is possible that the USFS campground road prism will be modified for pipeline construction, and the modification could alter existing flows during flood conditions.
d. Change in the amount of surface water in any water body?

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e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

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A, B, and C) As stated in 1e, trenching could increase the risk of erosion of construction materials/disturbed soils, and increase the potential for discharge into drainages or receiving water bodies in the project vicinity.

C) The potential relocation of the pump station would place a new facility within close proximity to the Upper Truckee River. Runoff from the new facility could affect water quality in the River.

f. Alteration of the direction or rate of flow of ground water?

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A, B, and C) The placement of the pipeline may affect groundwater in the vicinity. The water table depths in the project vicinity shall be investigated to ensure the pipeline does not create any underground channels that could redirect groundwater flows. The District shall minimize the potential for groundwater channeling by using an aggregate (class 2) fill around the pipeline to meet USPS and Caltrans specifications.
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

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h. Substantial reduction in the amount of water otherwise available for public water supplies?

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i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100 year storm occurrence or seiches?

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4 Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability system/IPES system?

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A and B) The construction of the pipeline would require ground disturbance within the edges of the trench. However, the pipeline construction would also require ground disturbance for equipment access and materials storage. Therefore, the project construction corridor shall result in a greater amount of vegetation loss than the amount needed for the pipeline trenching alone. The District shall prepare a restoration plan to restore pre-project topography and vegetation following construction.
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

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A and B) The construction of the cross-country portions of the pipeline alignment could result in the removal of riparian vegetation or upland forest that provides habitat for special-status species (e.g., California spotted owl, northern goshawk, forest carnivores, and willow flycatcher).

C) Construction of additional storage capacity at the pump station could also result in the loss of riparian vegetation. Construction within the Grass Lake Road right-of-way may require the placement of the pipeline outside of the existing roadway prism due to constraints associated with existing pipelines. Riparian vegetation is immediately adjacent to Grass Lake Road in several locations.

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

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d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

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e. Reduction of the numbers of any unique, rare or endangered species of plants?

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f. Removal of streambank and/or backshore vegetation, including woody vegetation such as willows?

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A, B, and C) See response to 4.b.

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (DBH) within TRPA’s Conservation or Recreation land use classifications?

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A and B) The pipeline construction would require the removal of trees 30 inches or greater in diameter. However, the project is not located within a conservation or recreation land use classification. The District and USFS are committed to the avoidance of large trees wherever possible. Alternative B provides a greater opportunity for avoidance of large trees because there are no constraints on either side of the alignment. Alternative A must be separated from the existing pipeline by a minimum of 50 feet and is therefore more constrained.

C) The potential relocation of the pump station may require the removal of trees 30 inches or greater in diameter. The number would be dependent on the layout of the pump station and the location selected.

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A and B) The pipeline would cross National Forest lands. The project area is considered an old growth ecosystem by the TRPA. Pipeline construction in the area would result in changes to the old growth ecosystem. Large trees would be avoided where possible; however, some tree removal is necessary. Because Alternative A
Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

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b. Reduction of the number of any unique, rare or endangered species of animals?

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A, B, C) Construction of the project could affect unique, rare or endangered species of wildlife due to noise effects, human disturbance, or the loss of suitable habitat (e.g., California spotted owl, northern goshawk, forest carnivores, and willow flycatcher). Alternative C would not result in loss of habitat, but would include more noise and human disturbance due to longer construction duration.

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

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d. Deterioration of existing fish or wildlife habitat quantity or quality?

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</table>
A, B, C) Construction of the cross-country reaches of the pipeline alignment could affect the existing value of wildlife habitat in the area due to short-term noise effects and human disturbance or long-term loss of vegetation.

Under alternatives B and C, construction at creek crossings could result in temporary effects to fish habitat.

6 Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

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A, B, and C) Temporary construction noise would occur during project implementation. Allowable CNEL levels would be exceeded during pipeline construction. Sensitive residential noise receptors (along Grass Lake Road) are located at the northern end of the project corridor. Construction hours shall be consistent with local and regional regulations. Alternative C would result in greater short-term construction noise impacts to residences along Grass Lake Road, and may require construction noise along SR 89 for up to 24 hours per day.

b. Exposure of people to severe noise levels?

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A, B, and C) The potential exists during project construction of severe noise impacts from trenching equipment. All equipment used during construction shall be within construction standards and fitted with mufflers. Alternative C would result in greater noise impacts to residences along Grass Lake Road because the roadway would be included in the pipeline alignment.
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

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Blasting would be required for all alternatives. Noise levels associated with blasting would be temporary in nature. However, under Alternative C, blasting along Grass Lake Road would have more impact on adjacent residences.

7 Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

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C) The potential relocation of the pump station would create new safety lighting at the pump station building.

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

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c. Cause light from exterior sources to be cast off-site or onto public lands?

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C) The relocated pump station would be located on public lands, and would include safety lighting.
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

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C) The construction of new storage tanks for a relocated pump station would create glare from the painted tank surface. The glare can be reduced, but not eliminated, by the type and color of the paint used. Finally, if the relocated pump station is constructed near the intersection of Grass Lake Road and SR 89, it would be visible from SR 89, a scenic highway.

8 Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

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A, B, and C) All alternatives are located within PAS 141-Luther Pass and are a conditionally permitted use. The alternatives are also located within the LTBMU Forest Plan Tahoe Valley Management Area - South Half, Prescription Timber Stand Maintenance and, to a lesser degree, Urban Lots. Pipeline facilities are permitted in both prescriptions on a case-by-case basis.

A and B) The National Forest alternatives would cross Burton-Santini lands (east of the Luther Pass Pump Station). The Forest Service has determined that pipeline replacement within these lands is permissible, since it is a replacement of an existing use.

C) Alternative C would avoid disturbance to Burton/Santini lands by using existing roadway easements. However, the relocation of the pump station would be located on USFS lands. These lands may also be Burton/Santini lands. It is unknown whether the USFS would allow the construction of a new pump station on these lands.
b. Expand or intensify an existing non-conforming use?

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9 Natural Resources

Will the proposal result in:

a. An increase in the rate of use of any natural resources?

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b. Substantial depletion of any non-renewable natural resource?

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10 Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

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A and B) Trenching necessary for the pipeline placement may require the use of explosives. In addition, there is risk of pipeline breakage that could wash out SR 89 at the pipeline crossing points, or along the length of the Forest Service campground access road.

C) Trenching necessary for the pipeline placement may require the use of explosives. In
addition, there is risk of pipeline breakage that could wash out portions of SR 89 and Grass Lake Road. Pipeline breakage could also impact residences along Grass Lake Road. Under this alternative, a much greater portion of the pipeline would operate under high pressure (approximately 600 psi) because of the constant elevation along Grass Lake Road.

b. Involves possible interference with an emergency evacuation plan?

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A and B) The project would involve disruption of traffic on State Route 89 at the crossing point. The District shall be required to permit flow of traffic through this reach of the highway during all phases of project construction.

C) The project would involve significant disruption of traffic on State Route 89 during construction, including 24-hour lane closures. Blockage of a lane on SR 89 may interfere with emergency evacuation as it is the only highway access through this portion of the Basin.

11 Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

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b. Include or result in the temporary or permanent displacement of residents?

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12 **Housing**

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

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b. Result in the loss of affordable housing?

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13 **Transportation/Circulation**

Will the proposal result in:

a. Generation of 100 or more new daily vehicle trips ends (DVTE)?

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A, B, and C) Project construction traffic would likely result in more than 100 new daily vehicle trip ends per day during construction of the pipeline.

b. Changes to existing parking facilities, or demand for new parking?

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c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

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</table>
A and B) Alternatives A and B would involve construction at one point on SR 89. Traffic at the SR 89 crossing would be temporarily subject to traffic controls and delays. The South Upper Truckee Road would be used for construction staging that could affect local traffic patterns and bicycling uses.

C) Alternative C would involve construction within the Grass Lake Road and SR 89 roadway prisms. Since the pipeline would operate at very high pressure (600 psi), the pipeline must be constructed of welded steel. Use of welded steel requires 1,000 foot long trenches to allow for the placement of the pipeline after welding. This amount of trenching would require the placement of K rails down the centerline of the highway. Therefore, 24-hour lane closures would be required on SR 89 during construction. The South Upper Truckee Road would be used for construction staging that could affect local traffic patterns and bicycling uses.

d. Alterations to present patterns of circulation or movement of people and/or goods?

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A and B) Construction of the pipeline could involve traffic flow delays.

C) Construction of the pipeline would require the closure of one lane of traffic on SR 89 and the use of K rails, which would create traffic flow delays of 30 minutes or more.

e. Alterations to waterborne, rail or air traffic?

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f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

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A and B) Construction machinery and trenching could increase short-term traffic hazards in the project's vicinity.
C) Construction machinery and trenching, as well as 24-hour lane closures, would increase short-term traffic hazards along SR 89 and Grass Lake Road. Long-term hazards would include possible pipeline breaks that could washout Grass Lake Road or SR 89 and result in automobile accidents before repair crews could respond.

### Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

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<tbody>
<tr>
<td>a. Fire protection?</td>
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<td>b. Police protection?</td>
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<td>c. Schools?</td>
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<td>d. Parks or other recreational facilities?</td>
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A, B, and C) Use of the South Upper Truckee Road for staging, and the USFS campground road for pipeline construction under Alternatives B and C would impact bicycling and USFS overflow camping in the area. Alternative access may be available to keep a portion of the USFS campground open.
e. Maintenance of public facilities, including roads?

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A, B, and C) Construction within SR 89, South Upper Truckee Road, and USFS Campground Road could result in impacts associated with roadway maintenance. The District shall be required to repair (to the same or better condition) any damage to the roadways that occurs as a result of construction.

f. Other governmental services?

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15 Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

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C) Alternative C would be approximately 3 times as long as Alternatives A and B. The increased length of the pipeline may require increased pumping capacity, which in turn would increase the amount of energy needed to operate the pumps. With the inclusion of the pump station relocation, Alternative C would be generally equal in length to the other action alternatives.

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

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Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

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b. Communication systems?

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c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

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d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

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e. Storm water drainage?

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f. Solid waste and disposal?

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17 Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

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A, B, and C) Project construction would create open trenches and other short-term hazards associated with construction machinery. Construction of the project would reduce the chances of continued breaks and effluent spills along the B-Line pipeline during export. This long-term improvement would be a beneficial impact of the proposed project.

b. Exposure of people to potential health hazards?

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A, B, and C) See 17a.

18 Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

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A and B) The construction corridor will require the removal of existing trees and ground cover. Portions of the construction corridor will be visible from State Route 89 at the location where the pipeline will cross the highway. The pipeline corridor may also be visible from US Highway 50 near Echo Summit. Alternative A would result in a wider corridor, as it would parallel the corridor created 30 years ago. Therefore, its
visibility from Highway 50 and at the point where it would cross SR 89 is considered greater.

C) The majority of the construction corridor would be within Grass Lake Road and State Route 89. While a majority of the pipeline would be located within the roadway prism, portions may be located on the roadway shoulder and may effect existing vegetation. Further, the potential relocation of the pump station would occur near the intersection of Grass Lake Road and SR 89. At this location, the relocated pump station would be visible from SR 89.

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A, B, and C) The pipeline corridor would be located within a USFS overflow campground. However, this portion of the corridor would be located within an existing roadway right-of-way.

c) Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

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C) The relocation of the pump station would be visible from US Highway 50 at Echo Summit. Views from scenic pull-outs would be modified by the new pump station facilities, including the pump station building, electrical sub-station and storage tanks. However, the existing pump station would be removed as a result of the relocation. This facility is currently visible from US Highway 50, although it is somewhat camouflaged by adjacent vegetation.

d) Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

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e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

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A, B, and C) The pipeline corridor may be visible from US Highway 50, and may affect travel route ratings along SR 89. Alternatives A and B would result in new forest clearings that may be visible from US Highway 50. Alternative C would have the least amount of disturbance to National Forests unless the pump station is relocated. With relocation of the pump station, Alternative C would adversely affect SR 89 travel route ratings.

19 Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

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b. Create additional recreation capacity?

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c. Have the potential to create conflicts between recreation uses, either existing or proposed?

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A, B and C) During project construction, portions of the USFS overflow campground would be temporarily closed. Use of the South Upper Truckee Road for staging would effect bicycling in the project area.
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

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A, B, and C) See response to 19.c.

20 Archaeological/Historical

a. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?

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A and C) Alternatives A and C would avoid trail resources that have been recorded near the South Upper Truckee Road. All alternatives would have the possibility of discovering buried resources during project construction activities.

B) Field surveys have identified potentially historic trail resources within a portion of the Alternative B corridor. These resources have been mapped and recorded to Department of Parks and Recreation standards. The pipeline location would avoid a majority of these resources. However, complete avoidance is difficult because of the area's topography and the location of the mapped resources. Therefore, the trail resources may be impacted during pipeline construction. The District is working with the USFS and California SHPO to determine whether the resource is eligible for the National Register of Historic Places. Preliminary results from the consultation with SHPO indicate that the trail resources will not be considered eligible for the National Register.

b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

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B) See response to 20.a.
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

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B) See response to 20.a.

d. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

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21 Mandatory Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

A, B, and C) All three alternatives have the potential for significant impacts on the environment.

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant?)

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A, B and C) All three alternatives have the potential for significant impacts on the environment. Other projects in the vicinity must be identified to determine if additional cumulative impacts may occur.

d. Does the project have environmental effects which will cause substantial adverse effects on human being, either directly or indirectly?

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A and B) Human impacts associated with the National Forest alternatives should be short-term, related to project construction.

C) According to Caltrans and District engineers, placement of a high pressure (600 psi) pipeline within SR 89 has the potential to washout the roadway in the event of a pipeline break. It is possible that an automobile accident could occur along SR 89 before repair crews could secure the site of the roadway washout.
III  CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

________________________________________
Date:

________________________________________
(Signature of person completing this form)

IV  DETERMINATION (TO BE COMPLETED BY TRPA)

On the basis of this evaluation:

The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

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The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

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The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.

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________________________________________
Signature of Evaluator and Title

________________________________________
Date
MEMORANDUM

December 5, 2001

To: TRPA Governing Board

From: Kathy Canfield, Project Review Division

Subject: Scope of Impacts for a Supplemental Environmental Impact Statement (EIS), Lakeside Trail, Alternative Alignment

TRPA has received a request to amend the Lakeside Trail Environmental Impact Statement (EIS) which was certified by the TRPA Governing Board on May 27, 1998. An alternative trail segment has been identified which was not analyzed in the certified EIS. The new segment would be attached to the existing Tahoe City Dam, eliminating the need for a new bridge trail at Fanny Bridge. A Supplemental EIS is required pursuant to Subsection 6.15(a)(3)(iii) of the TRPA Rules of Procedure.

A Notice of Preparation for the Supplemental EIS was sent to interested parties on November 15, 2001. The public comment period for scoping the document began on November 15, 2001 and closes January 14, 2002.

Staff requests that the Governing Board assist in the scoping of the EIS. In addition, staff is requesting that the Governing Board solicit public comments at the meeting. No action is required at this time.

This project will be presented to the TRPA Advisory Planning Commission (APC) at their December 12, 2001 meeting. This meeting had not occurred prior to the writing of this memorandum. A summary of the comments received at that meeting will be included in the presentation to the Governing Board.

Location maps, a preliminary alignment/project description and IEC are included with this staff summary for your review. The applicant will be present to provide a brief presentation of the project. If you should have any questions, please contact Kathy Canfield at (775) 588-4547.
Lakeside Trail Phase IIA – Truckee River Outlet Crossing

Project Introduction

The Tahoe City Public Utility District (TCPUD) recognized the need to construct an intertie between existing trail systems in the Tahoe City area as early as 1982. On May 23, 1996, the Tahoe Regional Planning Agency (TRPA) and the California Office of Planning and Research issued a Notice of Preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) per CEQA and NEPA requirements for the Community Trail Intertie Project. The EIR/EIS was completed in July 1999 and portions of the Community Trail Intertie Project are being constructed at this time. Since review and certification of the EIR/EIS, a revised alignment has become available to the trail segment that crosses the Truckee River in the vicinity of Fanny Bridge.

Prior approved alignments for this trail segment include the Fairway Drive Alignment, the West Mackinaw Sub-Alignment, and the Lake Shore Alignment. The Fairway Drive Alignment would guide trail users from the end of the current trail, across Hwy. 89 and onto Fairway Drive. The West Mackinaw Sub-Alignment would construct a pedestrian walkway across Highway 89 at the North end of Fanny Bridge and then continue along Mackinaw Road. The Lake Shore Alignment explored the construction of a bridge downstream and upstream of Fanny Bridge.

The proposed alignment, the Truckee River Outlet Crossing, would connect to the existing Truckee River Trail on the east side of Fanny Bridge at Highway 89, and would then proceed through the Bridgetender parcel (APN 94-540-16), extend across the Truckee River Dam (APN 94-540-17), and terminate just east of Izzy’s Burger Spa (APN 94-190-29).

The proposed trail alignment would encroach onto lands owned by the State of California and operated by California State Parks (Bridgetender). The proposed dam crossing would also encroach onto lands owned by Sierra Pacific Power Company and operated by the United States Bureau of Reclamation (BOR). The TCPUD would be responsible for management of the proposed Truckee River Outlet Crossing Project. Extensive coordination has occurred with the BOR regarding the proposed modification to the existing dam structure to provide for a trail crossing. Additionally, coordination with California State Parks has occurred on both sides of the dam to ensure compatibility with future Master Plans. Both agencies are supportive of the proposed project.

Project Goals

The goals of the Lakeside Trail Project Intertie are to provide a missing link in the trail system, while providing for pedestrian safety and traffic circulation improvements. The Truckee River Outlet Crossing is a portion of the missing link as well as a safety measure for the trail system. Currently, trail users must ride or walk along the shoulder of Highway 28 and Fanny Bridge. The proposed project would serve as a portion of the trail system that would eliminate this safety hazard. As a community resource, the trail
would provide convenient access to the natural beauty of Lake Tahoe and its shoreline. View corridors would be emphasized, and historical features would be incorporated into the design. Interpretive exhibits illustrating the dam history and operations would be placed along the trail. The proposed Truckee River Outlet Crossing would provide users an enjoyable, pedestrian-friendly environment that showcases Lake Tahoe, the Truckee River, and the existing dam structure.

Proposed Project

The total length of the trail crossings and connections is approximately 285 feet. Of this length, about 155 feet would be located across the Truckee River Dam and 130 feet would be located on State of California property. The trail would help relieve the pedestrian traffic across Fanny Bridge, as it would direct them to the proposed dam trail connection.

The portion of the trail constructed on State Parks property, at the southern end of the dam, would have vegetated shoulders on each side. Native revegetation and bank stabilization would be placed along the lakeside of this property in order to stabilize the bank and discourage pedestrian access. Trail design has been coordinated and would continue to be coordinated with the State Parks Master Plan for this area (i.e., demolition of existing Bridgetender restaurant and construction of a picnic area). Portions of the area are included in the State Parks improvements that may be constructed at the same time of the trail. The items to be constructed by State Parks include a river overlook with benches, bicycle parking, interpretive signs, and stone seat walls.

The trail would then extend across Lake Tahoe, connecting to the east side of the Truckee River Dam. The trail would be 12 feet wide, with a 42” railing on the easterly side to protect trail users. Foot lighting is proposed to provide for safety without adding additional glare to the vicinity. The trail would have removable deck panels for exterior access to the dam gates, and would include a debris catching device to prevent materials from entering into the dam mechanisms. The existing utilities located inside the dam would be placed underneath the bike trail. The trail would be supported by black steel pilings.

Trail features on the northern end of the dam are also located on State Parks property. These trail features were reviewed and approved in the “Community Trail Intertie Project EIR/EIS” and the State Parks “Truckee River Outlet, General Plan Amendment EIR, Tahoe State Recreation Area.” Therefore these features do not require additional review per CEQA or NEPA.

Project Construction

Construction work for the proposed project would be performed by a contractor(s) selected by the Tahoe City Public Utility District (TCPUD) in a complete bid process. The exact number of construction workers would be determined by the contractor and would depend to a large extent on the construction schedule. The TCPUD or their
contractor would obtain all required licenses, permits, and approvals necessary for performance of the work. The contractor would be required to comply with all applicable occupational health and safety standards, rules, and regulations. Additionally, specific requirements of, or restrictions upon, construction activities would be included in accordance with recommended mitigation measures.

A central staging site would be needed for the duration of construction. The precise location of the staging site has not been determined, however, would be sited within the project boundaries in an area cleared of sensitive or aquatic resources. Following proposed project completion, the site would be restabilized.

Construction is not anticipated to require any road closures or diversions. A minor increase in traffic along the Highway 89 and Mackinaw Avenue would result from the trucking of construction materials and the commuter trips of construction workers during the approximately 4 months of construction. Public safety and emergency services would be kept informed of construction activities for use in planning emergency response routing, if necessary.

Project Alternatives

A preferred configuration for the proposed project has been identified. However, detailed construction plans have not yet been developed. The proposed project and alternative alignments have been the subject of an extended agency and public involvement process. Discussions regarding the project have occurred at public meetings, the TRPA Shorezone Advisory Committee Meeting, and during meetings of the TCPUD Board of Directors. Under the No Project Alternative, the Lake Shore Trail Alignment would be constructed. Although additional costs are associated with the proposed trail alignment, the project meets the long-term objectives of the Community Trail Intermie Project to upgrade the existing trail system and provide for pedestrian safety and traffic circulation improvements. Because the proposed project fulfills the long-term objectives of the Tahoe City General Plan more closely than the No Project Alternative, the proposed action is the recommended alternative.

Initial Study/Preparation of a Supplemental EIR/EIS

CEQA requires the preparation of an Initial Study, the purpose of which is to determine whether or not the proposed project has the potential to cause a significant impact. Based on initial scoping with the TCPUD and TRPA, a Supplemental EIR/EIS would need to be prepared for the proposed project. This supplemental EIR/EIS would be tiered off the existing Community Intermie EIR/EIS.

Other public agencies whose approval/review is required (e.g., permits, financing approval, or participation agreement):

- Tahoe Regional Planning Agency
- California State Water Quality Control Board, Lahontan Region – WDR’s, 401 Certification, Basin Plan Exemption
- Placer County
- California Tahoe Conservancy (possible funding source)
- U.S. Army Corps of Engineers – General Permit 16
- California State Lands Commission – Lease
- California Department of Fish and Game – Lakebed Alteration Agreement
- Caltrans – Encroachment Permit
- State Historic Preservation Office (SHPO) – Section 106 processing

Responses to TRPA Initial Environmental Checklist

1a. Project coverage exceeds allowable coverage. To the extent that compliance with other options listed in Subsection 20.5.A(2) of the TRPA Code do not eliminate the need for excess coverage mitigation, an excess coverage mitigation fee would be paid. The amount of that fee would be based on the Excess Coverage Mitigation Fee table contained in Subsection 20.5.A of the TRPA Code, and the estimated construction cost of the project. Applicable costs would be determined based on estimates provided as part of the permit application.

Section 20.4 addresses the TRPA prohibition of additional coverage in low capability land classes. The following mitigation would be required:

- Work in or adjacent to Class 1b or backshore lands shall occur in accordance with techniques and equipment maintenance procedures prescribed by TRPA for work in a SEZ.

- Should construction of the project require additional coverage in low land capability land classes, restoration activities are required as mitigation of this disturbance. The amount of restoration needed would be based on the amount of new disturbance minus the amount of on-site disturbance and/or other coverage that would be restored. To achieve net environmental benefit, and pursuant to TRPA and Lahontan RWQCB requirements, restoration would occur at a ratio of 1.5 square feet of restored land for every one square foot of disturbed land. Restoration would occur in land classes and locations similar to those that would be impacted.

Section 55.4 of the TRPA Code contains a prohibition against the placement of new coverage within the backshore, however the project meets the exemption requirements. The above mitigation would be required for additional coverage in the backshore.

The restoration of disturbed or covered SEZ is an important goal identified by both TRPA and the Lahontan RWQCB. The Tahoe City Community Plan establishes an SEZ restoration target of 13.5 acres. The Basin 208 Plan also describes an SEZ restoration program for Placer County. It appears that the
The proposed project would result in an increase of SEZ coverage and the above mitigation would be required.

1c. The project area is almost entirely covered with impervious surfaces. Therefore, substantial soil erosion or the loss of topsoil does not occur. The proposed project would result in a reduction in impervious surfaces. During construction activities, temporary erosion control measures would be in place prior to commencing soil disturbance activities. Permanent BMPs, including vegetated trail shoulders, infiltration basins, and landscaping and revegetation of all disturbed areas would be implemented to prevent soil erosion or the loss of topsoil upon completion of construction activities.

1g. Mapping contained on the Division of Mines and Geology website shows that the probabilistic seismic hazard (as shown in the Peak Ground Acceleration Atlas) for the Tahoe City area is low (20 to 30%). This suggests a comparatively low potential shaking hazard. The only “structure” included in the proposed project area is the Truckee River Dam and the proposed trail. The dam has been constructed to minimize the potential that people or the structure would be subject to potential substantial adverse effects due to seismic activity. The proposed trail crossing would be constructed to these same standards.

The topography of the proposed project area, and the immediately surrounding area, is not of a type that would prompt landslides. Additionally, the banks on both sides of the Truckee River are stabilized with a concrete apron. Therefore, construction of the proposed project would not expose people or structures to potential substantial adverse effects due to landslides.

Examination of the Soil Survey of the Tahoe Basin, California and Nevada (SCS 1974) indicates that geologic strata and soils represented in the project area are not inherently unstable. The potential for landslides, lateral spreading, subsidence, liquefaction, or collapse is remote. Additionally, the banks on both sides of the Truckee River are stabilized with a concrete apron.

2a. Five main pollutants are of concern: ozone, carbon monoxide, oxides of nitrogen, coarse particulates, and fine particulates. Major pollutant sources are automobiles, combustion heaters, suspended roadway dust, conifers, and upwind areas. Chapter 93 of the TRPA Code identifies what are referred to as indirect sources of air pollution. The primary indirect source identified is daily vehicle trips. The proposed project would not cause a violation of any standard for the following reasons:

- The capacity and use of the Tahoe City bicycle facilities would be increased, resulting in a decrease in vehicle trips. Therefore, the proposed project would not cause an increase in main pollutants (ozone, carbon monoxide, oxides of nitrogen, or daily vehicle trips).
• Bare surface areas along the lake generate particulates. The construction of the trail, stabilization and revegetation of those areas would reduce current particulate levels.

2b. Use of equipment during project construction would result in air emissions. Such emissions would be intermittent in occurrence, minor in amount, and would not cause a deterioration of ambient air quality.

In order to reduce potential construction-related air quality impacts, the following mitigation measures are proposed:

• Construction areas and access routes would be watered to limit the generation of dust.

• Every effort would be made to concentrate construction activities requiring the use of equipment into either the spring or fall months, or during the early morning or late afternoon hours when use levels are at their lowest.

• The TCPUD would take measures to ensure that construction activities do not result in unsafe conditions. Traffic speeds would be reduced to 15 miles per hour or less, and soil disturbing activities would cease and temporary erosion control measures immediately installed if adverse weather conditions were to threaten the transport of disturbed soil offsite.

Once construction is complete, the project would not cause a violation of any air quality standard for the following reasons:

• The capacity and use of the Tahoe City bicycle facilities would be increased, resulting in a decrease in vehicle trips. Therefore, the proposed project would not cause an increase in main pollutants (ozone, carbon monoxide, oxides of nitrogen, or daily vehicle trips).

• Bare surface areas along the lake generate particulates. The construction of the trail, stabilization and revegetation of those areas would reduce current particulate levels.

2c. During the construction period, sensitive receptors (the public) may be exposed to elevated levels of air emissions from equipment. Those emissions (diesel fumes, for example) would be objectionable to some users.

An attempt would be made to concentrate construction activities requiring the use of equipment into either the spring or fall months, or during the early morning or late afternoon hours when use levels are at their lowest. This would limit the exposure of sensitive receptors to objectionable odors.

Once completed, the project would not generate objectionable odors.

3b/3c. The proposed project could alter existing, as the proposed project is expected to result in a decrease in pervious surfaces. However, it should be noted that major drainages (except the Truckee River) are not present in the proposed project area
and no stream course alteration would occur. Permanent BMPs, including vegetated trail shoulders, infiltration basins, and landscaping and revegetation of all disturbed areas would be implemented to reduce the potential for siltation when compared with the existing condition.

3e. Existing improvements within the proposed project area vary in the extent to which they address storm water runoff. In order to reduce potential impacts to hydrology and water quality to a less-than-significant level, the following measures would be implemented:

- To address the potential generation of contaminated storm water discharges, each of the proposed project components must provide for the implementation of temporary and permanent source control best management practices (BMPs). Temporary BMPs would be applied during and immediately after the construction period. Permanent BMPs involve the design, installation, and maintenance of structural features intended to remain functional over an extended period of time. BMPs must be formally incorporated into the construction design, construction specifications, and management agreements.

- Disturbance areas (soils and vegetation) would be minimized by establishing limits of disturbance and by allowing only limited access to the construction area. Disturbed areas would be reclaimed with an emphasis on the planting of species appropriate to the location. Dust control procedures would be implemented throughout the project area and construction traffic would not be allowed on steep slopes.

- Good housekeeping procedures would be critical. This would include providing suitable sanitary facilities, cleaning equipment and preventing the leakage of fluids, storing materials away from surface water, protect those areas with sediment barriers or another containment method, controlling laying of concrete and washing of related equipment, and collecting debris and gravel associated with paving operations. Adequate temporary storm drainage controls would be provided. They would consist of containing onsite drainage, placing silt fences around construction areas, and constructing temporary sediment basins (as necessary).

- Permanent BMPs would minimize any water quality concerns caused by the long-term presence and use of the project components. Runoff from created impervious surfaces would be infiltrated on-site. Emphasis would be on the use of trail-side infiltration trenches. The presence of infiltration trenches and vegetation buffer strips or swales adjacent to the trail would slow runoff and promote infiltration.

- Structural wood products would not leach toxic materials. Initial painting or staining of materials would occur in an area approved by TRPA.
BMPs would be included in the final project design to ensure compliance with storm water quality control requirements and effluent limits. Runoff generated from the trail should be of better quality than parking lot/road runoff and would be rate controlled by on-site infiltration facilities. Additionally, a TRPA approved fertilizer management plan would avoid potential impacts associated with nutrient introduction into Lake Tahoe or the Truckee River.

3i. The proposed project area is located along the shoreline of Lake Tahoe. As a result, it would be subject to impacts associated with a seiche event. The Lake Tahoe Basin is located in a region of active and potentially active faults. Movement along these faults or landslides caused by seismic activity may result in a seiche. In such an event, some portions of the proposed project area would be inundated temporarily.

Flood flow would not be significantly altered as a result of piling installation within the 100-year floodplain. Removal of the existing Bridgetender outside seating and replacement with a trail would result in a reduction of structures within the 100-year flood hazard area, and associated exposure of people or structures to a significant risk or loss. Additionally, a debris catching device would be constructed lakeward of the Truckee River Dam to prevent materials from entering into the dam mechanisms. Overall, exposure of people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam is considered less-than-significant.

4b. Groundwater is located quite close to the surface within much of the proposed project area. This is due to the area's proximity to Lake Tahoe. Water production wells are not present on the parcel, nor would any be constructed as part of the proposed project. The proposed project would not require the use of regional groundwater supplies at a level in excess of what occurs currently. The groundwater table will not affect riparian vegetation since the groundwater table will not be lowered.

4e. There is limited riparian vegetation within the project corridor. The integrity of this community has been diminished as a result of past construction activities in the proposed project area. Riparian species are located on the banks of the Truckee River, however the existing concrete apron associated with the Truckee River Dam, and the asphalt associated with the Bridgetender Restaurant outdoor seating has eliminated the potential for vegetation establishment.

5b. Discussions regarding wildlife contained in the Tahoe City Community Plan EIR/EIS (TRPA 1994b4-9 to 4-71, and 5-135, incorporated by reference) indicate that Community Plan implementation would have no effect on the diversity, distribution, or number of animal species currently present within the Community Plan area. The proposed project is engulfed by urban development. Human presence and the past conversion of native vegetation types have resulted in
diminished values for most regional wildlife species. The proposed project does not transect functional or critical habitat, nor does it act as a linkage corridor to adjacent intact habitat.

Discussions regarding sensitive species are contained in the Tahoe City Community Plan EIR/EIS (TRPA 1994b:4-71 to 73, and 5-135). That discussion identified five species that are found within the general project area. Of the five, the species of greatest relevance to the proposed project would be Tahoe yellow cress (*Rorippa subumbellata*). However, a survey (TRPA 1993) indicates that none of the five species, including Tahoe yellow cress, were present in the community planning area, which includes the Lakeside Trail Truckee River Outlet Crossing project area. The TRPA survey serves as evidence that this species is not present in the proposed project area. The nearest identified population is located between Sunnyside and Tahoe City (TRPA 1994b). Nesting sites and/or critical habitat associated with these species are not present in the Community Plan area.

It was determined in the Tahoe City Community Plan EIR/EIS that the Community Plan would not prompt a reduction in the number of sensitive animal species. Based on these considerations, the proposed project would affect directly, or through habitat modification, a candidate, sensitive, or special status species.

6a. Discussions in the Tahoe City Community Plan EIR/EIS (TRPA 1994b:4-43 to 4-50, and 5-87 to 5-93, incorporated by reference) identify existing noise levels in Tahoe City and increases in noise levels projected to occur due to both community plan alternatives and prospective projects.

Construction activities associated with the proposed project would occur between the hours of 8:00 a.m. and 6:30 p.m. Based on criteria contained in Section 23.8 of the TRPA Code, those construction activities are exempt from compliance with community noise levels.

Noise levels generated by users of the trail are not expected to increase beyond current levels.

6c. Noise levels within and adjacent to the proposed project area would increase temporarily during the construction period. That noise would be associated with the operation of construction equipment. Construction activities associated with the proposed project would occur between the hours of 8:00 a.m. and 6:30 p.m. Based on criteria contained in Section 23.8 of the TRPA Code, those construction activities are exempt from compliance with community noise levels. However, the following mitigation measure is proposed to assist in reducing temporary ambient noise levels in the project vicinity above levels existing without the project.

- Construction equipment shall be located as far as feasibly possible from sensitive receptors. Impact tools and intake and exhaust ports on power construction equipment shall be muffled or shielded while in operation.
The type and level of use at the project site would not change as a result of the proposed project. The only noise impacts associated with the proposed project are temporary construction related impacts. Therefore, the proposed project would not result in an increased ambient noise level within or adjacent to the project area.

7a./7b. Low-level lighting is currently on the Truckee River Dam for security purposes. New sources of light would be installed on the dam and across the Bridgetender as a result of the proposed project. In these areas, low elevation, shielded, night lighting would be installed to illuminate the trail for safety purposes. The lighting would be designed to ensure that light does not escape above the horizontal. The following mitigation measure is proposed to reduce potential impacts associated with lighting to a less-than-significant level:

- Proposed lighting would be designed in accordance with Chapter 30.8 of the TRPA Code of Ordinances and Chapter 4 of the Tahoe City Community Plan Standards and Guidelines for Signage, Parking and Design.

8b. The proposed project area is located within Special Area 3 as defined in the Tahoe City Community Plan. The proposed project is an allowed use within Special Area 3.

The Tahoe City Community Plan establishes a coverage reduction target of 6.1 acres (TRPA 1994a:IV-23) and a disturbed land reduction target of 23.4 acres (TRPA 1994a:IV-28). The proposed project may result in an increase of coverage. However, the removal of the Bridgetender outside seating area includes revegetation of existing impervious surfaces.

Land capability classes represented in the proposed project area include Classes 1b SEZ and 1b Gr. Section 20.3 of the TRPA Code of Ordinance establishes limits as to the amount of coverage allowed, based on land capability classes. Lahontan RWQCB Lake Tahoe HU prohibition 13 also deals with projects where coverage is in excess of that allowed. As a result of increased coverage and coverage in excess of allowable coverage, mitigation would be implemented as follows:

- Project coverage exceeds allowable coverage. To the extent that compliance with other options listed in Subsection 20.5.A(2) of the TRPA Code do not eliminate the need for excess coverage mitigation, an excess coverage mitigation fee would be paid. The amount of that fee would be based on the Excess Coverage Mitigation Fee table contained in Subsection 20.5.A of the TRPA Code, and the estimated construction cost of the project. Applicable costs would be determined based on estimates provided as part of the permit application.
Section 20.4 addresses the TRPA prohibition of additional coverage in low capability land classes. The following mitigation would be required:

- Work in or adjacent to Class 1b or backshore lands shall occur in accordance with techniques and equipment maintenance procedures prescribed by TRPA for work in a SEZ.

- Should construction of the project require additional coverage in low land capability land classes, restoration activities are required as mitigation of this disturbance. The amount of restoration needed would be based on the amount of new disturbance minus the amount of on-site disturbance and/or other coverage that would be restored. To achieve net environmental benefit, and pursuant to TRPA and Lahontan RWQCB requirements, restoration would occur at a ratio of 1.5 square feet of restored land for every one square foot of disturbed land. Restoration would occur in land classes and locations similar to those that would be impacted.

Section 55.4 of the TRPA Code contains a prohibition against the placement of new coverage within the backshore, however the project meets the exemption requirements. The above mitigation would be required for additional coverage in the backshore.

The restoration of disturbed or covered SEZ is an important goal identified by both TRPA and the Lahontan RWQCB. The Tahoe City Community Plan establishes an SEZ restoration target of 13.5 acres. The Basin 208 Plan also describes an SEZ restoration program for Placer County. It appears that the proposed project would result in an increase of SEZ coverage and the above mitigation would be required.

10a. The proposed project would not require the routine use or storage of hazardous materials. Therefore, the potential for a significant release is considered remote.

13a. The proposed project is expected to beneficially impact VMT and less than significantly impact volume capacity ratios and intersection congestion. Therefore, the proposed project would have a less-than-significant impact on levels of service at local roads or highways.

13b. The 64-acres facility currently has adequate parking for trail access. Parking spaces potentially impacted as a result of the southerly trail improvements at the existing Bridgetender Restaurant would be recovered in a more appropriate location at the future restaurant site.

13c/13d The proposed project is not expected to cause additional people to drive to the North Tahoe area. As discussed in the Community Trail Intertie Project EIR/EIS, either of the Truckee River Bridge crossing alternatives would reduce vehicle mile trips (VMT) by 644 on peak days due to increased pedestrian and bicycle
accessibility to existing regional bicycle and pedestrian facilities. It is anticipated that the proposed Truckee River Outlet Crossing would result in a similar VMT reduction. It is also anticipated that the proposed project would marginally increase the number of pedestrians and bicycles that would cross State Route 89 in the vicinity of Fanny Bridge. This segment of roadway currently operates at Level-of-Service F during summer peak demand periods. Vehicle delays of up to 30 minutes have been observed on numerous occasions due to this "bottleneck." As such, any project that increases bicycle, pedestrian, or vehicular traffic at this location would have the effect of increasing vehicular delay, especially during those peak periods.

Based on the Community Trail Intertie Project EIR/EIS, providing for trail connectivity, a component of the proposed project, would improve traffic flow and pedestrian and bicycle safety. It should be considered that during the summer of 1997, a trial traffic control program was implemented at Fanny Bridge. The presence of traffic control officers increased vehicular capacity across Fanny Bridge by 40 to 50 vehicles per hour. This represents a five percent increase in roadway capacity. Therefore, it is recommended that traffic control officers continue to be present with the proposed project during peak demand periods (typically weekends between the 4th of July and Labor Day, and weekdays between July 15 and Labor Day). This would have the effect of mitigating any additional delay caused by increased pedestrian activity in the vicinity of Fanny Bridge.

13f. The Community Trail Intertie Project EIR/EIS illustrates that a Truckee River crossing upstream of Fanny Bridge would reduce pedestrian and bicycle conflicts with automobiles on Fanny Bridge by 52.3%. Improvements to the State Route 89 crossing, central access, and streetscape improvements would also minimize the potential for hazardous conditions. Additionally, a TRPA approved guardrail would be designed for the Truckee River crossing to ensure that safety issues (i.e., drowning, children getting trapped between railings) would not occur.

14e. The need for public services is not expected to change when compared with the existing condition. The TCPUD currently maintains the trails and has the capacity to maintain the proposed trail segment. Implementation of the proposed action would not affect service ratios or response times, nor would it require the enlargement of existing services or facilities intended to house those service groups.

18a/18b The project will be visible from Lake Tahoe, CA State Parks Gatekeeper's Museum, Highway 89, and the existing Lakeside Trail. A majority of the proposed trail would be hidden by the existing dam (views from the west). Views of the trail from the Lake (views from the east) would be limited, due to the alcove leading to the dam where public uses (i.e. boating) are not allowed. Users of the lands to the south, including the Gatekeeper's Cabin Museum, could see the trail connection, in conjunction with the existing dam features. The portion of the trail
located on State of California property would be visible from Roadway Unit 15 (Tahoe City). Ratings for Unit 15 are not in attainment of established thresholds.

The originally proposed Truckee River trail crossing alternatives (new pedestrian bridge, widening of Fanny Bridge), as discussed in the Community Trail Intertie Project EIR/EIS, would have resulted in the need to provide scenic restoration sufficient to raise the composite scenic restoration goal for Roadway Unit 15 by 1.25 points due to visual obstruction to scenic resources. The proposed new trail would not obstruct views of the Truckee River, rather enhance views due to the relocation of pedestrians along Fanny Bridge, or obstruct views of the Truckee River Dam (both designated as scenic resource in the TRPA Scenic Quality Improvement Program).

Potential visual impacts associated with the proposed project would consist of soil disturbance, some vegetation removal, installation of pilings and trail surface on the east side of the Truckee River Dam, installation of paved surfaced, striping, signing, and the relocation of pedestrians and bicyclists. There would be a reduction in urban improvements along the southerly and northerly alignment of the proposed trail, due to the removal of the Bridgetender restaurant and the outside seating, and removal of Izzy’s Burger Spa. Additionally, the BOR has proposed maintenance to the dam structure, including adding glass panels such that the existing shutters could be raised allowing increased views of Lake Tahoe. Although these projects are not a component of the proposed project, scenic quality benefits associated with these projects should be considered for the project area.

In order to reduce potential aesthetic impacts, the following components are included in the project design:

- The proposed trail would utilize as much natural and built screening as possible.
- Clustered plantings and the placement of native boulders are proposed in select areas along the southerly portion of the trail.
- Proposed facilities and associated improvements would increase the amount and variety of visible vegetation and provide interesting visual features (signage, benches, pavers, boulders, vegetation).
- Natural materials that blend, rather than contrast, with the environment would be utilized (rough hewn timber, native boulders).
- Design that compliments existing structures and minimizes visible surface areas (Truckee River Dam crossing, guardrail).

Activities associated with the proposed project would not cause assigned scenic resource ratings to decrease.

20a. The Tahoe City Community Plan EIR/EIS (1994b: 5-133) identifies the Truckee River Dam as a structure eligible as a historic resource in accordance with
Chapter 29 of the TRPA code, the National Register of Historic Places, and CEQA standards. As the Tahoe City Dam is listed with the National Register of Historical Places, Section 106 of National Historic Preservation Act processing and approvals would be required. Section 106 processing requires Federal agencies, the BOR in this case, to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

In 1870, Alexis von Schmidt constructed a dam 150 yards downstream of the lake’s outlet. In 1872, the Donner Lumber and Boom Company built a crib containment dam about 50 yards lake ward of the present dam. That five gate dam was used to back up a head of water to flush accumulations of logs downstream to the Truckee Mills. The current Truckee River Dam was constructed between 1909 and 1912 and is State Registered Landmark number 89. Other historical resources in proximity to the proposed project area are the Gatekeeper’s Cabin (built in 1916, destroyed by fire in 1978, and rebuilt in 1981), and the State Route 89 bridge across the Truckee River (Fanny Bridge).

Construction of a trail adjacent to the dam should not impact the physical integrity of the structure or any landscape or architectural features that might contribute to the eligibility of the dam. The trail would be constructed on the lakeside of the dam and would only be seen from the easterly viewsheds. Additionally, there would be no impact to the Gatekeeper’s Cabin or Fanny Bridge. The Lake Tahoe Historical Society has been informed of the proposed trail crossing east of the Truckee River Dam and was supportive of the project. Potential project-related impacts to historic resources could be mitigated through implementation of the following measures:

In accordance with Section 64.8 of the TRPA Code, if historic materials are identified during construction activities, grading shall cease and TRPA shall be notified immediately.

Appropriate interpretation shall be provided in conjunction with the Truckee River Dam that discusses the use of the area prehistorically and historically.

20c. The Tahoe City Community Plan EIS contains an extensive discussion of the area’s prehistory (TRPA 1994:4-57 to 4-66). Evidence of prehistoric and ethno-historic period subsistence activities is found in the form of small temporary
camps near actual procurement locations, and larger seasonal camps that often contained habitations features and bedrock mortars. A summer camp (daubayodu'E) was found on a small hill near the lake's outlet that was destroyed during construction of State Route 89. Here, the Washoe fished and collected grasshoppers which they roasted over hot coals.

Review indicates that due to the previous surface modifications, the potential for the discovery of intact prehistoric period cultural resources is considered to be low. However, potential project-related impacts to archaeological resources could be mitigated through implementation of the Mitigation Measures listed under 20a above.
TRPA INITIAL ENVIRONMENTAL CHECK LIST

for

The Initial Determination Of Environmental Impact

Assessor Parcel Number(s) 94-540-016, 94-540-017

I PROJECT NAME AND DESCRIPTION: (use additional sheets, if necessary)

Lakeside Trail Phase IIA - Truckee River Outlet Crossing - See Attached Project Description

II ENVIRONMENTAL IMPACTS:

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "yes" and "no, with mitigation" answers will require further written comments.

1 Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

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b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

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JANUARY 14, 1999
c. Unstable soil conditions during or after completion of the proposal?

See attached Expanded Response.

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d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

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e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

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f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

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g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

See attached Expanded Response.

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2 Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

See attached Expanded Response.

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b. Deterioration of ambient (existing) air quality?

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c. The creation of objectionable odors?

See attached Expanded Response.

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d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

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e. Increased use of diesel fuel?

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3 Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

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b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

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<tr>
<th>Yes</th>
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</table>
c. Alterations to the course or flow of 100-year flood waters?

See attached Expanded Response.

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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d. Change in the amount of surface water in any water body?

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<th>Yes</th>
<th>No</th>
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e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

See attached Expanded Response.

<table>
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<th>Yes</th>
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f. Alteration of the direction or rate of flow of groundwater?

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g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

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<th>Yes</th>
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h. Substantial reduction in the amount of water otherwise available for public water supplies?

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</table>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

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<th>Yes</th>
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</table>

J. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

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4 Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

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<th>Yes</th>
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b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

See attached Expanded Response.

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<th>Yes</th>
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c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the-normal replenishment of existing species?

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d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

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<th>Yes</th>
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</table>

e. Reduction of the numbers of any unique, rare or endangered species of plants?

See attached Expanded Response.

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f. Removal of streambank and/or backshore vegetation, including woody vegetation such as willows?

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g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

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h. A change in the natural functioning of an old growth ecosystem?

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</table>
Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

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<th>Yes</th>
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b. Reduction of the number of any unique, rare or endangered species of animals?

See attached Expanded Response.

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c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

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d. Deterioration of existing fish or wildlife habitat quantity or quality?

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Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

See attached Expanded Response.
b. Exposure of people to severe noise levels?

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c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

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7 Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

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b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

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c. Cause light from exterior sources to be cast off-site or onto public lands?

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d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

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8 Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

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<thead>
<tr>
<th>Yes</th>
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b. Expand or intensify an existing non-conforming use?

See attached Expanded Response.

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9 Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

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b. Substantial depletion of any non-renewable natural resource?

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10 **Risk of Upset**

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

<table>
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   See attached Expanded Response.

b. Involve possible interference with an emergency evacuation plan?

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11 **Population**

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

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b. Include or result in the temporary or permanent displacement of residents?

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12 **Housing**

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

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b. Result in the loss of affordable housing?

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13 Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new daily vehicle trip ends (DVTE)?

See attached Expanded Response.

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<th>Yes</th>
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b. Changes to existing parking facilities, or demand for new parking?

See Attached Expanded Response.

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c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

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d. Alterations to present patterns of circulation or movement of people and/or goods?

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e. Alterations to waterborne, rail or air traffic?

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14 Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

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b. Police protection?

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c. Schools?

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d. Parks or other recreational facilities?

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e. Maintenance of public facilities, including roads?

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f. Other governmental services?

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</table>
15 **Energy**

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

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b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

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16 **Utilities**

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

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<th>Yes</th>
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b. Communication systems?

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c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

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19 Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

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b. Create additional recreation capacity?

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<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
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c. Have the potential to create conflicts between recreation uses, either existing or proposed?

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d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

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20 Archaeological/Historical

a. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?

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b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

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c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

See attached Expanded Response.

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d. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

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21 Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

<table>
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b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

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c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

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d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

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III CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and coext to the best of my knowledge and belief.

[Signature]

Signature of Person Completing this Form

10/19/01

Date

WRITTEN COMMENTS: (use additional sheets as necessary)
IV DETERMINATION (TO BE COMPLETED BY TRPA)

On the basis of this evaluation:

a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

   Yes  No

b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

   Yes  No

c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.

   Yes  No

__________________________  ________________
Signature of Evaluator       Date

__________________________
Title of Evaluator