To: TRPA Hearings Officer

From: Theresa Avance, Senior Planner

Date: December 13, 2012

Subject: Shoemaker Single Family Dwelling Addition, 960 Mercury Court, Washoe County, Nevada, Assessor Parcel Number (APN) 125-443-16, TRPA File Number ERSP2012-1135

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the Draft Permit (Attachment A)

Staff Recommendation: Staff recommends approval of the project based on this staff summary and evidence contained in the project record.

Project and Site Description: The proposed project consists of removal and revegetation of an existing driveway, and replacing an existing deck on a single family dwelling with an attached two-car garage with a deck above. In addition, all permanent BMPs will be installed for the project area. The project will relocate existing land coverage on-site; no additional land coverage will be created as a result of this project. The maximum excavation for the project will be 10 feet below natural grade. The proposed garage and single family dwelling remodel will use colors and materials that blend with the natural surroundings.

The building site is located in Washoe County, in a residential neighborhood, and the building site has a slope of approximately 10 percent. The parcel consists of Land Capability Classification 1a, and contains an existing single family home.

Issues: According to Plan Area Statement 042 – Incline Village #5, Single Family Dwellings are a special use due to avalanche danger and therefore require Hearings Officer review in accordance with Section 2.2.2 of the TRPA Code.

Staff Analysis:

A. Environmental Documentation: TRPA staff has completed the “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. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 042. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject
Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The use (single family dwelling) is listed as a special use.

C. **Land Coverage:**

1. **Land Coverage Calculations (all numbers in square feet):**
   Table 1, below, summarizes TRPA land coverage calculations for the proposed project.

   **Table 1 – PROJECT AREA LAND COVERAGE CALCULATIONS**

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2. **Excess Land Coverage Mitigation:**
   Based on the above coverage figures, the existing project area contains 2,994 sq. ft. of excess land coverage. Pursuant to Subsection 30.6 of the TRPA Code of Ordinances, the applicant shall be required to either pay a mitigation fee or reduce existing coverage to mitigate the excess land coverage.

D. **Height:** This project complies with height requirements of the TRPA Code of Ordinances.

**Required Findings:** The following is a list of the required findings as set forth in Chapter 4, 21, 30, 33 and 37 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 4 – Required Findings:**
   - (a) **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.**
     
     Based on the findings provided on the Article V (g) Findings Checklist, there is sufficient evidence in the project file to make this finding.
   
   - (b) **The project will not cause the environmental threshold carrying capacities to be exceeded.**
     
     TRPA staff has completed the “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Chapter 4, Subsection 4.4 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities, and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.
Wherever federal, state or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V (d) of the Tahoe Regional Planning Compact.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices. The applicant will meet or exceed all federal, state, or local water quality standards. Upon completion of construction, the projects will have no impact upon water quality standards.

2. Chapter 21 – Special Use Findings:

(a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed single family residential modification is located within an existing residential neighborhood with single family homes of similar size and scale. The project is an appropriate use for the parcel and is compatible with the surrounding area. The project also includes the installation of permanent Best Management Practices.

(b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.

The applicant will be required to apply both temporary and permanent Best Management Practices to protect the land, water, and air resources of the subject property and that of the surrounding property owners.

(c) The project, to which the use pertains, will not change the character of the neighborhood detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The project will not adversely affect the plan area statement as the proposed project is a modification to an existing single family dwelling. The single family dwelling is located within a residential plan area and is surrounded by residential property. The project will not change the character of the neighborhood.

3. Chapter 30 - Land Coverage:

(a) The relocation of land coverage is to an equal or superior portion of the parcel or project area.

The land coverage will be relocated from an existing driveway, and the new coverage consists of a new entryway, a shorter driveway, and a garage near the street, resulting in reduced disturbance and vehicular access to the rear of the parcel. The entire parcel has been verified as Class 1a.
(b) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.

The original location for the land coverage to be relocated shall be revegetated and restored with appropriate species from the TRPA Approved Plant Species List and shall be consistent with Subsection 30.5.3. of the TRPA Code of Ordinances.

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

All land coverage to be relocated is within Class 1a land.

4. Chapter 33 - Grading

(a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

Based on a soil hydrologic investigation and approval on a neighboring property, and general knowledge of the area, TRPA staff waived the need to conduct a subsurface investigation due to the absence of groundwater in the area and approved an excavation to 10 feet below ground surface.

(b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 33.6.5, including root systems, and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation.

The proposed excavation has been designed to prevent damage to all mature trees not otherwise designated for removal as a part of this project.

(c) Excavated material is disposed of pursuant to Section 33.3.4 and the project area’s natural topography is maintained pursuant to Subparagraph 36.5.1.A; or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 33.3.6.A.2 and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

Excavated material not used for backfill will be hauled away to an approved location.

6. Chapter 37 – Height:

AGENDA ITEM NO.V.A
(a) When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed structure will not be visible from any scenic corridor, major arterials, public recreation areas or the waters of Lake Tahoe and it will not extend above the forest canopy.

(b) When outside a community plan, the additional height is consistent with the surrounding uses.

The proposed residence is located in Plan Area Statement 042- Incline Village #5 which has the Land Use Classification as Residential. The proposed project is a modification to an existing single family dwelling and is consistent with the surrounding uses.

(c) The maximum height at any exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of the lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof.

The building height is 38’-6”. The maximum height at the corner of two exterior walls is 14’-0”, which is 37 percent of the maximum building height.

**Required Actions:** Staff recommends that the Hearings Officer take the following actions:

I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

**Attachments:**

A. Draft Permit  
B. Site Plan
Attachment A

DRAFT PERMIT

PROJECT DESCRIPTION: Single Family Dwelling Addition

PERMITTEE(S): Rodney and Dorea Shoemaker

COUNTY/LOCATION: Washoe/960 Mercury Court

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on December 20, 2012 subject to the standard conditions of approval attached hereto (Attachment R), and the special conditions found in this permit.

This permit shall expire on December 20, 2015 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation 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 TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:
(1) 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;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

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(s) Date

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

Security Posted (2): Amount $ 2,000 Type ___ Paid _____ Receipt No.______

Security Administrative Fee (3): Amount $________ Paid _____ Receipt No.______

Notes:
(1) Amount to be determined. See Special Condition 3.F., below.
(2) Amount to be determined. See Special Condition 3.G., below.
(3) $152 if a cash security is posted or $135 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:

_____________________________________             ______________________________
TRPA Executive Director/Designee                               Date

SPECIAL CONDITIONS

1. This permit authorizes the construction of an attached two-car garage with a deck above, a new driveway, a new entryway, and finishing of the existing house under-floor with a playroom and storage. The existing driveway will be removed and the area revegetated, and all necessary Best Management Practices will be installed for the project area. All necessary land coverage will be relocated onsite. The maximum excavation for the addition shall not exceed 10 feet below natural grade.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
   A. The site plan shall be revised to include:
      (1) The following revised land coverage calculations:
         (a) Include a table with TRPA verified coverage, or otherwise clarify that only 335 square feet of existing deck coverage was verified.
         (b) Change “Total Remaining Coverage” to read “Total Coverage to be Banked”. Please be aware that the land coverage will not be considered
as banked until the project is complete and the project security has been released.

(2) Temporary erosion control structures located downslope of the proposed construction areas.

(3) Vegetation protective fencing around the entire construction site and individual trees where required. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.

(4) All BMP details and specifications shall be consistent with the latest TRPA Handbook of Best Management Practices. All of the BMP handbook details and information sheets can be viewed and downloaded at http://www.tahoebmp.org/BMPHandbookCh4.aspx. Details to be included:

(a) Infiltration Trench
(b) Infiltration Trench on Slope
(c) Infiltration Facility
(d) Slotted Drain
(e) Vegetation Protection
(f) Construction Site
(g) Fiber Rolls and/or Silt Fence

(5) BMP details shall be correctly identified on the detail sheet.

(6) The infiltration facility adjacent to Mercury Court is incorrectly designed to be higher in elevation than the associated drainage. This facility shall be redesigned so runoff will flow to the facility as intended.

(7) The permittee shall submit calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event. Please use the BMP Calculation Spreadsheet available at www.tahoebmp.org.

(8) A note indicating: “All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, and Second Edition.”

(9) A note indicating: “Dust control measures shall be in place during construction. Mulch shall not be permitted as a dust control measure within 35 feet of structures.”

AGENDA ITEM NO. V.A
B. The elevations shall be revised to correct the height calculations to reflect the proposed height of the structure as 30 feet – 3 inches.

C. The permittee shall provide a landscape/revegetation plan in accordance with the standards required in Sections 36.7 and 61.4 of the TRPA Code of Ordinances for TRPA review and approval.

D. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

   (1) **Color:** The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

   (2) **Roofs:** Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.

   (3) **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

E. The permittee shall provide the latest recorded grant deed for Assessor’s Parcel Number 125-443-16. Once the grant deed is received, TRPA will prepare a deed restriction that indemnifies and holds harmless TRPA if property is damaged or destroyed as a result of an avalanche on this parcel.

F. The permittee shall record the deed restriction identified in Special Condition 3.E. of this permit. A copy of the recorded deed restriction or the original recorded deed restriction shall be provided to TRPA prior to acknowledgement of the permit.

G. The affected property has 2,994 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 1 – Incline, 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 of 1.0% (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. 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.
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 above) multiplied by the coverage mitigation cost fee of $20.00 for projects within Hydrologic Transfer Area 1 – Incline. 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.

H. The security required under Standard Condition A.3 of Attachment R shall be $2000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

I. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

5. The permittee shall prepare and provide photographs to the TRPA Compliance Inspector that have been taken during construction that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project have been installed as specified on TRPA approved plans.

6. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.

7. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of
waste material to surface drainage features is prohibited and constitutes a violation of this permit.

END OF PERMIT
MEMORANDUM

Date: December 20, 2012
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Approval of the Vo – Tahoe Crayfish Removal Project (EIP 01.04.02.06); Lake Tahoe, Nevada and, California; APN #: 560-101-00, TRPA FILE#: EIPC2012-0013.

Requested Action: Hearings Officer action on the proposed Tahoe Crayfish Removal Project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Project Description/Background: Applicant Viet Vo is proposing a commercial boating operation to remove Signal crayfish from Lake Tahoe. The proposed project is considered a pilot project; this permit will be reviewed on a biennial basis to evaluate the project’s effectiveness prior to renewal.

The proposed project area is the entirety of Lake Tahoe, including both Nevada and California; however, commercial harvest of crayfish will occur only in Nevada, as this activity is currently prohibited in California by the California Department of Fish and Game.

The proposed project seeks to reduce the environmental impacts of Signal crayfish on native fisheries and water quality through mechanical removal. Signal crayfish are listed as an invasive species in the Lake Tahoe Regional Aquatic Invasive Species Management Plan. A commercial crayfish harvest could enable ecological control of this species through partnership between the private sector and public agencies to accomplish greater environmental gain than would otherwise be possible through public programs alone.

Through this pilot project, Viet Vo is helping to explore the feasibility of sustaining such a crayfish removal effort through the commercial sale of biomass harvested. The project objectives are to remove as many Signal crayfish as possible and to monitor the effects of mechanical removal on the resident crayfish population. Crayfish which are harvested under this permit will be sold by the applicant to offset operational costs.

The proposed project entails commercial boating operations associated with a commercial crayfish harvest. One commercial watercraft will be used to set and collect crayfish traps on the lake bottom. Traps will be removed within 48 hours of time set and all crayfish caught in the traps will be removed from Lake Tahoe. Traps will be set in water depths ranging from 15 to 120 feet. Traps will be deployed individually or on a line of 5 to 20 traps. Normal operations will start at dawn and end approximately at sunset. If necessary, night operations to collect traps can be conducted in a manner that does not cause excessive noise or light. Watercraft will be launched and harvested crayfish will be unloaded at existing marina facilities, primarily the Cave Rock boat launch on the east shore.
Issues/Concerns: The proposed project includes a commercial boating operation. Commercial boating is a special use in the shorezone and lakezone of Lake Tahoe; the proposed project therefore requires a public hearing. The primary project related issues are:

Source Water Intakes: Water purveyors with source-water intakes in Lake Tahoe identified a potential for the deployment of crayfish traps to interfere with, disrupt, or damage water intakes. Through coordination with purveyors and partner agencies, TRPA has established a 1,000-foot “exclusion” zone around all source-water intakes. The placement of crayfish traps or trapping equipment in the 1,000-foot exclusion zone is not permitted.

Shorezone and Lakezone Structures: TRPA identified a potential for the deployment of crayfish traps or other trapping equipment to interfere with the use and operation of existing structures. Therefore, staff developed a 50-foot exclusion zone around all structures, including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters, and a 1,000-foot exclusion zone around a boat-launching facilities. The placement of crayfish traps or trapping equipment in these exclusion zones is not permitted.

Crayfish Transport and Sale: Although this permit does not pertain to the transport and sale of Signal crayfish, TRPA has coordinated with the Nevada Department of Wildlife to ensure that invasive crayfish are not transported in the Tahoe Basin other than for the purpose of commercial distribution. Signal crayfish may not be released in any waters in the Tahoe Basin and detailed Record of Transfer forms are required for all catch. Signal crayfish may only be sold to food wholesalers or retailers in accordance with State and Federal laws.

Removal Effectiveness/Environmental Improvement Program: The effectiveness of this project at controlling the Signal crayfish population and/or reducing the ecologic and environmental effects of crayfish on Lake Tahoe is unknown at this time. The draft permit therefore requires monitoring and reporting, and the opportunity for adaptive management through coordination with other agencies. Further, this project will be evaluated annually and prior to December 1, 2014 to assess the effectiveness of crayfish removal as an Environmental Improvement Program Project. This EIP permit application will not be renewed under the EIP unless there is evidence that the mechanical removal proposed in this project can be effective at controlling Signal crayfish or reducing the environmental impacts of invasive crayfish on Lake Tahoe.

Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 80, and 81 of the TRPA Code of Ordinances (see attachment A for details).

Contact Information: If you have any questions, please contact (Patrick Stone, Senior Fisheries and Wildlife Biologist) at (pstone@trpa.org) or (775-589-5213).
Attachments:
A. Required Findings/Rationale
B. Draft Permit
Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 80, and 81 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 4.4.1 – Required Findings:
   a. 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.

   Land Use: The project area lies within the Lake Tahoe lakezone. The project is designed to have no net change in existing uses within the project area. The project would effectively implement goals and policies of the TRPA Regional Plan. Specifically, the proposed project would partially implement an Environmental Improvement Program (EIP) project (01.04.02.06: Control of Aquatic Invasive Species). Therefore this project, as conditioned in the Draft Permit, is consistent with the Regional Plan and will not adversely affect implementation of Land Use or implementation of sub-elements of the Regional Plan.

   Transportation: This project will not adversely affect implementation of the Transportation Element of the Regional Plan. The project is designed to have no net change in existing uses and public access within the project area. Although project uses would not result in significant traffic impacts, additional Daily Vehicle Trip Ends (DVTE) would be generated on a short-term basis during harvest operations.

   Conservation: Implementation of this project may result in aquatic habitat enhancement consistent with the TRPA Goals and Policies. The project may benefit water quality by reducing the effects of Signal crayfish on aquatic algae, nutrient loading, and lake clarity. The project is a pilot-study that includes effectiveness monitoring and evaluation to determine project effects on Signal crayfish; therefore, the level and certainty of habitat enhancement is unknown. No negative impacts to cultural or historic resources area are expected.

   Recreation: This project will not affect recreation. Through the special conditions of the permit, any potential impacts to navigation and recreational users have been addressed through requirements that equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. The applicant must also maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe, including avoidance of navigational hazards. The project is designed to have no net change in existing recreational uses and public access within the project area.
Public Service and Facilities:  This project will not affect public services or facilities. The project is design to have no net change in existing public services and access within the project area. The project will utilize existing boat-launching facilities for the launch and retrieval of the watercraft.

Implementation:  This project will not affect the Implementation Element of the Regional Plan.

b.  The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has reviewed the “Initial Environmental Checklist” prepared by Viet Vo and Article (V)g “Findings” in accordance with Chapter 4, Subsection 6.4 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed (V)g checklist is available at the TRPA front desk and will be available at the public hearing.

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 b, above)

2. Chapter 21.2.2 – Permissible Uses: Special Uses

Commercial Boating is a special use in the lakezone of Lake Tahoe. Before issuing an approval, TRPA shall make the following findings:

a.  The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located;

Commercial boating associated with the project is of relatively small scale and intensity. This permit authorized the use of one watercraft to be used at any time. The type of boating is consistent with existing recreational fishing activities, and existing commercial and recreational boating on Lake Tahoe. Commercial boating operations like this crayfish removal project are an appropriate use for Lake Tahoe.

b.  The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners; and

The project applicant has included in the boating operation plan reasonable measures to avoid areas where crayfish traps could disturb the health, safety,
enjoyment of property, or general welfare of the Lake Tahoe region. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

c. The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable.

The project is designed to not change the character of Lake Tahoe or alter the purpose of the lakezone. Boating operations, watercraft launching, and harvest or equipment loading/unloading associated with this project will occur within existing boating facilities (i.e. marinas) that are characterized by similar existing activities.

3. Chapter 80.4 – Review of Projects in the Shorezone and Lakezone; Required Findings

A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

a. Significant Harm - The project will not adversely impact littoral processes; fish spawning; backshore stability, or on-shore wildlife habitat, including wildfowl nesting areas.

The project will occur on Lake Tahoe or at established lake-access facilities; therefore, the project will not adversely affect backshore stability or onshore wildlife habitat. Trapping equipment will be located in areas with water-depths greater than 15 feet; therefore it is unlikely that the project will impact littoral processes or fish spawning. The project may have a beneficial impact on fish spawning by removing predatory crayfish.

b. Accessory Facilities - There are sufficient accessory facilities to accommodate the project.

Sufficient accessory facilities exist to accommodate the project. The project will utilize existing boat-launching facilities for the launch and retrieval of all watercraft. Accessory facilities potentially accommodating the project are marinas, boat storage, access to public waters, and restrooms.

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

The project is compatible with existing lakezone uses. No modifications to existing uses or structures in the shorezone or lakezone are allowed under this permit. No additional shorezone structures are authorized under this permit.

d. Use - The use proposed in the foreshore or nearshore is water dependent.
The project area does not include the foreshore. Commercial boating operations are, by nature, water dependent.

d. **Hazardous Materials - Measures will be taken to prevent spills or discharges of hazardous materials.**

Measures have been included in project design to prevent the spill or discharge of hazardous materials. The applicant will comply with TRPA Code of Ordinances pertaining to boating, engines, and hazardous materials. Refueling will occur at existing refueling stations or pumps.

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

No disturbance to the ground or terrestrial vegetation is allowed under this permit. Traps will be deployed in areas that will minimize disturbances to aquatic vegetation.

g. **Navigation and Safety - 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 project will not adversely impact navigation or create a threat to public safety. Commercial activities will be restricted in the vicinity of all boating facilities and structures according to TRPA defined exclusion zones. Trapping equipment is not allowed within 50 feet of a structure or within 1,000 feet of a launch facility. Trap lines will be marked with buoys that are submerged at least 5-feet from the water surface and will be clearly marked with a light or reflective surfaces. Surface markers for this project will be designed in coordination with the U.S. Coast Guard and the Nevada Department of Wildlife.

h. **Other Agency Comments - 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 the project.**

TRPA has solicited comments from and developed the conditions in this permit in coordination with Nevada State Lands Commission, Nevada Department of Wildlife, U.S. Coast Guard, California Department of Fish and Game, and Lake Tahoe water purveyors. Additional written comments will be accepted through December 20, 2012 and all comments will be available on December 21, 2012.

4. **Chapter 81.2.2 – Permissible Uses and Structures in the Shorezone and Lakezone; Special Uses**

Before issuing an approval for special uses in the shorezone or lakezone, TRPA shall make the following findings:

a. **The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and**

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surrounding area in which, it will be located.
(Refer to paragraph 2.a, above)

b. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.
(Refer to paragraph 2.b, above)

c. The applicant has taken reasonable steps to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The project has been designed to protect the land, water, and air resources through elements to minimize travel, prevent a hazardous material spill, and avoid transport of non-target aquatic invasive species. The project is designed to restore water resources by removing Signal crayfish.

d. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be.
(Refer to paragraph 2.c, above)
ATTACHMENT B
12/20/2012

PERMIT

PROJECT DESCRIPTION: Vo – Tahoe Crayfish Removal Project (EIP #01.04.02.06)

FILE #: EIPC2012-0013 APN: 560-101-00

PERMITTEE(S): Viet Vo

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on December 20, 2012 subject to the special conditions found in this permit.

This permit shall expire on December 20, 2014 without further notice. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action that delayed or rendered impossible the diligent pursuit of the permit.

NO COMMERCIAL OPERATION SHALL COMMENCE UNTIL:
(1) 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;
(2) ALL PRE-PROJECT CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT; AND,
(3) A TRPA INSPECTION HAS BEEN CONDUCTED WITH THE BOAT OWNER AND THE OPERATOR, AND A COMMERCIAL OPERATION SCHEDULE SUBMITTED.

_______________________________________     _______________________________
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(s)                     Date

AGENDA ITEM NO. V.B.
TRPA PROJECT NUMBER 560-101-00
FILE NO. EIPC2012-0013

Security Posted: N/A EIP Project # 01.04.02.06

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

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-project conditions of approval as of this date:

______________________________________             ______________________________
TRPA Executive Director/Designee                               Date

SPECIAL CONDITIONS

1. This project is part of the Lake Tahoe Environmental Improvement Program (EIP), project number 01.04.02.06, Aquatic Invasive Species Control.

2. This permit specifically authorizes commercial boating for the use of one watercraft at a time on Lake Tahoe for commercial purposes. All watercraft used for this commercial boating operation shall be described in the operations plan (see below). This permit authorizes certain uses on land and water as conditioned with this permit.

3. This permit is valid for a period of 2 (two) years, expiring on December 20, 2014. This permit may be renewed prior to expiration, pending a review of the Environmental Improvement resulting from the commercial harvest operation.

4. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
   A. The permittee shall submit a final operations schedule which includes:
      (1) An operations plan outlining the planned method of watercraft launch and retrieval, planned method for storing or unloading daily catch, and number of vehicle and boat trips per day.
      (2) Copies of all current permits and certifications from the Nevada Department of Wildlife and Nevada Division of State Lands; and other permitting agencies, as appropriate. This includes copies of current vessel registration documentation and commercial harvest permits.
      (3) Compliance with annual TRPA Lake Tahoe watercraft inspection and sticker program.
   B. The permittee shall submit an air quality mitigation fee. This fee is based on the addition of commercial daily vehicle trips at a rate of $36.20/trip, or $181 for five additional daily vehicle trips.
C. The permittee shall sign the permit form stating that the permit was received, the permit is understood, and the contents accepted prior to any activity within the project area. The operation plan shall not be stamped approved without receiving the signed permit.

D. The permittee shall submit a monthly report to the TRPA Aquatic Invasive Species Program Coordinator detailing the number and type of traps used; the date, time, location and depth for each trap set, emptied and removed; the poundage and count of crayfish caught, harvested and disposed of; the type and quantity of bait used; the quantity, length, identity and condition of non-target fish caught and/or released; the quantity of crayfish sent to market and the poundage retained for bait. This report shall be submitted in Microsoft Excel or equivalent electronic format. The monthly report is due 15 days following the end of each month.

5. The permittee shall submit an annual operations schedule by January 15 of each year. The annual operations schedule requires TRPA approval prior to yearly operation. The information shall include an updated operations schedule including those items requested in Special Condition 2.A. of this permit.

6. It is the permittee’s responsibility to maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe. It is the permittee’s responsibility to obtain authorization and maintain compliance with all applicable state, federal, and local regulations for the commercial operation at all times.

7. Commercial boating under this TRPA permit is authorized in the entirety of the waters of Lake Tahoe. Any commercial fish harvesting is subject to the regulations, exclusion or location zones, and authorizations of the respective resource authorities. All trapping equipment, traps, pods, floats or ropes shall not be placed in any area identified for closure in permits issued by any other land management or permitting agency.

8. Commercial boating is not authorized in areas where water levels do not allow clearance of watercraft draft. At no time shall any part of the watercraft come into contact with the lake bottom or subsurface erosion control structures (i.e. lake bottom revetments, rock gabions, etc.).

9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters - in the shorezone or lakezone of Lake Tahoe. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

10. All trapping equipment will be designed and tested to avoid incidental catch of native minnows and other non-target fish species. If native fish are captured in traps or pods, they will be measured, identified, and visually assessed for evidence of physical trauma. Information on all incidental catch will be included in monthly reports. TRPA may exclude
certain trapping equipment or pod designs from this commercial boating operation if significant quantities of native fish species are caught.

11. No permanent structures are authorized under this permit. The temporary placement of floating markers is permitted, however temporary placement of such equipment shall not exceed 48 hours in the same location.

12. This commercial activity shall not cause violation of any of the community noise equivalent levels (CNEL) of the Plan Area Statements in which this operation will occur.

13. Any watercraft used for this commercial boating operation shall meet the TRPA Code requirements for watercraft, including subsection 60.1.3.E, prohibition of two-stroke engines; subsection 63.4, aquatic invasive species inspections and decontaminations; and subsection 68.3.1.C, maximum allowable single-noise event levels.

14. All commercial boating operations conducted within 600 feet of the waterline of Lake Tahoe shall observe the no-wake-zone and may not create a wake or exceed 5 MPH.

15. This permit authorizes commercial boating activities on Lake Tahoe. No operations are permitted on the tributaries of Lake Tahoe or in any other lakes in the Region.

16. All project and employee vehicles, including trailers, shall be parked on existing paved surfaces in a designated legal parking area.

17. 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.

18. Information contained in special reports prepared for the project, including, but not limited to, U. S. Coast Guard Temporary Certificates of Inspection, are considered conditions of project approval.

19. The stated conditions of this permit shall be adhered to throughout the lifetime of this operation. This permit may be revoked if at any time the operation is out of compliance with the conditions of this permit.

20. The discharge of petroleum products, waste and litter, or earthen materials to the waters of the Lake Tahoe Basin is prohibited. All surplus bait and other materials shall be removed from the water body and deposited in a proper disposal site.

21. The project may be subject to the permitting requirements of other agencies with jurisdiction over the proposed project activities, including the U.S. Army Corps of Engineers, Washoe County Building Department, and all other applicable County Departments.

22. To the maximum extent allowable by law, the permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person

AGENDA ITEM NO. V.B.
or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the permittee.

Included within the permittee's indemnity obligation set forth herein, the permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

AGENDA ITEM NO. V.B.
MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Vo – Tahoe Crayfish Removal Project (EIP #01.04.02.06)

TRPA PROJECT NUMBER: 560-101-00

FILE #: EIPC2012-0013

PERMITTEE(S): Viet Vo

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

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.

______________________________ ____________________________
TRPA Chairman or Executive Director/Designee Date
MEMORANDUM

Date: December 20, 2012
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Approval of the Tahoe Blue Crayfish Company – Invasive Crayfish Removal Project (EIP 01.04.02.06); Lake Tahoe, Nevada and, California; APN #: 560-101-00, TRPA FILE#: EIPC2012-0019.

Requested Action: Hearings Officer action on the proposed Invasive Crayfish Removal Project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Project Description/Background: Applicant Bryan Schenker of Tahoe Blue Crayfish Company is proposing a commercial boating operation to remove Signal crayfish from Lake Tahoe. The proposed project is considered a pilot project; this permit will be reviewed on a biennial basis to evaluate the project’s effectiveness prior to renewal.

The proposed project area is the entirety of Lake Tahoe, including both Nevada and California; however, commercial harvest of crayfish will occur only in Nevada, as this activity is currently prohibited in California by the California Department of Fish and Game.

The proposed project seeks to reduce the environmental impacts of Signal crayfish on native fisheries and water quality through mechanical removal. Signal crayfish are listed as an invasive species in the Lake Tahoe Regional Aquatic Invasive Species Management Plan. A commercial crayfish harvest could enable ecological control of this species through partnership between the private sector and public agencies to accomplish greater environmental gain than would otherwise be possible through public programs alone.

Through this pilot project, Bryan Schenker is helping to explore the feasibility of sustaining such a crayfish removal effort through the commercial sale of biomass harvested. The project objectives are to remove as many Signal crayfish as possible and to monitor the effects of mechanical removal on the resident crayfish population. Crayfish which are harvested under this permit will be sold by the applicant to offset operational costs.

The proposed project entails commercial boating operations associated with a commercial crayfish harvest. One commercial watercraft will be used to set and collect crayfish traps on the lake bottom. Traps will be removed within 48 hours of time set and all crayfish caught in the traps will be removed from Lake Tahoe. Traps will be set in water depths ranging from 15 to 120 feet. Traps will be deployed individually or on a line of 5 to 20 traps. Normal operations will start at dawn and end approximately at sunset. If necessary, night operations to collect traps can be conducted in a manner that does not cause excessive noise or light. Watercraft will be launched
and harvested crayfish will be unloaded at existing marina facilities, primarily the Cave Rock boat launch on the east shore.

**Issues/Concerns:** The proposed project includes a commercial boating operation. Commercial boating is a special use in the shorezone and lakezone of Lake Tahoe; the proposed project therefore requires a public hearing. The primary project related issues are:

**Source Water Intakes:** Water purveyors with source-water intakes in Lake Tahoe identified a potential for the deployment of crayfish traps to interfere with, disrupt, or damage water intakes. Through coordination with purveyors and partner agencies, TRPA has established a 1,000-foot “exclusion” zone around all source-water intakes. The placement of crayfish traps or trapping equipment in the 1,000-foot exclusion zone is not permitted.

**Shorezone and Lakezone Structures:** TRPA identified a potential for the deployment of crayfish traps or other trapping equipment to interfere with the use and operation of existing structures. Therefore, staff developed a 50-foot exclusion zone around all structures, including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters, and a 1,000-foot exclusion zone around a boat-launching facilities. The placement of crayfish traps or trapping equipment in these exclusion zones is not permitted.

**Crayfish Transport and Sale:** Although this permit does not pertain to the transport and sale of Signal crayfish, TRPA has coordinated with the Nevada Department of Wildlife to ensure that invasive crayfish are not transported in the Tahoe Basin other than for the purpose of commercial distribution. Signal crayfish may not be released in any waters in the Tahoe Basin and detailed Record of Transfer forms are required for all catch. Signal crayfish may only be sold to food wholesalers or retailers in accordance with State and Federal laws.

**Removal Effectiveness/Environmental Improvement Program:** The effectiveness of this project at controlling the Signal crayfish population and/or reducing the ecologic and environmental effects of crayfish on Lake Tahoe is unknown at this time. The draft permit therefore requires monitoring and reporting, and the opportunity for adaptive management through coordination with other agencies. Further, this project will be evaluated annually and prior to December 1, 2014 to assess the effectiveness of crayfish removal as an Environmental Improvement Program Project. This EIP permit application will not be renewed under the EIP unless there is evidence that the mechanical removal proposed in this project can be effective at controlling Signal crayfish or reducing the environmental impacts of invasive crayfish on Lake Tahoe.

**Regional Plan Compliance:** The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 80, and 81 of the TRPA Code of Ordinances (see attachment A for details).

**Contact Information:** If you have any questions, please contact (Patrick Stone, Senior Fisheries and Wildlife Biologist) at (pstone@trpa.org) or (775-589-5213).
Attachments:
   A. Required Findings/Rationale
   B. Draft Permit
Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 80, and 81 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 4.4.1 – Required Findings:
   a. 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.

   Land Use: The project area lies within the Lake Tahoe lakezone. The project is designed to have no net change in existing uses within the project area. The project would effectively implement goals and policies of the TRPA Regional Plan. Specifically, the proposed project would partially implement an Environmental Improvement Program (EIP) project (01.04.02.06: Control of Aquatic Invasive Species). Therefore this project, as conditioned in the Draft Permit, is consistent with the Regional Plan and will not adversely affect implementation of Land Use or implementation of sub-elements of the Regional Plan.

   Transportation: This project will not adversely affect implementation of the Transportation Element of the Regional Plan. The project is designed to have no net change in existing uses and public access within the project area. Although project uses would not result in significant traffic impacts, additional Daily Vehicle Trip Ends (DVTE) would be generated on a short-term basis during harvest operations.

   Conservation: Implementation of this project may result in aquatic habitat enhancement consistent with the TRPA Goals and Policies. The project may benefit water quality by reducing the effects of Signal crayfish on aquatic algae, nutrient loading, and lake clarity. The project is a pilot-study that includes effectiveness monitoring and evaluation to determine project effects on Signal crayfish; therefore, the level and certainty of habitat enhancement is unknown. No negative impacts to cultural or historic resources area are expected.

   Recreation: This project will not affect recreation. Through the special conditions of the permit, any potential impacts to navigation and recreational users have been addressed through requirements that equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. The applicant must also maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe, including avoidance of navigational hazards. The project is designed to have no net change in existing recreational uses and public access within the project area.
Public Service and Facilities: This project will not affect public services or facilities. The project is designed to have no net change in existing public services and access within the project area. The project will utilize existing boat-launching facilities for the launch and retrieval of the watercraft.

Implementation: This project will not affect the Implementation Element of the Regional Plan.

b. The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has reviewed the “Initial Environmental Checklist” prepared by Bryan Schenker, and Article (V) g “Findings” in accordance with Chapter 4, Subsection 6.4 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed (V) g checklist is available at the TRPA front desk and will be available at the public hearing.

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 b, above)

2. Chapter 21.2.2 – Permissible Uses: Special Uses

Commercial Boating is a special use in the lakezone of Lake Tahoe. Before issuing an approval, TRPA shall make the following findings:

a. The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located;

Commercial boating associated with the project is of relatively small scale and intensity. This permit authorized the use of one watercraft to be used at any time. The type of boating is consistent with existing recreational fishing activities, and existing commercial and recreational boating on Lake Tahoe. Commercial boating operations like this crayfish removal project are an appropriate use for Lake Tahoe.

b. The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners; and

The project applicant has included in the boating operation plan reasonable measures to avoid areas where crayfish traps could disturb the health, safety, enjoyment of property, or general welfare of the Lake Tahoe region. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50
feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

c. The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable.

The project is designed to not change the character of Lake Tahoe or alter the purpose of the lakezone. Boating operations, watercraft launching, and harvest or equipment loading/unloading associated with this project will occur within existing boating facilities (i.e. marinas) that are characterized by similar existing activities.

3. Chapter 80.4 – Review of Projects in the Shorezone and Lakezone; Required Findings

A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

a. Significant Harm - The project will not adversely impact littoral processes; fish spawning; backshore stability, or on-shore wildlife habitat, including wildfowl nesting areas.

The project will occur on Lake Tahoe or at established lake-access facilities; therefore, the project will not adversely affect backshore stability or onshore wildlife habitat. Trapping equipment will be located in areas with water-depths greater than 15 feet; therefore it is unlikely that the project will impact littoral processes or fish spawning. The project may have a beneficial impact on fish spawning by removing predatory crayfish.

b. Accessory Facilities - There are sufficient accessory facilities to accommodate the project.

Sufficient accessory facilities exist to accommodate the project. The project will utilize existing boat-launching facilities for the launch and retrieval of all watercraft. Accessory facilities potentially accommodating the project are marinas, boat storage, access to public waters, and restrooms.

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

The project is compatible with existing lakezone uses. No modifications to existing uses or structures in the shorezone or lakezone are allowed under this permit. No additional shorezone structures are authorized under this permit.

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

The project area does not include the foreshore. Commercial boating operations are, by nature, water dependent.
d. Hazardous Materials - Measures will be taken to prevent spills or discharges of hazardous materials. Measures have been included in project design to prevent the spill or discharge of hazardous materials. The applicant will comply with TRPA Code of Ordinances pertaining to boating, engines, and hazardous materials. Refueling will occur on at existing refueling stations or pumps.

f. Construction - Construction and access techniques will be used to minimize disturbance to the ground and vegetation. No disturbance to the ground or terrestrial vegetation is allowed under this permit. Traps will be deployed in areas that will minimize disturbances to aquatic vegetation.

g. Navigation and Safety - 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 project will not adversely impact navigation or create a threat to public safety. Commercial activities will be restricted in the vicinity of all boating facilities and structures according to TRPA defined exclusion zones. Trapping equipment is not allowed within 50 feet of a structure or within 1000 feet of a launch facility. Trap lines will be marked with buoys that are submerged at least 5-feet from the water surface and will be clearly marked with a light or reflective surfaces. Surface markers for this project will be designed in coordination with the US Coast Guard and the Nevada Department of Wildlife.

h. Other Agency Comments - 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 the project.

TRPA has solicited comments from and developed the conditions in this permit in coordination with Nevada State Lands Commission, Nevada Department of Wildlife, US Coast Guard, California Department of Fish and Game, and Lake Tahoe water surveyors. Additional written comments will be accepted through December 20, 2012 and all comments will be available on December 21, 2012.

4. Chapter 81.2.2 – Permissible Uses and Structures in the Shorezone and Lakezone; Special Uses

Before issuing an approval for special uses in the shorezone or lakezone, TRPA shall make the following findings:

a. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

(Refer to paragraph 2.a, above)

b. The project, to which the use pertains, will not be injurious or disturbing to the
health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.

(Refer to paragraph 2.b, above)

c. The applicant has taken reasonable steps to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The project has been designed to protect the land, water, and air resources through elements to minimize travel, prevent a hazardous material spill, and avoid transport of non-target aquatic invasive species. The project is designed to restore water resources by removing Signal crayfish.

d. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be.

(Refer to paragraph 2.c, above)
PERMIT

PROJECT DESCRIPTION:  Tahoe Blue Crayfish Company - Crayfish Removal Project (EIP #01.04.02.06)

FILE #: EIPC2012-0019  APN:  560-101-00

PERMITTEE(S): Bryan Schenker, Tahoe Blue Crayfish Company

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on December 20, 2012 subject to the special conditions found in this permit.

This permit shall expire on December 20, 2014 without further notice. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action that delayed or rendered impossible the diligent pursuit of the permit.

NO COMMERCIAL OPERATION SHALL COMMENCE UNTIL:

(1) 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;

(2) ALL PRE-PROJECT CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT; AND,

(3) A TRPA INSPECTION HAS BEEN CONDUCTED WITH THE BOAT OWNER AND THE OPERATOR, AND A COMMERCIAL OPERATION SCHEDULE SUBMITTED.

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(s) ___________________________  Date______________________
TRPA PROJECT NUMBER 560-101-00
FILE NO. EIPC2012-0019

Security Posted: N/A EIP Project # 01.04.02.06

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

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-project conditions of approval as of this date:

_______________________________________             ________________________________
TRPA Executive Director/Designee                               Date

SPECIAL CONDITIONS

1. This project is part of the Lake Tahoe Environmental Improvement Program (EIP), project number 01.04.02.06, Aquatic Invasive Species Control.

2. This permit specifically authorizes commercial boating for the use of one watercraft at a time on Lake Tahoe for commercial purposes. All watercraft used for this commercial boating operation shall be described in the operations plan (see below). This permit authorizes certain uses on land and water as conditioned with this permit.

3. This permit is valid for a period of 2 (two) years, expiring on December 20, 2014. This permit may be renewed prior to expiration, pending a review of the Environmental Improvement resulting from the commercial harvest operation.

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

   A. The permittee shall submit a final operations schedule which includes:
      (1) An operations plan outlining the planned method of watercraft launch and retrieval, planned method for storing or unloading daily catch, and number of vehicle and boat trips per day.
      (2) Copies of all current permits and certifications from the Nevada Department of Wildlife and Nevada Division of State Lands; and other permitting agencies, as appropriate. This includes copies of current vessel registration documentation and commercial harvest permits.
      (3) Compliance with annual TRPA Lake Tahoe watercraft inspection and sticker program.

   B. The permittee shall submit an air quality mitigation fee. This fee is based on the addition of commercial daily vehicle trips at a rate of $36.20/trip, or $181 for five additional daily vehicle trips.

AGENDA ITEM NO. V.C.
C. The permittee shall sign the permit form stating that the permit was received, the permit is understood, and the contents accepted prior to any activity within the project area. The operation plan shall not be stamped approved without receiving the signed permit.

D. The permittee shall submit a monthly report to the TRPA Aquatic Invasive Species Program Coordinator detailing the number and type of traps used; the date, time, location and depth for each trap set, emptied and removed; the poundage and count of crayfish caught, harvested and disposed of; the type and quantity of bait used; the quantity, length, identity and condition of non-target fish caught and/or released; the quantity of crayfish sent to market and the poundage retained for bait. This report shall be submitted in Microsoft Excel or equivalent electronic format. The monthly report is due 15 days following the end of each month.

5. The permittee shall submit an annual operations schedule by January 15 of each year. The annual operations schedule requires TRPA approval prior to yearly operation. The information shall include an updated operations schedule including those items requested in Special Condition 2.A. of this permit.

6. It is the permittee’s responsibility to maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe. It is the permittee’s responsibility to obtain authorization and maintain compliance with all applicable state, federal, and local regulations for the commercial operation at all times.

7. Commercial boating under this TRPA permit is authorized in the entirety of the waters of Lake Tahoe. Any commercial fish harvesting is subject to the regulations, exclusion or location zones, and authorizations of the respective resource authorities. All trapping equipment, traps, pods, floats or ropes shall not be placed in any area identified for closure in permits issued by any other land management or permitting agency.

8. Commercial boating is not authorized in areas where water levels do not allow clearance of watercraft draft. At no time shall any part of the watercraft come into contact with the lake bottom or subsurface erosion control structures (i.e. lake bottom revetments, rock gabions, etc.).

9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters - in the shorezone or lakezone of Lake Tahoe. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

10. All trapping equipment will be designed and tested to avoid incidental catch of native minnows and other non-target fish species. If native fish are captured in traps or pods, they will be measured, identified, and visually assessed for evidence of physical trauma. Information on all incidental catch will be included in monthly reports. TRPA may exclude
certain trapping equipment or pod designs from this commercial boating operation if significant quantities of native fish species are caught.

11. No permanent structures are authorized under this permit. The temporary placement of floating markers is permitted, however temporary placement of such equipment shall not exceed 48 hours in the same location.

12. This commercial activity shall not cause violation of any of the community noise equivalent levels (CNEL) of the Plan Area Statements in which this operation will occur.

13. Any watercraft used for this commercial boating operation shall meet the TRPA Code requirements for watercraft, including subsection 60.1.3.E, prohibition of two-stroke engines; subsection 63.4, aquatic invasive species inspections and decontaminations; and subsection 68.3.1.C, maximum allowable single-noise event levels.

14. All commercial boating operations conducted within 600 feet of the waterline of Lake Tahoe shall observe the no-wake-zone and may not create a wake or exceed 5 MPH.

15. This permit authorizes commercial boating activities on Lake Tahoe. No operations are permitted on the tributaries of Lake Tahoe or in any other lakes in the Region.

16. All project and employee vehicles, including trailers, shall be parked on existing paved surfaces in a designated legal parking area.

17. 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.

18. Information contained in special reports prepared for the project, including, but not limited to, U. S. Coast Guard Temporary Certificates of Inspection, are considered conditions of project approval.

19. The stated conditions of this permit shall be adhered to throughout the lifetime of this operation. This permit may be revoked if at any time the operation is out of compliance with the conditions of this permit.

20. The discharge of petroleum products, waste and litter, or earthen materials to the waters of the Lake Tahoe Basin is prohibited. All surplus bait and other materials shall be removed from the water body and deposited in a proper disposal site.

21. The project may be subject to the permitting requirements of other agencies with jurisdiction over the proposed project activities, including the U.S. Army Corps of Engineers, Washoe County Building Department, and all other applicable County Departments.

22. To the maximum extent allowable by law, the permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person
or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the permittee.

Included within the permittee's indemnity obligation set forth herein, the permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT
MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Tahoe Blue Crayfish Company - Crayfish Removal Project (EIP #01.04.02.06)

TRPA PROJECT NUMBER: 560-101-00

PERMITTEE(S): Bryan Schenker, Tahoe Blue Crayfish Company

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

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.

_________________________ __________________________
TRPA Chairman or Executive Director/Designee  Date
MEMORANDUM

Date: December 20, 2012
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Approval of the High Sierra Ventures – Invasive Crayfish Removal Project (EIP 01.04.02.06); Lake Tahoe, Nevada and, California; APN #: 540-101-00, TRPA FILE #: EIPC2012-0021.

Requested Action: Hearings Officer action on the proposed Invasive Crayfish Removal Project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Project Description/Background: Applicant Tim Anaclerio of High Sierra Ventures is proposing a commercial boating operation to remove Signal crayfish from Lake Tahoe. The proposed project is considered a pilot project; this permit will be reviewed on a biennial basis to evaluate the project’s effectiveness prior to renewal.

The proposed project area is the entirety of Lake Tahoe, including both Nevada and California; however, commercial harvest of crayfish will occur only in Nevada, as this activity is currently prohibited in California by the California Department of Fish and Game.

The proposed project seeks to reduce the environmental impacts of Signal crayfish on native fisheries and water quality through mechanical removal. Signal crayfish are listed as an invasive species in the Lake Tahoe Regional Aquatic Invasive Species Management Plan. A commercial crayfish harvest could enable ecological control of this species through partnership between the private sector and public agencies to accomplish greater environmental gain than would otherwise be possible through public programs alone.

Through this pilot project, Tim Anaclerio is helping to explore the feasibility of sustaining such a crayfish removal effort through the commercial sale of biomass harvested. The project objectives are to remove as many Signal crayfish as possible and to monitor the effects of mechanical removal on the resident crayfish population. Crayfish which are harvested under this permit will be sold by the applicant to offset operational costs.

The proposed project entails commercial boating operations associated with a commercial crayfish harvest. One commercial watercraft will be used to set and collect crayfish traps on the lake bottom. Traps will be removed within 48 hours of time set and all crayfish caught in the traps will be removed from Lake Tahoe. Traps will be set in water depths ranging from 15 to 120 feet. Traps will be deployed individually or on a line of 5 to 20 traps. Normal operations will start at dawn and end approximately at sunset. If necessary, night operations to collect traps can be conducted in a manner that does not cause excessive noise or light. Watercraft will be launched
and harvested crayfish will be unloaded at existing marina facilities, primarily the Cave Rock boat launch on the east shore.

**Issues/Concerns:** The proposed project includes a commercial boating operation. Commercial boating is a special use in the shorezone and lakezone of Lake Tahoe; the proposed project therefore requires a public hearing. The primary project related issues are:

**Source Water Intakes:** Water purveyors with source-water intakes in Lake Tahoe identified a potential for the deployment of crayfish traps to interfere with, disrupt, or damage water intakes. Through coordination with purveyors and partner agencies, TRPA has established a 1,000-foot “exclusion” zone around all source-water intakes. The placement of crayfish traps or trapping equipment in the 1,000-foot exclusion zone is not permitted.

**Shorezone and Lakezone Structures:** TRPA identified a potential for the deployment of crayfish traps or other trapping equipment to interfere with the use and operation of existing structures. Therefore, staff developed a 50-foot exclusion zone around all structures, including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters, and a 1,000-foot exclusion zone around a boat-launching facilities. The placement of crayfish traps or trapping equipment in these exclusion zones is not permitted.

**Crayfish Transport and Sale:** Although this permit does not pertain to the transport and sale of Signal crayfish, TRPA has coordinated with the Nevada Department of Wildlife to ensure that invasive crayfish are not transported in the Tahoe Basin other than for the purpose of commercial distribution. Signal crayfish may not be released in any waters in the Tahoe Basin and detailed Record of Transfer forms are required for all catch. Signal crayfish may only be sold to food wholesalers or retailers in accordance with State and Federal laws.

**Removal Effectiveness/Environmental Improvement Program:** The effectiveness of this project at controlling the Signal crayfish population and/or reducing the ecologic and environmental effects of crayfish on Lake Tahoe is unknown at this time. The draft permit therefore requires monitoring and reporting, and the opportunity for adaptive management through coordination with other agencies. Further, this project will be evaluated annually and prior to December 1, 2014 to assess the effectiveness of crayfish removal as an Environmental Improvement Program Project. This EIP permit application will not be renewed under the EIP unless there is evidence that the mechanical removal proposed in this project can be effective at controlling Signal crayfish or reducing the environmental impacts of invasive crayfish on Lake Tahoe.

**Regional Plan Compliance:** The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 80, and 81 of the TRPA Code of Ordinances (see attachment A for details).

**Contact Information:** If you have any questions, please contact (Patrick Stone, Senior Fisheries and Wildlife Biologist) at (pstone@trpa.org) or (775-589-5213).

**AGENDA ITEM NO. V.D.**
Attachments:
A. Required Findings/Rationale
B. Draft Permit
Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 80, and 81 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 4.4.1 – Required Findings:
   a. 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.

   Land Use: The project area lies within the Lake Tahoe lakezone. The project is designed to have no net change in existing uses within the project area. The project would effectively implement goals and policies of the TRPA Regional Plan. Specifically, the proposed project would partially implement an Environmental Improvement Program (EIP) project (01.04.02.06: Control of Aquatic Invasive Species). Therefore this project, as conditioned in the Draft Permit, is consistent with the Regional Plan and will not adversely affect implementation of Land Use or implementation of sub-elements of the Regional Plan.

   Transportation: This project will not adversely affect implementation of the Transportation Element of the Regional Plan. The project is designed to have no net change in existing uses and public access within the project area. Although project uses would not result in significant traffic impacts, additional Daily Vehicle Trip Ends (DVTE) would be generated on a short-term basis during harvest operations.

   Conservation: Implementation of this project may result in aquatic habitat enhancement consistent with the TRPA Goals and Policies. The project may benefit water quality by reducing the effects of Signal crayfish on aquatic algae, nutrient loading, and lake clarity. The project is a pilot-study that includes effectiveness monitoring and evaluation to determine project effects on Signal crayfish; therefore, the level and certainty of habitat enhancement is unknown. No negative impacts to cultural or historic resources area are expected.

   Recreation: This project will not affect recreation. Through the special conditions of the permit, any potential impacts to navigation and recreational users have been addressed through requirements that equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. The applicant must also maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe, including avoidance of navigational hazards. The project is designed to have no net change in existing recreational uses and public access within the project area.
Public Service and Facilities: This project will not affect public services or facilities. The project is designed to have no net change in existing public services and access within the project area. The project will utilize existing boat-launching facilities for the launch and retrieval of the watercraft.

Implementation: This project will not affect the Implementation Element of the Regional Plan.

b. The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has reviewed the “Initial Environmental Checklist” prepared by Tim Anaclerio, and Article (V) g “Findings” in accordance with Chapter 4, Subsection 6.4 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed (V) g checklist is available at the TRPA front desk and will be available at the public hearing.

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 b, above)

2. Chapter 21.2.2 – Permissible Uses: Special Uses

Commercial Boating is a special use in the lakezone of Lake Tahoe. Before issuing an approval, TRPA shall make the following findings:

a. The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located;

Commercial boating associated with the project is of relatively small scale and intensity. This permit authorized the use of one watercraft to be used at any time. The type of boating is consistent with existing recreational fishing activities, and existing commercial and recreational boating on Lake Tahoe. Commercial boating operations like this crayfish removal project are an appropriate use for Lake Tahoe.

b. The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners; and

The project applicant has included in the boating operation plan reasonable measures to avoid areas where crayfish traps could disturb the health, safety, enjoyment of property, or general welfare of the Lake Tahoe region. 9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50
feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

c. **The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable.**

The project is designed to not change the character of Lake Tahoe or alter the purpose of the lakezone. Boating operations, watercraft launching, and harvest or equipment loading/unloading associated with this project will occur within existing boating facilities (i.e. marinas) that are characterized by similar existing activities.

3. **Chapter 80.4 – Review of Projects in the Shorezone and Lakezone; Required Findings**

A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

a. **Significant Harm** - The project will not adversely impact littoral processes; fish spawning; backshore stability, or on-shore wildlife habitat, including wildfowl nesting areas.

The project will occur on Lake Tahoe or at established lake-access facilities; therefore, the project will not adversely affect backshore stability or onshore wildlife habitat. Trapping equipment will be located in areas with water-depths greater than 15 feet; therefore it is unlikely that the project will impact littoral processes or fish spawning. The project may have a beneficial impact on fish spawning by removing predatory crayfish.

b. **Accessory Facilities** - There are sufficient accessory facilities to accommodate the project.

Sufficient accessory facilities exist to accommodate the project. The project will utilize existing boat-launching facilities for the launch and retrieval of all watercraft. Accessory facilities potentially accommodating the project are marinas, boat storage, access to public waters, and restrooms.

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

The project is compatible with existing lakezone uses. No modifications to existing uses or structures in the shorezone or lakezone are allowed under this permit. No additional shorezone structures are authorized under this permit.

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

The project area does not include the foreshore. Commercial boating operations are, by nature, water dependent.
d. **Hazardous Materials** - Measures will be taken to prevent spills or discharges of hazardous materials.

Measures have been included in project design to prevent the spill or discharge of hazardous materials. The applicant will comply with TRPA Code of Ordinances pertaining to boating, engines, and hazardous materials. Refueling will occur on at existing refueling stations or pumps.

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

No disturbance to the ground or terrestrial vegetation is allowed under this permit. Traps will be deployed in areas that will minimize disturbances to aquatic vegetation.

g. **Navigation and Safety** - 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 project will not adversely impact navigation or create a threat to public safety. Commercial activities will be restricted in the vicinity of all boating facilities and structures according to TRPA defined exclusion zones. Trapping equipment is not allowed within 50 feet of a structure or within 1000 feet of a launch facility. Trap lines will be marked with buoys that are submerged at least 5-feet from the water surface and will be clearly marked with a light or reflective surfaces. Surface markers for this project will be designed in coordination with the US Coast Guard and the Nevada Department of Wildlife.

h. **Other Agency Comments** - 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 the project.

TRPA has solicited comments from and developed the conditions in this permit in coordination with Nevada State Lands Commission, Nevada Department of Wildlife, US Coast Guard, California Department of Fish and Game, and Lake Tahoe water purveyors. Additional written comments will be accepted through December 20, 2012 and all comments will be available on December 21, 2012.

4. **Chapter 81.2.2 – Permissible Uses and Structures in the Shorezone and Lakezone; Special Uses**

Before issuing an approval for special uses in the shorezone or lakezone, TRPA shall make the following findings:

a. **The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.**

(Refer to paragraph 2.a, above)

b. **The project, to which the use pertains, will not be injurious or disturbing to the**
health, safety, enjoyment of property, or general welfare of persons or property
in the neighborhood, or in the region.
(Refer to paragraph 2.b, above)

c. The applicant has taken reasonable steps to protect the land, water and air
resources of both the applicant's property and that of surrounding property
owners.

The project has been designed to protect the land, water, and air resources
through elements to minimize travel, prevent a hazardous material spill, and
avoid transport of non-target aquatic invasive species. The project is designed
to restore water resources by removing Signal crayfish.

d. The project, to which the use pertains, will not change the character of the
neighborhood, detrimentally affect or alter the purpose of the applicable plan
area statement, community, redevelopment, specific, or master plan as the case
may be.
(Refer to paragraph 2.c, above)
MEMORANDUM

Date: December 20, 2012
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Approval of the Henrichsen – Tahoe Crayfish Removal Project (EIP 01.04.02.06); Lake Tahoe, Nevada and, California; APN #: 540-101-00, TRPA FILE#: EIPC2012-0020.

Requested Action: Hearings Officer action on the proposed Invasive Crayfish Removal Project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Project Description/Background: Applicant Don Henrichsen is proposing a commercial boating operation to remove Signal crayfish from Lake Tahoe. The proposed project is considered a pilot project; this permit will be reviewed on a biennial basis to evaluate the project’s effectiveness prior to renewal.

The proposed project area is the entirety of Lake Tahoe, including both Nevada and California; however, commercial harvest of crayfish will occur only in Nevada, as this activity is currently prohibited in California by the California Department of Fish and Game.

The proposed project seeks to reduce the environmental impacts of Signal crayfish on native fisheries and water quality through mechanical removal. Signal crayfish are listed as an invasive species in the Lake Tahoe Regional Aquatic Invasive Species Management Plan. A commercial crayfish harvest could enable ecological control of this species through partnership between the private sector and public agencies to accomplish greater environmental gain than would otherwise be possible through public programs alone.

Through this pilot project, Don Henrichsen is helping to explore the feasibility of sustaining such a crayfish removal effort through the commercial sale of biomass harvested. The project objectives are to remove as many Signal crayfish as possible and to monitor the effects of mechanical removal on the resident crayfish population. Crayfish which are harvested under this permit will be sold by the applicant to offset operational costs.

The proposed project entails commercial boating operations associated with a commercial crayfish harvest. One commercial watercraft will be used to set and collect crayfish traps on the lake bottom. Traps will be removed within 48 hours of time set and all crayfish caught in the traps will be removed from Lake Tahoe. Traps will be set in water depths ranging from 15 to 120 feet. Traps will be deployed individually or on a line of 5 to 20 traps. Normal operations will start at dawn and end approximately at sunset. If necessary, night operations to collect traps can be conducted in a manner that does not cause excessive noise or light. Watercraft will be launched
and harvested crayfish will be unloaded at existing marina facilities, primarily the Cave Rock boat launch on the east shore.

**Issues/Concerns:** The proposed project includes a commercial boating operation. Commercial boating is a special use in the shorezone and lakezone of Lake Tahoe; the proposed project therefore requires a public hearing. The primary project related issues are:

**Source Water Intakes:** Water purveyors with source-water intakes in Lake Tahoe identified a potential for the deployment of crayfish traps to interfere with, disrupt, or damage water intakes. Through coordination with purveyors and partner agencies, TRPA has established a 1,000-foot “exclusion” zone around all source-water intakes. The placement of crayfish traps or trapping equipment in the 1,000-foot exclusion zone is not permitted.

**Shorezone and Lakezone Structures:** TRPA identified a potential for the deployment of crayfish traps or other trapping equipment to interfere with the use and operation of existing structures. Therefore, staff developed a 50-foot exclusion zone around all structures, including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters, and a 1,000-foot exclusion zone around a boat-launching facilities. The placement of crayfish traps or trapping equipment in these exclusion zones is not permitted.

**Crayfish Transport and Sale:** Although this permit does not pertain to the transport and sale of Signal crayfish, TRPA has coordinated with the Nevada Department of Wildlife to ensure that invasive crayfish are not transported in the Tahoe Basin other than for the purpose of commercial distribution. Signal crayfish may not be released in any waters in the Tahoe Basin and detailed Record of Transfer forms are required for all catch. Signal crayfish may only be sold to food wholesalers or retailers in accordance with State and Federal laws.

**Removal Effectiveness/Environmental Improvement Program:** The effectiveness of this project at controlling the Signal crayfish population and/or reducing the ecologic and environmental effects of crayfish on Lake Tahoe is unknown at this time. The draft permit therefore requires monitoring and reporting, and the opportunity for adaptive management through coordination with other agencies. Further, this project will be evaluated annually and prior to December 1, 2014 to assess the effectiveness of crayfish removal as an Environmental Improvement Program Project. This EIP permit application will not be renewed under the EIP unless there is evidence that the mechanical removal proposed in this project can be effective at controlling Signal crayfish or reducing the environmental impacts of invasive crayfish on Lake Tahoe.

**Regional Plan Compliance:** The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 80, and 81 of the TRPA Code of Ordinances (see attachment A for details).

**Contact Information:** If you have any questions, please contact (Patrick Stone, Senior Fisheries and Wildlife Biologist) at (pstone@trpa.org) or (775-589-5213).

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**AGENDA ITEM NO.V.E.**
Attachments:

A. Required Findings/Rationale
B. Draft Permit
Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 80, and 81 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 4.4.1 – Required Findings:
   a. 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.

   Land Use: The project area lies within the Lake Tahoe lakezone. The project is designed to have no net change in existing uses within the project area. The project would effectively implement goals and policies of the TRPA Regional Plan. Specifically, the proposed project would partially implement an Environmental Improvement Program (EIP) project (01.04.02.06: Control of Aquatic Invasive Species). Therefore this project, as conditioned in the Draft Permit, is consistent with the Regional Plan and will not adversely affect implementation of Land Use or implementation of sub-elements of the Regional Plan.

   Transportation: This project will not adversely affect implementation of the Transportation Element of the Regional Plan. The project is designed to have no net change in existing uses and public access within the project area. Although project uses would not result in significant traffic impacts, additional Daily Vehicle Trip Ends (DVTE) would be generated on a short-term basis during harvest operations.

   Conservation: Implementation of this project may result in aquatic habitat enhancement consistent with the TRPA Goals and Policies. The project may benefit water quality by reducing the effects of Signal crayfish on aquatic algae, nutrient loading, and lake clarity. The project is a pilot-study that includes effectiveness monitoring and evaluation to determine project effects on Signal crayfish; therefore, the level and certainty of habitat enhancement is unknown. No negative impacts to cultural or historic resources area are expected.

   Recreation: This project will not affect recreation. Through the special conditions of the permit, any potential impacts to navigation and recreational users have been addressed through requirements that equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. The applicant must also maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe, including avoidance of navigational hazards. The project is designed to have no net change in existing recreational uses and public access within the project area.
Public Service and Facilities: This project will not affect public services or facilities. The project is designed to have no net change in existing public services and access within the project area. The project will utilize existing boat-launching facilities for the launch and retrieval of the watercraft.

Implementation: This project will not affect the Implementation Element of the Regional Plan.

b. The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has reviewed the “Initial Environmental Checklist” prepared by Don Henrichsen, Inc., and Article (V)g “Findings” in accordance with Chapter 4, Subsection 6.4 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed (V)g checklist is available at the TRPA front desk and will be available at the public hearing.

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 b, above)

2. Chapter 21.2.2 – Permissable Uses: Special Uses

Commercial Boating is a special use in the lakezone of Lake Tahoe. Before issuing an approval, TRPA shall make the following findings:

a. The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located;

Commercial boating associated with the project is of relatively small scale and intensity. This permit authorized the use of one watercraft to be used at any time. The type of boating is consistent with existing recreational fishing activities, and existing commercial and recreational boating on Lake Tahoe. Commercial boating operations like this crayfish removal project are an appropriate use for Lake Tahoe.

b. The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners; and

The project applicant has included in the boating operation plan reasonable measures to avoid areas where crayfish traps could disturb the health, safety, enjoyment of property, or general welfare of the Lake Tahoe region. 9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50

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feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

c. The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable.

The project is designed to not change the character of Lake Tahoe or alter the purpose of the lakezone. Boating operations, watercraft launching, and harvest or equipment loading/unloading associated with this project will occur within existing boating facilities (ie. marinas) that are characterized by similar existing activities.

3. Chapter 80.4 – Review of Projects in the Shorezone and Lakezone; Required Findings

A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

a. Significant Harm - The project will not adversely impact littoral processes; fish spawning; backshore stability, or on-shore wildlife habitat, including wildfowl nesting areas.

The project will occur on Lake Tahoe or at established lake-access facilities; therefore, the project will not adversely affect backshore stability or onshore wildlife habitat. Trapping equipment will be located in areas with water-depths greater than 15 feet; therefore it is unlikely that the project will impact littoral processes or fish spawning. The project may have a beneficial impact on fish spawning by removing predatory crayfish.

b. Accessory Facilities - There are sufficient accessory facilities to accommodate the project.

Sufficient accessory facilities exist to accommodate the project. The project will utilize existing boat-launching facilities for the launch and retrieval of all watercraft. Accessory facilities potentially accommodating the project are marinas, boat storage, access to public waters, and restrooms.

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

The project is compatible with existing lakezone uses. No modifications to existing uses or structures in the shorezone or lakezone are allowed under this permit. No additional shorezone structures are authorized under this permit.

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

The project area does not include the foreshore. Commercial boating operations are, by nature, water dependent.
d. **Hazardous Materials - Measures will be taken to prevent spills or discharges of hazardous materials.**

Measures have been included in project design to prevent the spill or discharge of hazardous materials. The applicant will comply with TRPA Code of Ordinances pertaining to boating, engines, and hazardous materials. Refueling will occur on at existing refueling stations or pumps.

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

No disturbance to the ground or terrestrial vegetation is allowed under this permit. Traps will be deployed in areas that will minimize disturbances to aquatic vegetation.

g. **Navigation and Safety - 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 project will not adversely impact navigation or create a threat to public safety. Commercial activities will be restricted in the vicinity of all boating facilities and structures according to TRPA defined exclusion zones. Trapping equipment is not allowed within 50 feet of a structure or within 1000 feet of a launch facility. Trap lines will be marked with buoys that are submerged at least 5-feet from the water surface and will be clearly marked with a light or reflective surfaces. Surface markers for this project will be designed in coordination with the US Coast Guard and the Nevada Department of Wildlife.

h. **Other Agency Comments - 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 the project.**

TRPA has solicited comments from and developed the conditions in this permit in coordination with Nevada State Lands Commission, Nevada Department of Wildlife, US Coast Guard, California Department of Fish and Game, and Lake Tahoe water purveyors. Additional written comments will be accepted through December 20, 2012 and all comments will be available on December 21, 2012.

4. **Chapter 81.2.2 – Permissible Uses and Structures in the Shorezone and Lakezone; Special Uses**

Before issuing an approval for special uses in the shorezone or lakezone, TRPA shall make the following findings:

a. **The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.**

(Refer to paragraph 2.a, above)

b. **The project, to which the use pertains, will not be injurious or disturbing to the**
health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.
(Refer to paragraph 2.b, above)

c. The applicant has taken reasonable steps to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The project has been designed to protect the land, water, and air resources through elements to minimize travel, prevent a hazardous material spill, and avoid transport of non-target aquatic invasive species. The project is designed to restore water resources by removing Signal crayfish.

d. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be.
(Refer to paragraph 2.c, above)
PERMIT

PROJECT DESCRIPTION: Tahoe Crayfish – Henrichsen Removal Project (EIP #01.04.02.06)

FILE #: EIPC2012-0020 APN: 540-101-00

PERMITTEE(S): Don Henrichsen

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on December 20, 2012 subject to the special conditions found in this permit.

This permit shall expire on December 20, 2014 without further notice. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action that delayed or rendered impossible the diligent pursuit of the permit.

NO COMMERCIAL OPERATION SHALL COMMENCE UNTIL:
(1) 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;
(2) ALL PRE-PROJECT CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT; AND,
(3) A TRPA INSPECTION HAS BEEN CONDUCTED WITH THE BOAT OWNER AND THE OPERATOR, AND A COMMERCIAL OPERATION SCHEDULE SUBMITTED.

_______________________________________     ______________________________
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(s) ___________________________      Date______________________
TRPA PROJECT NUMBER 540-101-00
FILE NO. EIPC2012-0020

Security Posted: N/A EIP Project # 01.04.02.06

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

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-project conditions of approval as of this date:

___________________________________________________________________________
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This project is part of the Lake Tahoe Environmental Improvement Program (EIP), project number 01.04.02.06, Aquatic Invasive Species Control.

2. This permit specifically authorizes commercial boating for the use of one watercraft at a time on Lake Tahoe for commercial purposes. All watercraft used for this commercial boating operation shall be described in the operations plan (see below). This permit authorizes certain uses on land and water as conditioned with this permit.

3. This permit is valid for a period of 2 (two) years, expiring on December 20, 2014. This permit may be renewed prior to expiration, pending a review of the Environmental Improvement resulting from the commercial harvest operation.

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

A. The permittee shall submit a final operations schedule which includes:
   (1) An operations plan outlining the planned method of watercraft launch and retrieval, planned method for storing or unloading daily catch, and number of vehicle and boat trips per day.
   (2) Copies of all current permits and certifications from the Nevada Department of Wildlife and Nevada Division of State Lands; and other permitting agencies, as appropriate. This includes copies of current vessel registration documentation and commercial harvest permits.
   (3) Compliance with annual TRPA Lake Tahoe watercraft inspection and sticker program.

B. The permittee shall submit an air quality mitigation fee. This fee is based on the addition of commercial daily vehicle trips at a rate of $36.20/trip, or $181 for five additional daily vehicle trips.

AGENDA ITEM NO. V.E.
C. The permittee shall sign the permit form stating that the permit was received, the permit is understood, and the contents accepted prior to any activity within the project area. The operation plan shall not be stamped approved without receiving the signed permit.

D. The permittee shall submit a monthly report to the TRPA Aquatic Invasive Species Program Coordinator detailing the number and type of traps used; the date, time, location and depth for each trap set, emptied and removed; the poundage and count of crayfish caught, harvested and disposed of; the type and quantity of bait used; the quantity, length, identity and condition of non-target fish caught and/or released; the quantity of crayfish sent to market and the poundage retained for bait. This report shall be submitted in Microsoft Excel or equivalent electronic format. The monthly report is due 15 days following the end of each month.

5. The permittee shall submit an annual operations schedule by January 15 of each year. The annual operations schedule requires TRPA approval prior to yearly operation. The information shall include an updated operations schedule including those items requested in Special Condition 2.A. of this permit.

6. It is the permittee’s responsibility to maintain conformance with all U.S. Coast Guard requirements for use of the watercraft on Lake Tahoe. It is the permittee’s responsibility to obtain authorization and maintain compliance with all applicable state, federal, and local regulations for the commercial operation at all times.

7. Commercial boating under this TRPA permit is authorized in the entirety of the waters of Lake Tahoe. Any commercial fish harvesting is subject to the regulations, exclusion or location zones, and authorizations of the respective resource authorities. All trapping equipment, traps, pods, floats or ropes shall not be placed in any area identified for closure in permits issued by any other land management or permitting agency.

8. Commercial boating is not authorized in areas where water levels do not allow clearance of watercraft draft. At no time shall any part of the watercraft come into contact with the lake bottom or subsurface erosion control structures (i.e. lake bottom revetments, rock gabions, etc.).

9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters - in the shorezone or lakezone of Lake Tahoe. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

10. All trapping equipment will be designed and tested to avoid incidental catch of native minnows and other non-target fish species. If native fish are captured in traps or pods, they will be measured, identified, and visually assessed for evidence of physical trauma. Information on all incidental catch will be included in monthly reports. TRPA may exclude
certain trapping equipment or pod designs from this commercial boating operation if significant quantities of native fish species are caught.

11. No permanent structures are authorized under this permit. The temporary placement of floating markers is permitted, however temporary placement of such equipment shall not exceed 48 hours in the same location.

12. This commercial activity shall not cause violation of any of the community noise equivalent levels (CNEL) of the Plan Area Statements in which this operation will occur.

13. Any watercraft used for this commercial boating operation shall meet the TRPA Code requirements for watercraft, including subsection 60.1.3.E, prohibition of two-stroke engines; subsection 63.4, aquatic invasive species inspections and decontaminations; and subsection 68.3.1.C, maximum allowable single-noise event levels.

14. All commercial boating operations conducted within 600 feet of the waterline of Lake Tahoe shall observe the no-wake-zone and may not create a wake or exceed 5 MPH.

15. This permit authorizes commercial boating activities on Lake Tahoe. No operations are permitted on the tributaries of Lake Tahoe or in any other lakes in the Region.

16. All project and employee vehicles, including trailers, shall be parked on existing paved surfaces in a designated legal parking area.

17. 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.

18. Information contained in special reports prepared for the project, including, but not limited to, U. S. Coast Guard Temporary Certificates of Inspection, are considered conditions of project approval.

19. The stated conditions of this permit shall be adhered to throughout the lifetime of this operation. This permit may be revoked if at any time the operation is out of compliance with the conditions of this permit.

20. The discharge of petroleum products, waste and litter, or earthen materials to the waters of the Lake Tahoe Basin is prohibited. All surplus bait and other materials shall be removed from the water body and deposited in a proper disposal site.

21. The project may be subject to the permitting requirements of other agencies with jurisdiction over the proposed project activities, including the U.S. Army Corps of Engineers, Washoe County Building Department, and all other applicable County Departments.

22. To the maximum extent allowable by law, the permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person...
or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the permittee.

Included within the permittee's indemnity obligation set forth herein, the permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT
MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Tahoe Crayfish – Henrichsen Removal Project (EIP #01.04.02.06)

TRPA PROJECT NUMBER: 540-101-00

FILE #: EIPC2012-0020

PERMITTEE(S): Don Henrichsen

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

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.

_____________________________________ ___________________________
TRPA Chairman or Executive Director/Designee  Date
Project Name: Pioneer Trail Pedestrian Improvements
Application Type: Public Service
Applicant: City of South Lake Tahoe
Applicant’s Representative: Liz Lundholm, Nichols Consulting Engineers
Agency Planner: Bridget K. Cornell, Associate Planner, Planning Branch
Location: Pioneer Trail, US 50 to Larch Avenue, City of South Lake Tahoe

TRPA Project Number / File Number: 510-101-00 / ERSP2012-0433

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project Description: Pioneer Trail Pedestrian Improvements consists of pedestrian improvements along both sides of Pioneer Trail from United States Highway 50 (US 50) to Larch Avenue in South Lake Tahoe. The Proposed Project will include five-foot asphalt sidewalk, driveway transitions, and pedestrian ramps along both sides of the roadway. The project will also include pedestrian sidewalk lighting and the construction of two foundation pads, which will accommodate bus shelters at a later date. Proposed sidewalk lighting will be directed downwards, in a bell shaped fixture at a height of 15 feet, consistent with other sidewalk lighting the City is already using. The majority of the proposed improvements encroach into Caltrans right-of-way and private property.

Construction of these improvements will require excavation in portions of the Pioneer Trail right-of-way, and grading with an excavator and backhoe. 190 cubic yards of material will be excavated to a depth of approximately one foot below ground surface (bgs), and engineered fill, aggregate base, and asphalt will be laid for the sidewalks. Staging and stockpile areas are located on existing impervious surfaces, and are identified on the submitted site plan.

Vehicular and pedestrian access, both for through traffic and to adjacent properties, will be maintained either by use of approved alternative access locations, the placement of steel plates, or other methods acceptable to the City Project Manager.
16 trees over 14” diameter at breast height (dbh) are proposed for removal to accommodate the proposed project. The tree removal will be necessary to allow for adequate design of the pedestrian improvements, and to ensure vehicular visibility in the project area.

This project is identified in the Environmental Improvement Program (EIP) as Project No. 03.02.01.08, “Pioneer Trail Pedestrian Upgrades.” Construction of the project will help implement the improvements contained within the EIP. It will help to reduce vehicle traffic associated with the trips that can be replaced with a pedestrian trip, which will reduce emissions from automobiles.

Site Description: The Project site is located primarily within and adjacent to the City of South Lake Tahoe right-of-way. This portion of the right-of-way is characterized by hard and soft coverage located within Land Capability Districts 1B, 5, and 7. The project will result in a net reduction of 183 square feet of coverage. No new coverage is proposed within the 1B Land Capability District.

Currently, this half-mile stretch of Pioneer Trail does not have sidewalks or pedestrian ramps, which creates conflicts between pedestrian and vehicular traffic. The project area currently sees a lot of pedestrian traffic. Providing for the facilities proposed with this project will greatly increase pedestrian safety, and will decrease or eliminate the current erosion associated with uncontrolled pedestrian traffic on unpaved areas. This is an important link between a densely populated area, and a highly-utilized commercial area.

The proposed Project will not change the use of the site or surrounding area. The Project will provide benefits to the natural environment through the improvements proposed as part of the Project.

Issues: The proposed pedestrian facility involves a special use determination and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. Other than the requirement for a public hearing, there are no known issues related to the proposed project.

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18 and 20 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 5 – Finding of No Significant Effect:

   (a) If TRPA finds that a project or matter will not have a significant effect, nor further environmental documentation shall be required:

       Per the Initial Environmental Checklist and evidence submitted, the proposed project will not have a significant impact on the project area.

2) Chapter 6 – Required Findings:

   (a) 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.
There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.

(b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “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. Also, the applicant has submitted an Initial Environmental Checklist (IEC). 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 checklist and IEC will be made available at the Hearings Officer 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.

1) (Refer to paragraph 1.b, above.)

3) Chapter 18 – Special Use. 18.1.B

(a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed Pioneer Trail Pedestrian Improvement Project is located partially in the Stateline/Ski Run Community Plan, and partially in Plan Area Statement 092, which has a “Residential” Land Use Classifications. The project area is generally the right-of-way of the existing roadway. Surrounding land uses include residential and tourist accommodation uses, with some commercial uses closer to Pioneer Trail’s intersection with US 50. Although the project does not complete the entire EIP project, it is consistent with EIP Project #03.01.02.08 Pioneer Trail Pedestrian Upgrades. for Air Quality/Transportation. It is being funded with funds programmed via Caltrans [Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Project (RSTP)].

(b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

The applicant will be required to install temporary and permanent Best Management Practices (BMPs) on site as a part of project approval. The project meets all the conditions of the “Project Review Conformance Checklist and Article V(g) Findings”.

AGENDA ITEM NO. V.F.
The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project is consistent with the applicable plan area statement and is a permissible use in the plan area. The project is located within the Stateline / Ski Run Community Plan, and is consistent with the recommendations contained within the Plan.

Required Actions: Agency staff recommends that the Hearings Officer approve the project by taking the following actions based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Attachments:

A. Draft Permit
B. Project Plans
PROJECT DESCRIPTION: Pioneer Trail Pedestrian Improvements

PERMITTEE(S): City of South Lake Tahoe

COUNTY/LOCATION: City of South Lake Tahoe / Pioneer Trail, US 50 to Larch Avenue

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on December 20, 2012, subject to the Standard Conditions of Approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on December 20, 2015 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation 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 TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

1. 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;
2. ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
3. A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

____________________________________    ______________________________
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(s)___________________________ Date______________________

PERMIT CONTINUED ON NEXT PAGE
SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of pedestrian improvements along both sides of Pioneer Trail from United States Highway 50 (US 50) to Larch Avenue in South Lake Tahoe. The Proposed Project will include five-foot asphalt sidewalk, driveway transitions, and pedestrian ramps along both sides of the roadway. Project will also include Pedestrian sidewalk lighting and the construction of two foundation pads, which will accommodate bus shelters at a later date. Proposed sidewalk lighting will be directed downwards, in a bell shaped fixture at a height of 15 feet, consistent with other sidewalk lighting the City is already using. Project includes the removal of 16 trees that are equal to or greater than 14” dbh. The proposed project will not result in any additional coverage.

2. Proposed project shows that full-size travel lanes and Class II bike lanes will be maintained along with the proposed pedestrian facility. In areas where the full widths cannot be maintained, preference shall be given to maintaining a Class II bicycle lane along Pioneer Trail. Vehicular travel lane can be reduced to an eleven-foot width to accommodate the Class II bicycle lane.

3. As an Environmental Improvement Program (EIP) project (No. 03.01.02.08), applicant shall report on EIP performance measures achieved by project upon completion of the project.

4. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

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

   A. Submit a proposed Striping (i.e., Pavement Delineation) Plan for the entire Project Area.

   B. Submit 3 sets of final revised plans to TRPA.
6. Prior to commencement of construction:

A. The permittee shall submit an updated construction schedule to TRPA prior to commencement of construction. This schedule shall identify dates for the following:

- When installation of temporary erosion control structures will occur;
- When each stage of construction will start;
- When construction will be completed;
- When restoration of staging areas will occur (within 30 days of project finish, staging areas shall be fully restored, mulched, and re-seeded);
- The estimated date for when the final inspection by TRPA Environmental Compliance staff will take place to ensure that all conditions of project approval have been satisfied.

7. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q (Standard Conditions of Approval) have been properly installed. No grading or construction shall commence until TRPA pre-grade conditions of approval are met.

8. The adequacy of all required BMPs, as shown on the final construction plans, shall be confirmed at the time of the TRPA pre-grading or pre-construction inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time. Adequate BMPs must be installed prior to construction, regardless of the amount or type of BMPs shown on final construction plans.

9. Drop inlets, storm water conveyance, and treatment facilities located downslope of excavated material shall be protected by temporary erosion control fences or fiber rolls logs (minimum 12” diameter), or approved equivalent.

10. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other methods approved by TRPA shall be removed from the subject parcel and disposed of at a site approved by TRPA.

11. No trees shall be removed (other than those shown on the approved site plan) or trimmed for view enhancement purposes without prior TRPA written approval as per the Landscape and Revegetation Plan.

12. The pedestrian path and revegetated areas will be maintained over time consistent with the approved plans. Modifications to this facility, including improvements constructed in association with this project, shall be subject to TRPA review and approval.

13. All new galvanized or reflective metal surfaces owned by Caltrans including but not limited to guardrails, guardrail posts, traffic signal posts, light posts, utility boxes, sign posts, backs of signs, markers, and exposed culverts shall be colored through use of City of South Lake Tahoe green, or an approved equivalent. Samples of colored structures shall be submitted to TRPA and approved prior to installation.
14. 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.

15. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.

16. 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.

17. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

18. Grading is prohibited any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow, or is in a saturated, muddy, or instable conditions (pursuant to Subsection 64.2.C of the TRPA Code of Ordinances).

19. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season.

20. The permittee will not access private property without prior approval from the land owner.

END OF PERMIT
MITIGATED STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION:  Pioneer Trail Pedestrian Improvements

TRPA PROJECT NUMBER:  510-101-00(FILE #ERSP2012-0433)

PERMITTEE(S):  City of South Lake Tahoe

COUNTY/LOCATION:  South Lake Tahoe / Pioneer Trail, United States Highway 50 to Larch Avenue

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.

_________________________________________  _______________________
TRPA Chairman or Executive Director/Designee    Date

AGENDA ITEM NO. V.F.