Applicant: Glenbrook Homeowners Association

Application Type: Buoy Application

Applicant's Representative: Midkiff and Associates

Agency Staff: Gretchen Gibson, Associate Planner

Location: 2071 and 2077 Pray Meadow Road

Assessor's Parcel Number/Project File Number: 1418-10-610-001/20060891

Staff Recommendation: This is a proposal for the placement of new structures (twenty nine new mooring buoys) within the Shorezone. Currently twenty four buoys exist within the buoy field previously approved by TRPA. No new land coverage is proposed as a part of this project.

Site Description: The project area consists of two common area parcels with littoral status. Existing development on the property consists of a public drinking water intake and ozone treatment facility and cabanas owned by homeowners within the Glenbrook Homeowners Association. The project area contains approximately 740 linear feet of shoreline. The proposed buoys would be located in mapped and verified Marginal Fish Habitat.

Issues: The proposed project involves the placement of new structures (mooring buoys) within the Shorezone and therefore requires a Hearings Officer public hearing in accordance with TRPA Code of Ordinances, Chapter 4, Appendix A. The main issues relating to this project proposal are scenic quality, proximity to a public drinking water source and multiple-use.

Discussion: The proposed project involves the placement of new structures (mooring buoys) within the Shorezone. Under TRPA Code of Ordinances Section 54.6 and 54.8, TRPA may approve multiple use buoys in a field within a grid pattern that fits within the property setbacks.

A. Scenic Analysis:
The project is located within TRPA Shoreline Scenic Unit 26, Cave Rock which is currently in nonattainment with scenic threshold standards. The project was reviewed under Level 3 of the Shoreland Scenic Ordinances, TRPA Code subsections 30.15.C (3) and 30.15.H (3) due to the proposed project being located lakeward of highwater line. A baseline scenic assessment was completed for the project area. The property with 11 cabanas, a building and rock wall associated with the public drinking water source and twenty four buoys has a Composite Scenic Baseline Contrast Rating Score of 16.

The scenic mitigation proposed by the applicant will bring the Composite Contrast Rating Score to above the minimum of 21 through the planting of
vegetation and modification of building colors and screening of upland structures to mitigate the new visible mass associated with the new buoys. Upon project implementation the composite contrast rating score will be 23. Additionally a total amount of 1,180 square feet of upland screening in addition to the vegetative screening that will contribute to the Composite Contrast Rating Score will be required as scenic mitigation for the project. The applicant may choose to fully mitigate the Shorezone structures by providing 1,180 square feet of off-site mitigation that reduces visible mass within the Shoreline Scenic Unit.

B. Water Quality:
The proposed buoy field expansion would place buoys within 600 feet of a public drinking water source. The buoy field constitutes a Possible Contaminating Activity and appropriate findings pursuant to TRPA Code of Ordinances subsection 83.2.D must be made. The project will comply with TRPA requirements to install permanent BMPs.

TRPA has requested comments from the water purveyor and from the Nevada Bureau of Safe Drinking Water. Glenbrook Water Cooperative has responded that they are in support of the project as proposed. The Nevada Bureau of Safe Drinking Water has responded that updates to the Watershed Control Program and Emergency Response Plan are necessary mitigation measures for the proposed project. These mitigation measures are deemed necessary to reduce the risks to water quality and to ensure public drinking water availability.

A spill control plan was submitted to TRPA review and approval. The spill control plan was forwarded to Glenbrook Water Cooperative and the Nevada Bureau of Safe Drinking Water. Neither agency requested any changes to the spill control plan. TRPA has requested some modification to the spill control plan through draft permit conditions.

A permit condition within the proposed draft permit includes a requirement that the applicant provide documentation that the necessary updates required by the Nevada Bureau of Safe Drinking Water have been provided and that all necessary updates satisfy the requirements to ensure safe drinking water and drinking water availability.

C. Multiple-Use Facility:
An existing buoy field associated with the Glenbrook Homeowners Association common area property consists of 24 buoys. Initially the field consisted of 8 buoys which had been approved by the TRPA Governing Board and at that time the multiple-use findings had been made. A subsequent permit in 1993 allowed for the expansion of the field to twenty four buoys.

The proposed buoy field consisting of a total of fifty three buoys will be used by members of the Glenbrook Homeowners Association on a lottery system. The loss of Logan Shoals Marina as a public facility has resulted in a loss of boat mooring capabilities in the vicinity of Glenbrook. The additional buoys
would help meet the demand for mooring facilities but would not serve every property owner in a given year.

The buoy field will fit within a grid pattern with buoys placed fifty feet apart, fifty feet below high water line and no more than three hundred fifty feet from high water line. The applicant has proposed to place the buoys between 520 and 780 feet below high water line based on anticipated low water levels. A draft permit condition requires modification of the plans to place all buoys within 350 feet of high water line. Placement of buoys beyond this distance for private multiple-use buoy fields would only be allowed on a temporary basis for low water conditions. Temporary relocation of buoys beyond 350 feet of high water line was allowed by TRPA staff in 2004. Current lake levels do not support the placement of buoys beyond 350 feet from highwater line at this time.

D. Glenbrook Shorezone Plan:
The Plan Area Statement includes a special policy that the Glenbrook Shorezone Plan serve as a guide for shorezone projects within Glenbrook. The Glenbrook Shorezone Plan specifically addresses the homeowners association buoy field and states that future expansion should be based on recommendations by a committee that includes representatives from the various interests within Glenbrook. The applicant has submitted information that demonstrates comments were solicited from various interests within Glenbrook by the buoy committee of the Glenbrook Homeowners Association.

Multiple meetings of the Glenbrook Homeowners Association have included discussion of the proposed buoy field expansion and members of the Glenbrook community have been invited and encouraged to attend. Neighboring property owners have been contacted and their support for the proposed project was solicited by the Glenbrook Buoy Committee.

Staff Analysis:

A. Environmental Documentation:
The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. The project is not located in TRPA mapped prime fish habitat. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer public meeting and at TRPA. A baseline scenic assessment of the existing site conditions has been completed for the property. Additionally, a scenic analysis has been completed for the proposed project.

B. Plan Area Statement:
The project is located within the Plan Area Statement Number 058, Glenbrook. The Land Use Classification is Residential. Buoys are considered an allowed use within this Plan Area Statement. The mooring
buoys are allowed accessory structures when associated with an allowed primary use.

C. **Shorezone Tolerance District:**
   The project is located within shorezone tolerance district 7. The standards for Shorezone Tolerance District 7 state that access to the shoreline shall be restricted to stabilized access ways to minimize the impacts to the backshore. Installation and maintenance of vegetation to stabilized backshore areas may be required. Additionally, access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore. Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm. The project as proposed and with special permit conditions is consistent with the shorezone tolerance district standards.

**Required Findings:** The following is a list of the required findings as set forth in Chapter 6, 50 and 83 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 for the placement of the additional twenty nine mooring buoys on the subject property, or has briefly summarized the evidence on which the finding can be made.

1. **Chapter Six 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.**

      (1) **Land Use:** The proposed project involves the placement of twenty nine mooring buoys offshore of the common area property owned by the Glenbrook Homeowners Association. The project is consistent with the goals and policies of the Regional Plan in that it: a) directs the amount and location of new land use appropriately; b) promotes the use of the waters of the Region for water-dependent outdoor recreation; and c) is conditioned to protect the scenic and natural qualities of Lake Tahoe and the surrounding area. The project is an allowed use within the Glenbrook Plan Area Statement and is consistent with the permissible uses outlined in the Shorezone Chapters of the TRPA Code. The Land Use Classification in this area is Residential. The mooring buoys are accessory structures to the existing common area property. The placement of twenty nine mooring buoys is also consistent with the TRPA Code of Ordinances, Chapter 54, Mooring Buoy Location Standards. The placement of the twenty nine mooring buoys will be consistent with the location, design and construction standards outlined in TRPA Code Section 54.
(2) **Transportation**: The proposed mooring buoys will not result in an increase of daily vehicle trip ends (dvte) to the subject parcel.

(3) **Conservation**: The project is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The proposed buoys are located in TRPA mapped marginal fish habitat; and will not impact prime fish habitat areas: a). the use is water dependent (mooring buoys) and access to the buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore via the use of non-motorized personal water craft from the Shorezone; b). The project does not propose any new access to the backshore areas; c). Access to the proposed mooring buoys will be consistent with the Shorezone Tolerance District development standards (see Staff Analysis Section C for additional information). The proposed color and design of the buoys shall be consistent with the Section 54.6.B of the TRPA Design and Construction Standards.

This project will not result in the obstruction or degradation of the scenic vista or view open to the public. The project was reviewed under Level 3 of the Shoreland Scenic Ordinances, TRPA Code Section 30.15.C and TRPA Code Section 30.15.H. The visual mass of the buoys (.5 sq. ft.) and standard boats (60 sq. ft.), as measured in the water, is equal to 786.5 square feet. The applicant has demonstrated that through the painting of structures dark brown and additional vegetative screening, it is possible to achieve a composite contrast rating of 23. Mitigation is being applied at a 1.5 to 1 ratio (base amount 786.5 square feet) 300 feet upland of high water in a scenic unit which is in non-attainment per TRPA Code Section 30.15.C and 30.15.H.

(4) **Recreation**: This project does not require any additions to public recreational facilities. The project will provide private recreational opportunities for the homeowners association that shares the common area parcel.

(5) **Public Service Facilities**: The proposed project does not require any additions to public services or facilities.

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

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

The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings”
in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. 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 the TRPA offices.

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

(Refer to paragraph 1.b, above.)

2. Chapter 50 – Required Shorezone Findings:

The proposed project would be located lakeward of highwater line and required shorezone findings are, therefore, necessary.

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

The proposed project will not have an adverse impact on littoral processes because the mooring buoys will be placed consistent with Section 54.6 of the TRPA Code. Section 54.6 sets forth criteria for the placement of mooring buoys. The proposed buoys will not be located within fish spawning habitat. Access to the proposed mooring buoys will be consistent with the Shorezone Tolerance district development standards with the use of non-motorized personal water craft. This method of accessing buoys will avoid adverse impacts to backshore stability, on-shore wildlife habitat and wildfowl nesting areas.

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

The subject property consists of a common area property with appropriate littoral access to the Shorezone. The placement of twenty nine mooring buoys off the subject privately owned littoral parcel is consistent with the use of the property and will be supported by the existing facilities in the area.

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

The project, as conditioned, is compatible with existing lake and Shorezone uses and structures in the vicinity. The surrounding Shorezone uses consist of piers and buoys.
d. The use proposed in the foreshore or nearshore is water-dependent.

The buoys by their nature are water dependent.

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

The conditions of this approval prohibit the discharge of hazardous waste materials including petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of Lake Tahoe. The design and construction of the mooring buoys must comply with the TRPA Code, Section 54.6B which adheres to the US Army Corp of Engineers or Coast Guard standards. No containers of fuel, paint, or other hazardous materials may be stored in the shorezone or backshore areas.

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

Buoy placement shall be done in a manner consistent with the TRPA Code, Section 54.6.

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

The proposed mooring buoys, as conditioned, will not adversely impact navigation or create a threat to public safety. The U.S. Army Corps of Engineers must also review this project for navigational safety. A United States Coast Guard permit may be required for the proposed project. Additionally, buoys will display a TRPA Buoy Identification Tag at all times in accordance with TRPA Code, Section 52.3.K and 54.6.A.5.

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

This project must receive approval from the Nevada Division of State Lands, and the U.S. Army Corps of Engineers. Comments from these agencies, and those agencies who are members of the Interagency Shorezone Coordination Group, were solicited as part of the review of this project. To date the agencies have indicated that they do not have concerns regarding the proposed project. An application for the project is currently pending with Nevada Division of State Lands.
3. **Chapter 83 – Source Water Protection Findings:**

   a. **The project complies with the requirements to install BMPs as set forth in Section 25.2.**

   The draft permit includes a permit condition (3.B) that requires the installation of permanent BMPs that will infiltrate a 20-year one-hour storm.

   b. **TRPA has solicited comments from the operator/owner of the source water and the department of environmental health with jurisdiction over the source water. All such comments were considered by TRPA prior to action being taken on the proposed project.**

   Comments were received from the water purveyor and from the Nevada Department of Environmental Protection, Bureau of Safe Drinking Water. Both letters are included as attachments to this staff summary. A draft permit condition (3.F) requires updates to the Watershed Control Program and Emergency Response Plan to the satisfaction of the NDEP Bureau of Safe Drinking Water.

   c. **A spill control plan has been submitted to TRPA for review and approval. The plan is to contain specific elements.**

   The spill control plan was also forwarded to the water purveyor and to NDEP Bureau of Safe Drinking Water. Neither agency requested changes to the spill control plan. The specific elements required in accordance with TRPA Code of Ordinances Section 83.2.D (3) are: a disclosure element describing types, quantities and storage locations of contaminants commonly handled, contaminant handling and spill prevention element, spill reporting element including a list of affected agencies to be contacted in the event of a spill, a spill recovery element, and a spill cleanup element. Draft permit condition 3.G addresses any of the above elements that may have been omitted from the submitted spill control plan.

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

I. **Approve a finding of no significant environment effect, based on this staff summary and evidence contained in the project file, for the findings contained in this staff summary.**
II. Approve the project, based on the staff summary, subject to the special conditions set forth in the attached Draft Permit.

Attachments and Exhibits:

Attachment A: Draft Permit
Attachment B: Project Site Plan
Attachment C: Mooring Buoy Detail
Attachment D: Letter from Glenbrook Water Cooperative
Attachment E: Letter from NDEP Bureau of Safe Drinking Water
DRAFT PERMIT

PROJECT DESCRIPTION: Buoy Field Expansion

PERMITTEE(S): Glenbrook Homeowners Association

APN: 1418-10-610-001

FILE #: 20060891

COUNTY/LOCATION: Douglas County / 2071 and 2077 Pray Meadow Road

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on April 27, 2007, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on April 27, 2010 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of placement of the mooring buoy block. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT.

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)

PERMIT CONTINUED ON NEXT PAGE
SPECIAL CONDITIONS

1. This permit specifically authorizes the installation of twenty-nine additional mooring buoys as part of an existing buoy field containing twenty-four buoys for a total of fifty-three buoys in Lake Tahoe offshore of the subject littoral property. The buoys will be placed in a 50 foot grid pattern within the 20 foot property setbacks and within 350 feet from highwater line. Scenic mitigation for the buoys will consist of painting of cabanas and planting of vegetative screening which will result in a composite scenic contrast rating of 23. Also, 1,180 square feet of additional vegetative screening will be required to mitigate the new visible mass associated with the buoys. This permit does not waive the requirement for mitigation fees and/or the requirement for Best Management Practices (BMP’s) to be placed on the upland development of the subject parcel. This permit does not authorize any other shorezone or upland structures for the subject parcel. No change in land coverage is authorized by this permit. The buoys are for the use of Glenbrook Homeowners Association and are not to be rented to others or used for commercial purposes.

2. The standard conditions of approval listed in Attachment S shall apply.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

A. The site plan shall be revised to include:

   (1) Land coverage calculations consistent (for all structures and all land capability districts) with those in the most recent approval by TRPA related to the ozone treatment facility and public drinking water intake.

   (2) A note stating that the mooring buoys will be installed by use of a barge.

   (3) A notation that reads, "All scenic mitigation will be maintained such that the composite contrast rating score will not drop below 23 and the 1,180 square feet of scenic screening will be maintained."

   (4) Modification of buoy locations such that all buoys are within 350 feet of high water line.

   (5) Any necessary navigation buoys to be associated with this buoy field as required by United States Coast Guard or United States Army Corps of Engineers. Details shall be provided for these buoys and it shall be clearly indicated on the plans that they shall not be used as moorings for vessels.

B. The permittee shall submit a best management practices plan and maintenance schedule for the property. The permittee shall include calculations demonstrating that all proposed infiltration trenches are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event. In the event that Best Management Practices have been implemented as part of a prior project, please provide evidence that these BMPs have been installed and that they will capture and infiltrate a 20 year/1 hour storm.

C. The permittee shall submit a backshore stabilization plan including re-vegetation with appropriate species for any backshore areas that are disturbed or unstable.

D. The permittee shall have a Tahoe Yellow Cress (TYC) inspection completed by TRPA staff, or a qualified professional botanist approved by TRPA. The inspection shall take place between June 15 and September 15 during the year that construction will commence. If TYC is present, the applicant shall submit a TYC Management Plan to be implemented during and following construction. The plan shall include but not be limited to construction methodology, vegetation protection fencing, limitations on vehicle and pedestrian access, construction staging, monitoring during construction, and long-term protection and monitoring methods which may include beach raking limitations, pedestrian access limitations, and avoidance of population disturbance.
E. The permittee shall provide for TRPA review and approval material samples for the siding demonstrating the project will achieve the proposed composite scenic contrast rating score of 23.

F. The permittee shall demonstrate consistency with Nevada Bureau of Safe Drinking Water requirements by providing documentation demonstrating the requested updates to the Watershed Control Program and Emergency Response Plan satisfy the requirements of the NDEP Bureau of Safe Drinking Water.

G. The permittee shall amend the Spill Control Plan to include all necessary elements listed under TRPA Code of Ordinances subsection 83.2.D. Specifically, please include a disclosure element describing types, quantities and storage locations of contaminants and a contaminant handling and spill prevention element.

H. The permittee shall include TRPA as an affected agency to be contacted in the event of a spill.

I. Written confirmation demonstrating that all cabana owners agree to the proposed scenic mitigation measures including the painting of cabanas.

J. The security required under TRPA Code Section 8.8 shall be $5,000. Please see Attachment J, Security Procedures for appropriate methods to post a security and the required Security Administrative Fee.

K. A scenic mitigation security shall be posted in the amount of $5,000. This security shall be held at TRPA until project completion and TRPA staff confirmation that all necessary scenic mitigation measures have been satisfactorily completed. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

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

4. The mooring buoys shall conform to the location, color and design standards stated in Section 54.6 of the TRPA Code of Ordinances.

5. The mooring buoys shall be located within the 20-foot TRPA setback lines. The setback lines are established by measuring 20 feet inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline.

6. The buoys shall be maintained in their approved locations within 350 feet from highwater line. In the event of low water conditions, any relocation of the buoys will require written TRPA approval.
7. Mooring buoys shall not be placed in areas consisting of gravel, rock or cobble substrate that may be considered prime fish habitat.

8. The permittee shall display a Red (Residential) TRPA Buoy Identification Tag for each permitted buoy at all times. Upon placement of the twenty nine mooring buoys, the permittee shall tag the buoys and contact the TRPA Watercraft Team to schedule a site inspection to allow the structures to be mapped with a Global Positioning device.

9. The project security shall be held at TRPA until all permit conditions have been satisfied, including but not limited to all approved scenic mitigation measures, installation of all permanent BMPs in accordance with the approved plans and removal of fencing and fence posts located below high water line.

10. By acceptance of this permit, the permittee agrees that all scenic design and mitigation measures outlined in the scenic analysis and as indicated on revised landscaping and elevation plans are hereby included as conditions of project approval and will be implemented as such.

11. In addition to the planting of vegetation to achieve a composite contrast rating score of 23, an additional 1,180 square feet of upland structures will be screened through additional plantings of vegetation within the scenic shoreline unit. All of this vegetation will be maintained such that the composite contrast rating score does not drop below 23 and the 1,180 square feet of additional screening continues to be present.

12. Prior to return of the posted security, the permittee shall submit post-construction photos consistent with the viewpoints submitted to TRPA for review of this project demonstrating any resultant impacts to scenic quality as viewed from the selected viewpoint for the scenic simulation.

13. The property owner is responsible for maintaining the property such that the composite scenic contrast rating does not decrease from the TRPA approved rating of 23.

14. Disturbance of the lakebed materials shall be kept to the minimum necessary for placement of the twenty nine mooring buoy anchors.

15. The buoys shall be associated with the Glenbrook Homeowners Association property only.

16. Gravel, cobble, and or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during or after construction.

17. Spray painting and the use of tributyltin is prohibited.

18. By accepting this permit, the permittee acknowledges that permits for this project may also be required from other regulatory agencies, including, but not limited to, the US Army Corp of Engineers, United States Coast Guard and Nevada Division of State Lands.
END OF SPECIAL CONDITIONS
Buoy Detail
not to scale

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18" Standard Buoy marked to
Coast Guard specifications
(White with blue stripe)

High Water
El. 6229.1'

Low Water
El. 6223'

3/8" Chain

1 cu. yard concrete block
(3600# weight)

Lake Bottom
March 8, 2007

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

Att: Gretchen Gibson
Environmental Review Services

Dear Ms. Gibson:

This letter will serve to advise that the Board of Directors representing the Glenbrook Water Cooperative is aware of the Glenbrook Homeowners Association’s proposal to expand the Cabana Beach buoy field and is supportive of the expansion project as proposed.

If we may be of further assistance, please contact me at 775-749-5251.

Sincerely,

John Stockman, Vice President
Glenbrook Water Cooperative

CC: Bud Hicks, Glenbrook HOA
Water Co-op Board Members
Ralph Murphy
April 3, 2007

Gretchen Gibson
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449

RE: Glenbrook HOA Buoy Field Expansion
In reply, please refer to project number (DO-2814-07)

Dear Ms. Gibson,

Glenbrook Water Company is classified as a public water system that has “Filtration Avoidance” status. Based on historic data and the existing watershed control program, the water system has been able to serve drinking water that is disinfected but not filtered. This status is very unique, and stringent requirements are placed on the water system for raw water monitoring and for maintaining a watershed that minimizes the potential for Giardia lamblia, viruses and Cryptosporidium in their watershed.

Nevada Administrative Code (NAC) 445A.525\(^1\) stipulates the conditions under which filtration avoidance status is granted and maintained. Prior to the Glenbrook Water Company installing an ozone treatment plant, the State of Nevada determined that they were eligible for filtration avoidance status. No significant changes in water quality have been observed since the original study of the intake’s susceptibility to Giardia lamblia, viruses and Cryptosporidium.

NAC 445A.6698\(^2\) specifies the requirements for water intakes and their design and construction. Glenbrook Water Company has only one source of water entering its treatment plant. Any damage to the intake or contamination entering the intake would prevent the water system from providing water to the Glenbrook Water Company customers.

This buoy field represents new and additional potential contamination sources around the intake and is therefore of concern to Nevada Bureau of Safe Drinking Water (BSDW). Due to this expansion, the intake will be susceptible to a higher risk of microbial loading and chemical contamination at the intake and physical damage of the intake. If the buoy field is expanded, the Glenbrook Water Company must update its Watershed Control Program and Emergency Response Plan to provide mitigation to reduce the risks to water quality and availability.

If at any time BSDW sees an increase in the levels of microbial loading at the intake, steps will be taken to re-evaluate the water system’s filtration avoidance status. Failure of the water system
to meet any of the requirements of NAC 445A.525 will require disinfection and filtration pursuant to 40 Code of Federal Register §§141.72 and 141.73. If BSDW determines the water system must filter, Glenbrook Water Company will have 18 months to install a filtration system that meets the requirements of the Surface Water Treatment Rule.

If I can provide any further information, please contact me at (775) 687-9526.

Sincerely,

Andrea LS Seifert, PE

cc:  Bud Hicks, Glenbrook HOA, P.O. Box 447, Glenbrook, NV 89448
    Kevin Roukey, United States Army Corps of Engineers, C. Clifton Young Federal Building, 300 Booth Street, RM 2103, Reno, NV 89509
    Jeff Parker, Nevada State Lands, 901 South Stewart Street, Suite 5003, Carson City, NV 89701
    Deann Walker, Nevada State Lands, 901 South Stewart Street, Suite 5003, Carson City, NV 89701
    Cameron McKay, P.O. Box 3002, Stateline, NV 89449
    Jean Gdyk, 1729 Burwood Court, Reno, NV 89521
    Madonna Dunbar, Tahoe Water Suppliers Association, 1220 Sweetwater Road, Incline Village, NV 89451
    Doug Zimmerman, Chief, BSDW
    Jim Balderson, P.E., Supervisor, BSDW

1 NAC 445A.525 Filtration: Avoidance of requirements. (NRS 445A.860)

1. A supplier of water may apply to the Division to operate without installing a system for filtration. The Division or the appropriate district board of health may grant this request if the supplier of water, not later than December 30, 1991, or 18 months after notification by the Division or the appropriate district board of health that a groundwater system is under the direct influence of surface water, whichever is later, meets the requirements set forth in 40 C.F.R. §§141.71, 141.71, 141.520, 141.521 and 141.522, as adopted by reference in NAC 445A.4525. For systems located at Lake Tahoe, the supplier of water must demonstrate that a level of protection which minimizes the potential for contamination by Giardia lamblia cysts, viruses and Cryptosporidium oocysts is provided by the location of the intake structure and a watershed control program. The watershed control program must include the periodic performance of a watershed survey as required by NAC 445A.539, and the water system must be subject to annual on-site inspections to assess the watershed control program.

2. To avoid the requirements for filtration, a supplier of water must comply with the provisions that are set forth in 40 C.F.R. §§141.74(b) and 141.75(a), as adopted by reference in NAC 445A.4525. Additional information on obtaining approval to operate without filtration is outlined in the Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources, 1991 edition (#PB93-222933INZ). This document is available at a cost of $117 from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. (Added to NAC by Bd. of Health, eff. 11-29-90; A by R088-00, 8-3-2001; A by Environmental Comm’n by R126-05, 10-31-2005)
NAC 445A.6698 Pumping facilities: Intakes. (NRS 445A.860)

1. A pumping station must, if it pumps surface water, use a type of intake that is appropriate for the type of pumping station. The intake must be protected in such a manner as to prevent any deterioration in the sanitary quality of the pumped water.

2. Except where surface water is obtained by direct suction from an adjacent supply, water must be conducted from its source through a watertight conduit by:
   (a) Gravity into a suction well located in or adjacent to the pump house; or
   (b) Submersible pumps or booster pumps.

3. Intakes for obtaining water from a lake or reservoir other than Lake Mead must be designed in such a manner that:
   (a) The intake is submerged at least 15 feet below the surface, is located at least 4 feet off the bottom and extends into the water at least 1,000 feet from the shore.
   (b) If the quality of the water varies with depth, the intake can withdraw water from more than one level.
   (c) The intake has a diversionary device that:
       (1) Prevents the intake of fish and debris; and
       (2) Is designed and located in such a manner as to prevent damage from marine vehicles and anchors.
   (d) The intake is located away from any creek, drainage, marina, on-shore sewerage infrastructure or other source of pollution or contamination. (Added to NAC by Bd. of Health, eff. 2-20-97)