TAHOE REGIONAL PLANNING AGENCY

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128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
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April 29, 2021

Virginia K. Stock and George F. Johannessen
1320 Monument Street
Pacific Palisades, CA 90272

STOCK/JOHANNESSEN NEW SINGLE-PARCEL PIER, 5568 NORTH LAKE BOULEVARD, PLACER COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBER (APN) 116-220-049, TRPA FILE NUMBER ERSP2020-0074

Dear Ms. Stock and Mr. Johannessen:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please e-mail me a written response explaining how the special conditions of approval are being addressed and final plans for electronic stamping. Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

Thank you very much for your attention to this matter. If you have any questions, feel free to contact me at (775) 589-5274 or bmcmahon@trpa.gov.

Sincerely,

Brandy McMahon

Brandy McMahon, AICP
Local Government Coordinator

Enclosures

cc: Ogilvy Consulting, Land Use and Development Strategies
P.O. Box 6315
Tahoe City, CA 96145

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PERMIT

PROJECT DESCRIPTION: Stock/Johannessen New Single-Parcel Pier APN: 116-220-049

PERMITTEES: Virginia Stock & George Johannessen/Wyatt Ogilvy FILE #: ERSP2020-0074

COUNTY/LOCATION: Placer County/5568 North Lake Blvd.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on April 29, 2021, 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 29, 2024, 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 DEMOLITION, 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 APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY 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.

Brandy McMahon 4/29/2021

TRPA Executive Director/Designee Date

PERMITTEES' 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_____

APN 116-220-04

FILE NO. ERSP2020-0074

Project Security Posted (1): Amount $10,000 ___ Paid _____Receipt No._____

Security Administrative Fee (2): Amount $_____ Paid _____ Receipt No._____

Shorezone Mitigation Fee (3): Amount $5,712.60 __ Paid _____ Receipt No._____

Notes:

(1) See Special Condition 3.E, below.
(2) Consult the TRPA filing fee schedule for the current security administration fee.
(3) See Special Condition 3.F, below.

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

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

_____ _____

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit authorizes the construction of a new single-parcel pier at 5568 North Lake Blvd., Placer County, California. The proposed pier will extend approximately 108 feet from the shoreline (95 feet and 2.5 inches from the High Water Elevation) to the pierhead line, with a pier head of 30 feet in length and 10 feet in width, in addition to a 3-foot adjustable catwalk. A 6,000-pound boatlift is proposed to be located on the south side of the pierhead. One of the two buoys located on the site will be retired in exchange for the boatlift. As a result of the project, the property will have the following shorezone development:

    One mooring buoy
    One boatlift
    One single-parcel pier

    The project is located within Scenic Shoreline Unit 20, Flick Point, and Scenic Roadway Travel Unit 19, Flick Point, both of which are in attainment. Up to 220 square feet of visible mass is allowed for a single-parcel pier. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a visible mass of 181 square feet which counts towards the 220 square feet of allowable visible mass, not inclusive of accessory structures. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with the pier, at a 1:2 ratio. There is a total visible mass, including accessory structures, of 282 square feet. This requires that 564 square feet of visible mass to be mitigated on the parcel. The applicant is proposing to paint the house a TRPA approved color to increase the Contrast Rating

Score from 24 to 26. A Contrast Rating score of 26 allows for 1,365 square feet of visible area. The total existing visible area is 373 leaving 992 square feet of potential visible mass for the property. To meet the mitigation requirement, the applicant will subtract 564 square feet of potential visible area from the remaining allowable visible area of 992 square feet, resulting in a total of 428 of remaining allowable visible area after the pier project is completed.

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

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

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

      1. Indicate where the 6.5 square feet of fish habitat mitigation will be placed. Note that fish habitat mitigation shall be consistent with TRPA Code, Section 84.11.2.C, for permanent disturbance in feed/cover habitat.

      2. Include a plan notation that indicates pile driving operations and other piling installation methods (i.e. pinning, etc.) shall require the installation of caissons for turbidity control upon the discretion of the TRPA inspector upon a pre-grade inspection. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.

      3. A notation that no new buoys are authorized as a part of this project, and that one existing mooring buoy will be converted into a boatlift. Note on the plans the location of the buoy to be retired in exchange for the boatlift.

      4. Include the location of temporary Best Management Practices (BMPs), if necessary, for access pathways from the upland to the pier.

      5. The pier must be matte medium to dark grey in color. The applicant shall provide a color sample for approval by TRPA.

      6. Delineate the location of the turbidity curtain and include allowance for barge access.

   B. The permittee shall submit a construction completion schedule to TRPA.

   C. The permittee shall conduct a Tahoe Yellow Cress (TYC) survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30th prior to commencement of proposed work. If TYC or TYC habitat are present, the permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.

   D. The permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and

torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.

E. The project security required under Standard Condition A.3 of Attachment S shall be $10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

F. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of $5,712.60 for the construction of 95 feet and 2.5 inches of new pier as measured from the High Water Elevation (assessed at $60.00 per linear foot).

G. A total of 78.5 square feet of new coverage in the backshore is required to provide access to the pier. The permittee shall transfer 118 square feet (ratio of 1.5 to 1) of Land Capability District (LCD0 Class 1b restoration credits to provide minimum access to the pier in accordance with TRPA Code Sections, 85.5.4, 85.5.1.E, and 30.5.3; 64.5. All coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances and the TRPA Rules of Procedure.

H. The permittee shall e-mail a final set of plans to TRPA for electronic stamping

4. The permittee must receive a final for the project (ref. TRPA File #ERSP2020-0371) to reconfigure decks, remove unauthorized coverage, install BMPs, and paint the house a TRPA approved color (Munsell Hue 2.5Y – Value 6/Chroma 2) before the permittee may receive a final for this pier project.

5. It is the permittee's responsibility to receive authorization and obtain any necessary permits from other responsible agencies for the proposed project.

6. The existing stairs in the backshore shall be removed and restored as part of this project.

7. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.

8. Public access and appropriate signage indicating public access that meets the requirements of the California State Lands Commission and TRPA Code, Section 84.4.3, shall be maintained in the public trust easement.

9. Disturbance of lakebed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.

10. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.

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

12. Any normal construction activity creating noise in excess of 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.

13. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), 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, administrative appeal, 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. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. 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

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HOURS
Mon. Wed. Thurs. Fri
9 am-12 pm/1 pm-4 pm
Closed Tuesday

New Applications Until 3:00 pm

ATTACHMENT S
STANDARD CONDITIONS OF APPROVAL FOR SHOREZONE PROJECTS

I. CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

The following conditions shall be satisfied prior to commencement of any construction activity within the project area, including, but not limited to, filling, dredging, grading, excavation, clearing of trees, and other activities associated with construction. Failure to satisfy these conditions of approval prior to commencement of construction activity shall be grounds for revocation of the permit.

NOTE: TRPA reviews and approves projects as required under Tahoe Regional Planning Agency (TRPA) Rules, Regulations, and Ordinances only. TRPA does not review and shall not be responsible for any elements contained in the plans (i.e., structural, electrical, mechanical, etc.) which are not required for review under said Rules, Regulations, and Ordinances.

A. The permittee shall submit final construction drawings and plans showing revegetation, slope stabilization, and drainage improvements. Revegetation, slope stabilization, and drainage improvement plans shall be designed in conformance with the TRPA Best Management Practices (BMP) Handbook.

1) Revegetation plans shall show areas to be revegetated, specifications for revegetation, and temporary fencing for vegetation protection. Only native species adaptable to the Lake Tahoe Basin shall be used for landscaping or revegetation. A list of acceptable species is available from TRPA.

2) Slope stabilization plans shall show all methods of stabilization to be used to stabilize all existing and proposed cut and fill slopes and areas otherwise denuded of vegetation. Said plans shall also show temporary and permanent erosion control devices, temporary sediment barriers, and measures to be taken for dust control.

3) Drainage plans shall show all drainage facilities for all existing and proposed impervious surfaces and utility trenches. Drainage facilities shall be designed to be capable of retaining runoff waters for a 20-year, 1-hour storm event. Calculations demonstrating the proposed facilities' retention capabilities may be required. Whenever possible, utilities shall occupy common trenches to minimize site disturbance.

B. A security shall be posted with TRPA to ensure compliance with the conditions of the permit. In most cases, the security shall be determined by TRPA and will typically be equal to 110% of the estimated costs of the revegetation, drainage improvements, slope stabilization plans, and other conditions of approval. For further information on acceptable types of securities, see Attachment J.

C. The permittee shall submit all required air quality, water quality, excess coverage, and shorezone mitigation fees.

D. Prior to any activity commencing, the permittee shall contact TRPA *at least 48 hours in advance* and arrange for a pre-grading inspection to verify that all the temporary erosion and water quality control measures and protective fencing for vegetation are in place and installed properly.

E. The applicant shall identify temporary disposal sites, if any, and permanent disposal sites for all dredged material, including appropriate authorization from property owners.

F. All existing disturbed areas and areas disturbed as a result of construction activity authorized by the permit, or otherwise occurring on the subject project during the time period when the permit is valid, shall be revegetated using only those species contained on TRPA's list of acceptable species. All required vegetation shall be completed by completion of the project.

G. The permittee shall return a signed copy of the permit form stating that the permit was received and that the permit is understood, and the contents accepted prior to any activity or grading occurring within the project area. Plans shall not be stamped approved without TRPA receiving a copy of the signed permit.

H. It is the permittee's obligation to locate all subsurface facilities and/or utilities prior to any grading, dredging or other subsurface activity. The permittee is responsible for contacting the Northern Underground Service Alert (USA, usually known as USA DIGS 1-800-227-2600) prior to commencement of any activity on the site.

II. CONSTRUCTION-RELATED CONDITIONS

The following conditions shall apply to construction activity on the site:

A. General Construction Requirements

1) The TRPA permit and the final construction drawings shall be present on site from the time construction commences until the final TRPA site inspection.

2) Prior to commencement of construction, the applicant shall submit a construction completion schedule to TRPA. Construction shall be completed by the date set forth in the approved construction schedule. Extensions of the schedule may be granted provided the request is made in writing and the application fee submitted prior to the expiration of the completion schedule. An additional security may be required to be posted to ensure completion or abatement of the project. To approve the extension, TRPA must make either of the following findings:

i. The project was diligently pursued, as defined in Subparagraph 2.2.4.C of the TRPA Code of Ordinances, during each building season (May 1 - October 15) since commencement of construction.

ii. That events beyond the control of the permittee, which may include, but are not limited to, engineering problems, labor disputes, natural disasters, or weather problems have prevented diligent pursuit of the project.

3) The permittee shall allow TRPA to enter and inspect the site at any time to determine compliance with the permit.

4) No construction methods shall be utilized that will degrade the water of Lake Tahoe or other lakes within the Lake Tahoe Basin.

5) Violation of any of the conditions of approval shall be grounds for revocation of the permit. Failure to commence construction within the approval period shown on the permit face shall result in the expiration of the permit, ***without notice***, by operation of law, on the date shown on the permit face.

6) 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.

7) Information contained in special reports prepared for the project, including, but not limited to, visual analysis and substrate reports, are considered conditions of project approval, except when noted in the Special Conditions of Approval.

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

9) For projects with an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), the mitigation measures contained in the document are considered conditions of project approval, except when noted in the Special Conditions of Approval. Final plans shall be designed to include all EA/EIS mitigation measures. Where discrepancies exist between the final plans and the EA/EIS, the mitigation measures outlined in the EA/EIS shall take precedence, unless specifically noted *in writing* by TRPA.

B. Grading and Site Disturbance Activities

1) There shall be no grading, filling, clearing of vegetation, or other disturbance of soil on site between October 15 and May 1 of each year.

2) There shall be no grading, filling, clearing of vegetation, or other disturbance of the soil during inclement weather and during the resulting period of time when the site is covered with snow or is saturated, muddy or unstable.

3) No rocks or other natural materials shall be relocated, including rock removal by blasting, that are not indicated on the approved plans without first obtaining TRPA approval.

4) All material obtained from excavation work shall be contained within the foundations, retaining walls, or by a similar means approved by TRPA, or the excavated material shall be disposed of at a site approved by TRPA.

5) Soil and construction materials shall not be tracked off-site. Grading operations shall cease in the event a danger of violating this condition exists. The site shall be cleaned and the road right-of-way shall be swept clean when necessary.

6) The length of open trenches (excluding foundations) shall not exceed 50 feet at the end of each working day, unless approved by TRPA.

7) Loose soil mounds or surfaces shall be protected from wind and water erosions by being appropriately covered or contained when active construction is not occurring.

8) All excavated material shall be stored upslope from excavated areas. No material shall be stored in stream environment zones, backshore, or other saturated areas.

9) No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged by grading. If any historic or prehistoric ruins or monuments or objects of antiquity are discovered, all grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall immediately cease and shall not recommence until a recovery plan is approved by TRPA.

10) Maximum excavation depth shall not exceed five feet, unless otherwise approved by TRPA.

11) If groundwater is encountered during construction, cease work and contact TRPA immediately to discuss possible changes in design or dewatering options.

12) Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction. Only the boulders designated on the site plan to be moved shall be moved to an appropriate location.

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

C. Winterization

1) All construction sites shall be winterized no later than October 15 of each year as follows:

i. Inactive winter sites shall contain erosion and drainage improvements necessary to prevent discharge from the site including, but not limited to:

(a) Installation of temporary erosion controls

(b) installation of temporary protective fencing of vegetation

(c) Stabilization of all disturbed areas

(d) Cleanup and removal of all construction slash and debris

(e) Installation of permanent mechanical stabilization and drainage improvements, where feasible

(f) Removal of al spoil piles

ii. Active winter sites shall comply with the following:

(a) Installation of all permanent mechanical erosion control devices, including paving of all driveway and parking areas

(b) Installation of all permanent drainage improvements

(c) Parking of vehicles, equipment, and storage of materials shall be restricted to paved areas

2) Work shall be performed in such a manner that the project can be winterized within 24 hours.

D. Construction Equipment

1) Equipment of a size and type that will do the least amount of damage to the environment shall be used. Cleaning of equipment, including cement mixers, is not permitted unless approved *in writing* by TRPA.

2) Vehicles or heavy equipment shall not be allowed in stream environment zones, backshore, or other saturated areas unless specifically authorized by TRPA. All vehicles and heavy equipment shall be confined to the area within the vegetative protection fencing unless specifically authorized by TRPA.

3) Idling time for all diesel-powered equipment shall not exceed 5 minutes.

4) Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.

5) Existing power sources or clean-fuel generators rather than temporary diesel power generators shall be used whenever feasible.

E. Vegetation Protection

1) All trees and natural vegetation which are to remain shall be fenced for protection. Scarring of trees shall be avoided. Scarred trees shall be repaired with tree seal.

2) Fencing specified shall be at least 48 inches high and shall be constructed of metal posts and either orange construction fencing or metal mesh fencing also at least 48 inches high (Section 33.6.1). Job sites with violations of the fencing standards will be required to re-fence the job site with a high gauge metal fencing.

3) No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA. Fences shall not be moved without prior approval (Section 33.6).

4) To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance areas shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. The approved plans should show the fencing and approved exceptions (Section 36.2).

F. Best Management Practices

1) Construction activities shall comply with the BMP Handbook.

2) Temporary and permanent BMPs shall be installed in accordance with the approved plans. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.

3) At all times during construction, environmental protection and erosion control devices shall be maintained in a functioning state. Such devices include, but are not limited to, sediment barriers, dust control devices, and vegetative protection.

4) Required BMPs (slope stabilization, infiltration facilities, revegetation, etc.) shown on the approved plans have been determined from representations submitted by the applicant and not confirmed by field inspection. Modification of the required BMPs necessary to correct inadequacies may be added at the time of the pre-grade inspection and shall be incorporated into the TRPA permit and site plans as additional conditions of approval.

G. Air Quality

1) Fugitive dust shall not exceed 40 percent opacity and not go beyond the property boundary or into waters of the region at any time during project construction.

2) No open burning of removed vegetation shall occur during infrastructure improvements.

3) Water shall be applied as needed to prevent dust impacts from extending off-site. Operational water truck(s) shall be on-site, as required, to control fugitive dust.

H. Noise and Vibration

1) All construction equipment, including vibration-inducing impact equipment, on construction sites shall be operated as far away from vibration-sensitive uses as reasonably possible.

2) Earthmoving and ground-disturbing operations shall be phased so as not to occur simultaneously in areas close to sensitive uses, to the extent feasible. The total vibration level produced could be significantly less if each vibration source is operated at separate times.

3) To prevent structural damage, minimum setback requirements for different types of ground vibration-producing activities (e.g. pile driving) for the purpose of preventing damage to nearby structures shall be established based on the proposed pile driving activities and locations, once determined. Factors to be considered include the specific nature of the vibration activity (e.g. type and duration of pile driving), local soils conditions, and the fragility / resiliency of the nearby structures. Established setback requirements (i.e. 55 feet) can be breached if a project-specific, site specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage would occur at nearby buildings or structures or provides further recommendations (e.g. alternative pile driving methods, site monitoring requirements) to avoid damaging nearby structures.

I. Archaeological Resources

1) If evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g. ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted and the appropriate jurisdiction and TRPA shall be notified immediately. A qualified archaeologist shall be retained to assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified.

2) If the archaeologist determines that the find does not meet NRHP, NVSHRP, or CRHR standards of significance, as applicable, for cultural resources, construction may proceed.

3) If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared.

4) If the find is determined to be significant by the qualified archaeologist (i.e. because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the recordation forms required by the applicable SHPO and location information to the appropriate information center.

J. Buoys

1) Buoys shall comply with the construction specifications set forth in the California Waterway Marking System or as otherwise recommended by the US Army Corps of Engineers or Coast Guard.

K. Pier Construction

1) No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife or Nevada Department of Wildlife and TRPA.

2) Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The permittee shall install a turbidity screen around the entire project site (in the water) prior to construction. This screen may be removed upon project completion only upon satisfactory inspection by TRPA to ensure that all suspended materials have settled.

III. CONDITIONS TO BE SATISFIED PRIOR TO COMPLETION OF THE PROJECT:

A. Rehabilitation and cleanup of the site following construction shall include, but not be limited to, removal of all construction waste and debris.

B. Upon completion of the project, as a condition of the release of the security, TRPA shall conduct a final site inspection to verify that all required improvements and revegetation are properly installed and that all conditions of the permit have been satisfied.

C. Replanting of all exposed surfaces, as shown on the revegetation and slope stabilization plans, shall be completed within one year following the commencement of construction, unless the approved construction schedule establishes otherwise.

D. Revegetation of compacted dirt areas not to be surfaced shall be in accordance with guidelines established in Chapter 4 of the Best Management Practices Handbook.

IV. **ONGOING CONDITIONS**

The following ongoing conditions shall apply for the life of project:

A. Operational Requirements

1) All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.

2) No naturally occurring vegetation shall be manipulated or disturbed except in accordance with Chapter 30. No planting of new vegetation, or manipulation of naturally occurring vegetation, shall be permitted in the shorezone, unless such activities comply with the standards in Chapter 30.

3) Indigenous vegetation, appropriate to the backshore shall not be removed or damaged in the backshore, unless otherwise authorized under TRPA permit pursuant to Section 85.5 or Subsection 61.3.3 of the Code of Ordinances. Landscaping installed for the purpose of scenic quality may be maintained pursuant to Subsection 61.3.3.

4) All shorezone structures shall maintain compliance with the project description and approved plans associated with the permit. Any modifications, including demolition, expansion, relocation, and reconstruction, may require further TRPA review and approval pursuant to Code of Ordinances Chapters 80-85.

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

6) No containers of fuel, paint, or other hazardous materials shall be stored in the lakezone or shorezone.

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Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

ATTACHMENT J
SECURITY PROCEDURES

I. SECURITY REQUIREMENTS

As a condition of project approval, permittees may be required to post a security with TRPA to ensure compliance with conditions of project approval. The amount of the required security will be specified in the special conditions of your permit but in most cases the amount will be equal to 110% of the estimated costs of installation of required water quality Best Management Practices (revegetation, slope stabilization, drainage improvements). An additional or alternate security may be required to ensure compliance with other specific conditions of approval. All securities must be for the amount specified in the permit and be valid for an indefinite amount of time. When conditions of approval are complied with (including completion of revegetation), the owner may request a final inspection with the TRPA Compliance Team (online inspection request form available at www.trpa.gov).

II. SECURITY ADMINISTRATION FEES

All securities posted require a non-refundable administration fee. The administration fee will be charged based on the current fee listed in the TRPA Filing Fee Schedule (#109) at the time the fee is paid.

III. ACCEPTABLE TYPES OF SECURITIES

TRPA is unable to accept credit card payments for securities. If a security is paid by credit card, the amount will be refunded and returned with a check in the mail, and another appropriate security shall be posted.

A. CHECK

If paying with a physical check it must have an identifying name and address. Please send by mail or drop off at the TRPA office with the required amount (including security administration fee) and application file number.

B. ELECTRONIC CHECK

Electronic checks can be used to pay fees online with your checking account. If choosing this payment method, please coordinate with your Planner to have the fees available to pay through the online Citizen Access portal.

C. CERTIFICATE OF DEPOSIT (CD)

The CD should read: “Purchased by owner/permittee and then made payable to TRPA.” “Made payable to owner/permittee and TRPA” is only acceptable if endorsed by the owner/permittee. CDs made out to “Owner/permittee or TRPA” cannot be accepted. The CD must have an open maturity date or be automatically renewable. The following information must be included on the CD: Owner’s name, mailing address, Assessor parcel Number. Interest earned on the account may be payable to the holder. (see example, page 4)

D. LETTER OF CREDIT

The security must be in the owner's name, irrevocable for an indefinite period of time, and documented by a letter or statement from a bank showing the following information: Owner's name and mailing address, assessor parcel number of the project, the amount of the letter of credit, and documentation required by the bank. The letter or statement must clearly state that TRPA is a beneficiary of the credit amount. (see example, page 6)

E. ASSIGNMENT OF A PERSONAL SAVINGS ACCOUNT

Must consist of the actual savings passbook and a separate notice of assignment. The notice of assignment must include the owner's name and mailing address, account number, assessor's parcel number of the project, ad the amount of assignment. (see example, page 5)

F. FAITHFUL PERFORMANCE BOND

This option is only allowed for securities greater than $10,000 and must be in TRPA's name. The bond must have the insurance company, bond number, owner of security or principle's name and mailing address, the assessor's parcel number of the project, and the amount. The oblige, TRPA, must be clearly identified. The bond must be valid for an indefinite amount of time. Please contact TRPA for an example of how to set up a bond.

IV. PAYING FEES ONLINE WITH MULTIPLE PAYMENT TYPES

When multiple fees are due at acknowledgement (i.e., security, mitigation fees, administrative fees, inspection fees) the applicant has the option to pay fees other than the security with a credit card. To split your payment method, you must pay in two separate transactions. The security shall be paid first with an electronic check. The reminder of the fees will then be totaled and available for payment by credit card. Coordinate with your Planner to get each set of fees active at the appropriate time.

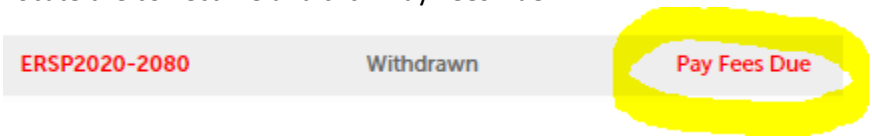
V. PAYING SECURITY THROUGH ONLINE CITIZEN ACCESS PORTAL

For a tutorial on how to create an Accela Citizen Access account visit: www.trpa.gov/apply-online/ and start with step 5.

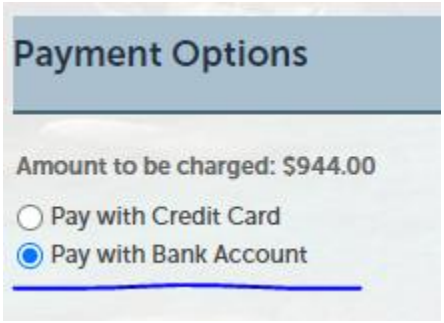
Once logged into the Accela Citizen Access database follow this process:

1. Search for application (if having difficulty, try entering parcel number only and hit search)

2. Locate the correct file and click 'Pay Fees Due'.



3. When under payment options, select "Pay with Bank Account." Reminder: securities cannot be paid by credit card.



VI. EXAMPLES OF NON-CASH SECURITIES

See following pages

TIME DEPOSIT

BRANCH_____ No._____

PURCHASED BY Owner/Permittee_____

_____

PAYABLE TO TAHOE REGIONAL PLANNING AGENCY_____

DATE_____

RATE_____ YIELD_____

$ AMOUNT_____

TERM_____

ACCOUNT #_____

_____

AUTHORIZED SIGNATURE

The publication(s) you receive contains the terms and condition of this account. This time deposit will be reinvested automatically for the same term upon maturity or on the effect date of a deposit or withdrawal made during the grace period. (The grace period is two business days for terms of 89 days or less; ten calendar days for terms of 90 days or more beginning on the maturity date.) The new interest rate will be the interest rate in effect on the date your funds are reinvested.

*Interest compounded daily. Yield assumes deposit and interest remain in the account for a year at the same interest rate.

IMPORTANT INFORMATION

If you withdraw all or part of your deposit before it matures a substantial interest penalty will be imposed. A personal time deposit evidenced by this receipt is NOT TRANSFERABLE EXCEPT IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE FEDERAL RESERVE BOARD.

R-162 5-89 NOT NEGOTIABLE Bank of America NT& SA • Member FDIC

Sample

MUST BE ON BANK LETTERHEAD WHICH INCLUDES BANK ADDRESS & PHONE NUMBER

NOTICE OF ASSIGNMENT TO ACCOMMODATE SAVINGS ACCOUNT PASSBOOK

NOTICE OF ASSIGNMENT

[Name of Owner(s)] hereinafter called Assignor, does (do) hereby assign and set over to the Tahoe Regional Planning Agency (TRPA), all right, title, and interest of whatever nature, of Assignor, in and to the insured account of the Assignor in the name [Name of Bank/Savings & Loan] evidenced by an account in the amount of $_____numbered _____ which is delivered to the TRPA herewithin. Assignor agrees that this assignment carried with it the right in the insurance of the account by the Federal Savings and Loan Insurance Corporation/Federal Deposit Insurance Corporation, and includes the right of the TRPA to redeem, collect, and withdraw the full amount of such account at any time WITHOUT NOTICE TO THE ASSIGNOR. This assignment is given as security liability for:

> Assurance that the owner will comply with the TRPA permit conditions as required by the TRPA Code of Ordinances, Section 8.8. the amount is set aside solely for that purpose and is available on demand to the TRPA if the conditions are not satisfied. Please advise the office when the assignment can be released.

Assignor hereby notified the above-named institution of this agreement. Assignor hereby certifies that he/she/they agree that the above-referenced account will be renewed in its full amount if performance of the above-referenced conditions have not been certified by the Agency prior to the maturity date of the subject account.

Dated this _____ day of _____, _____

Assignor_____ Assignor_____

Owner's Name_____

Account Number_____

APN_____

Amount of Assignment_____

Bank Acknowledgement_____

SAMPLE

MUST BE ON BANK LETTERHEAD WHICH INCLUDES BANK ADDRESS & PHONE NUMBER

Date_____

Tahoe Regional Planning Agency (TRPA)
P.O. Box 5310
Stateline, BV 89449

Assessor's Parcel Number _____

At the request for the account of (owner/permit name and mailing address), we hereby open in your favor our irrevocable Letter of Credit No. _____ in the aggregate amount of $_____ _____ available by your draft drawn on us at sight when accompanied by the following documents:

1. Your signed certification executed by a TRPA official stating that (owner/Permitee) has not completed revegetation, slope stabilization, and/or drainage improvements as per file _____ entered into with TRPA.

2. This original Letter of Credit

The irrevocable Standby Letter of Credit expires on _____. However, it is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for successive one-year periods from the present and all future expiration dates hereof unless 60 days prior to any such date (Name of Bank) shall notify the TRPA *in writing by certified mail, return receipt requested*, at the above address that (Name of Bank) elects not to consider this Letter of Credit renewed for any such additional period. Upon receipt of such notice, you may draw on us hereunder by means of your draft on us a sight for the full amount of this Letter of Credit, accompanied by your name above noted signed certification.

Sincerely,

Name of Bank

By:_____

By: _____

SAMPLE

SAMPLE LETTER OF HOLD ON PERSONAL SAVINGS

MUST BE ON BANK LETTERHEAD WHICH INCLUDES BANK ADDRESS & PHONE NUMBER

Date_____

Tahoe Regional Planning Agency (TRPA)
P.O. Box 5310
Stateline, BV 89449

Assessor's Parcel Number _____

This letter is to advise you that (Owner's name and mailing address) has authorized (Name of Bank/Savings & Loan) to place a gold on account _____ in the amount of $____ _____ for an indefinite period of time.

The hold on the account is assurance that the owner will comply with TRPA permit conditions as required by the TRPA Code of Ordinances, Section 8.8. This amount is set aside solely for that purpose and is available on demand to the TRPA if conditions are not satisfied. Please advise this office when the hold on account can be released.

Sincerely,

Name of Bank/Savings & loan

By:_____

SAMPLE