



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

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

STAFF REPORT

Date: March 7, 2024

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Altnow Pier Expansion Special Use, 3021 Jameson Beach Road, El Dorado County, CA, Assessor's Parcel Number (APN) 032-110-004 & 032-110-024, TRPA File Number ERSP2023-0677

Requested Action

Hearings Officer action on the proposed project and related findings based on this Staff Report and the Draft Permit (Attachment A).

Summary and Staff Recommendation

Staff recommends the Hearings Officer make the required findings (Attachment B) and approve the proposed 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 (see Attachment A).

Project Description/Background

The applicant, Dennis Altnow, proposes the expansion of an existing pier located at 3021 Jameson Beach Road in El Dorado County, California. The existing pier is 101'8" in length. The project will extend the pier an additional 38'7" for a total length of 140'3". The last 33' of the pier lakeward will be 10' in width and have a 30' long 3' adjustable catwalk. The project will remove one existing buoy for the installation of a new 6,000 lb. boatlift on the east side of the pier. The project is located within a visually sensitive area. As a result, 208 square feet of unused, allowable visible mass will be permanently retired as part of the project as scenic mitigation. The project will also include the removal of one of the two existing buoys.

The expansion project was originally submitted under TRPA File # ERSP2020-0167 as a multi-parcel pier using multi-parcel pier standards. Due to neighbor concerns, the applicant made concessions and revised the proposed plans to meet single-parcel pier development standards including reduction in overall proposed length, boatlift capacity, and location of the boat lift from the west to east side of the pier.

The pier is a special use within plan area statement requiring, which requires Hearings Officer review and approval.

Staff Analysis

Regional Plan Compliance: The proposed project is consistent with the Goal and Policies of the Regional Plan, Shorezone Subelement, in that it complies with the design standards and includes mitigation to ensure no negative impacts to the environmental thresholds.

Staff has analyzed the potential environmental impacts of the proposed pier expansion and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

- A. Special Use: The proposed project is located within the Camp Richardson Plan Area Statement, Shorezone Tolerance District 1. The land use classification is recreation and has a management strategy as mitigation. Piers are considered a special use within the plan area. Existing development on adjacent properties is residential and recreational. The pier is similar in size to neighboring piers and is appropriate for the parcel and surrounding area. There are numerous piers in this neighborhood that are similar in size and scope of the proposed pier. The proposed pier will not change the character of the neighborhood.

- B. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 3, Jameson Beach, which is in attainment with the TRPA Scenic Threshold. Up to 220 square feet of visible mass is allowed for single use piers. The allowable visible mass does not include accessory structures such as boatlifts, handrails, and ladders. The existing pier has 127 square feet of visible mass which counts towards the 400 square feet of allowable visible mass. The proposed boatlift and pier expansion will add an additional 58 square feet of visible mass, for a total of 185 square feet. Proposed accessory structures will include an additional 111 square feet of visual mass.

The project area is located in a Visually Sensitive scenic character type, requiring mitigation of 3:1 of any additional visual mass. The increased visual mass as proposed with the project not including the boatlift accessory structure is 69.3 square feet. Therefore, the scenic mitigation required is 208 square feet. 208 square feet of unused, allowable visible mass associated with the property will be permanently retired as scenic mitigation.

All pier materials shall be painted matte medium to dark grey so as to not detract from the roadway scenic quality.

- B. Fish Habitat: This project area is located in fish habitat recognized as marginal and does not require mitigation.

- C. Setbacks: The existing pier is within the setback of the adjacent property 032-110-024. As part of the approval for expansion of a single-use pier, the project applicant will be

required to deed restrict the two parcels (032-110-004 and -024) as a project area due to the shared setback of the pier.

- E. Public Access: All land area between high and low water shall be accessible to the public. The existing pier is open pilings and would not deter access. As part of a condition of approval, the applicant shall place a sign indicating the allowance of public access and the sign shall remain in perpetuity.

Environmental Review:

The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long-term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation (fisheries and scenic). Additionally, the property would be deed restricted limiting the two subject properties to one shared pier. The IEC is available online:

<https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2023-0677> .

Public Comment:

Property owners within 300 feet of the subject site were provided notice of the proposed project. As of the posting of this staff report, no comments were received.

Contact Information:

For questions regarding this agenda item, please contact Jennifer Self, Principal Planner, at (775) 589-5261 or jself@trpa.gov. To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. Draft Permit
- B. Findings

Additional Reference Materials:

The following materials reference in this staff report and/or related to the review of this project can be found online at <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2023-0677>.

Attachment A
Draft Permit



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

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

March 14, 2024

Sagan Design Group
Attn: Gary Furumoto
P.O. Box 6214
Tahoe City, CA 96145

**PIER EXPANSION AND MODIFICATION SPECIAL USE, 3021 JAMESON BEACH ROAD, EL DORADO, CA,
ASSESSOR'S PARCEL NUMBER (APN) 032-110-004 & 032-110-024, TRPA FILE NUMBER ERSP2023-0677**

Dear Mr. Furumoto,

Enclosed, please find the Tahoe Regional Planning Agency (TRPA) permit and attachment S (Shoreline), 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 of 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 itself constitute acknowledgment of the permit but rather an 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 email me all the final documents to finalize your project.

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 questions, please feel free to contact me by phone at (775) 589-5261 or by e-mail at jself@trpa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Self".

Jennifer Self
Principal Planner
Permitting & Compliance Department

CC: Dennis Altnow, 927 Black Diamond Way, Lodi, CA, 95240



Mail
 PO Box 5310
 Stateline, NV 89449-5310

Location
 128 Market Street
 Stateline, NV 89449

Contact
 Phone: 775-588-4547
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PERMIT

PROJECT DESCRIPTION: PIER EXPANSION

APN: 032-110-004 & 032-110-024

PERMITTEE(S): DENNIS ALTNOW

FILE #: ERSP2023-0677

COUNTY/ADDRESS: EL DORADO COUNTY / 3021 JAMESON BEACH ROAD

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on March 14, 2024, subject to the standard conditions of approval attached hereto (Attachment S), and the special conditions found in this permit.

This permit shall expire on March 14, 2027 without further notice unless the construction has commenced prior to this date and is 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 the 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, 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/CITY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY 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

 March 14, 2024
 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

**APN 032-110-004 & 032-110-024
FILE NO. ERSP2023-0677**

Shorezone Mitigation Fee (1): Amount \$ _600_ Paid _____ Receipt No. _____

Security Posted (2): Amount \$ _5,000_ Type ____ Paid _____ Receipt No. _____

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

Notes:

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

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:

_____ Date _____
TRPA Executive Director/Designee

SPECIAL CONDITIONS

1. This permit specifically authorizes the expansion of a single use pier located at 3021 Jameson Beach Road in El Dorado County, California. The existing pier is 101'8" in length. The project will extend the pier an additional 38'7" for a total length of 140'3". The last 33' of the pier lakeward will be 10' in width and have a 30' long 3' adjustable catwalk. The project will remove one existing buoy for the installation of a new 6,000 lb boatlift on the east side of the pier. The pier will be open piling with greater than 90% open foundation. The project will require the installation of an additional 10 pilings and 1 pipe column. The lake bottom disturbance from the project will be an additional 4.3 square feet. The project is located in marginal fish habitat and requires no habitat mitigation. The pier will extend approximately 26' landward of the pierhead line to an elevation of 6221.2'. The project is located within a visually sensitive area. As a result, 208 square feet of unused, allowable visible mass will be permanently retired as part of the project as scenic mitigation. The existing pier structure is within the setback of the adjacent property (APN 032-110-024). APN 032-110-024 is a 0 IPES and is an unbuildable vacant parcel. As part of the approval for expansion of a single-use pier, the project applicant will be required to deed restrict the two parcels (032-110-004 and -024) as a project area due to the shared setback of the pier. There is no change of land coverage proposed or approved as part of this project. Access to the pier is across an existing flat lawn area. This permit does not approve or verify site improvements or development on the upland portion of the subject parcels. Upon completion of the project, there will be a total of one single use pier with one attached boatlift and one mooring buoys associated with the project area, as follows:

Shorezone Structure	Associated APN(s)	TRPA File #	Mooring #

One single use pier and one attached boatlift	032-110-004 & 032-110-024	ERSP2023-0677	
One mooring buoy	032-110-004	MOOR2009-0813	#10038

TRPA recognizes the location of the buoy being retained as 38.93946, -120.03832.

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 shall be revised to include:
 - (1) Include the length of the catwalk structure. It shall not exceed 30'.
 - (2) Include all locations for lighting associated with the pier structure.
 - (3) Include the proposed location for public access signage and add a notation that a public access sign shall be placed on the pier and remain in perpetuity. The sign shall indicate that the land area between high and low water is accessible to the public and where and how the public can access this portion of land. In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.
 - (4) Add a notation stating the boat lift shall not extend more than four feet above the pier deck.
 - (5) Add a notation on the plans that a floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier to capture any fallen materials during construction. 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.
 - B. The permittee shall record a deed restriction provided by TRPA for permanently retiring 208 square feet of unused, allowable visible mass as scenic mitigation for the project located in visually sensitive area.
 - C. The permittee shall record a deed restriction provided by TRPA as a project area due to the shared setback of the pier.
 - D. The permittee shall submit an access plan for all construction related activities.
 - E. The permittee shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following as applicable: When installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.

- F. 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.
 - G. The project security required under Standard Condition I.B of [Attachment S](#) shall be \$5,000. Please see [Attachment J](#), Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - H. Pursuant to Section 10.8.5.E.4.a.iii of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$600 for the addition of a boatlift to an existing pier.
 - I. The permittee shall submit an electronic version of the final plan set for electronic stamping.
- 4. The permittee shall have a TYC inspection completed by TRPA staff, or a qualified professional botanist approved by TRPA. Inspections occur from June 15 to September 15 of each year. If the project does not go forward by October 15 of the year it was acknowledged, another TYC inspection shall take place prior to the start of construction. If the inspection reveals that the site contain TYC plants, the applicants shall submit a TYC Management Plan for the subject parcel. The protection plan shall include methods used during construction for protection of the species and the habitat, monitoring during construction, and also protection measures to be utilized long term. Construction methods must include vegetation fencing to prevent vehicular disturbance, pedestrian disturbance and storage of equipment on the beach. Long-term protection measures may include limiting beach raking, limiting access to the population/habitat, and/or avoiding population disturbance.
 - 5. The permittee shall provide underwater photos of the project area indicating the conditions prior to the start of construction and after construction is completed. For the purposes of this condition, the project area shall include the areas underneath the boatlift, including pilings, and the area where the fish habitat mitigation will be located.
 - 6. Best Management Practices (BMPs) have already been installed on this property and Certificate # 1237 issued on September 5, 2002. All BMPs shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced. All existing BMPs will be inspected during the final site inspection. If existing BMPs on the property are not effective, the inspector may ask for a new BMP plan and/or documentation of maintenance or new installation.
 - 7. The existing and expanded pier shall be matte medium to dark grey. TRPA may require alternate colors depending on the background view of the project site.
 - 8. Lighting shall be directed downward and only onto the pier deck. Lighting shall be the minimum illumination necessary to ensure safety and shall comply with all applicable standard set forth in Chapter 36. Lighting specifications were provided with application materials.
 - 9. Superstructures, permanent umbrellas, canopies, storage racks, plant contains and furniture other than shown on the approved plans shall be prohibited.

10. It is the Permittee's responsibility to receive authorization and obtain any necessary permits from other responsible agencies for the proposed project.
11. Disturbance of lake bed 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.
12. 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.
13. 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.
14. 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.
15. Prior to security return, the following conditions of approval must be satisfied:
 - A. Return of buoy tag #A0027 to TRPA.
 - B. The permittee shall provide post-construction underwater photos of the same locations of the project area consistent with condition 3.C of this permit.
 - C. The permittee shall provide a photo from Lake Tahoe looking back towards the project area demonstrating vegetative planting to mitigate 83.47 square feet of visible mass and photograph of the installed boatlift.
 - D. All pier materials shall be matte medium to dark grey. A TRPA inspector may require alternate colors depending on the background view of the project site.
 - E. A public access sign shall be placed on the pier and remain in perpetuity. The sign shall indicate that the land area between high and low water is accessible to the public and where and how the public can access this portion of land. In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.
 - F. The project shall result in APN 032-110-004 in compliance with Best Management Practices (BMPs). The applicant will need to coordinate with the TRPA BMP team to demonstrate that no BMPs are required for the parcel or obtain a source control certificate, whichever is appropriate given site conditions.
16. 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.

17. 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. The 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

Attachment B
Findings

TRPA Findings

3.3. Environmental Documentation

Finding Rationale – A TRPA initial environmental checklist (IEC) has been completed. The proposed project will not have a significant effect on the environment and further documentation is not required.

4.4.1. Findings Necessary to Approve Any Project

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.

Finding Rationale - The proposed pier project was designed to be consistent with the Regional Plan and the Code of Ordinances and meets or exceeds all applicable standards. Applications will be made and approvals obtained from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, the California Regional Water Quality Control Board – Lahontan Region, and the California State Lands Commission.

4.4.1.B. The project will not cause the environmental threshold capacities to be exceeded

Finding Rationale – The lake bottom disturbance of the proposed pier will result in an increase of 4.3 s.f. in a “Marginal” fish habitat.

4.4.1.C. 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.

Finding Rationale – Initial review of the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, the California Regional Water Quality Control Board – Lahontan Region, and the California State Lands Commission standards has been completed and the project was designed to meet or exceed them. Applications and approvals from these agencies will be completed prior to construction.

21.2.2.A. Special Uses

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;

Finding Rationale – Piers are a special use. The pier is similar in size of neighboring piers and is appropriate for the parcel and surrounding area.

21.2.2.B. Special Uses

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

Finding Rationale – The pier extends landward of the pierhead line and does not extend past neighboring piers. The pier will not be a navigational hazard. The pier is similar in nature to adjacent piers, is not injurious or disturbing to the properties and will not change the character of the neighborhood.

21.2.2.C. Special Uses

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 local plan, and specific or master plan, as the case may be.

Finding Rationale – There are numerous piers in this neighborhood that are similar in size and scope of the proposed pier. The proposed pier will not change the character of the neighborhood.

30.4.1. Base Allowable Land Coverage

Finding Rationale - The verified existing land coverage exceeds the allowable land coverage. No additional coverage is proposed as a result of this project.

30.4.2. Transferred Land Coverage Requirements

Finding Rationale – Coverage will not be transferred as a part of this project.

30.5. Prohibition of Additional Land Coverage in Land Capability Districts 1a, 1c, 2, 3 and 1b (Stream Environment Zones)

Finding Rationale – No additional coverage is proposed.

66.1.3. Roadway and Shoreline Unit Scenic Quality

Finding Rationale – The project will not cause a decrease in the numerical rating assigned to the shoreline unit.

66.3. Scenic Quality Review in the Shoreland

Finding Rationale – No additional visual mass in the shoreland is proposed as a part of this project.

80.3.2. Findings for All Projects

Finding Rationale – Construction will not impact littoral processes, fish spawning or backshore instability. The pier is one of several in the general vicinity and is compatible with other shorezone uses. Spill containment measures will be in place. Construction of the pier will not adversely affect navigation or create a threat to public safety.

80.3.2.A. General Environmental Findings

Finding Rationale – The project will be an open piling pier and will not adversely impact littoral processes. The project is located in a Marginal Habitat and the lake bottom disturbance will be slightly increased. No change to the backshore stability is proposed.

80.3.2.C. Compatibility

Finding Rationale – Existing piers and buoys are located in the vicinity of the proposed pier. The proposed pier has been designed to be compatible with the existing uses and comply with proper location standards. The project will be compatible with existing shorezone and lakezone uses in the vicinity and will comply with Section 84.4.3.B.2.b.

80.3.2.D. Water Dependent Use

Finding Rationale – The project is water dependent.

80.3.2.E. Hazardous Materials

Finding Rationale – Sediment control will be achieved by installation of caissons around the piling during installation as necessary. Stockpiling will occur on the floating barge and protected. Should inclement weather occur, the barge will be removed from the lake. Construction materials will be stored within the barge and protected from discharge to Lake Tahoe. All waste shall be removed by barge. Spill containment materials will be present during construction should any mechanical fluids be discharged from the barge.

80.3.2.F. Construction

Finding Rationale – Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

80.3.2.G. Navigation and Safety

Finding Rationale – The pier extension will be short of the pierhead line. The pier modification will be compatible with neighboring piers with regards to

setbacks and will not adversely affect navigation or create a threat to public safety.

80.3.2.H. Other Agency Comments

Finding Rationale – Applications will be made and approvals obtained from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, the California Regional Water Quality Control Board – Lahontan Region, and the California State Lands Commission. All comments from other agencies will be considered.

83.6. Man Modified Challenge

Finding Rationale – The project does not propose an amendment.

83.10.2.A. Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.

Finding Rationale – The project does not propose vehicular access to shoreline.

84.4.3.C.2.a. Piers shall extend no further lakeward than 30 feet lakeward of elevation 6,219 feet Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting.

Finding Rationale – The pier will extend to elevation 6221.2' which is landward of the pierhead line. The pier will be compatible with neighboring piers and will not adversely affect navigation or create a threat to public safety.

84.4.3.C.2.h Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons, because local wave characteristics that represent a real threat to the integrity of the structure, or to provide lateral public access.

Finding Rationale – The pier deck has been designed to an elevation of 6232.0.

84.5.1. Location Standards

Finding Rationale – The project will meet the location standards including placement more than 200 feet from Taylor Creek and extension landward of the pierhead line and above 6219.0.

84.5.2. Design and Construction Standards

Finding Rationale – The project will meet the design and construction standards including a maximum width of ten feet, a three foot wide and 30 foot length

adjustable catwalk, a pier deck not extending above 6232.0, and an open piling pier.

85.5.3. Erosion Control and Similar Projects

Land coverage and land disturbance may be permitted in the backshore for erosion control projects, habitat restoration projects, forest management programs, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities if TRAP finds that:

- A. The project, program, or facility is necessary for environmental protection; and
- B. There is no reasonable alternative which avoids or reduces the extent of encroachment in the backshore.

Finding Rationale – Access to the pier requires access through the backshore from the upland property. The existing access will be maintained and will not change.

63.3.2. Stream Habitat

Finding Rationale – The project does not impact a stream habitat.