

Attachment A

Required Findings/Rationale Oliver/Pond/Howard New Multiple-Parcel Pier Construction

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 80, 82, and 84 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

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

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Placer County Tahoe Basin Area Plan – Dollar Point subdistrict, the Code and other TRPA plans and programs.

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

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an IEC. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V(g) Findings are available online at <https://parcels.laketahoeinfo.org/Parcel/Detail/093-072-040>

- (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 TPRA Compact, the project meets or exceeds such standards.

TRPA is requiring that all potential environmental effects be mitigated through Best Management Practices, including the use of turbidity curtains during construction. The applicant is also required to obtain separate approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, Lahontan Regional Water Quality Board, and Placer County to ensure the project will meet or exceed all federal, state, or local standards. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

2. Chapter 80 – Shorezone Findings:

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

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the pier will be constructed on pilings to allow for the free flow of water), fish habitat (as conditioned), backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas. The site is mapped as suitable habitat for the Sierra Nevada yellow-legged frog. The proposed pier will not have an additional, adverse impact on suitable Sierra Nevada yellow-legged frog because the shorezone and upland areas in the immediate vicinity are already developed. There is existing, permitted access to the shoreline where the pier will begin, and therefore there will be no further detriment to backshore stability.

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

The proposed multiple-parcel pier will be accessory to the primary upland residential uses located at 3230, 3240, and 3250 Edgewater Drive in Tahoe City, California.

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

The project area has access to the Dollar Point HOA shorezone facilities, which means that the parcels served by the HOA are not eligible for single parcel piers and are only eligible for multiple parcel piers. As such there are relatively few piers in the immediate vicinity. The closest pier to the west is 280 feet and three parcels away. The closest pier to the east is 197 feet and three parcels away. According to TRPA maps, the proposed pier would extend further out into the lake by 65 feet to 85 feet compared to the nearest adjacent piers, but would comply with the development standards for multiple parcel piers serving three residential littoral parcels. Because of this, TRPA finds that the project compatible with existing shorezone/lakezone structures in the immediate vicinity of the project area.

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

The pier is located in the shorezone of Lake Tahoe and is therefore a water dependent structure.

- (e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project

and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

There is a Tahoe City Public Utility District (TCPUD) sewer easement that runs through the property, parallel to the lake. The TCPUD has worked with the applicant to locate lines for the shoreline revetment project (TRPA file number ERSP2021-1814, approved by TRPA Hearing Officer May 11, 2023) that will occur ahead of pier construction, both on 3420 Edgewater Drive. In working with TCPUD, precautions are being taken to ensure that the sewer laterals and lift station are not impacted by pier construction.

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

For pier construction, primary access will be via a barge or amphibious vehicle. Caissons will be installed around the new piling locations. The pilings will then be driven into the lakebed until refusal. Decking will then be installed atop the structure allowing for construction of the lighting and adjustable catwalks. Storage and staging of pier construction materials will be stored on the barge, and no construction equipment or materials will occur on the shoreline. The Draft Permit (Attachment B) includes conditions to ensure construction and access techniques will be used to minimize disturbance to the ground and vegetation, including Tahoe Yellow Cress.

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

The pierhead line was established for the purpose of protecting navigation and safety. The proposed pier will extend 72 feet beyond the pierhead line and in accordance with the length limitations provided in TRPA code, Section 84.4.3.C.2.a. Further, the pier will not extend in front of any adjacent parcels. The proposed pier will sit a minimum of forty feet from any neighboring piers. The project was taken to the Shoreline Review Committee on November 17, 2022, which includes agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised.

- (h) Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

The project was taken to the Shoreline Review Committee on June 15, 2023 and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, Lahontan Regional Water Quality Board, Tahoe City Public Utility District, and Placer County.

3. Chapter 83 Shorezone Tolerance Districts and Development Standards:

- (a) Permitted development or continued use may be conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect eroding cliffs from accelerated erosion.

The proposed project is located in Shorezone Tolerance District 4, which is characterized by volcanic rock shorelines with moderate potential for erosion. The potential increases where colluvium of volcanic debris is present and stoney, sandy loams lie on 15 to 30 percent slopes; on morainic debris shorezones with high erosion potential above the shoreline; and alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion problems. The proposed pier will extend from the existing deck that covers the TCPUD lift station, as approved by TCPUD. There is existing access to the deck, and therefore the pier. Therefore, the impacts to the shoreline will be temporary and managed with temporary construction BMPs. Additional, permanent disturbance is not anticipated to occur as a result of the pier project.

- (b) Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss, or erosion.

Due to the minimal disturbance to the backshore as a result of pier construction, and the general makeup of the shoreline, TRPA finds that this project is unlikely to accelerate or initiate backshore erosion. The proposed pier will extend from the existing deck that covers the TCPUD lift station, as approved by TCPUD. There is existing access to the deck, and therefore the pier. Therefore, the impacts to the shoreline will be temporary and managed with temporary construction BMPs. Additional, permanent disturbance is not anticipated to occur as a result of the pier project.

- (c) Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

There is an existing boulder pathway that facilitates access to the pump station deck, and therefore the pier. Because of the existing infrastructure that exists on the property where the pier will be located, TRPA finds that the impact to the backshore will be minimized.

- (d) Access to piers, floating platforms and boat ramps shall be designed to cause the least possible alteration to the backshore.

See findings 3(a), 3(b), and 3(c), above.