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March 27, 2026

Governing Board
Hayley Williamson, Esq., Chair
Graham St. Michel, Esq., General Counsel
Tahoe Regional Planning Agency
P.O. Box 5310
128 Market Street
Stateline, NV 89449

Sent via Email to: hayley.a.williamson@gmail.com, gstmichel@trpa.gov

Re: WRITTEN STATEMENT OF APPEAL, APPEAL OF VERIFICATION OF EXISTING LAND COVERAGE, LAND USES AND RECREATION CAPACITY, LAKESIDE PARK ASSOCIATION, 4041 LAKESHORE BLVD, CITY OF SOUTH LAKE TAHOE, CALIFORNIA, ASSESSOR PARCEL NUMBERS 029-601-001 AND 029-601-002, TRPA FILE NUMBER VBOC2025-0203/ADMIN2026-002

Dear Mr. St. Michel,

Our firm represents Lakeside Park Association ("LPA") in connection with this written statement of appeal, filed pursuant to Article 11 of the Tahoe Regional Planning Agency ("TRPA") Rules of Procedure. As noted in LPA's February 13, 2026, Notice of Appeal, submitted by Wells Barnett Associates ("WBA"), LPA is appealing TRPA's January 9, 2026, Verification of Land Coverage, Land Uses, & Recreation Capacity (the "Verification"), specifically its determination that, "[t]here is no pier associated with these parcels." No other findings contained in the January 9, 2026, Verification are being appealed by LPA.

Grounds for Appeal: LPA's record of correspondence with TRPA, specifically its February 19, 2025, TRPA Verification and Banking Application and its February 13, 2026, Notice of Appeal set forth the facts and information that form the basis of this written statement of appeal and are incorporated herein by reference.

After submitting the Verification Application, WBA noted that TRPA's Shoreline Permitting Map identifies the subject lakezone structure to the north side of LPA's marina as a pier. This information was subsequently conveyed to Julie Roll, via email, on November 12, 2025. The January 9, 2026, Verification and TRPA's internal records do not agree. A copy of the relevant portion of the

Shoreline Permitting Map is attached hereto as **Exhibit A.**

One specific TRPA approval that is relevant to LPA's Verifications is the Tahoe City Marina Expansion Project permit (APN 094-090-009 / TRPA File No. 20061481), which includes Special Condition 1 that authorizes *"expansion to the 728-foot public pier with breakwater foundation."* This condition continues to describe the structure of the pier, including its "sheetpile wall section." Further permit conditions describe the pier's dimensions and appurtenances. Given the close similarity between the two operation's lakezone structures, and the functions attributed to LPA's (pier) structure, we find no reason why LPA's structure should not be verified as an existing pier. A copy of the Tahoe City Marina Expansion Project permit is attached hereto as **Exhibit B.**

The following statements (in italics) are made in the verification's result letter, followed by our response that refutes and/or provides additional information to support our contention that the subject structure is a pier. All definitions referenced are found in the TRPA Code of Ordinances (Code), Chapter 90: Definitions:

There is no pier associated with these parcels.

> Definition of a Pier: A fixed or floating structure intended as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 feet Lake Tahoe Datum, or a functionally similar depth on other lakes in the region.
>
> LPA's structure meets TRPA's definition of a pier, both in dimensions and in use as a landing or temporary mooring for watercraft. Boat operators that do not occupy a marina slip may approach and moor to the pier for purposes of gaining access to services provided ashore by Lakeside Park Association.

There are breakwaters or jetties on the north, south, and west sides of the marina.

> Definition of a Breakwater: A man-made structure that diminishes the force of waves.
>
> Definition of a Jetty: A man-made barrier in the water that is usually but not always perpendicular to a shoreline.
>
> Because the pier is non-conforming having been constructed on a corrugated steel sheet pile, it also serves as a breakwater to diminish the force of waves. Positioned perpendicular to the shoreline and constructed of a solid corrugated sheetpile, the structure simultaneously meets the definition of a jetty, however, this fact does not obviate the function of the structure, that

being the function of a pier.

Boat slips were previously attached to the jetty on the north side of the marina but were removed around 2004 when the marina was reconfigured.

Currently, a floating dock is attached to the jetty, allowing boats to temporarily dock for loading.

> Floating, fixed, or adjustable, catwalks are a common accessory structure to a pier to facilitate loading and unloading of boats docked to the catwalk.

Definition of a Catwalk: Also referred to as a finger pier. A fixed or floating narrow dock or walkway that provides access to a vessel. A catwalk is an accessory structure to a pier.

The marina structures do not meet the definition of a pier, and TRPA cannot verify any of the existing structures as a pier at this time.

> Code subparagraph 81.5.6. Marinas Establishments providing water-oriented services, such as yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities; excursion boat and sightseeing facilities; and other marina-related activities, including, but not limited to, fuel sales and boat and engine repair. Marinas contain water-oriented facilities and structures that are regulated and defined in Chapter 84. Condominiums, hotels, restaurants, and other such uses with accessory water-oriented multiple-use facilities are not considered marinas. Outside storage or display is included as part of the marina use.
>
> Definition of a Pier: See above.

Note that Code subsection 81.5.6 defines a Marina as having structures that are regulated and defined in Chapter 84, including piers. Subsection 84.6.3.E of the Code describes the development standards for piers associated with marinas, suggesting that LPA's pier structure can and does operate independently from the other structures attributed to LPA's marina.

Over 25 years and four Environmental Impact Statements (EIS), TRPA extensively analyzed the Lake Tahoe shorezone. This included comprehensive inventories of all structures-such as piers, buoys, marinas, and boat ramps. The Shoreline Plan's Final Draft EIS accounts for all public and private piers lakeward of the high-water mark, with specific analysis of marina piers. See, description of Proposed Project and Alternatives pages 2-33 and 2-34. Relevant portions of the Draft EIS are attached hereto as **Exhibit C**.

Notably, the Lakeside Park pier is included in the existing pier count and informed the lake-wide analysis of additional pier potential. See, Exhibit 4-4. All attached exhibits reflect this pier as an existing structure associated with its current use. Furthermore, Exhibit 4-7 (Pier Eligibility) of the 2018 Final Draft EIS confirms the subject parcel was ineligible for new pier development.

These additional facts that support the existence of a pier on LPA's property were discussed during the meeting held on Thursday, December 11, 2025, that included WBA (Lyn Barnett and Jon Paul Kiel) and TRPA staff and legal counsel (Julie Roll, Wendy Jepson, Matthew Miller, and Marsha Burch).

If you would like to discuss this matter further, please do not hesitate to contact me directly.

Sincerely,

ALLING & JILLSON, LTD.

By:
RICHARD J. McGUFFIN, ESQ.

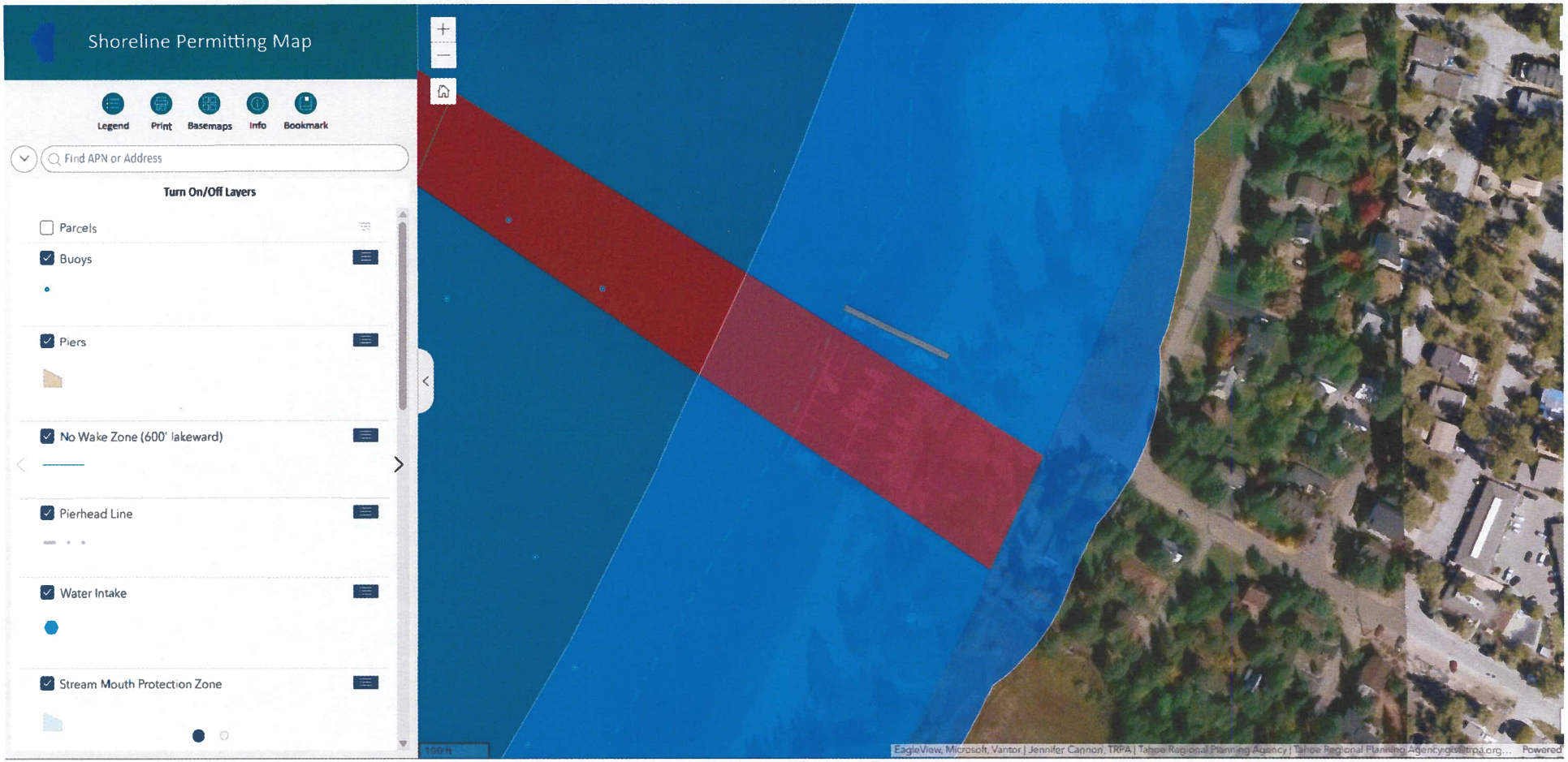
RJM/fb

CC: Andy Englehardt
Judith Goddard
Wendy Jepson
Julie Roll

Attachments: Exhibit A: Shoreline Permitting Map
Exhibit B: TRPA Tahoe City Marina Master Plan Approval
Exhibit C: Portions of Final Draft of the Shoreline Plan Draft EIS for the Shorezone Code Amendments

EXHIBIT A

EXHIBIT A



AGENDA ITEM NO. 8.A.

EXHIBIT B

EXHIBIT B

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

March 26, 2008

COPY

Jim Phelan
P.O. Box 6510
Tahoe City, CA 96145

MARINA ADDITION/EXPANSION, 642 NORTH LAKE BOULEVARD, PLACER COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBER 094-090-09, TRPA FILE NUMBER 20061481

Dear Mr. Phelan,

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. **TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied.** Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to commencement of construction.

Please schedule an appointment with me to finalize your project. **Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.**

Please note that combined security and mitigation fee payments can be accepted. Acceptable ways to post a security are listed in the enclosed handout entitled "Attachment J."

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Jason Ramos

Jason Ramos
Associate Planner II - Shorezone
Tahoe Regional Planning Agency

CC: Tahoe Yacht Harbor, LLC
P.O. Box 6510
Tahoe City, CA 96145

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ATTACHMENT B
PERMIT

PROJECT DESCRIPTION: Marinas/Addition/Expansion

APN: 094-090-09

PERMITTEE: Jim Phelan

FILE #20061481

COUNTY/LOCATION: Placer County/Tahoe City Marina

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on March 26, 2008, 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 26, 2011, 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 CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

TRPA Executive Director/Designee

03-26-2008
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: 094-090-09
FILE NO. 20061481

Marina Mitigation Fee (1): Amount $_____Paid_____Receipt No. _____

Air Quality Mitigation Fee (2): Amount $_____ Paid_____ Receipt No._____

Security Posted (3): Amount $ _____ Posted_____ Type_____ Receipt No._____

Security Administrative Fee (4): Amount $ _____ Paid _____ Receipt No._____

Notes:
(1) See Special Condition 3.P, below.
(2) See Special Condition 3.K, below.
(3) See Special Condition 3.Q, below.
(4) $148 if a cash security is posted, or $76 if a non-cash security is posted.

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

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

_____ _____
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit authorizes the following Phase 1 development of the Tahoe City Marina (TCM) Expansion Master Plan. The following uses are authorized with this permit as illustrated on the project site plans dated June 13, 2006, and further conditioned with this permit:

   - Expansion of 728-foot public pier with breakwater foundation.
   - Expansion of floating docks to accommodate 81 new boat slips, ranging in size from 20 to 65 feet in length.
   - Relocation and expansion of fuel stations and sewage and bilge pump-out facilities.
   - New boat wash and boat lift gantry structure.
   - Installation of additional sheet pile paneling along the existing shoreline bulkhead.
   - Reconfiguration of the existing marina mooring buoy field and navigation buoys.
   - Addition of 29 parking spaces.

   The existing fueling dock and boat lift area at the west end of the marina will be removed, and replaced with 21 new boat slips. The floating docks, pier, and floating wave attenuator will be supported by steel pilings. The pilings for the pier will support a crib wall design for the first 324 feet of the pier, and a sheetpile wall for the remaining 404 feet to serve as a breakwater for the marina. The sheetpile

wall section of the pier will include holes near the base of the wall, to allow for fish passage and circulation of water. The floating docks, pier, and floating wave attenuator will include new electric, sewer, fuel, and water utility lines encased within the platforms of these structures. Two gas house buildings will be located on the new floating docks, as illustrated on the project site plans dated June13, 2006. The floating docks will include low level lighting along the decking. All maintenance dredging for this project is subject to the permitting requirements of the Lahontan Regional Water Quality Control Board, pursuant to Resolution Number R6T-2008 and associated Section 401 Water Quality Certification. A portion of the existing buoy field consisting of 41 mooring buoys and 8 navigation buoys, will be reconfigured as required with Condition 3.A.(1). The project requires ~~29~~ 27 new parking spaces to be provided on-site within the marina project area, and two off-site employee parking spaces will be provided through a required off-site parking agreement, pursuant to Condition 3.W. The project will require 24 square feet of relocated land coverage within the backshore of the project area for a new boat wash and boat lift station. The existing fueling tanks will be relocated on the landward side of the existing boathouse building. The project must meet a composite contrast rating score of 25, which includes vegetative screening of shoreland structures. Within the project area landward of the high water line, all land coverage, scenic requirements, BMPs, and utility line grading for the marina expansion is subject to the permit conditions of the associated TRPA BMP Retrofit permit (file number 20060978).

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 following site plan revisions are required:

      (1) A Buoy Field Reconfiguration Site Plan for the 41 mooring buoys and 8 navigational buoys, shall be provided at a conventional scale. The site plan shall identify the entire shorezone project area, inclusive of the existing and proposed marina expansion area, and the location of the reconfigured buoy field. The site plan shall include the following information:

         (a) The site plan shall identify the location of the buoy field within the TRPA setback lines, including navigation buoys, pursuant to Section 54.6.A.(4) of the TRPA Code.

         (b) All mooring and navigational buoys shall have a minimum spacing distance of 50 feet apart.

         (c) The site plan shall identify lake bottom elevations throughout the entire buoy field. All mooring buoys shall not extend into the lakezone and beyond a lake bottom elevation of 6,193 feet.

(d) Prior to TRPA permit acknowledgement, the permittee shall demonstrate and obtain written approval from the U.S. Coast Guard and U.S. Army Corps of Engineers that the Buoy Field Reconfiguration Site Plan conforms with all applicable safety and navigational requirements of these agencies.

(2) A sign plan shall be provided for all new operational and directional signage proposed for the new marina facilities within the marina. The plan shall identify the location of all signs and an elevation profile illustrating the dimensions of signage, directional information and symbols, and method of how all signs will be located (i.e., freestanding signs, building mounted signs, etc.). See Condition 6 for further requirements.

(3) Sheet L-2 shall identify the location and include notation for low voltage lighting along the decking of the floating docks and lighting for the piers. An exhibit or photograph shall be provided of the proposed lighting. All exterior lighting shall be shielded or hooded in a downward direction and conform with the provisions of Section 30.8.A of the TRPA Code, unless a deviation is authorized pursuant to the safety and navigational requirements of the U.S. Coast Guard and U.S. Army Corps of Engineers. See Condition 5 for further requirements.

(4) An elevation profile of the pier and breakwater shall be provided, illustrating the lake bottom elevations along the full horizontal extent of the pier and breakwater, and the height of all structures elevated above the decking of the pier. The pier and breakwater shall not extend beyond an approximate lake bottom elevation of 6,209 feet, as evaluated with this permit. See Condition 6 for further requirements.

(5) All hand rails, pilings, lighting, and other similar safety devices shall not extend more than four feet above the decking of the pier and floating docks.

(6) A parking plan shall be provided, clearly identifying the creation of ~~29~~ 27 additional ~~new~~ parking spaces on-site, within the TCM project area landward of the high water line. Prior to permit acknowledgement, the permittee shall provide a Letter of Substantial Compliance from the Placer County Planning Department, for demonstration that the parking plan conforms with all applicable parking and circulation standards of Placer County.

(7) The final site plans shall include notation that the existing boat house within the marina shall be repainted (refacade) with Munsell 5YR4/3 (dark brown). No other exterior or interior modifications to this structure are authorized with this permit.

(8) A site plan for the boat wash and lift station shall be provided with engineering details for the drainage system and sanitary sewer hook-up. The plan shall clearly identify the boat wash area with an inverted drainage basin with a surrounding perimeter barrier, to contain boat wash runoff and prevent surrounding stormwater runoff from entering the boat wash drainage basin. For the additional treatment of bilge pumpout water at the boat wash area, the plan shall illustrate the engineering details for the catchment, treatment, and recycling system for the bilge water and boat wash drainage, with a connection to the adjacent sanitary sewer line. Prior to permit acknowledgement, the permittee shall demonstrate that an application has been submitted, or preliminary endorsement has been obtained, from the Tahoe City Public Utility District for use of TCPUD's sanitary sewer system for boat wash runoff. For boat washing, the marina is encouragd to use a high pressure spray gun with a minimum water temperature of 140 degrees Fahrenheit.

(9) Sheets L-2 and L-7 of the site plans shall include notations that boulder removal is prohibited during dredging and lake bottom construction activities.

(10) Sheets L-2 and L-7 of the site plans shall include notations that ~~construction and~~ dredging within the lake shall be prohibited between May 1 and October 1, or as determined by site specific assessment and determination by qualified staff of the California Department of Fish and Game.

B. Prior to permit acknowledgement of this permit, the associated TRPA BMP Retrofit permit (File No. 20060978) shall be acknowledged. A copy of the site plans with stamped approval for the BMP Retrofit permit shall be provided, demonstrating conformance with all applicable permit conditions for land coverage and on-site restoration, scenic requirements and landscaping, utility line grading, all BMPs, and management of stormwater runoff. As required with Volume II, Appendix G of the Final EIS, the plan shall include notation for the existing white nautical flag pole to be repainted with Munsell GLEY1 3/5G (dark green), and the existing white bollards to be repainted with Munsell GLEY1 3/5G (dark green).

C. Material samples shall be provided for all proposed marina structures. Material samples shall be inclusive of, but not limited to, decking material, pilings, sheet pile paneling, pier and breakwater support structures, handrails, gas house buildings, fuel dispensers and other marina support facilities, etc. The color and design of all proposed structures are subject to TRPA approved colors, pursuant to Section 53.10 of the TRPA Code, Design Standards Within the Shorezone. The color of proposed structures shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used as the primary color of structures.

D. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of lake bottom construction and from being transported to adjacent lake waters. Prior to demolition of existing structures, installation of new pilings, and maintenance dredging activities, temporary BMPs shall be installed at the discretion of TRPA and LRWQCB field inspectors, which shall include turbidity curtains, caissons, or other devices at the discretion of the field inspectors. These requirements are further explained in the Revised Maintenance Dredging Plan dated September 18, 2007, the Construction Methodology Document by Blue Water Design Group dated February 26, 2008 (Attachments F and G of the Governing Board staff summary), and Resolution Number R6T-2008.

E. All proposed dredging is subject to the permitting requirements of the Lahontan Regional Water Quality Control Board. Dredging operations, temporary BMPs, construction staging operations, water quality monitoring, and transport and removal of dredged materials shall further conform to the Revised Maintenance Dredging Plan dated September 18, 2007, contained in the project file. Where inconsistencies exist between LRWQCB permit requirements and conditions and the Dredging Plan, the requirements of the LRWQCB shall supercede the Dredging Plan.

F. Prior to permit acknowledgment, the permittee shall provide a TCM-specific Boating Pollution Reduction Program (BPRP) that includes measures consistent with the programs proposed in the Draft Shorezone EIS (1999). The BPRP shall include all of the measures identified with Mitigation Measure 5.2-14 of the Final EIS, which includes, but is not limited to, a spill prevention plan for hazardous substances, periodic inspection of moored boats, and free use of sewage pump-out facilities.

G. To reduce temporary construction emissions, including ROG, NO_x, PM_{10}, and visibility reducing particulate matter from heavy-duty equipment, the project is subject to all of the measures identified with Mitigation Measure 5.5-1 of the Final EIS. These requirements include, but are not limited to, conformance with all applicable Placer County Air Pollution Control District (PCAPCD) rules, submittal to TRPA and PCAPCD a Construction Emission/Dust Control Plan with approval prior to groundbreaking, and conformance with the mitigation measures identified in Tables 5.5-5 and 5.5-6 of the Final EIS. Prior to acknowledgement of this permit, the permittee shall provide a plan approved by PCAPCD, demonstrating conformance with all of the above requirements.

H. The permittee shall provide a Construction Noise Reduction Plan listing all the measures identified with Mitigation Measure 5.6-1 of the Final EIS. The project is subject to these requirements during all phases of construction.

I. Prior to permit acknowledgement, the permittee shall perform and demonstrate conformance with, all of the measures identified with Mitigation Measure 5.6-7 of the Final EIS. These measures include, but

are not limited to, measuring the CNEL at the TCM, perform measurements of the current noise levels generated by the most common fleet of boats at TCM, and estimating the increased noise associated with the additional slips based on the measurements performed for the most common fleet. Pursuant to Mitigation Measure 5.6-7, additional mitigation may include requiring boat noise data for all new rental slip customers and new boats in the rental fleet, and limiting boating hours for new rental slip customers to the hours between 7:00 AM and 10:00 PM.

J. Prior to permit acknowledgement, the permittee shall perform and demonstrate conformance with, all of the measures identified with Mitigation Measure 5.6-8 of the Final EIS. These measures include measuring the CNEL at the TCM, and estimating the increased noise associated with project related traffic. Pursuant to Mitigation Measure 5.6-8, additional mitigation may include development of a Noise Reduction Plan, that demonstrates compliance with TRPA's noise standards.

K. The permittee shall submit an air quality mitigation fee of $7,200.00. This fee is based on the addition of 240 daily vehicle trip ends at $30.00/trip, pursuant to Subsection 93.2.H. of the TRPA Code of Ordinances.

L. To mitigate potential traffic, parking, and safety impacts created by construction traffic and staging, the permittee shall prepare a Traffic Control Plan for review and approval by TRPA, Placer County Department of Public Works, and Caltrans prior to acknowledgement of this permit. At a minimum, the plan shall address truck turning movements at the project driveway(s) to and from SR 28, traffic control signage and flaggers, bicycle and pedestrian traffic, restriction of hauling activities to off-peak periods, on-site circulation and staging areas, and monitoring of the in-place traffic control to implement traffic control revisions if necessary. To avoid potential parking impacts during construction for those with non-exclusive rights to parking in the project area (Tahoe Boat Company Owners Association members), the Traffic Control Plan (pursuant to Mitigation Measure 5.7-4) shall specify a measure that ensures adequate on or off-site parking for these members. The Plan shall also address potential parking issues in the busy season (May 1 through Labor Day).

M. To mitigate impacts to fish habitat, the project is subject to the measures identified in Mitigation Measures 5.9-5 and 5.9-6 of the Final EIS, which requires a mitigation ratio for replacement of feed or cover habitat at 1.5:1. The permittee shall provide a fish habitat survey, using TRPA approved habitat surveying methods, to quantify the amount of existing prime habitat within the area of lake bottom that is impacted by the project. The specific area of impact to be surveyed includes the dredging area, and the area of all pilings outside of the dredging area. Pilings used as support structures for the sheet pile wall portion of the breakwater may be excluded from the area of impact, if this section of the breakwater is contiguously covered with boulder and cobble materials for habitat

replacement. The approved amount of mitigation shall be limited to the quantified area of existing prime habitat impacted, multiplied by 1.5. The Habitat Mitigation Plan shall include the following:

(1) The results of the habitat survey, including a map identifying the quantified areas of existing prime habitat, and areas of marginal habitat within the defined area of impact.

(2) A site plan identifying the locations and quantified areas where boulder and cobble materials will be placed within the marina to mitigate the impact to prime fish habitat.

(3) A site plan identifying the dredging areas of impact. A quantified analysis describing the calculations for the total area of impact as defined above.

Prior to permit acknowledgement, the permittee shall submit the Habitat Mitigation Plan for prior review and approval by TRPA and the California Department of Fish and Game.

N. The permittee shall provide a recorded TRPA deed restriction ensuring that the 81 new boat slips shall not be used for private ownership, and shall be available for public use.

O. The permittee shall prepare and submit an Emergency Access Plan to TRPA, Placer County Department of Public Works, and the North Tahoe Fire Protection District for review and approval prior to permit acknowledgement. The plan shall include all of the measures identified with Mitigation Measure 5.13-1 of the Final EIS, to ensure emergency access throughout all phases of construction. The Plan shall be provided to TRPA prior to permit acknowledgement.

P. Pursuant to Section 56.4 of TRPA Code, the permittee shall submit the following mitigation fees for the marina expansion project:

(1) A fee of $16,200.00 for 81 new boat slips.
(2) A fee of $500.00 for all other proposed shorezone structures.

Q. A $60,000.00 performance security per TRPA Code Section 8.8 shall be required to ensure the success of the project. Please see Attachment J, Security Procedures, for appropriate methods to post a security and for a calculation of the required Security Administrative Fee.

R. Prior to permit acknowledgement, the permittee shall demonstrate and obtain written approval from the U.S. Coast Guard and U.S. Army Corps of Engineers, that the design of the marina expansion, including boat circulation and location of marina support facilities conforms with all applicable safety and navigational requirements of these agencies.

S. The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B., Table 27-1 of the TRPA Code.

T. Sheet FP-2 and all other utility line site plans shall include details for gas pumping facilities to include emergency and standard shut-off systems to avoid gas leakage to the lake. Details shall identify that all fuel delivery lines will be double-walled or steel encased, and that all fuel and sewer lines will be encased with moisture detection and alarm systems.

U. To avoid the introduction of exotic fish species, the permittee shall demonstrate conformance with all of the measures identified with Mitigation Measure 5.9-2 of the Final EIS. These requirements include educational programs for marina users about the negative consequences of non-native fish introduction.

V. The permittee shall submit three sets of final construction drawings and site plans.

W. <u>The permittee shall provide a written off-site parking agreement providing long-term commitments for use of two parking spaces, as consistent with Placer County zoning ordinance requirements for off-site parking</u>.

4. The project is subject to the requirements of Section 54.12 of the TRPA Code for marinas.

5. ~~To avoid impacts to fish spawning, construction and~~ Dredging within the lake shall be prohibited between May 1 and October 1, or as determined by site specific assessment and determination by qualified staff of the California Department of Fish and Game.

6. The permittee shall pay Placer County Public Works the applicable traffic mitigation fees pursuant to Placer County Code Article 15.28.010, Countywide Traffic Limitation Zone.

7. It is the permittees responsibility to receive authorization and obtain any necessary permits from other agencies with jurisdiction over the proposed project activities, including the U.S. Army Corps of Engineers, California State Lands Commission, LRWQCB, California Department of Fish and Game, all applicable Placer County Departments, Tahoe City Public Utility District, and California Department of Transportation.

8. To implement Eurasian watermilfoil control measures, the project is subject to all of the measures identified with Mitigation Measure 5.8-4 of the Final EIS. These requirements include, but are not limited to, training of marina employees for monitoring of milfoil, education of marina users, and placement of appropriate receptacles to dispose of milfoil at the boat launch and washing area.

9. The project shall meet a composite contrast rating score of 25, which includes vegetative screening of shoreland structures in the TCM project area. This condition shall be satisfied through the acknowledgement of the TRPA BMP Retrofit permit (File No. 20060978), pursuant to Condition 3.B above.

10. The project shall comply with the requirements of the 1998 Settlement Agreement between TRPA and the Tahoe Yacht Harbor, for restoration of land coverage and installation of project area BMPs. This condition shall be satisfied through the acknowledgement of the TRPA BMP Retrofit permit (File No. 20060978), pursuant to Condition 3.B above.

11. To avoid disturbance to previously undiscovered cultural resources, the project is subject to all of the measures identified with Mitigation Measure 5.11-2 of the Final EIS. Ground disturbing activities shall immediately cease, if previously unknown archaeological resources are discovered during any construction related land alteration activities. A qualified archaeologist approved by TRPA and Placer County shall be consulted to evaluate the resource in accordance with state and TRPA guidelines. If the discovered resource is determined to be significant, mitigation measures consistent with the State CEQA Guidelines and TRPA Code of Ordinanaces shall be devised and a mitigation plan shall be submitted for approval by TRPA and the Placer County Planning Department. Mitigation, in accordance with the approved plan, shall be implemented prior to commencement of work within the area of the resource find.

12. 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.

13. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.

14. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards, provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

15. Within the TCM project area landward of the high water line, all excavated material shall be hauled away from the site to a legally acceptable location. No fills, or re-contouring, other than backfill for cut-retaining structures, shall be allowed.

16. By acceptance of this permit, the permittee acknowledges that only one boat is authorized for each boat slip, regardless of the size of the slip. All boats shall be moored within the confines of each slip.

17. Residential and/or Tourist Accommodation Units are not permissible uses within the Shorezone or Lakezone of Lake Tahoe.

18. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include the anticipated start and completion dates for each item of construction.

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

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

21. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of lake bottom construction and from being transported to adjacent lake waters.

22. 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.

23. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

24. Only the boulders within the authorized dredging areas, or as designated on the approved site plan to be moved, shall be moved. Boulders shall be moved to the approved locations as consistent with Condition 3.M.

25. The permittee shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality is viewed from approximately 800 feet from shore looking landward and the lake bottom conditions as viewed from the subject parcel.

26. The two gas house buildings shall be used exclusively as a marina support facility for the sale of gas and the same uses of the existing gas house building (on the existing fueling dock to be removed). Expansion of the use and structural size of these buildings is prohibited.

27. Once the permit is acknowledged, the project shall be granted an allocation of 81 summer-day use PAOTs, from the available summer-day use PAOT pool identified in Subsection 33.6.C(3)(b) of the TRPA Code of Ordinances, reserved for expansion of marinas and boat launching facilities.

28. The project area landward of the high water line shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.

END OF PERMIT

EXHIBIT C

EXHIBIT C

2. After multiple-parcel applications, the next priority would be given to applications that serve the greatest number of users, to encourage an increase in lake access.

3. Last priority would be given to single-use piers that do not retire pier development potential. Applications would be considered by priority criteria, as identified above. If over the two-year application window, there are more single-use pier applications that do not retire development than there are allotted permits, they would be processed by lottery.

Commercial and Tourist Accommodation Piers

Commercial and tourist accommodation piers would be allocated from the pool of 128 private piers. Applications for new piers associated with commercial or tourist accommodation uses would be prioritized as a part of the private pier application and allotment process, described above, regardless of whether they are proposed as publicly accessible or restricted to patrons or a specific user group. Commercial and tourist accommodation piers would be allowed only when the upland use also includes a commercial use. Eligible piers that do not allow public access would be restricted to single-use design standards, whereas eligible piers that are open to the public could be designed to multiple-use design standards for four or more littoral parcels (20 or more residential units).

Pier Relocations, Transfers, and Conversions

The proposed Shoreline Plan would allow the relocation or transfer of piers to less sensitive areas as a strategy to attain and maintain thresholds. Pier relocation refers to replacement of an existing pier with a new pier in a different location on the same parcel, whereas pier transfer is the construction of a new pier on a parcel that does not currently have one in exchange for removal of a pier on a different parcel. Under the proposed Shoreline Plan, piers could be relocated or transferred within the same scenic unit or to another scenic unit that is in attainment of scenic threshold standards. Piers could not be transferred to a scenic unit that is out of attainment. Relocated or transferred piers would have to meet all location and design criteria for a new pier (Table 2-6). When a pier is transferred or relocated, the old pier would be removed and the area restored to a natural condition. In the case of pier transfers, the sending parcel would become deed-restricted to prevent future pier development. TRPA would encourage pier owners to relocate piers out of stream mouth protection areas through incentives, including offering multiple-use design standards consistent with a two-parcel pier for a single-use pier or providing upland scenic credits. For pier transfers, both the sending and receiving parcels would have to meet scenic requirements for new piers.

For a pier transfer, boat lifts from the sending parcel could be relocated to the receiving parcel, regardless of the number of moorings already located on the receiving parcel. Although a combined pier and boat lift transfer could cause the number of moorings on the receiving parcel to exceed the cap for a littoral parcel (three), the total number of moorings on Lake Tahoe would not change.

"Conversion" refers to the removal of a boat ramp and replacement with a pier. Conversions would continue to be allowed as they are under the existing code. Relocated, transferred, or converted piers would not count as new piers allocated under the plan.

Pier Expansions and Modifications

Existing piers that conform to location and design standards could be expanded under the proposed Shoreline Plan, to the extent allowed for new piers. Existing piers that do not conform to the location and design standards could not be expanded unless (1) the expansion is limited to the scenic improvement of an existing boat house and does not increase the functional capacity of the pier, (2) the effect of the expansion is to increase contrast rating of the structure (described below under "Scenic Requirements"), and (3) the expansion is the absolute minimum necessary to accomplish the scenic quality improvement. Existing piers that do not conform to location and design standards could be modified if the modification results in a material environmental benefit, brings the structure into greater compliance with location and design standards, and does not increase the degree of nonconformance with any location and design standard.

Flexibility in pier design at marinas would be allowed based on site-specific navigation and environmental considerations. Marina pier extensions would be reviewed on a case-by-case basis and subject to the following requirements:

- A marina pier must serve the public.
- A marina pier extension must not adversely affect safe navigation.
- All impacts of a marina pier extension must be mitigated.

A marina pier may be extended 15 feet lakeward if the drop-in substrate (i.e., additional water depth) within the additional 15 feet is a minimum of 6 inches (minimum of 3 percent). Additional extensions may be allowed if the average slope in the area being extended is a minimum of 3 percent. However, the total length of a marina pier may not exceed 1,000 feet. A marina pier extension for the sole purpose of facilitating waterborne transit would be considered during the environmental review of the waterborne transit plan or project.

BOAT RAMPS

Under the proposed Shoreline Plan, up to two new public boat ramps would be allowed. Applications for new public boat ramps would be considered by TRPA based on the merits of the proposed site selected. This review would consider the existing geographic distribution of boat ramp access, the relationship of the proposed ramp to upland development centers and transportation hubs, and the suitability of the site to accommodate access during periods of Phase 2 low lake levels of 6,220 feet (e.g., depth, bathymetry).

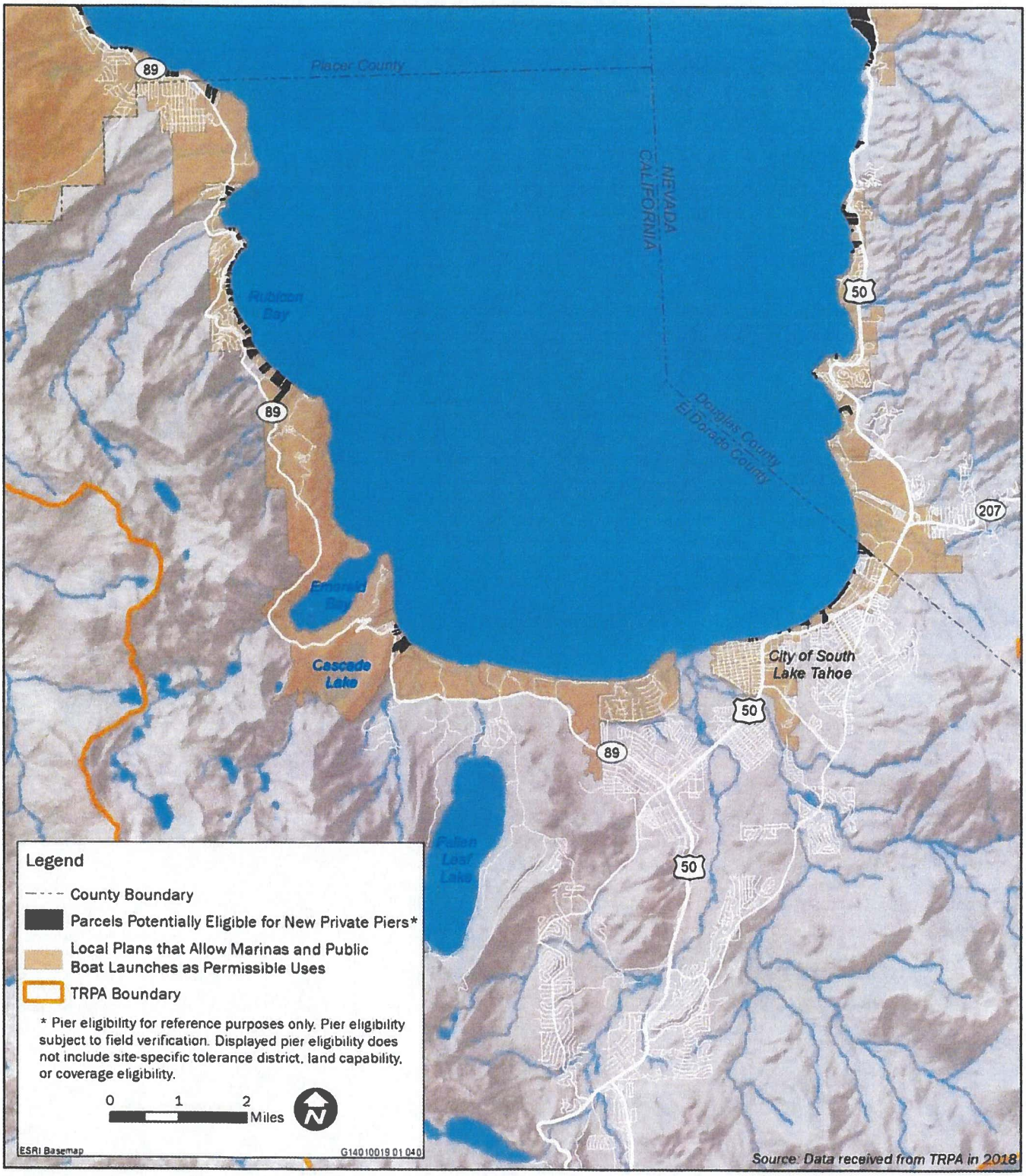
TRPA would allow relocation of existing public boat ramps to new sites that are better suited to low lake levels. Where feasible, public ramps may extend farther into the lake to allow operation during fluctuating lake level conditions. TRPA and ramp operators would encourage nonmotorized boaters to use boat ramps that are not functional for motorized boats during periods of low water, provided there is adequate upland facilities for parking and access to the ramp.

MARINA EXPANSIONS AND RECONFIGURATIONS

No new marinas would be allowed under the proposed Shoreline Plan, and the current requirements for marina master plans would be eliminated. Instead, marina reconfigurations or expansions (including adding moorings) would be permitted only if the marina implements a series of environmental improvements.

Marina expansions and reconfigurations would be allowed only if the marina is certified as a "clean marina" by the Clean Marina Program, an organization that educates, assists, and certifies marina compliance with best management practices (BMPs) to reduce the potential for pollution (see www.cleanmarina.org for more information). In addition to being certified as a clean marina, a marina seeking a reconfiguration or expansion would be required to develop and implement an AIS management plan. The plan would incentivize environmental improvements for marinas seeking expansions, such as:

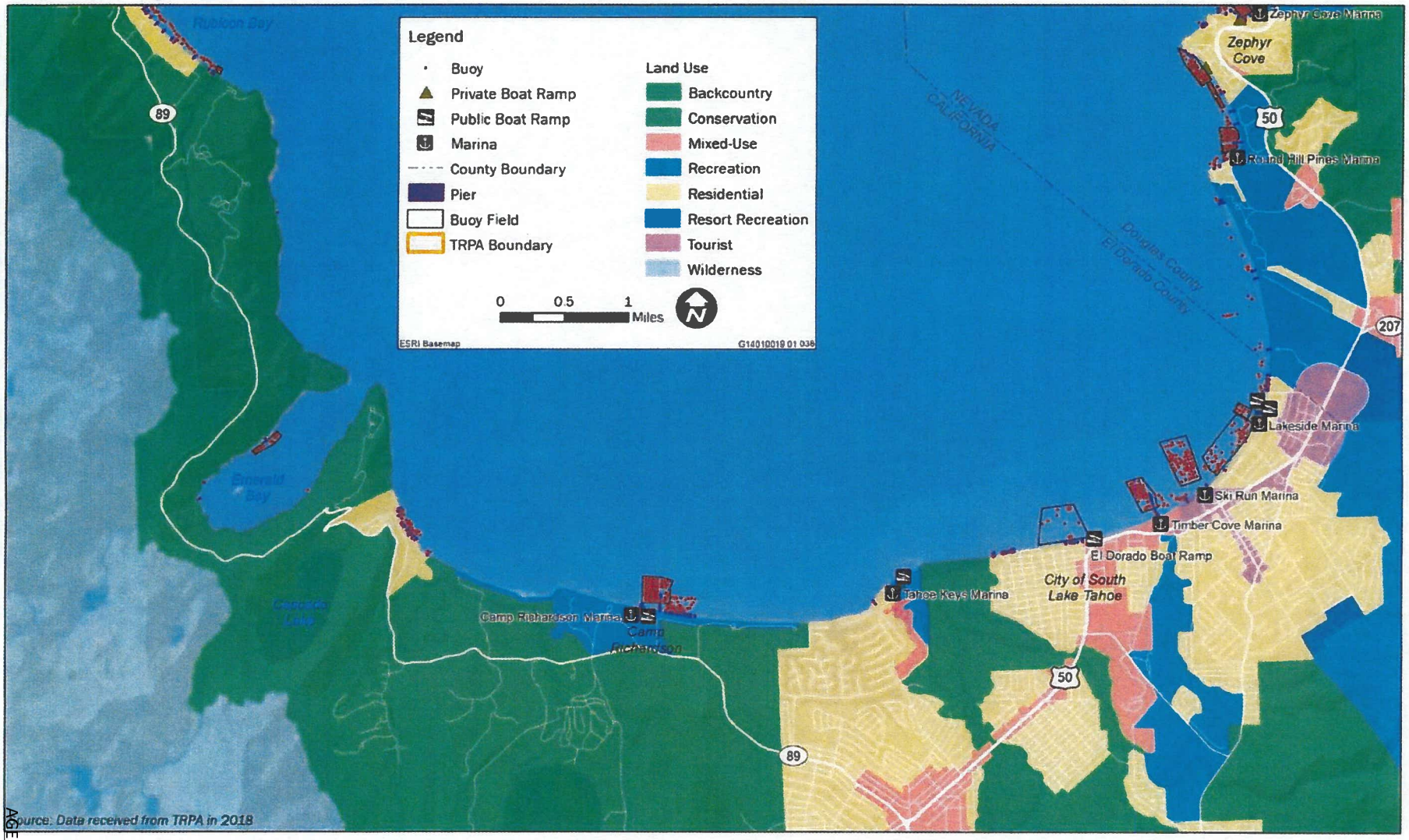
- demonstrating flow improvements/reduction of AIS habitat conditions and/or reduced need for dredging;
- contributing to existing lakewide AIS control efforts;
- providing a boating rental and operations fleet that meets U.S. Environmental Protection Agency and/or California Air Resources Board standards, including electric boats;
- providing boater education of the 600-foot no-wake zone, boater safety, and clean boating practices;
- providing public access to marina fueling and/or pump-out stations;



TAHOE REGIONAL PLANNING AGENCY

Exhibit 4-7 Pier Eligibility, Alternative 1, South

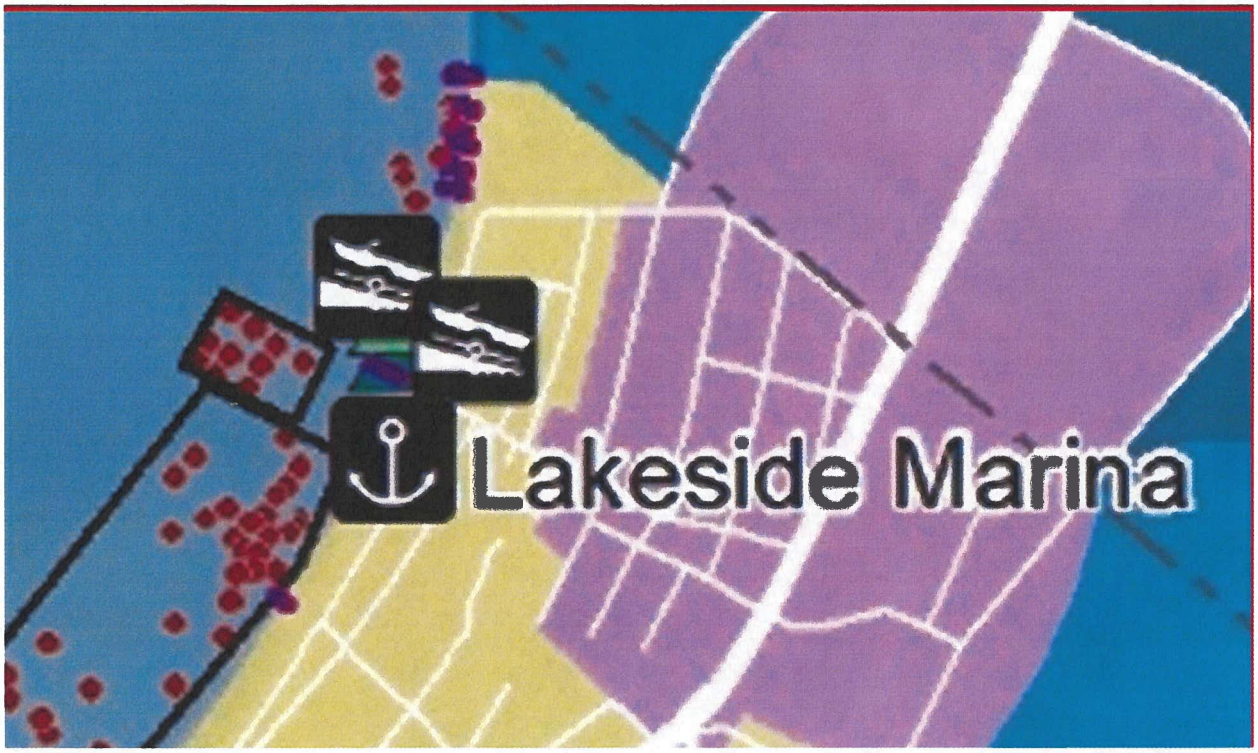
SHORELINEPLAN



AGENDA ITEM NO. 8.A.

TAHOE REGIONAL PLANNING AGENCY

Exhibit 4-4 Land Use Classifications and Existing Shoreline Structures (4 of 5)

SHORELINE PLAN

LAKESIDE MARINA
TRPA EIS Shoreline Plan
Existing Shoreline Structures (Exhibit 4-4)