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## STAFF REPORT

Date: April 6, 2023

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Tahoe Marina Owners Association, Buoy Field Expansion; 270 N. Lake Boulevard, Placer County, California, Assessor's Parcel Numbers (APNs): 094-500-022 & 094-540-006; TRPA File No.: MOOR2021-1839

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### Proposed Action:

Hearings Officer action on the proposed project and related findings based on this staff report and the draft permit (Attachment D).

### Staff Recommendation:

Staff recommends the Hearings Officer make the required findings and approve the project subject to the special conditions in the attached draft permit.

### Project Description:

The applicant is proposing the addition of four new mooring buoys, expanding the existing Tahoe Marina Owners Association buoy field from 10 to 14 mooring buoys lakeward of APNs 094-500-022 & 094-540-006. The proposed buoy field expansion complies with all development and location standards for buoy fields. The proposed project is located within Placer County Tahoe Basin Area Plan, Greater Tahoe City Mixed-Use Neighborhood Tourist Subdistrict, where buoys are allowed accessory structures.

### Shoreline Review Committee:

TRPA facilitates monthly Shoreline Review Committee (SRC) meetings for agencies with permitting jurisdiction along the shoreline and within Lake Tahoe to coordinate the permitting of projects. The subject project was reviewed and discussed at SRC on March 16, 2023. The California State Lands Commission had already received an application at the time of the meeting. The U.S. Army Corps of Engineers, Lahontan Regional Water Quality Board, and the California Department of Fish and Wildlife had yet to receive notification of, or an application for, the project. No agency indicated that the buoy field expansion could not be authorized as proposed and no significant issues were raised by the agency representatives.

Due to the breadth and complexity of environmental considerations that are a part of TRPA's review of shorezone projects, it is typical that other agencies with jurisdiction in Lake Tahoe will not receive or complete review of applications until TRPA is well into the review and approval process. This is to avoid costly and time-consuming amendments to applications made to other agencies. As such, it's expected that SRC will discuss this project again once other agencies have received applications to ensure project consistency across all agencies involved.

#### 2018 Shoreline Plan:

The TRPA Governing Board adopted a new Shoreline Plan in October 2018, which went into effect in December 2018. New (additional) moorings are allowed as a part of that plan. A maximum of 2,116 mooring allocations can be distributed over the life of the plan, and every year TRPA may distribute up to 15% of the remaining private, marina, and public agency allocations. Staff has analyzed the potential environmental impacts of the proposed buoy field relocation and expansion and determined that it will not adversely affect the environment.

#### Staff Analysis:

- A. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 15, Tahoe City, which is not in attainment with the TRPA Scenic Threshold. The average 83 square feet of visible mass created by each mooring buoy and watercraft will be mitigated by annual payment of the buoy scenic mitigation fee in accordance with TRPA Code 84.3.3.C. The scenic mitigation fees are used to acquire and remove or screen existing visible mass visible from shoreline scenic travel units that are not in attainment of threshold standards. The scenic impact of the existing buoy field is currently mitigated through annual payment of the required scenic mitigation fees.
- B. Fish Habitat: The project is located entirely in feed and cover fish habitat and the four new mooring buoys require mitigation for the impacts to prime fish habitat. Mitigation has been made a special condition in the draft permit. The permit requires mitigation for the 32 square feet of impacted feed and cover habitat. The impacts from the four proposed buoy blocks will be mitigated through the placement of eight square feet of rock cobble around each of the proposed mooring blocks, providing 32 square feet of comparable habitat, which fully mitigates the impact of the anchor blocks.
- C. Buoy Field Eligibility: TRPA Code 84.3.3.E.1 requires that the total number of homeowner associations moorings shall not exceed the total number of residential units served by the association and that the total number of buoys allowed within a field shall not exceed the maximum buoy field area. Maximum buoy field area, for purposes of determining capacity, is the length of the littoral property's lake frontage by 300 feet (7 rows) and is limited by a 50-foot grid spacing pattern. With a lake frontage of 301 feet that extends across both parcels and considering the required 20-foot setbacks from adjacent boundary line projections, the buoy field has a maximum capacity of 42 mooring buoys. Although the total number of residential units in the association is 48, the size of the buoy field is limited by the above calculated buoy field capacity.

The applicant received two mooring allocations from the 2020 lottery and another two from the 2021 mooring lottery. Pursuant to TRPA Code 84.3.2 E.3.b, association buoy fields may expand by 20% of the existing number of moorings per year for the first five years of the shoreline plan's implementation, up to 50% of the number of residential units. Given that the field consists of 10 existing moorings, this association is eligible for the four new moorings proposed and the fourteen mooring buoys do not exceed 50% of the number of residential units, which is 24. After five years of implementation, the buoy field could be expanded up to the buoy field capacity of 42. Any future expansion to the field is subject to all requirements of TRPA Code including, but not limited to, development standards, mitigation requirements, and the number of allocations received in the mooring lottery.

- D. Development and Location Standards: TRPA Code 84.3.3.E.2 requires that mooring buoys be located at least 50 feet from all legally existing buoys, no greater than 600 feet lakeward of 6,220' Lake Tahoe Datum as measured horizontally, and that buoys be located at least 20 feet from adjacent littoral parcel boundary projection lines. While the proposed buoys extend out to just less than 600 feet from 6,220', the four buoys in the buoy field comply with all development and location standards. The proposed project is located within the Placer County Tahoe Basin Area Plan – Greater Tahoe City Mixed-Use Neighborhood Tourist (MU-NT), where buoys are allowed accessory structures.

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 project complies with the existing Code and incorporates required mitigation (annual scenic mitigation fees). The IEC is provided as Attachment B.

Public Comment:

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

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. The proposed project is an expansion of an existing buoy field, which is allowed by the Regional Plan along the shoreline of Lake Tahoe.

Required Actions:

Staff recommends that the Hearings Officer take the following actions, based on this staff summary and evidence in the record:

1. Approve the findings contained in this staff summary, and a finding of no significant environmental effect (Attachment A);
2. Approve the project, based on the staff summary, and record evidence, subject to the conditions contained in the attached Draft Permit (Attachment D).

Contact Information:

For questions regarding this agenda item, please contact Matt Miller, Senior Environmental Specialist, at 775-589-5234 or [mmiller@trpa.gov](mailto:mmiller@trpa.gov).

Attachments:

- A. Required Findings
- B. Initial Environmental Checklist
- C. V(g) Findings
- D. Draft Permit
- E. Proposed Plans

Attachment A

Required Findings/Rationale

Required Findings/Rationale  
Tahoe Marina Owners Association Buoy Field Expansion

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 63, and 80 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, the Placer County Tahoe Basin Area Plan – Greater Tahoe City Mixed-Use Neighborhood Tourist (MU-NT) 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 proposed project will not have a significant effect on the environment. The completed V(g) Findings are included as Attachment C.

- (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.

Although the threat of discharge is minimal, the contractor will implement a spill prevention plan and equipment used will adhere to best management practices to prevent impacts to Lake Tahoe while placing mooring buoys. The mooring buoy blocks will be placed from a boat or barge with minimal lake bottom disturbance. The applicant is also required to notify and, if applicable, obtain separate approval for the project from the U.S. Army Corps of Engineers, U.S. Coast Guard, Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife, and California State Lands Commission 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 significant impact upon air or water quality standards.

2. Chapter 66 – Scenic Findings:

- (a) The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8, and 13-9 of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982.

The proposed project will not decrease the numerical rating assigned to the roadway or shoreline travel unit or the scenic quality rating of individual resources within the unit.

- (b) The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982.

The proposed project will not cause a decrease in the roadway or shoreline travel route ratings. The project area is not visible from a roadway travel route and the proposed project expands an existing buoy field, which will not contribute to a decrease in the numerical rating for the shoreline travel route. Section 66.3 is not applicable as this project is not located in the shoreland and as the visible mass will be mitigated by the annual scenic fee.

- (c) The project shall not cause a decrease in any numerical subcomponent threshold rating or total threshold rating assigned to a scenic resource identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project that may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

The project area is visible from the Lake Forest Beach, Lake Forest Campground and Boat Launch, Tahoe State Recreation Area, and Tahoe City Commons Beach recreation areas and is consistent with the applicable recommendations for preserving scenic quality. As viewed from the recreation areas, the project area is adjacent to a public beach, marina, and another homeowner association buoy field. The addition of mooring buoys to this field will not significantly affect the scenic resource given the existing development. All buoys in the field will be mitigated through the annual scenic mitigation fee.

3. 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 record that indicates the proposed project will adversely impact littoral processes, fish habitat (as conditioned), backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

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

The proposed buoy field expansion will be accessory to the primary beach recreation and upland residential use (collectively, Tahoe Marina Owners Association) located at 270 N Lake Boulevard in Placer County, California. The buoy field will be accessed from an existing pier. As such, there are sufficient existing facilities to accommodate the project.

(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 existing buoy field is situated near the outlet to the Truckee River with Tahoe City Commons Beach and the Tahoe City Marina to the northeast and a separate homeowner association buoy field to the south.

The association is situated directly adjacent Tahoe City Commons Beach, which is a public beach with associated recreation activities. The proposed additional mooring buoys are further lakeward than the existing buoy field and are over a quarter mile from the public beach.

The Tahoe City Marina consists of a buoy field with many mooring buoys and slips within the harbor and the homeowner association buoy field to the south is larger than the subject field in extent and number of moorings.

Given the distance to the public beach recreation facilities and the existing shorezone development, this project is compatible with the surrounding shorezone facilities.

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

The buoy field is located in the shorezone (foreshore and nearshore) of Lake Tahoe and the new mooring buoys are therefore water dependent accessory structures.

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

As a condition of the permit, the applicant will submit a spill prevention plan to be implemented by the contractor when placing mooring buoys and the work will occur by boat using a crane. The standard 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 will be removed from the

project area 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.

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

The buoy field and the project area will be accessed by boat to prevent disturbance of the shorezone/backshore. As a special condition of the permit, no construction activities, staging, ground disturbance, or other activities within the backshore or on the upland portions of the project area are authorized. Disturbance of the lake bottom will be kept to the minimum necessary for placement and removal of buoy blocks. No removal or relocation of rock or other natural materials from Lake Tahoe is authorized by this permit.

- (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 buoy field development standards were established for the purpose of protecting navigation and safety. The existing buoy field and the proposed expansion do not extend farther lakeward than 600 feet from lake bottom elevation 6,220'. All mooring buoys are at least 50 feet from adjacent buoys in the field and while the required setback from adjacent property boundary line projections is 20 feet, all buoys in the field are set back at least 50 feet.

Comments on the project were solicited from the Shoreline Review Committee on March 16, 2023, which includes agencies with jurisdiction over the lake's navigable waters and no comments regarding navigation and safety were raised based on the project plans by either the U.S. Army Corps of Engineers or U.S. Coast Guard. The U.S. Coast Guard representative indicated that as this was an expansion of an existing field in an area with many mooring buoys, the expansions should not cause issues with existing navigation.

- (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.

Comments on the project were solicited from the Shoreline Review Committee on March 16, 2023 and no significant issues were raised. The applicant is required to provide notice and/or receive approval for the project from the U.S. Army Corps of Engineers, U.S. Coast Guard, Lahontan Regional Water Quality Control Board, California State Lands Commission, and California Department of Fish and Wildlife.



Attachment B

Initial Environmental Checklist



Print Form

## **INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

I. Assessor's Parcel Number (APN)/Project Location

094-500-022

Project Name

Tahoe Marina Owners Association

County/City

Placer

### **Brief Description of Project:**

The applicant proposes a plan revision to MOOR2021-1839 to add two (2) buoys lakeward of their parcel as a result of receiving TRPA Allocation #L2021-0232. The existing buoy field consists of one (1) pier and ten (10) buoys. Along with the original submittal proposing an additional two (2) buoys from Allocation #L2020-0489, this plan revision proposes to add two (2) more new buoys bringing the total new buoys to four (4) and total buoys in the field to fourteen (14). The existing buoy field resides in Feed & Cover Fish Habitat. Fish Habitat Mitigation for placing the four (4) additional buoy blocks on the lakebed of Lake Tahoe includes the following:

- 2,500 lb. buoy block dimensions = 4ft x 2ft = 8 sf
- Feed & Cover Fish Habitat Mitigation = 1:1
- 8 sf x 4 buoys = 32 sf of Fish Habitat Mitigation
- 8 sf of washed and silt-free granite cobble approximately 2.5"- 4" inches in size will be placed around each of the four (4) proposed buoy blocks

Construction and placement of the buoy equipment will be performed by an experienced buoy placement company or marine contractor from a boat. The block will be placed on the lakebed using a crane dropping it over the side of the boat and placing it gently on the lake bottom. The 3/4" steel chain and an 18" US coast guard approved float will be attached along with the TRPA registration tag.

A spill prevention plan is provided here and will be on-board at all times, however no hazardous materials are utilized in the placement of buoy equipment.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

## II. ENVIRONMENTAL IMPACTS:

### 1. Land

Will the proposal result in:

- a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- c. Unstable soil conditions during or after completion of the proposal?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

## 2. Air Quality

Will the proposal result in:

- a. Substantial air pollutant emissions?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- b. Deterioration of ambient (existing) air quality?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- c. The creation of objectionable odors?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

e. Increased use of diesel fuel?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

### 3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

c. Alterations to the course or flow of 100-year flood waters?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

d. Change in the amount of surface water in any water body?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

f. Alteration of the direction or rate of flow of ground water?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient



#### 4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- h. A change in the natural functioning of an old growth ecosystem?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

## 5. Wildlife

Will the proposal result in:

- a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Reduction of the number of any unique, rare or endangered species of animals?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient



- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- d. Deterioration of existing fish or wildlife habitat quantity or quality?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

## 6. Noise

Will the proposal result in:

- a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- b. Exposure of people to severe noise levels?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

## 7. Light and Glare

Will the proposal:

- a. Include new or modified sources of exterior lighting?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Cause light from exterior sources to be cast off -site or onto public lands?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

## 8. Land Use

Will the proposal:

- a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

<div></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

b. Expand or intensify an existing non-conforming use?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

## 9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Substantial depletion of any non-renewable natural resource?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

## 10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Involve possible interference with an emergency evacuation plan?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

## 11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

## 12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

Number of Existing Dwelling Units: ~~100 units~~

Number of Proposed Dwelling Units: ~~100 units~~

Applicant confirmed  
this note was in error.  
MM TRPA

- b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

### 13. Transportation/Circulation

Will the proposal result in:

- a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- b. Changes to existing parking facilities, or demand for new parking?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- d. Alterations to present patterns of circulation or movement of people and/or goods?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- e. Alterations to waterborne, rail or air traffic?

☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient



f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

☐ Yes

☒ No

☐ No, With Mitigation

☐ Data Insufficient

#### 14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

☐ Yes

☒ No

☐ No, With Mitigation

☐ Data Insufficient

b. Police protection?

☐ Yes

☒ No

☐ No, With Mitigation

☐ Data Insufficient

c. Schools?

☐ Yes

☒ No

☐ No, With Mitigation

☐ Data Insufficient

d. Parks or other recreational facilities?

☐ Yes

☒ No

☐ No, With Mitigation

☐ Data Insufficient

e. Maintenance of public facilities, including roads?

☐ Yes

☒ No

☐ No, With Mitigation

☐ Data Insufficient

f. Other governmental services?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

## 15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

## 16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

b. Communication systems?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- ☐ Yes ☒ No
- ☐ No, With Mitigation ☐ Data Insufficient



- d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- e. Storm water drainage?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- f. Solid waste and disposal?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

## 17. Human Health

Will the proposal result in:

- a. Creation of any health hazard or potential health hazard (excluding mental health)?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- b. Exposure of people to potential health hazards?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

## 18. Scenic Resources/Community Design

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

**Lake Tahoe - mitigation will be through a scenic fee**

- ☒ Yes ☐ No  
☐ No, With Mitigation ☐ Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- ☐ Yes ☒ No  
☐ No, With Mitigation ☐ Data Insufficient

## 19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

b. Create additional recreation capacity?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

## 20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

☐ Yes

☒ No

☐ No, With  
Mitigation

☐ Data  
Insufficient

- b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Is the property associated with any historically significant events and/or sites or persons?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

## 21. Findings of Significance.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

<div style="border: 1px solid black; height: 60px; width: 430px;"></div>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

**DECLARATION:**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

Jan Brisco At Placer County Date: 2/11/2022  
Person Preparing Application County

**Applicant Written Comments:** (Attach additional sheets if necessary)

Print Form

**FOR OFFICE USE ONLY**

Date Received: 1/31/2022 By: INTAKE

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

☐

☒ Yes

☐ No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

☐

☐ Yes

☒ No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

☐

☐ Yes

☒ No

\_\_\_\_\_  
Signature of Evaluator

Date: 04/13/2023

Senior Environmental Specialist

Title of Evaluator

Attachment C

V(g) Findings



# PROJECT REVIEW CONFORMANCE CHECKLIST & V (g) FINDINGS

(RESIDENTIAL)

Project Name: Tahoe Marina Owners Buoy Field Expansion

Project Type: Shorezone - Additional Mooring Buoys

APN / Project Number: 094-500-022 / MOOR2021-1839

Project Review Planner: Matt Miller

Date of Review: 3/31/2023

NOTE: if the answer to question b. on any of the following questions is *no*, please provide a written justification on a separate sheet for making the findings required in subsections 4.4.1 and 4.4.2 of the code. If the answer to question b. is yes or if no answer is required, this checklist shall serve as justifications for making said findings. Any positive impacts of the project on the thresholds that have not been addressed in these questions should also be noted.

## CATEGORY: AIR QUALITY

### THRESHOLD: CARBON MONOXIDE (CO)

INDICATOR: (CO) 8-hr. avg. Stateline CA station

- |    |    |   |                            |                                       |
|----|----|---|----------------------------|---------------------------------------|
| 1. | a. | Does the project generate new vehicle trips?                  | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.2.4.B.1? | Y <input type="checkbox"/> | N <input type="checkbox"/>            |
| 2. | a. | Does the project create new points of vehicular access?       | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 34.3.2?     | Y <input type="checkbox"/> | N <input type="checkbox"/>            |
| 3. | a. | Does the project include combustion appliances?               | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.4?     | Y <input type="checkbox"/> | N <input type="checkbox"/>            |
| 4. | a. | Does the project include a new stationary source of CO?       | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.6?     | Y <input type="checkbox"/> | N <input type="checkbox"/>            |

### THRESHOLD: OZONE

INDICATOR: Ozone, 1-hr. avg. Lk. Tahoe Blvd station

- |    |    |   |                            |                                       |
|----|----|---|----------------------------|---------------------------------------|
| 1. | a. | Does the project increase regional VMT?                               | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.2.4?             | Y <input type="checkbox"/> | N <input type="checkbox"/>            |
| 2. | a. | Does the project include new gas/oil space/water heaters?             | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.4?             | Y <input type="checkbox"/> | N <input type="checkbox"/>            |
| 3. | a. | Does the project include a new stationary source of NO <sup>2</sup> ? | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.6?             | Y <input type="checkbox"/> | N <input type="checkbox"/>            |

### THRESHOLD: PARTICULATE MATTER

INDICATOR: Part. Matter, 24-hr. avg. Lk. Tahoe Blvd station

- |    |    |   |                            |                                       |
|----|----|---|----------------------------|---------------------------------------|
| 1. | a. | Does the project increase airborne dust emissions?                      | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 60.4.3?               | Y <input type="checkbox"/> | N <input type="checkbox"/>            |
| 2. | a. | Does the project include a new stationary source of particulate matter? | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.6?               | Y <input type="checkbox"/> | N <input type="checkbox"/>            |

3. a. Refer to question 1, Ozone, above.

THRESHOLD: VISIBILITY

INDICATOR: miles of visibility, veg and subregional path

1. a. Refer to questions 1-3, Particulate Matter, above.

THRESHOLD: TRAFFIC VOLUME  
US 50 CORRIDOR, WINTER, 4pm-12am

INDICATOR: traffic volume, US 50 at Park Ave.  
Jan.-Mar. avg., 4pm-12am

1. a. Refer to question 1, CO, above.

THRESHOLD: NO<sup>2</sup> EMISSIONS

INDICATOR: VMT

1. a. Refer to questions 1-2, VMT, below.

THRESHOLD: WOOD SMOKE

INDICATOR: number of wood heaters

1. a. Does the project include any new wood heaters? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 65.1.4.B? Y ☐ N ☐

THRESHOLD: VMT

INDICATOR: changes in number of trips and avg. trip length

1. a. Does the project increase average trip length? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 65.2.4.B? Y ☐ N ☐  
2. a. refer to question 1, CO, above.

CATEGORY: WATER QUALITY

THRESHOLD: TURBIDITY

INDICATOR: turbidity of indicator stations

1. a. Does the project increase impervious coverage or create permanent soil disturbance? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 60.2.3? Y ☐ N ☐  
2. a. Does the project create temporary soil disturbance? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 60.4.3? Y ☐ N ☐  
3. a. Does the project require the use of fertilizer? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 60.1.8? Y ☐ N ☐  
4. a. Does the project include domestic wastewater discharge to the surface or groundwater? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 60.1.3.B? Y ☐ N ☐  
5. a. Does the project disturb or encroach on an existing SEZ? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 30.5? Y ☐ N ☐

THRESHOLD: CLARITY, WINTER (IN LAKE)

INDICATOR: secch depth, Dec.-Mar. avg. TRG index station

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: PHYTOPLANKTON PRIMARY PRODUCTIVITY (IN LAKE)

INDICATOR: phyto, primary productivity, ann. Avg., TRG index station

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: DIN LOAD, SURFACE RUNOFF

INDICATOR: DIN x discharge, tributary network annual total 1

1. a. Refer to questions 1, 2, 3 and 5, turbidity, above.

THRESHOLD: DIN LOAD, GROUNDWATER

INDICATOR: DIN x discharge, grndwtr. Network, annual total

1. a. Refer to questions 2 & 3, turbidity, above.

THRESHOLD: DIN LOAD, ATMOSPHERIC

INDICATOR: NO<sub>3</sub> + HNO<sub>3</sub>, annual avg. Lake Tahoe Blvd station

1. a. Refer to question 4, turbidity, above.

THRESHOLD: NUTRIENT LOADS, GENERAL

INDICATOR: sol. P x discharge sol. Fe x

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: TOTAL N, P, Fe, (trib.) CA ONLY

INDICATOR: single reading, tributary network

1. a. Refer to questions 1, 2, 3, and 5, turbidity, above.

THRESHOLD: DIN; SOL, P, Fe, SS (trib.) NV ONLY

INDICATOR: single reading tributary network

1. a. Refer to questions 1, 2, 3 and 5, turbidity, above.

THRESHOLD: DIN, SOL, P, Fe, SS, GREASE/OIL DISCHARGED TO SURFACE WATER FROM RUNOFF

INDICATOR: single reading runoff sites

1. a. Does the project route impervious surface runoff directly into Lake Tahoe or a major tributary? Y ☐ N ☒
- b. If yes, is the discharge structure consistent with BMP handbook? Y ☐ N ☐
2. a. Does the project create large impervious areas (e.g. parking lots) which may serve as a source of airborne pollutants, grease or oil? Y ☐ N ☒
- b. If yes, is the project consistent with Subsections 60.4.3, 60.4.6 and 60.4.9? Y ☐ N ☐

THRESHOLD: TOTAL N, TOTAL P, TOTAL Fe TURBIDITY, GREASE/OIL DISCHARGE TO GRDWTR FROM RUNOFF

INDICATOR: single reading runoff site

1. a. Does the project include infiltration devices to infiltrate impervious surface runoff directly underground? Y ☐ N ☒
- b. If yes, is the project consistent with Subsection 60.4.6? Y ☐ N ☐

## **CATEGORY: SOIL CONSERVATION**

### **THRESHOLD: IMPERVIOUS COVERAGE**

INDICATOR: area or coverage

1. a. Does the project include new or relocated coverage? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 30.4, 30.5 and 30.6? Y ☐ N ☐

### **THRESHOLD: NATURALLY-FUNCTIONING SEZ**

INDICATOR: area of SEZ

1. a. Does the project disturb or encroach on a naturally-functioning SEZ? Y ☐ N ☒  
b. If yes, is the project consistent with Subsection 30.5? Y ☐ N ☐

## **CATEGORY: VEGETATION**

### **THRESHOLD: PLANT & STRUCTURAL DIVERSITY**

INDICATOR: plant & structural diversity

1. a. Does the project create a change in diversity? Y ☐ N ☒  
b. If yes, does the project include vegetation management techniques to increase diversity (reveg., thinning)? Y ☐ N ☐

### **THRESHOLD: MEADOW & RIPARIAN VEGETATION**

INDICATOR: area of meadow & riparian veg.

1. a. Refer to question 5, turbidity, above.

### **THRESHOLD: DECIDUOUS RIPARIAN VEGETATION**

INDICATOR: area of riparian vegetation

1. a. Refer to question 5, turbidity, above.

### **THRESHOLD: SHRUB ASSOCIATION**

INDICATOR: area of shrub association

1. a. Does the project create an increase in the areal extent of the shrub association? Y ☐ N ☒  
b. If yes, has the additional area been calculated, and a determination been made that the total area is less than or equal to 25%? Y ☐ N ☐

### **THRESHOLD: YELLOW PINE ASSOCIATION (not mature)**

INDICATOR: area of yellow pine assoc.

1. a. Does the project create a change in the areal extent of the immature yellow pine association? Y ☐ N ☒  
b. If yes, has the additional area been calculated, and a determination made that the total area in the Region is between 15 and 25%? Y ☐ N ☐

### **THRESHOLD: RED FIR ASSOCIATION**

INDICATOR: area of red fir assoc.

1. a. Does the project create a change in the areal extent of the immature red fir association? Y ☐ N ☒  
b. If yes, has the additional area been calculated, and a determination made that the total area in the Region is between 15 and 25%? Y ☐ N ☐

### **THRESHOLD: FOREST OPENINGS**

INDICATOR: size and location of forest openings

1. a. Does the project create new forest openings? Y ☐ N ☒  
b. If yes, is the new opening less than 8 acres? Y ☐ N ☐

2.
  - a. Does the project create new forest openings adjacent to other openings? Y ☐ N ☒
  - b. If yes, are the resultant adjacent openings not of the same relative age class or successional stage? Y ☐ N ☐

**THRESHOLD: UNCOMMON PLANT COMMUNITITES**

INDICATOR: habitat sites

1.
  - a. Will the project impact the habitats for the deepwater sphagnum bog, Osgood Swamp, or the Freel Peak Cushing Plant Community? Y ☐ N ☒
  - b. If yes, have modifications been included in the project to protect these plant communities? Y ☐ N ☐

**THRESHOLD: SENSITIVE VEGETATION**

INDICATOR: number of habitat sites

1.
  - a. Will the project impact the habitats of the Carex paucifructus, the Lewis pyomaea longipetala, the Draba asterophora v., or the Rorippa subumbellata? Y ☐ N ☒
  - b. If yes, have modifications been included in the project to protect these plant communities? Y ☐ N ☐

**CATEGORY: WILDLIFE**

**THRESHOLD: SPECIAL INTEREST SPECIES**

INDICATOR: number of habitat sites

1.
  - a. Will the project result in the loss, modification or increased disturbance of habitat site for goshawk, osprey, bald eagle, (winter and nesting), golden eagle, peregrine falcon, waterfowl, or deer, as mapped on official TRPA maps? Y ☐ N ☒
  - b. If yes, have modifications been included in the project to protect these habitat sites? Y ☐ N ☐

**CATEGORY: FISHERIES**

**THRESHOLD: EXCELLENT STREAM HABITAT**

INDICATOR: sites of excellent stream habitat

1.
  - a. Does the project include stream channelization, stream dredging, removal of rock or gravel from a stream , culverts, bridges, or water diversions affecting a stream identified as fish habitat? Y ☐ N ☒
  - b. If yes, have modifications been included in the project to offset impacts on stream habitat and contribute to the upgrading of stream habitat? Y ☐ N ☐
2.
  - a. Will the project result in siltation, urban runoff, snow disposal, or litter that may affect water quality in a stream identified as fish habitat? Y ☐ N ☒
  - b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y ☐ N ☐

**THRESHOLD: GOOD STREAM HABITAT**

INDICATOR: miles of good stream habitat

1.
  - a. Refer to questions 1 and 2, above.

**THRESHOLD: MARGIANL STREAM HABITAT**

INDICATOR: miles of marginal stream habitat

1.
  - a. Refer to questions 1 and 2, above.

**THRESHOLD: INSTREAM FLOWS**

INDICATOR: increase flows

1.
  - a. Does the project include new water diversions? Y ☐ N ☒
  - b. If yes, is there evidence in the record to indicate that flows will remain within adopted TRPA standards or, in the absence of adopted standards, that flows will not be diminished? Y ☐ N ☐
2.
  - a. Does the project include new coverage or disturbance that could contribute to uncontrolled runoff reaching a stream identified as fish habitat? Y ☐ N ☒
  - b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y ☐ N ☐
3.
  - a. Refer to question 5, turbidity, above.

**THRESHOLD: LAKE HABITAT**

INDICATOR: area of excellent habitat

1.
  - a. Does the project include development in the shorezone, removal of rock or gravel from the lake, or removal of vegetation in the shorezone? Y ☒ N ☐
  - b. If yes, is the project consistent with Chapters 80-86? Y ☒ N ☐
2.
  - a. Does the project increase the potential for siltation, runoff, or erosion entering Lake Tahoe? Y ☐ N ☒
  - b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y ☐ N ☐

**CATEGORY: NOISE****THRESHOLD: COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)**

INDICATOR: dBA, CNEL

1.
  - a. Does the project involve the creation of a new or relocated land use? Y ☐ N ☒
  - b. If yes, is the project consistent with the applicable plan area statement? Y ☐ N ☐
2.
  - a. Is the project located within a transportation corridor as mapped on TRPA maps? Y ☐ N ☒
  - b. If yes, does the project include components to reduce the transmission of noise from the corridor, in accordance with the TRPA Design Review Guidelines? Y ☐ N ☐

**CATEGORY: SCENIC RESOURCES****THRESHOLD: ROADWAY AND SHORELINE RATINGS**

INDICATOR: ratings

1.
  - a. Is the project located within, or visible from, a roadway or shoreline unit targeted for scenic upgrading? Y ☒ N ☐
  - b. If yes, is the project consistent with the TRPA Scenic Quality Implementation Program (SQUIP)? Y ☒ N ☐
2.
  - a. Is the project located within, or visible from, a roadway or shoreline unit not targeted for scenic upgrading? Y ☒ N ☐
  - b. If yes, is there evidence in the record that the project will not cause a significant decrease in scenic quality, and is the project consistent with the TRPA Design Review Guidelines? Y ☒ N ☐

**CATEGORY: RECREATION****THRESHOLD: PRESERVE AND ENHANCE THE HIGH QUALITY RECREATION EXPERIENCE**

INDICATOR: dispersed rec. capacity

1. a. Is the project located in a conservation or recreation plan area? Y ☐ N ☒  
b. If yes, is the project consistent with the applicable plan area statement? Y ☐ N ☐

**CATEGORY: CODE/RULES OF PROCEDURE REQUIREMENTS**

1. Does the project require Governing Board Review (Chapter 2)? Y ☐ N ☒  
5. Does the project require notice to adjacent property owners (Art. XII Rules of Procedure)? Y ☐ N ☒  
6. Is the project consistent with the following:

Chapter 2	(Project Review)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 6	(Tracking-Data Sheets/Log Book)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 21	(Permissible Uses)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 22	(Temporary Uses)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 30	(Coverage)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 31	(Density)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 32	(Basic Service)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.3	(Grading)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.4	(Special Reports)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.5	(Construction Schedule)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.6	(Vegetation Protection)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 34	(Driveways)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 34	(Parking)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 35	(Natural Hazards-Floodplain)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 36	(Design Standards)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 37	(Height)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 38	(Signs)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 50	(Allocations)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 51	(Transfers)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 52	(Bonus Units-MFD only)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 53	(IPES)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 60	(BMP's)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 60.1	(Water Quality)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 60.2	(Water Quality Mitigation)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.1	(Tree Removal)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.3.6	(Sensitive Plants/Fire Hazard)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.4	(Revegetation)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 62	(Wildlife)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 63	(Fish)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 65.1	(Air Quality)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 65.2	(Traffic/Air Quality Mitigation)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 67	(Historic Resource)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>

Attachment D

Draft Permit





*Draft*  
**CONDITIONAL PERMIT**

**PROJECT DESCRIPTION:** Expansion of existing buoy field, lakeward of and accessory to  
**APNs:** 094-500-022 and 094-540-006

**PERMITTEE:** Tahoe Marina Owners Association

**FILE NUMBER:** MOOR2021-1839

**COUNTY/LOCATION:** Placer County / 270 N Lake Boulevard

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on **April 13, 2023**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **April 13, 2026** without further notice and the project shall be completed by the expiration date. 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, INSTALLATION, OR REMOVAL SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE, OR AUTHORIZED REPRESENTATIVE, 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; AND
- (3) THE PERMITTEE OBTAINS A STATE LANDS LEASE OR PERMIT, IF NECESSARY. THE STATE LANDS LEASE OR PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS.

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain co-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 \_\_\_\_\_ Date \_\_\_\_\_

PERMIT CONTINUED ON NEXT PAGE

**APNs: 094-500-022 & 094-540-006**  
**FILE NO. MOOR2021-1839**

Mooring Registration Fees Paid (1): Amount \$ \_\_\_\_\_ Type \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Mooring Registration Number: 10230

**Notes:**

(1) See Special Condition 3.A., below.

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

**SPECIAL CONDITIONS**

1. This permit specifically authorizes the placement of four (4) new (additional) mooring buoys and associated anchor blocks. A total of fourteen (14) mooring buoys are now authorized as accessory structures to the Tahoe Marina Owners Association, APNs 094-500-022 & 094-540-006, which serves 48 residential units. There are no other moorings associated with, or authorized to, this project area and the upland use is residential, and is not a marina. This permit requires the mitigation of 32 square feet of fish habitat mitigation due to the impact in feed and cover habitat.

Mooring Buoy Locations				
<i>Status</i>	<i>Mooring ID</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Allocation Number</i>
New (additional)	13011	39.167371	-120.136711	TRPA-20-MOOR-001
New (additional)	13012	39.167204	-120.13679	TRPA-20-MOOR-002
New (additional)	13013	39.167038	-120.136652	TRPA-21-MOOR-003
New (additional)	13014	39.166873	-120.136650	TRPA-21-MOOR-004
Existing (Buoy 1)	7266	39.167408	-120.137239	N/A
Existing (Buoy 2)	7265	39.167167	-120.137414	N/A
Existing (Buoy 3)	7270	39.166936	-120.137558	N/A
Existing (Buoy 4)	7264	39.166675	-120.137672	N/A
Existing (Buoy 5)	7273	39.166447	-120.137786	N/A
Existing (Buoy 6)	7267	39.167517	-120.137725	N/A
Existing (Buoy 7)	7268	39.167303	-120.137822	N/A
Existing (Buoy 8)	7269	39.167053	-120.137931	N/A
Existing (Buoy 9)	7271	39.16684	-120.138036	N/A
Existing (Buoy 10)	7272	39.166589	-120.138156	N/A

2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit. Notifying TRPA and a pre-grade inspection is not required prior to commencement of construction.
3. Prior to permit acknowledgement the following conditions of approval must be satisfied:
  - A. The annual mooring registration fees required under Article X of TRPA Rules of Procedure shall be paid. Please reference the provided invoice for payment options.
  - B. The permittee shall revise the site plan to identify a lake frontage of 301 feet for APNs 094-500-022 & 094-540-006. Text annotations made by the applicant on the plan shall be black in color.
  - C. The permittee shall submit a spill prevention plan to be implemented by the marine contractor.
4. The permittee and contractor/installer shall certify mooring buoys and anchoring devices were installed and maintained in accordance with the approved plans by submitting Attachment B: Buoy Final Certification Form to TRPA **within two (2) weeks** of placement of mooring buoy(s). Failure to submit the form are grounds for enforcement action, including revocation of the permit and removal of the mooring buoy(s).
  - A. The permittee shall provide underwater photographs demonstrating the required fish habitat mitigation was placed.
5. Mooring registration and scenic mitigation fees shall be paid annually for each permitted mooring pursuant to Article 10 of TRPA Rules of Procedure. These fees are non-refundable, and the due date is subject to change.
6. Best Management Practices (BMPs) installed on the property shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
7. Buoy anchoring devices shall not be relocated without prior TRPA approval. One anchoring device per mooring buoy is authorized.
8. The permittee shall affix the mooring registration tags to the mooring buoys authorized with this permit at the time of placement. The permittee shall maintain the tags and if lost or stolen, notify TRPA immediately for a replacement. The permittee authorizes TRPA to verify the presence of a TRPA buoy identification tag as required by subsection 82.7.4 of the TRPA Code of Ordinances.
9. Only one watercraft shall be moored to each mooring buoy and associated anchor.
10. The permittee shall inspect and maintain floats, chains, and anchoring devices to prevent loss or damage to watercraft and structures.

11. Buoys shall comply with the construction specifications in the approved plans and those set forth in the California Waterway Marking System or as otherwise recommended by the U.S. Army Corps of Engineers or Coast Guard.
12. No lights on buoys are authorized by this permit.
13. Disturbance of the lake bottom shall be kept to the minimum necessary for placement of buoy blocks. No removal or relocation of rock or other natural materials from Lake Tahoe is authorized by this permit.
14. The spill prevention plan shall be implemented during construction and all applicable agencies including TRPA shall be notified immediately if any discharge or release of hazardous material occurs.
15. **Locate all underground and underwater utilities.** If your project might disturb underwater utilities, call the regional Underground Service Alert (USA North: 1-800-227-2600) prior to placement or construction. California and Nevada state law both require the permittee to call USA DIGS at least 48 hours prior to commencement of construction.
16. This permit does not authorize any construction activities, staging, ground disturbance or other activities within the backshore or on the upland portions of the project area.
17. The permittee shall be responsible for contacting other regulatory agencies with potential jurisdiction over the approved buoy project to determine the permitting requirements of those agencies. Agencies with permitting jurisdiction in California include but are not limited to: U.S. Army Corps of Engineers, U.S. Coast Guard, CA State Lands Commission, Lahontan Regional Water Quality Control Board, and CA Dept. of Fish and Game.
18. 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.
19. Violation of any of the conditions of this permit, including annual registration requirements, shall be grounds for enforcement action including revocation of the permit. The process for the determination of the enforcement action, including notice and hearings, shall be pursuant to Article IX of TRPA's Rules of Procedure. If the permit is revoked, the permittee hereby agrees to remove the buoy(s) within 30 days, and alternatively, if the buoy(s) is not removed within 30 days, authorizes TRPA to remove the buoy(s) at the permittee's expense.
20. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any

person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment E

Proposed Plans



