



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

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

STAFF REPORT

Date: August 11, 2022

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Burger New Single-Parcel Pier, 187 Yellow Jacket Road, Douglas County, Nevada, Assessor's Parcel Number (APN) 1418-10-801-006, TRPA File Number ERSP2022-0046

Proposed Action:

Hearings Officer review and approve the proposed project.

Staff Recommendation:

Staff recommends that the Tahoe Regional Planning Agency (TRPA) Hearings Officer approve this project based on this staff report and evidence contained in the project record. The recommended conditions of approval are contained in the attached draft permit.

Project Description:

A new single-parcel pier is proposed for the parcel located at 187 Yellow Jacket Road in Glenbrook, Douglas County, Nevada. The proposed pier extends 90 feet from High Water elevation of 6,229.1 and includes one 30-foot long catwalk and one boatlift to serve the upland single-family dwelling. The proposed pier complies with development and location standards for a single-parcel pier. Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

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 May 19, 2022. The Nevada Division of State Lands, U.S. Army Corps of Engineers, Nevada Division of Environmental Protection, and Nevada Department of Wildlife had not received applications at the time of the meeting. It is likely that the other applicable agencies will receive applications after TRPA approval, and the group will revisit the project at that time. This is fairly common practice with shorezone applications. 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 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 the Shoreline Review Committee will discuss this project again once other agencies have received applications to ensure project consistency across all agencies involved.

Background:

The project applicants received an allocation for a new single-parcel pier as a result of the single-parcel pier lottery. The project received a single-parcel pier allocation during the 2021 new pier allocation distribution. The new single-parcel pier will serve the single family dwelling located at 187 Yellow Jacket Road in Glenbrook, Nevada. Existing shorezone development for the parcel includes a total of two mooring buoys.

The proposed project involves constructing a new pier to extend 90 feet from the High Water Line elevation of 6,229.1, with a 3-foot by 30-foot catwalk at the pierhead. The pierhead will be 10 feet wide and will include one boatlift that will be converted from a legally existing mooring buoy associated with registration submission number 11188. According to TRPA maps, there is a large area of lake bottom covered by rock in the pier project area. As a result, TRPA has mapped lake bottom elevation 6,219 further out in the lake than indicated on the site plan submitted with the project application. For this project, staff relied on the TRPA map as accurate. As such, the proposed pier sits landward of both the TRPA pierhead line and lake bottom elevation 6,219 and therefore does not exceed TRPA length limitations. The pier complies with all development and location standards for a single-parcel pier. The proposed project is located within the Plan Area Statement 58 – Glenbrook where piers are an allowed use.

2018 Shoreline Plan:

The TRPA Governing Board adopted a new Shoreline Plan in October 2018, which went into effect in December 2018. New single-parcel and multiple-parcel piers are allowed as a part of that plan. A maximum of 128 piers will be distributed over the life of the plan, and every two years TRPA will distribute allocations for single-parcel and multiple-parcel piers. In 2021, TRPA awarded four allocations for new single-parcel piers and eight allocations for new multiple-parcel piers. The allocations for single-parcel piers were awarded based on a random selection (lottery) of eligible single-parcel pier submissions. Staff has analyzed the potential environmental impacts of the proposed pier and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

- A. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 26, Cave Rock, which is not in attainment with the TRPA Scenic Threshold. Up to 220 square feet of visible mass is allowed for a single-parcel pier. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a visible mass of 143 square feet which counts towards the 220 square feet of allowable visible mass, not inclusive of accessory structures. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass, including accessory structures, of 226.5 square feet. This means that 453 square feet of visible mass is required to be mitigated on the parcel. To meet the mitigation requirement, the applicant will permanently retire 453 square feet of scenic credits. The property has a revised Composite Contrast Rating Score (CCRS) of 28 (revised from a CCRS of 29 associated with TRPA file number 20070158STD). The allowable visible mass is 1800 square feet. Including the new access stairs to the pier, there is 472 square feet of visible area associated with upland improvements, leaving 1,328 square feet of allowable visible area. The total visible area associated with the pier to be mitigated, 453 square feet, will be permanently deducted from the remaining 1,328 square feet of visible area, leaving 875 square feet of allowable visible mass for the property.

The parcel must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The existing Contrast Rating Score for the upland residence is 28, exceeding the required score of 25 and is therefore in compliance with this requirement.

- B. Fish Habitat: This property is located in feed and cover fish habitat. The new pier includes 11 new pier piles and two boatlift support-beams creating 7.8 square feet of new lake bottom disturbance, requiring mitigation at a 1:1 ratio. One existing buoy block will be removed and the associated mooring converted to a boatlift. The buoy block constitutes 15.75 square feet of lake bottom disturbance, and therefore removal of the buoy block will serve as mitigation for the new lake bottom disturbance associated with the pier. The pier will be constructed using an open piling methodology, resulting in a pier that is 90 percent open.

As required by Chapter 36: *Mitigation Fee Requirements* of the TRPA Code of Ordinances, which requires \$60.00 per foot be paid for additional pier length to mitigate the impacts of pier development on fish habitat, the Draft Permit includes a condition requiring the permittee pay a shorezone mitigation fee of \$5,400.00 for the construction of 90 additional feet of pier length. (refer to Attachment B – Draft Permit)

- C. Setbacks: TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40-foot setback from all other piers and 20 feet from the outer-most parcel boundary projection lines associated with the project area. The proposed pier complies with these setback requirements as demonstrated in the Proposed Site Plan (Attachment E).

- D. Pier Length: TRPA Code, Section 84.4.3.B.2.b states:

Piers shall extend no farther lakeward than elevation 6,219 feet Lake Tahoe Datum or the pierhead line, whichever is more limiting, except as provided under Subparagraph (c) below. Up to an additional 15 feet in length lakeward may be permitted if:

- (i) the project applicant demonstrates that the additional length is necessary for the functionality of the pier, and
- (ii) the average grade of the lake bottom beneath the additional pier length is a minimum of three percent;

According to TRPA maps, there is a large area covered by rock in the pier project area. As a result, TRPA has mapped lake bottom elevation 6,219 further out in the lake than indicated on the site plan submitted with the project application. For this project, staff relied on the TRPA map as accurate. As such, the proposed pier sits landward of both the TRPA pierhead line and lake bottom elevation 6,219 and therefore does not exceed TRPA length limitations.

Environmental Review:

The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation (fisheries and scenic). The IEC is provided as Attachment D.

Public Comment from Noticed Property Owners:

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

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 for a single-parcel pier, which are 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 B).

Contact Information:

For questions regarding this agenda item, please contact Tiffany Good, Principal Planner, at (775) 589-5283 or tgood@trpa.gov.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. 2018 Shorezone Code Conformance Table
- D. Initial Environment Checklist
- E. Proposed Plans

Attachment A

Required Findings/Rationale

Required Findings/Rationale
Burger New Single-Parcel Pier Construction

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

1. Chapter 4 – Required Findings:

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

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statement 58 - Glenbrook, the Code and other TRPA plans and programs.

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

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an IEC. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V(g) Findings are available at TRPA and will be made available at the Hearings Officer hearing.

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

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

2. Chapter 80 – Shorezone Findings:

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

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the pier will be constructed on pilings to allow for the free flow of water), fish habitat (as conditioned), backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

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

The proposed single-parcel pier will be accessory to the primary upland residential use located at 187 Yellow Jacket Road in Glenbrook, Nevada.

- (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.

There are a number of private piers within the immediate vicinity of the subject site. The existing pier on the property immediately to the southwest is approximately 70 feet in length. The existing pier on the property immediately to the northeast is approximately 40 feet in length. The parcels in this area of shoreline are relatively large in size and therefore the existing piers are far away from each other. The proposed pier will not extend beyond the length limitations placed on single-parcel piers and will therefore be compatible with the surrounding shorezone facilities.

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

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

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

This approval prohibits the use of spray painting and the use of tributyltin (TBT). In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

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

The new pier will be constructed and the project area accessed primarily via barge/amphibious vehicle in order to avoid unnecessary disturbance of the shorezone/backshore. There will be a temporary material storage area, protected with temporary BMPs, located in land capability district 4, near the upland gazebo. The work crew will mobilize to the site by barge or amphibious vehicle, and the work will be primarily performed from the amphibious vehicle, which has low ground pressure tires for minimal lake bottom disturbance. As necessary, work crew members may access the site from the upland portion of the parcel, as there is a stabilized access path from the upland residence down to the area where the pier construction and stairway access will take place. Any upland access required would be fitted with temporary Best Management Practices (BMPs). The Draft Permit (Attachment B) includes conditions to ensure construction and access techniques will be used to minimize disturbance to the ground and vegetation, including Tahoe Yellow Cress.

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

The pierhead line was established for the purpose of protecting navigation and safety. The proposed pier does not extend past the pierhead line, nor does it extend past lake bottom elevation 6,219 per TRPA maps and is therefore consistent with the limitations placed on length in the TRPA Code of Ordinances. The project was taken to the Shoreline Review Committee on May 19, 2022, which includes agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised based on the project plans and discussion amongst agencies that occurred at the committee meeting. 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 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 the Shoreline Review Committee will discuss this project again once other agencies have received applications to ensure project consistency across all agencies involved.

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

The project was taken to the Shoreline Review Committee on May 19, 2022 and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, Nevada Department of Wildlife, Nevada Division of State Lands, U.S. Army Corps of Engineers, and Douglas County.

3. Chapter 83 Shorezone Tolerance Districts and Development Standards:

- (a) Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.

The proposed project is located in Shorezone Tolerance District 6, which exhibits a shoreline underlain by weathered volcanic or morainic debris with slopes of five to 15 percent. The backshore portion of this parcel demonstrates a steep rocky embankment. The upland portion immediately upland flattens out and is stable as it transitions to Class 4 land capability. A raised, steel grate access stairway is proposed to connect the upland with the pier. The access stairway design ensures minimal backshore disturbance and all construction staging and access will occur either from the lake via amphibious barge or from the existing stabilized pathways on the upland. Therefore, TRPA finds the access to the construction site is appropriate and no environmental harm will occur.

- (b) Permitted development or continued use maybe conditioned upon installation and maintenance of vegetation to stabilized backshore areas and protect existing cliffs from accelerated erosion.

The shoreline of this property is very steep, somewhat rocky with areas of stabilized dirt slope. The pier itself will not impact the backshore or the shoreline. The proposed access stairway will be raised and constructed of steel grate, creating minimal disturbance. The areas around and underneath the raised stairway will be stabilized with low lying vegetation/ground cover in order to further stabilize the slope, preventing further accelerated erosion as a result of pier construction and use.

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

The new pier access stairway and pier will be constructed using appropriate temporary Best Management Practices to prevent cliff crumbling, beach loss, and erosion. Construction staging will occur either on an amphibious vehicle in the lake or on existing impacted areas on the upland portion of the property. Therefore, TRPA finds that the project is unlikely to require the cliff area to be mechanically stabilized and the project will not accelerate cliff crumbling, beach loss, or erosion.

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

See finding 3.d.

- (e) Access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore.

Existing access to the shoreline and associated structures, including the existing buoys, is a dirt path that meanders down the steep slope. The project proposes to place a raised steel grate access stairway and stabilizing the areas around and beneath the access, improving the access to help prevent further environmental harm.

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

See finding 3.e.

Attachment B

Draft Permit

Signature of Permittee(s) _____ Date _____

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APN 1418-10-801-006

FILE NO. ERSP2022-0046

Project Security Posted (1): Amount \$ 10,000 Type Paid _____ Receipt No. _____

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

Shorezone Mitigation Fee (3): Amount \$ 5,400 Type Paid _____ Receipt No. _____

Notes:

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

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit authorizes constructing a new single parcel pier to be located at 187 Yellow Jacket Road in Glenbrook, Nevada. The new pier will extend 90 feet from the High Water Line elevation of 6,229.1, and include a 3-foot by 30-foot catwalk at the pierhead. The pierhead will be 10 feet wide and will include one boatlift. One existing mooring buoy will be converted to a boatlift as a result of the project. The proposed project is located within Plan Area Statement 58 – Glenbrook where piers are an allowed use. Existing shorezone development includes a total of two mooring buoys, one of which will be converted to a boatlift on the new pier. An existing access path, raised stairway, and deck landings will be constructed to facilitate access to the new pier consistent with the allowances in TRPA code section 85.5.4. The improvements for access will require 198 square feet of Class 1b/backshore coverage. The permittee must obtain restoration credits at a ratio of 1 to 1.5 times the amount of coverage required for the improvements associated with pier access. Please see Special Condition 3.D for restoration credit transfer requirements. As a result of the project, the property will have the following shorezone development:

- One mooring buoy
- One boatlift
- One single-parcel pier

The proposed project is located within Scenic Shoreline Unit 26, Cave Rock, which is in not in attainment with the TRPA Scenic Threshold. Up to 220 square feet of visible mass is allowed for a

single-parcel pier. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a visible mass of 143 square feet which counts towards the 220 square feet of allowable visible mass, not inclusive of accessory structures. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass, including accessory structures, of 226.5 square feet. This means that 453 square feet of visible mass is required to be mitigated on the parcel. To meet the mitigation requirement, the applicant will permanently retire 453 square feet of scenic credits. The table below demonstrates how this number is derived:

Total Allowable Visible Area (score of 28)	1,800 square feet
<u>Project Area Visible Area</u>	<u>-472 square feet</u>
Remaining Allowable Visible Area	1328 square feet
Remaining Allowable Visible Area	1,328 square feet
<u>Total Pier Visible Mass to be mitigated (multiplied by 2)</u>	<u>-453 square feet</u>
New Remaining Allowable Visible Area	875 square feet

2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The site plan (Sheet 1 of 3 "Overall Site Plan") for the project area shall be revised to include the following:
 1. Indicate which buoy will be removed as a result of the buoy to boatlift conversion.
 2. Include a plan notation that indicates pile driving operations and other piling installation methods (i.e. pinning, etc.) shall require the installation of caissons for turbidity control **upon the discretion of the TRPA inspector upon a pre-grade inspection**. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.
 3. A notation that no new buoys are authorized as a part of this pier modification project, and that one mooring buoy will be converted into a boatlift.
 4. Delineate the location of the turbidity curtain and include allowance for barge access.
 5. If pier deck lighting is proposed, indicate where on the pier they will be placed and provide lighting type specifications to TRPA compliant with TRPA Code of Ordinances sections 36.8 and 84.4.3.A.8 *Lighting on Private Piers*.

6. Adjust the western parcel boundary projection lines and associated setback so that they are consistent with the Chapter 90 definition for Parcel Boundary Projection Line, which states "Projection of a parcel boundary line lakeward from the low water line, perpendicular to the tangent of the shoreline."
 7. Per TRPA code section 84.4.3.B.2.j, a single parcel pier is allowed one catwalk that shall be no larger than 3-feet wide by 30-feet long. Please revise all applicable drawings appropriately.
- B. On Sheet 3 titled "Scenic Site Plan", include a side elevation of the pier consistent with the table titled "Visual Mass Scoring".
 - C. The Permittee shall provide a slope stabilization/revegetation plan for the area where the existing pathway from the bluff to the shoreline is located, the area underneath the raised access stairway, and the areas impacted by the construction of the access stairway.
 - D. The permittees shall transfer 198 square feet (132 x 1.5) of restoration credits for the pier in accordance with TRPA Code Sections, 85.5.4, 85.5.1.E, and 30.5.3; 64.5 square feet to APN 1418-10-801-006. Note that all coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.
 - E. The Permittee shall complete the mooring registration for the two moorings for which a TRPA permit was granted (TRPA file number BUOY2020-0966).
 - F. The permittee shall provide underwater photos of the project area indicating the conditions prior to the start of construction. For the purposes of this condition, the project area shall include the areas where the pier and boatlift will be placed, the areas where the existing mooring blocks are currently located. Prior to security return, the permittee shall provide post-construction underwater photos of the same locations of the project area. Note that prior to security return, the permittee must demonstrate proof that the block associated with the mooring buoy that will be converted to a boatlift have been removed and the area of lake bottom restored.
 - G. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction for both the pier and the upland access.
 - H. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30th prior to commencement of proposed work. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.
 - I. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on

the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.

- J. The project security required under Standard Condition A.3 of Attachment S shall be \$10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - K. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$5,400 for the construction of 90 feet of pier length for a new pier (assessed at \$60.00 per linear foot).
 - L. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
4. 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 employee (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.
- 5. It is the Permittee's responsibility to receive authorization, and obtain any necessary permits from other responsible agencies for the proposed project.
 - 6. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the Nevada Division of Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.

7. Disturbance of lake bed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
8. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.
9. 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.
10. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

END OF PERMIT

Attachment C

2018 Shorezone Code Conformance Table

Attachment C

Burger Single Parcel Pier Conformance Review Table

Table 1: Pier Conformance Review Under 2018 Shorezone Code

Standard	2018 Shzne Code	Proposed Pier	Conformance
Streams	Outside of Stream Mouth Protection Zone (SMPZ)	.17 mile away from the nearest SMPZ (Glenbrook Creek)	In conformance
Fish Habitat	Mitigation at 1:1 for Feed/Cover fish habitat	Replace fish habitat adjacent to project, mitigation fee of \$5,400 for additional 90 linear feet of pier length	In conformance
Length	Pierhead or lake bottom elevation 6219, whichever is more limiting. An additional 15 feet may be permitted if avg. grade beneath additional length is at least 3% and additional length is necessary for pier functionality	90' , does not extend beyond lake bottom elevation 6,219 nor the TRPA Pierhead Line.	In conformance
Setbacks	20' for new piers from outermost property boundary projection lines, & 40' from existing piers as measured from the pierhead	Conforms with external projection line setbacks	In Conformance
Width	Maximum 10' wide excluding catwalks	10' with one (1) boatlift and one (1) catwalk on north side of the pier.	In conformance
Catwalk	Maximum of 3' by 30'	3' x 30'	In conformance
Boatlift	One boat lift per littoral parcel	One boatlift	In conformance
Pier Height	6,232' maximum	6,232'	In conformance
Free Flowing Water	Piers required to be floating or have an open piling foundation	Open piling foundation (90%)	In conformance
Superstructures (Boat House)	Prohibited	NA	In conformance

Colors & Materials	Dark colors that blend with background	Brown decking, flat black structural components	In conformance
Visual Mass Limitation	220 sf of visible mass allowed for single parcel pier(does not include accessory structures such as boatlifts, boats, handrails, and ladders).	143 square feet	In conformance
Visual Mass Mitigation	In Visually Modified Character Types mitigation required at a 1:2 ratio	Additional visible mass, including accessory structures, will be mitigated at a 1:2 ratio through retiring allowable visible area	In conformance
Retirement of Shorezone Development Potential	NA – Not required for single parcel piers	NA	NA

Attachment D

Initial Environmental Checklist

Attachment E

Proposed Plans