

**TRPA
APC
PACKETS**

**AUGUST
1993**

August
A PC Packet

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, August 11, 1993, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for said meeting is attached hereto and made a part of this notice.

August 2, 1993

By:


Jerry Wells
Deputy Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard, Kings Beach, California

August 11, 1993
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. DISPOSITION OF MINUTES
- IV. PUBLIC HEARING AND RECOMMENDATIONS
- A. Meyers Community Plan and Environmental Assessment
- B. Amendment of Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, Tahoe Paradise Chevron, El Dorado County APN 34-671-03 *Page 1* *2-8*
- C. Amendment of Prime Fish Habitat Map for Area East of Second Creek in Incline Village, Nevada *9-18*
- D. Amendment of Plan Area Boundary Between PAS 028, Kings Beach Residential; PAS 029, Kings Beach Commercial; and PAS 031, Brockway Residential, to Add a Block of Parcels Located in PAS 029, Which Are Generally Located on Highway 28 Between Beaver Street and Chipmunk Street, to PAS 028, and to Make Tourist Accommodation Uses a Special Use in PAS 028 *19-36*
- V. PLANNING MATTERS
- A. Discussion of Chapter 97, Transportation Demand Management, Employer Trip Reduction Program *37-50*
- B. Other
- VI. REPORTS
- A. Executive Director
1. Notice of Preparation, South Tahoe Public Utility District Future Sewer Connections Plan EIS/EIR *51*
2. Notice of Circulation, Draft EIS/EIR for Tahoe City Community Plan *52*
3. Notice of Circulation, Draft EIS/EIR for South Lake Tahoe Stateline/Ski Run Community Plan *53*

4. Other

B. Legal Counsel

C. APC Members

D. Public Interest Comments

VII. PENDING MATTERS

VIII. RESOLUTIONS

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Sands Inn Convention Center
3600 U.S. Highway 50, South Lake Tahoe, California

July 14, 1993

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice-chairperson Joe Thompson called the regular meeting of the Advisory Planning Commission (APC) to order at 9:50 a.m. Due to the fact there wasn't a quorum, roll call wasn't taken.

Members Present: Mr. Jepsen, Ms. Baldrice, Mr. McDowell, Mr. Dodds,
Ms. Beronio, Mr. Brooks, Mr. Combs, Mr. Thompson,
Mr. Barham

Members Absent: Ms. Woodbeck, Ms. Jamin, Mr. Hust, Mr. Renz,
Mr. Joiner, Mr. Dodgion, Mr. Hansen, Mr. Poppoff,
Mr. Lawrence, California Lay Member (vacancy)

II. APPROVAL OF AGENDA

Vice-chairperson Thompson advised that Item V.A. would be presented first in order for other APC members to arrive.

III. DISPOSITION OF MINUTES

The June 9, 1993 regular meeting minutes were not acted on.

V. PUBLIC HEARING AND RECOMMENDATIONS

A. Discussion on Employee Trip Reduction Program and Parking Ordinance

Long Range Senior Planner Keith Norberg presented the staff summary and an update with additional information on the status of the employer-based trip reduction ordinance.

Mr. Dodds questioned if Mr. Norberg had been able to find any organizations, such as CalTrans, that had a computer software program that helped people who would call in for ride share type programs. Mr. Norberg replied that CalTrans does have a program like that in place, as well as Placer, but the limits of those programs doesn't come up within the Tahoe Region. We would like to incorporate that into this ordinance.

Ms. Beronio asked for clarification on whether the statement in the ordinance should be "employers of commercial and retail developments" or "employers and commercial and retail developments." Mr. Norberg replied that it should be and instead of the word of. Ms. Beronio reiterated what she had discussed at the previous APC meeting which is some of the requirements of the local businesses were unnecessary and should be eliminated; i.e., designation of an employee transportation manager, preparing budgets, and tracking staff hours devoted to

APC REGULAR MEETING MINUTES JULY 14, 1993

trip reduction programs.

VI. REPORTS

- A. Executive Director

- B. Legal Counsel

- C. APC Members

- D. Public Interest Comments - None

VII. PENDING MATTERS - None

VIII. RESOLUTIONS - None

IX. ADJOURNMENT - The meeting adjourned at 11:11 a.m.

Respectfully submitted,



Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

July 30, 1993

To: Advisory Planning Commission
From: TRPA Staff
Subject: Meyers Community Plan and Environmental Assessment

Proposed Action: The Meyers Community Plan and companion Environmental Assessment/Mitigated Negative Declaration (EA/MND) is being circulated for 30 days for public comment. The plan is a separate document in the APC packet. Staff will hand out copies of the EA/MND at the APC meeting. At the meeting, staff will present the plan and its specific components along with the EA/MND. Staff is not seeking action or formal recommendation at this time, however, the matter is scheduled for a public hearing to receive public comment. Please refer to Chapter 1, Introduction, of the plan for a summary of its goals and policies, land use concept, community design and other improvement programs.

Schedule for Adoption: At the August Governing Board meeting, staff will hold a second public hearing during the comment period. A community workshop for Meyers residents and property owners is planned for mid-August. The tentative schedule for TRPA action is to make a finding of no significant effect based on the EA, and adopt the plan in October 1993. Public hearings and action by the El Dorado County Planning Commission and Board of Supervisors are scheduled for October 1993.

Both documents were prepared jointly by TRPA and El Dorado County staffs. Subconsultants were used to prepare specific sections of the EA/MND, which is a joint document intended to meet environmental documentation requirements of both TRPA and El Dorado County. The EA serves as TRPA's environmental document while the MND is El Dorado County's CEQA document.

Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this matter.

AS/rd
7/30/93

AGENDA ITEM IV.A.

001

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

July 29, 1993

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Regional Plan Land Capability Overlay Map
Pursuant to Man-Modified Determination, Daum, Tahoe
Paradise Chevron; APN 34-671-03, 2986 U.S. Highway 50,
El Dorado County

Proposed Action: To amend the Land Capability Overlay Map (F-21) to indicate a determination of man-modified on El Dorado County APN 34-671-03, Tahoe Paradise Chevron.

Staff Recommendation: Staff recommends that the Advisory Planning Commission recommend approval of the plan amendment which changes the land capability of the parcel from land capability class 1b to land capability class 5, with the following conditions:

1. A schedule for the installation of standard BMPs be completed by the owner and a security deposit be posted prior to the acknowledgement of any permits on this parcel. All BMPs must be installed prior to October 15, 1997. Implementation of BMP's relating to, but not limited to, ripping of compacted areas, revegetation, and stabilization of fill side-slopes, shall be required as part of onsite mitigation. The owner shall post a security equal to 110 percent of the project cost as determined by a licensed Civil Engineer or equivalent, to ensure completion of the necessary BMPs on the parcel.
2. Prior to the acknowledgement of a permit for a new project on this parcel which relies on the increase in the allowable land coverage associated with this man-modified determination, the owner shall restore 19,720 square feet of stream environment zone (SEZ). A funded and TRPA approved plan for the restoration of the SEZ area shall be completed by the applicant prior to acknowledgement of any permits. The restoration of SEZ shall occur on parcel APN 34-671-04, or on other parcels which have been designated as SEZ restoration sites within the Meyers Community Plan area.

JP/rd
7/29/93

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AGENDA ITEM IV.B.

Background: The Daum property is a 19,720 square foot parcel located at 2986 U.S. Highway 50, Meyers, California (see map, Exhibit 1). The field work for a man-modified determination was conducted in May, 1993 by a team of TRPA experts. At the time the man-modified determination request was filed in April 1993, a soils investigation report prepared by Porter Geotechnical was submitted to TRPA. A TRPA team of experts conducted their field investigation in May, 1993. The soils investigations were conducted by Joseph Pepi, TRPA's Certified Professional Soil Scientist, and the hydrologic evaluations and other field investigations were conducted by other TRPA staff.

A soils report was prepared and concluded the soils located on this parcel consisted of 2 to 6 feet of imported fill material placed over the native soils. This information is based on soil borings taken in close proximity to the soil boring locations completed by Porter Geotechnical. These reports support the conclusion that this parcel has been modified by the placement of fill material to the extent that the land capability has been significantly altered.

Chapter 20, Subsection 20.2.F of the TRPA Code of Ordinances, sets forth the standards for processing man-modified determinations. A man-modified determination is appropriate when land has been altered such that it no longer exhibits the characteristics of the original mapped land capability.

Analysis: The following analyses are provided to complete the man-modified report:

- (a) Geomorphic characteristics - The Geomorphic Analysis of the Lake Tahoe Basin (Bailey, 1974) maps this area within geomorphic units, E-3 (Alluvial lands, high hazard lands). The soils mapped on the parcel (see item c) are consistent with the mapped geomorphic hazard rating. Due to placement of fill material, the geomorphic unit for this parcel has been changed to E2 (Outwash, till, and lake deposits, low hazard lands).
- (b) Surface and subsurface hydrology - There is no evidence of near surface groundwater.
- (c) Physical/chemical soil characteristics - TRPA Land Capability Map F-21 shows this parcel in one land capability district and soil map unit. The land capability is Class 1b - Stream Environment Zone (SEZ) associated with the Lo (Loamy alluvial land) map unit. This parcel is mapped within one Geomorphic Unit, E-3 (Alluvial lands, high hazard lands) in the Bailey Geomorphic Analysis of the Lake Tahoe Basin. There is little or no native vegetation on the parcel, the majority of which is under asphalt pavement.

The soils on the parcel consist of coarse textured fill material placed over the native soils. The soils report prepared by Joseph Pepi is on file. One soil map unit was found on this parcel. Although the soils found on this parcel are not currently recognized in the Lake Tahoe Basin

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Soil Survey (Rodgers, 1974), they are most similar to the MkB (Meeks gravelly loamy coarse sand, 0 to 5 percent slopes) map unit, which is in land capability class 5.

- (d) Erosion hazard - The slope on this parcel is flat and the majority of the parcel is paved. The soils on this site have low runoff potential and a slight relative erosion hazard.
- (e) Vegetation - There is little native vegetation on this parcel and the vegetation on the unpaved disturbed areas is sparse.
- (f) Land capability district - There was one land capability class found in this detailed soil investigation. This is land capability class 5 associated with MkB (Meeks gravelly loamy coarse sand, 0 to 5 percent slopes) map unit, as identified in the Soil Survey for the Lake Tahoe Basin and the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974)

Required Findings: The following is a list of required findings as set forth in Chapters 6 and 20 of the TRPA Code of Ordinances. Following each finding, TRPA staff has briefly summarized the evidence on which the required finding may be made.

A. Chapter 6 Findings:

- 1. Finding: 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.

Rationale: The proposed amendment of the Regional Plan to amend TRPA land Capability Overlay Map F-21 is consistent with the procedures set forth in Chapter of the Code. No significant impacts on the Regional Plan, Goals and Policies, Plan Area Statements, the Code and other TRPA plans and programs are anticipated.

- 2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment is consistent with the Regional Plan and will help attain the environmental thresholds.

- 3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

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Rationale: See findings 1 and 2 above.

4. Finding: The Regional Plan and all its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: For the reasons stated in support of findings 1, 2, and 3 above, the proposed amendment will result in the Regional Plan Package continuing to achieve and maintain thresholds.

B. Section 20.2.F. Findings

Finding: The land was modified prior to February 10, 1972.

Rationale: The fill material was placed on the parcel in the mid-1960's prior to the 1972 cutoff date. Documentation of this is contained in the administrative record.

Finding: Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area.

Rationale: Development of the graded area will not increase runoff or erosion provided all new development is completed with properly designed and installed BMPs which are properly maintained. Revegetation of the graded areas not utilized for development would enhance nutrient uptake and minimize surface erosion potential. There is no evidence of near surface groundwater and further development would not interfere with groundwater.

Finding: The land no longer exhibits the characteristics of land bearing the original land capability classification.

Rationale: The land capability of the parcel was mapped class 1b, based on the soil survey completed in 1972. The placement of fill material has raised the surface of the parcel so that no groundwater is encountered within 5 feet. Before the fill was placed, the parcel had native soils in which a seasonal high water table was found at a depth of 12 to 24 inches. Due to the change in ground surface level by placement of fill, the soils now exhibit the characteristics of a land capability class 5.

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Finding: Restoration of the land in question is infeasible because of factors such as the cost thereof, a more positive cost-benefit ration would be achieved by off-site restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use and the land is not identified for restoration by any TRPA program.

Rationale: Onsite restoration of the parcel to the original land form and corresponding slope gradient would require removal of an existing gasoline service station and up to 6 feet of fill material to recreate the original land surface. Restoration of the parcel to the original land surface level would severely impact the existing legal use of the parcel. There are no current TRPA plans for restoration of this parcel. The parcel is within the area designated by the Meyers Community Plan for concentrated commercial development.

Finding: Further development can be mitigated offsite.

Rationale: The major impact related to the change in land capability of this parcel would be related to increased allowed land coverage. This loss of SEZ could be mitigated by offsite restoration of SEZ within the Meyers Community Plan Area. All new land coverage would be subject to the standard TRPA water quality mitigation fees.

Finding: Mitigation to offset the losses caused by the modification of the land and pertinent land capability district shall be as follows: (i) onsite and offsite mitigation, (ii) pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA, and (iii) collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

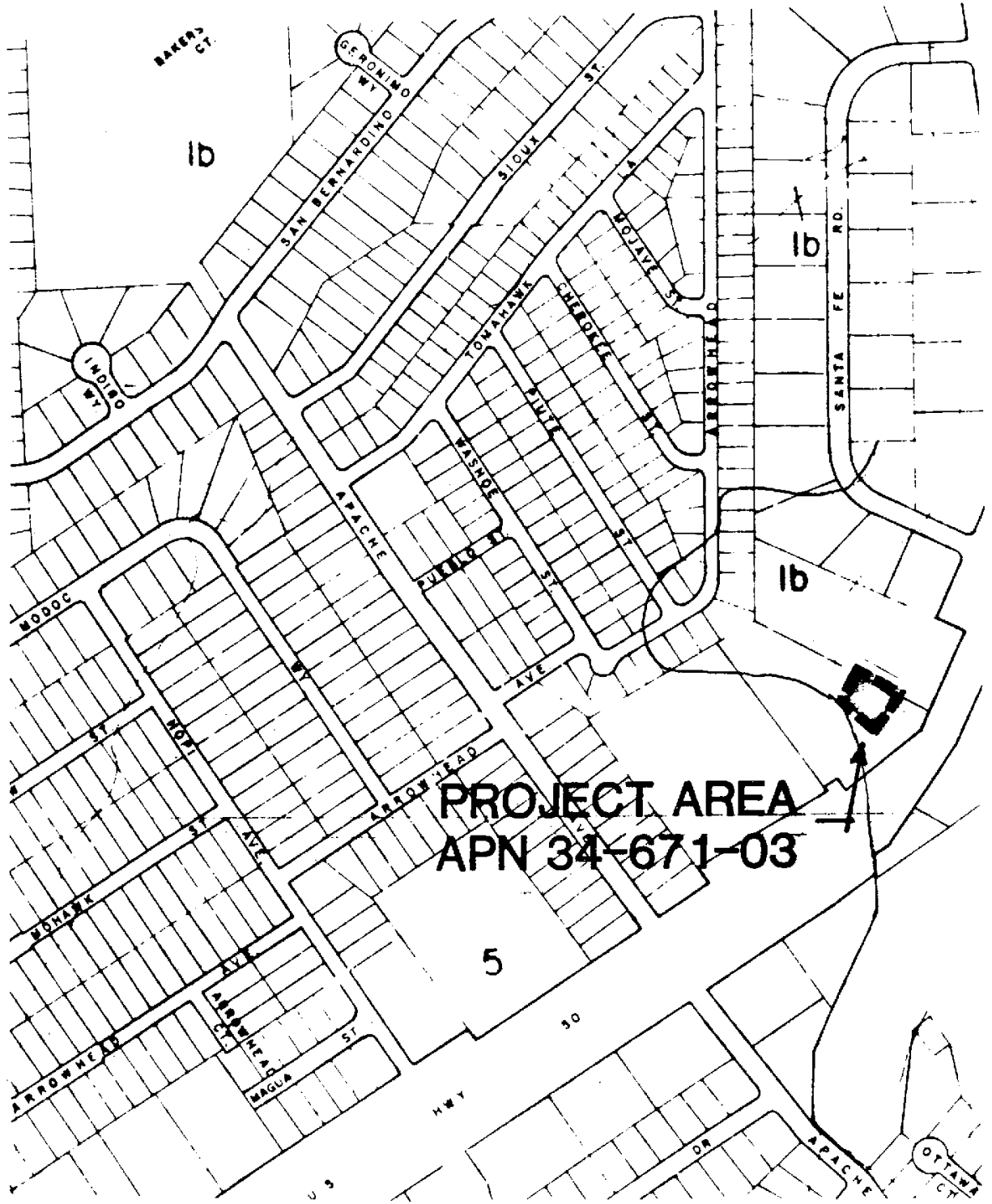
Rationale: The man-modifications of this parcel has resulted in an increased benefit to the owner in that there is an increase in allowed land coverage. The onsite mitigation for development of land coverage would entail runoff control of storm water by infiltration. Revegetation of disturbed areas would reduce runoff and erosion potential onsite. Onsite mitigation measures shall be in compliance with the TRPA BMP Handbook. The owner of the property shall include appropriate onsite mitigation measures with any project proposal submitted to TRPA, for review and approval.

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There will be an increase of 4,733 square feet in allowable coverage over the allowed land coverage associated with the previous mapped land capability, as a result of the man-modified determination. This increase in land coverage would not have been available to the property owner had the parcel remained in its natural state. This increase in land coverage can be mitigated offsite by restoration of 19,720 square feet of SEZ. The restoration of SEZ within the Meyers Community Plan Area can be accomplished by the owner restoring SEZ area on APN 34-671-04, or other parcels designated for SEZ restoration within the boundaries of the Meyers Community Plan Area.

The owner of the property shall include a program and schedule for maintenance of the required BMP's as a condition of approval by TRPA.

Conclusions: Agency staff has found that due to the placement of fill material that the original land surface has been covered to such an extent that it now has characteristics which would place it in a higher land capability class (class 5) rather than the present class 1b associated with the Lo map unit. It is infeasible to restore the 1b land capability class.



PROJECT AREA
APN 34-671-03

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

July 30, 1993

To: Advisory Planning Committee

From: TRPA Staff

Subject: Amendment to Prime Fish Habitat Map

Proposed Action: The proposed action is an applicant-initiated request to amend the TRPA Prime Fish Habitat Map in the area adjacent to and east of Second Creek in Incline Village, Nevada. The amendment would modify the designation of approximately 1600 linear feet of shoreline from the currently mapped Spawning Habitat and Feeding and/or Escape Cover Habitat designation to a clear area (marginal habitat). (See Exhibit A, existing map, and Exhibit B, applicant's proposed map.)

Recommendation: TRPA staff recommends that the Advisory Planning Commission review the proposed amendment and recommend approval to the Governing Board with the following staff recommended modification. Remove the area mapped Feeding and/or Escape Cover Habitat and retain the mapped Spawning Habitat area to the east and adjacent to Second Creek as recommended by both Nevada Department of Wildlife and California Fish and Games fisheries biologists. (See Exhibit C, staff recommended map.)

Discussion: Currently, the section of shoreline to the west of Second Creek is mapped and field verified as Spawning Habitat Targeted for Habitat Restoration. The area immediately to the east of Second Creek is mapped as Prime Spawning Habitat Targeted for Habitat Restoration and as Feeding and/or Escape Cover Habitat. However, the shorezone in this area consists of a sandy beach with a sandy substrate extending lakeward beyond elevation 6219', Lake Tahoe Datum.

TRPA's Code of Ordinances in Chapter 2 defines Spawning Habitat as an "area that attracts, or is capable of attracting fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble." When the TRPA Prime Fish Habitat Map was produced, shorelines that consisted of sandy substrates were for the most part designated as marginal habitat and were mapped as clear areas. Shoreline areas with substrates of gravel, cobble, rock, and/or boulders were mapped as prime fish habitat; Feeding And/Or Escape Cover Habitat or Spawning Habitat. Those areas adjacent to stream mouths with sandy substrates, however, were designated as spawning areas when those streams provided spawning habitat for migratory fish species or had the potential to provide spawning habitat. These areas were mapped as such because of the role they play in the spawning process as staging areas (Russ Wickwire, California Department of Fish and Game fisheries biologist, 7/30/93). This map was adopted by the TRPA Governing Board April 26, 1984 and

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AGENDA ITEM IV.C

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is the map that is currently relied upon. According to TRPA's previous fisheries biologist, Jean Shaffer, the 1991 Fish Habitat Study Report map referred to in the applicant's submittal was not a map prepared by the Fish Habitat Study Report. The map referred to in the applicant's submittal was prepared from shorezone substrate information that came from the Final Report: Littoral Structure and Its Effects on the Fish Community of Lake Tahoe, (November, 1989). TRPA staff used this information on substrate to create a map in 1990 that defined in-lake fish habitat by substrate. This map did not take into consideration the stream/lake interface areas and their importance to migratory fish species. This map has never been adopted.

In Appendix D of the Study Report for the Establishment of Environmental Threshold Carrying Capacities (October, 1982), Second Creek was assessed and ranked based on its own qualities of providing fish habitat. (It should be noted that these stream assessments were not based on comparisons relative to the values of other streams. A small stream can be designated as "excellent" even though it supports far fewer fish than a larger stream.) Second Creek is a Threshold stream ranked marginal with the recommendation "that this stream be used as a nursery stream with the introduction, in the future, of a Tahoe strain of fry or fingerling rainbow for ultimate lake recruitment."

The west side of Second Creek is currently and accurately mapped Spawning Habitat and Feeding And/Or Escape Cover Habitat in the adopted TRPA Prime Fish Habitat map. The substrate to the east of Second Creek provides marginal in-lake fish habitat, which has been correctly addressed in the applicant's submittal of a "Fisheries and Fish Habitat Report." However, the applicant's report does not address the fact that this area serves a necessary role in the spawning process by providing a staging area for migratory spawning species, such as Tahoe Rainbow trout, that use such tributaries of Lake Tahoe to spawn (see Exhibit D, letter from Brant Allen, fisheries biologist with the Tahoe Research Group). It should be noted that there are other examples of creek mouths mapped Fish Spawning Habitat where the substrate consists of sand and the streams are threshold streams. The adopted map intended to minimize intrusions into the stream/lake interface areas. The following is a list of creeks whose inlets enter Lake Tahoe through sandy beaches and are currently mapped as spawning habitat: Slaughterhouse Creek, Glenbrook Creek, Zephyr Creek, Burke Creek, Edgewood Creek, and Tallac Creek. These creeks represent tributaries that are either currently supporting migratory populations or potentially could.

Nevada Department of Wildlife fisheries biologist, Mike Sevon, recommends that the fish spawning map designation be as set forth on Exhibit 'C' so that adequate protection is afforded the mouth of Second Creek and the Lake Tahoe Rainbow trout fisheries that they plan to restore to this tributary. (See Exhibit E)

In the Nevada Department of Wildlife's efforts to enhance the population of Lake Tahoe Rainbow trout they will be including an annual stocking of trout fry in Second Creek. In the future, there will be fingerling trout downmigrating from Second Creek to Lake Tahoe and in the future there will be adult rainbow staging at the mouth of Second Creek during the spring.

In retaining the Spawning Habitat designation, TRPA is complying with the adopted thresholds which intended to protect the mouths of those tributaries that provide habitat or potentially could provide habitat for migratory fishes. In addition, retaining the protective status of this creek mouth also takes into consideration the meandering nature of this tributary. In the last 12 months this creek mouth has meandered 50 feet to the east. When tributaries flow into another body of water they create a plume many times broader than the inlet's mouth. The waters contained within the plume are nutrient rich and provide environmental cues for the staging migratory fish.

According to fisheries biologists of both the Nevada Department of Wildlife and the California Fish and Game, retaining the Spawning Habitat designation to the east of Second Creek, as delineated on Exhibit 'C' is the minimum necessary to adequately protect the habitat.

In a letter dated July 23, 1993 from David Greer, the former TRPA biologist who prepared the Prime Fish Habitat map for adoption and wrote the fisheries portions of the EIS for the adoption of the Environmental Thresholds Carrying Capacities (see attachment F), it states that "the adopted thresholds for fisheries is intended to protect the mouths of those tributaries that provide spawning habitat for migratory fishes. The mouth of any particular tributary may not exhibit the physical characteristics of spawning habitat but often serves a useful role in the spawning process by providing a staging area for spawning."

Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

1. **Finding:** 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.

Rationale: This amendment to the TRPA Prime Fish Habitat map is a map correction and is consistent with adopted mapped marginal habitat criteria in that the existing lakebed consists of a sandy substrate which does not provide Feeding and/or Escape habitat as mapped (see Exhibit A) at this location. Specialists from the Nevada Department of Wildlife and California Fish and Game have commented on this amendment and recommend the retention of the mapped Spawning Habitat as shown on Exhibit C as a staging area for migratory fish.

2. **Finding:** That the project will not cause the environmental thresholds to be exceeded.