
ATTACHMENT S

STANDARD CONDITIONS OF APPROVAL FOR SHOREZONE PROJECTS

I. CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

The following conditions shall be satisfied prior to commencement of any construction activity within the project area, including, but not limited to, filling, dredging, grading, excavation, clearing of trees, and other activities associated with construction. Failure to satisfy these conditions of approval prior to commencement of construction activity shall be grounds for revocation of the permit.

NOTE: TRPA reviews and approves projects as required under Tahoe Regional Planning Agency (TRPA) Rules, Regulations, and Ordinances only. TRPA does not review and shall not be responsible for any elements contained in the plans (i.e., structural, electrical, mechanical, etc.) which are not required for review under said Rules, Regulations, and Ordinances.

- A. The permittee shall submit final construction drawings and plans showing revegetation, slope stabilization, and drainage improvements. Revegetation, slope stabilization, and drainage improvement plans shall be designed in conformance with the TRPA Best Management Practices (BMP) Handbook.
- 1) Revegetation plans shall show areas to be revegetated, specifications for revegetation, and temporary fencing for vegetation protection. Only native species adaptable to the Lake Tahoe Basin shall be used for landscaping or revegetation. A list of acceptable species is available from TRPA.
 - 2) Slope stabilization plans shall show all methods of stabilization to be used to stabilize all existing and proposed cut and fill slopes and areas otherwise denuded of vegetation. Said plans shall also show temporary and permanent erosion control devices, temporary sediment barriers, and measures to be taken for dust control.
 - 3) Drainage plans shall show all drainage facilities for all existing and proposed impervious surfaces and utility trenches. Drainage facilities shall be designed to be capable of retaining runoff waters for a 20-year, 1-hour storm event. Calculations demonstrating the proposed facilities' retention capabilities may be required. Whenever possible, utilities shall occupy common trenches to minimize site disturbance.
- B. A security shall be posted with TRPA to ensure compliance with the conditions of the permit. In most cases, the security shall be determined by TRPA and will typically be equal to 110% of the estimated costs of the revegetation, drainage improvements, slope stabilization plans, and other conditions of approval. For further information on acceptable types of securities, see Attachment J.
- C. The permittee shall submit all required air quality, water quality, excess coverage, and shorezone mitigation fees.
- D. Prior to any activity commencing, the permittee shall contact TRPA at least 48 hours in advance and arrange for a pre-grading inspection to verify that all the temporary erosion and water quality control measures and protective fencing for vegetation are in place and installed properly.
- E. The applicant shall identify temporary disposal sites, if any, and permanent disposal sites for all dredged material, including appropriate authorization from property owners.

- F. All existing disturbed areas and areas disturbed as a result of construction activity authorized by the permit, or otherwise occurring on the subject project during the time period when the permit is valid, shall be revegetated using only those species contained on TRPA's list of acceptable species. All required vegetation shall be completed by completion of the project.
- G. The permittee shall return a signed copy of the permit form stating that the permit was received and that the permit is understood, and the contents accepted prior to any activity or grading occurring within the project area. Plans shall not be stamped approved without TRPA receiving a copy of the signed permit.
- H. It is the permittee's obligation to locate all subsurface facilities and/or utilities prior to any grading, dredging or other subsurface activity. The permittee is responsible for contacting the Northern Underground Service Alert (USA, usually known as USA DIGS 1-800-227-2600) prior to commencement of any activity on the site.

II. CONSTRUCTION-RELATED CONDITIONS

The following conditions shall apply to construction activity on the site:

A. General Construction Requirements

- 1) The TRPA permit and the final construction drawings shall be present on site from the time construction commences until the final TRPA site inspection.
- 2) Prior to commencement of construction, the applicant shall submit a construction completion schedule to TRPA. Construction shall be completed by the date set forth in the approved construction schedule. Extensions of the schedule may be granted provided the request is made in writing and the application fee submitted prior to the expiration of the completion schedule. An additional security may be required to be posted to ensure completion or abatement of the project. To approve the extension, TRPA must make either of the following findings:
 - i. The project was diligently pursued, as defined in Subparagraph 2.2.4.C of the TRPA Code of Ordinances, during each building season (May 1 - October 15) since commencement of construction.
 - ii. That events beyond the control of the permittee, which may include, but are not limited to, engineering problems, labor disputes, natural disasters, or weather problems have prevented diligent pursuit of the project.
- 3) The permittee shall allow TRPA to enter and inspect the site at any time to determine compliance with the permit.
- 4) No construction methods shall be utilized that will degrade the water of Lake Tahoe or other lakes within the Lake Tahoe Basin.
- 5) Violation of any of the conditions of approval shall be grounds for revocation of the permit. Failure to commence construction within the approval period shown on the permit face shall result in the expiration of the permit, ***without notice***, by operation of law, on the date shown on the permit face.
- 6) 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.
- 7) Information contained in special reports prepared for the project, including, but not limited to, visual analysis and substrate reports, are considered conditions of project approval, except when noted in the Special Conditions of Approval.

- 8) Any normal construction activities creating noise in excess of TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 am and 6:30 pm.
- 9) For projects with an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), the mitigation measures contained in the document are considered conditions of project approval, except when noted in the Special Conditions of Approval. Final plans shall be designed to include all EA/EIS mitigation measures. Where discrepancies exist between the final plans and the EA/EIS, the mitigation measures outlined in the EA/EIS shall take precedence, unless specifically noted *in writing* by TRPA.

B. Grading and Site Disturbance Activities

- 1) There shall be no grading, filling, clearing of vegetation, or other disturbance of soil on site between October 15 and May 1 of each year.
- 2) There shall be no grading, filling, clearing of vegetation, or other disturbance of the soil during inclement weather and during the resulting period of time when the site is covered with snow or is saturated, muddy or unstable.
- 3) No rocks or other natural materials shall be relocated, including rock removal by blasting, that are not indicated on the approved plans without first obtaining TRPA approval.
- 4) All material obtained from excavation work shall be contained within the foundations, retaining walls, or by a similar means approved by TRPA, or the excavated material shall be disposed of at a site approved by TRPA.
- 5) Soil and construction materials shall not be tracked off-site. Grading operations shall cease in the event a danger of violating this condition exists. The site shall be cleaned and the road right-of-way shall be swept clean when necessary.
- 6) The length of open trenches (excluding foundations) shall not exceed 50 feet at the end of each working day, unless approved by TRPA.
- 7) Loose soil mounds or surfaces shall be protected from wind and water erosions by being appropriately covered or contained when active construction is not occurring.
- 8) All excavated material shall be stored upslope from excavated areas. No material shall be stored in stream environment zones, backshore, or other saturated areas.
- 9) No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged by grading. If any historic or prehistoric ruins or monuments or objects of antiquity are discovered, all grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall immediately cease and shall not recommence until a recovery plan is approved by TRPA.
- 10) Maximum excavation depth shall not exceed five feet, unless otherwise approved by TRPA.
- 11) If groundwater is encountered during construction, cease work and contact TRPA immediately to discuss possible changes in design or dewatering options.
- 12) Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction. Only the boulders designated on the site plan to be moved shall be moved to an appropriate location.
- 13) Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.

C. Winterization

- 1) All construction sites shall be winterized no later than October 15 of each year as follows:
 - i. Inactive winter sites shall contain erosion and drainage improvements necessary to prevent discharge from the site including, but not limited to:
 - (a) Installation of temporary erosion controls
 - (b) installation of temporary protective fencing of vegetation
 - (c) Stabilization of all disturbed areas
 - (d) Cleanup and removal of all construction slash and debris
 - (e) Installation of permanent mechanical stabilization and drainage improvements, where feasible
 - (f) Removal of all spoil piles
 - ii. Active winter sites shall comply with the following:
 - (a) Installation of all permanent mechanical erosion control devices, including paving of all driveway and parking areas
 - (b) Installation of all permanent drainage improvements
 - (c) Parking of vehicles, equipment, and storage of materials shall be restricted to paved areas
- 2) Work shall be performed in such a manner that the project can be winterized within 24 hours.

D. Construction Equipment

- 1) Equipment of a size and type that will do the least amount of damage to the environment shall be used. Cleaning of equipment, including cement mixers, is not permitted unless approved *in writing* by TRPA.
- 2) Vehicles or heavy equipment shall not be allowed in stream environment zones, backshore, or other saturated areas unless specifically authorized by TRPA. All vehicles and heavy equipment shall be confined to the area within the vegetative protection fencing unless specifically authorized by TRPA.
- 3) Idling time for all diesel-powered equipment shall not exceed 5 minutes.
- 4) Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
- 5) Existing power sources or clean-fuel generators rather than temporary diesel power generators shall be used whenever feasible.

E. Vegetation Protection

- 1) All trees and natural vegetation which are to remain shall be fenced for protection. Scarring of trees shall be avoided. Scarred trees shall be repaired with tree seal.
- 2) Fencing specified shall be at least 48 inches high and shall be constructed of metal posts and either orange construction fencing or metal mesh fencing also at least 48 inches high (Section 33.6.1). Job sites with violations of the fencing standards will be required to re-fence the job site with a high gauge metal fencing.

- 3) No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA. Fences shall not be moved without prior approval (Section 33.6).
- 4) To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance areas shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. The approved plans should show the fencing and approved exceptions (Section 36.2).

F. Best Management Practices

- 1) Construction activities shall comply with the BMP Handbook.
- 2) Temporary and permanent BMPs shall be installed in accordance with the approved plans. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
- 3) At all times during construction, environmental protection and erosion control devices shall be maintained in a functioning state. Such devices include, but are not limited to, sediment barriers, dust control devices, and vegetative protection.
- 4) Required BMPs (slope stabilization, infiltration facilities, revegetation, etc.) shown on the approved plans have been determined from representations submitted by the applicant and not confirmed by field inspection. Modification of the required BMPs necessary to correct inadequacies may be added at the time of the pre-grade inspection and shall be incorporated into the TRPA permit and site plans as additional conditions of approval.

G. Air Quality

- 1) Fugitive dust shall not exceed 40 percent opacity and not go beyond the property boundary or into waters of the region at any time during project construction.
- 2) No open burning of removed vegetation shall occur during infrastructure improvements.
- 3) Water shall be applied as needed to prevent dust impacts from extending off-site. Operational water truck(s) shall be on-site, as required, to control fugitive dust.

H. Noise and Vibration

- 1) All construction equipment, including vibration-inducing impact equipment, on construction sites shall be operated as far away from vibration-sensitive uses as reasonably possible.
- 2) Earthmoving and ground-disturbing operations shall be phased so as not to occur simultaneously in areas close to sensitive uses, to the extent feasible. The total vibration level produced could be significantly less if each vibration source is operated at separate times.
- 3) To prevent structural damage, minimum setback requirements for different types of ground vibration-producing activities (e.g. pile driving) for the purpose of preventing damage to nearby structures shall be established based on the proposed pile driving activities and locations, once determined. Factors to be considered include the specific nature of the vibration activity (e.g. type and duration of pile driving), local soils conditions, and the fragility / resiliency of the nearby structures. Established setback requirements (i.e. 55 feet) can be breached if a project-specific, site specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage would occur at nearby buildings or structures or provides further recommendations (e.g. alternative pile driving methods, site monitoring requirements) to avoid damaging nearby structures.

I. Archaeological Resources

- 1) If evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g. ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted and the appropriate jurisdiction and TRPA shall be notified immediately. A qualified archaeologist shall be retained to assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified.
- 2) If the archaeologist determines that the find does not meet NRHP, NVSHRP, or CRHR standards of significance, as applicable, for cultural resources, construction may proceed.
- 3) If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared.
- 4) If the find is determined to be significant by the qualified archaeologist (i.e. because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the recordation forms required by the applicable SHPO and location information to the appropriate information center.

J. Buoys

- 1) Buoys shall comply with the construction specifications set forth in the California Waterway Marking System or as otherwise recommended by the US Army Corps of Engineers or Coast Guard.

K. Pier Construction

- 1) No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife or Nevada Department of Wildlife and TRPA.
- 2) Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The permittee shall install a turbidity screen around the entire project site (in the water) prior to construction. This screen may be removed upon project completion only upon satisfactory inspection by TRPA to ensure that all suspended materials have settled.

III. CONDITIONS TO BE SATISFIED PRIOR TO COMPLETION OF THE PROJECT:

- A. Rehabilitation and cleanup of the site following construction shall include, but not be limited to, removal of all construction waste and debris.
- B. Upon completion of the project, as a condition of the release of the security, TRPA shall conduct a final site inspection to verify that all required improvements and revegetation are properly installed and that all conditions of the permit have been satisfied.
- C. Replanting of all exposed surfaces, as shown on the revegetation and slope stabilization plans, shall be completed within one year following the commencement of construction, unless the approved construction schedule establishes otherwise.
- D. Revegetation of compacted dirt areas not to be surfaced shall be in accordance with guidelines established in Chapter 4 of the Best Management Practices Handbook.

IV. ONGOING CONDITIONS

The following ongoing conditions shall apply for the life of project:

A. Operational Requirements

- 1) All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
- 2) No naturally occurring vegetation shall be manipulated or disturbed except in accordance with Chapter 30. No planting of new vegetation, or manipulation of naturally occurring vegetation, shall be permitted in the shorezone, unless such activities comply with the standards in Chapter 30.
- 3) Indigenous vegetation, appropriate to the backshore shall not be removed or damaged in the backshore, unless otherwise authorized under TRPA permit pursuant to Section 85.5 or Subsection 61.3.3 of the Code of Ordinances. Landscaping installed for the purpose of scenic quality may be maintained pursuant to Subsection 61.3.3.
- 4) All shorezone structures shall maintain compliance with the project description and approved plans associated with the permit. Any modifications, including demolition, expansion, relocation, and reconstruction, may require further TRPA review and approval pursuant to Code of Ordinances Chapters 80-85.
- 5) The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to ensure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
- 6) No containers of fuel, paint, or other hazardous materials shall be stored in the lakezone or shorezone.