

TAHOE REGIONAL PLANNING AGENCY (TRPA)
TAHOE METROPOLITAN PLANNING AGENCY (TMPO)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, August 26, 2020** commencing **no earlier than 12:00 p.m., via GoToWebinar**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its regular meeting. Pursuant to the State of California's Executive Order No. N-29-20 and the State of Nevada's Declaration of Emergency Directive 006, the TRPA meeting will not be physically open to the public and all Governing Board Members will be participating remotely via GoToWebinar. Please go to www.trpa.org for more information on how to participate. TRPA sincerely appreciates the patience and understanding of everyone concerned as we make accommodations to conduct business using best practices to protect public health. The agenda is attached hereto and made part of this notice. **(Note: The Legal Committee meeting will run on a separate meeting link, concurrent with the Operations and Governance Committee meeting)**

NOTICE IS FURTHER GIVEN that on **Wednesday, August 26, 2020**, commencing at **8:30 a.m., via GoToWebinar**, the **TRPA Regional Plan Implementation Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Discussion and Possible Direction of Draft Placer County Tahoe Basin Area Plan Amendments; **(Page 615) 3)** Discussion and Possible Recommendation of Proposed Amendments for TRPA Code of Ordinances Chapter 61, Section 61.3. Vegetation Protection and Management; **(Page 629) 4)** Committee Member Comments; Chair – Yeates, Vice Chair – Bruce, Aldean, Laine, Lawrence, Gustafson; **5)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, August 26, 2020** commencing at **9:30 a.m., via GoToWebinar**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Resolution of Enforcement Action: Calpac Properties, Inc.; Unauthorized Tree Removal, 350 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-060 and 370 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-059; **(Page 55) 3)** Appeal of Approval of Conditional Sewer Repair Permit, 3328 & 3320 Edgewater Drive, Placer County, California, APNs 093-094-041 & -042 (530-301-00), TRPA File # ERSP2019-0514, Appeal File # ADMIN2020-001; **(Page 323) 4)** Show Cause Hearing; Mountain Addiction, LLC; Justin Sheaff; Unauthorized Tree Removal, California Tahoe Conservancy Property, Placer County, California, APNs 092-010-021 and 092-010-035; **(Page 113) 5)** Closed Session with Counsel to Discuss Existing and Potential Litigation; **6)** Potential Direction Regarding Agenda Item No. 5; **7)** Committee Member Comments; Chair – Bruce, Vice Chair – Novasel, Berkbigler, Rice, Yeates; **8)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, August 26, 2020**, commencing **10:45 a.m., via GoToMeeting**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Recommend approval of July Financials; **(Page 1) 3)** Recommend approval of Nevada Division of State Land's Request for Disbursement of Excess Coverage Mitigation Funds (1,403,020.97) and Delegation to the Executive Director to release Excess Coverage Mitigation under Certain Circumstances; **(Page 25) 4)** Release of El Dorado County Mitigation Funds for Environmental Improvement Projects; **(Page 37) 5)** Upcoming Topics; **6)** Committee Member Comments; Chair – Aldean, Vice Chair – Gustafson, Bayer, Cashman, Cegavske, Hicks; **7)** Public Interest Comments

August 19, 2020



Joanne S. Marchetta,
Executive Director

This agenda has been posted at the TRPA office and at the following locations: Post Office, Stateline, NV, North Tahoe Event Center in Kings Beach, CA, IVGID Office, Incline Village, NV, North Tahoe Chamber of Commerce, Tahoe City, CA, and South Shore Chamber of Commerce, Stateline, NV

TAHOE REGIONAL PLANNING AGENCY	
GOVERNING BOARD	
Via GoToWebinar	August 26, 2020
	No earlier than 12:00 p.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

Members of the public may email written public comments to the Clerk to the Board, mambler@trpa.org. Comments for each agenda item should be submitted prior to the close of that agenda item. All public comments should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are always welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. In such an instance, comments will then be read into the record from the online web comment form; repetitive comments may be summarized. All written comments will be included as part of the public record.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance.

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<https://support.goto.com/meeting/help/download-now-g2m010002>.
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2. Find the link to the meeting at <https://www.trpa.org/document/meetings-notice/>. Clicking on the GoToWebinar link will open the GoToWebinar app automatically and prompt you to register for the meeting. Please register with your first and last name so that you may be identifiable in the event you would like to make public comment.



3. After registering, you will receive an email with the details of when and how to join the webinar including a direct link as well as a call-in number and access code.

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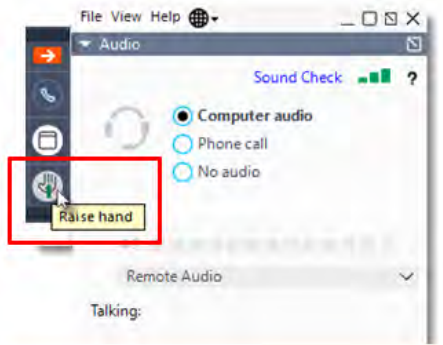
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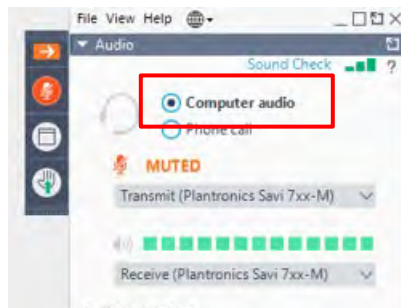
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5. At the appropriate time for public comments, you will be able to "raise your hand" by clicking on the Hand icon located on the tab to the left of your GoToWebinar control panel and a TRPA staff member will unmute you and indicate that you can address the Governing Board.



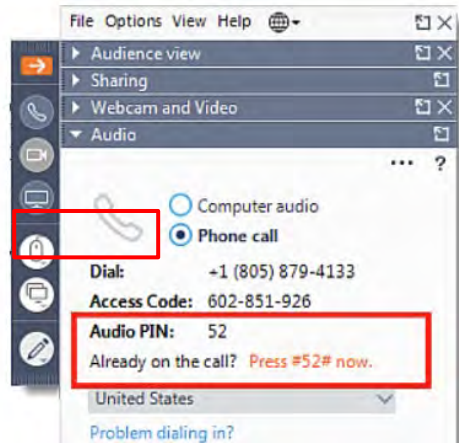
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On the meeting day, if you don't have the ability to use any of the GoToWebinar apps on your computer, smartphone, or tablet, and you would like to make a comment at the Governing Board meeting, TRPA can pre-register you for the webinar and provide you with dial-in instructions and a unique PIN that will identify you. Please contact TRPA admin staff at virtualmeetinghelp@trpa.org or call (775) 588-4547.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)
- VI. PUBLIC HEARINGS
 - A. Additional Public Comment Opportunity on the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS) for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test **Public Comment** **Page 111**
 - B. Show Cause Hearing; Mountain Addiction, LLC; Justin Sheaff; Unauthorized Tree Removal, California Tahoe Conservancy Property, Placer County California, Assessor's Parcel Number (APN) 092-010-021 and 092-010-035 **Action** **Page 113**
- VII. APPEAL
 - A. Appeal of Approval of Conditional Sewer Repair Permit, 3328 & 3320 Edgewater Drive, Placer County, CA, APN 093-094-041 & -042 (530-301-00), TRPA File # ERSP2019-0514. Appeal File # ADMIN2020-001 **Action** **Page 323**
- VIII. REPORTS
 - A. Executive Director Status Report **Informational Only**
 - B. General Counsel Status Report **Informational Only**
- IX. GOVERNING BOARD MEMBER REPORTS
- X. COMMITTEE REPORTS
 - A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project **Report** **Page 613**
 - B. Local Government & Housing Committee **Report**
 - C. Legal Committee **Report**
 - D. Operations & Governance Committee **Report**
 - E. Environmental Improvement, Transportation, & **Report**

Public Outreach Committee

F. Forest Health and Wildfire Committee **Report**

G. Regional Plan Implementation Committee **Report**

XI. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Governing Board on any item listed or not listed on the agenda including items on the Consent Calendar may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

XII. ADJOURNMENT

TRPA CONSENT CALENDAR

Item	Action Requested	
1. July Financials	Approval	<u>Page 1</u>
2. Nevada Division of State Land's Request for Disbursement of Excess Coverage Mitigation Funds (\$1,403,020.97) and Delegation to the Executive Director to release Excess Coverage Mitigation under Certain Circumstances	Approval	<u>Page 25</u>
3. Release of El Dorado County Mitigation Funds for Environmental Improvement Projects	Approval	<u>Page 37</u>
4. Resolution of Enforcement Action: Calpac Properties, Inc.; Unauthorized Tree Removal, 350 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-060 and 370 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-059	Approval	<u>Page 55</u>
5. Hekmat/Quiet Waters/Whitehead New Multiple-Parcel Pier 885, 887, & 889 Lakeshore Blvd., Washoe County, Nevada APNs 122-181-32, -64, & -65, TRPA File Number ERSP2020-0121	Approval	<u>Page 61</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category. Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been

taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, William Yeates, California Senate Rules Committee Appointee; Vice Chair, Mark Bruce, Nevada Governor's Appointee; James Lawrence, Nevada Dept. of Conservation & Natural Resources Representative; Sue Novasel, El Dorado County Supervisor; Belinda Faustinos, California Assembly Speaker's Appointee; Shelly Aldean, Carson City Supervisor Representative; Marsha Berkbigler, Washoe County Commissioner; Cindy Gustafson, Placer County Supervisor Representative; Vacant, California Governor's Appointee; Casey Beyer, California Governor's Appointee; Barbara Cegavske, Nevada Secretary of State; Timothy Cashman, Nevada At-Large Member; A.J. Bud Hicks, Presidential Appointee; Wesley Rice, Douglas County Commissioner; Brooke Laine, City of South Lake Tahoe Councilmember.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Online Meeting
Via GoToWebinar

July 22, 2020

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 10:15 a.m.

Members present: Ms. Aldean, Mr. Beyer, Ms. Berkgigler, Mr. Bruce, Mr. Cashman, Mr. Wlaschin for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Members absent: Mr. Hicks

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Ms. Marchetta said Consent Calendar Item Number 3 is continued to the August meeting. It was also continued to August at the Operations and Governance Committee earlier this morning.

Mr. Yeates deemed the agenda approved as amended.

IV. APPROVAL OF MINUTES

Ms. Aldean moved approval of the June 24, 2020 minutes as presented.
Motion carried.

V. TRPA CONSENT CALENDAR

1. Release of Placer County Water Quality Interest Mitigation Funds (\$10,000), and Air Quality Interest Mitigation Funds (\$50,000) for Phase 1 of the North Tahoe Recreational Access Plan
2. Release of City of South Lake Tahoe Air Quality Mitigation Funds (\$35,000) for complete reconstruction of a deteriorated bike trail on the Emerald Bay Road corridor
3. Disbursement of \$2,204,709.40 in Excess Coverage Mitigation Funds **Continued to August**
4. APC Membership appointment for the Tahoe Transportation District primary representative, Steve Teshara and alternate, Cody Bass, and the Tahoe Basin Fire Chiefs representative, Eric Guevin
5. Allison/Lockwood New Multiple-Parcel Pier, 184 & 200 Rim Drive, Placer County, California, APNs APNs 117-010-015 & -016 & 117-010-013 & -014, TRPA File Number ERSP2020-0045
6. De Laurentinum Limited Partnership New Pier & Multiple-Parcel Designation, 9101 HWY 89 and and 9120 South Lane, El Dorado County, California, APNs 016-131-007 & 016-131-001, TRPA File Number ERSP2020-0002

GOVERNING BOARD

July 22, 2020

Ms. Aldean said the Operations and Governance Committee recommended approval of items one and two.

Ms. Aldean said that the staff report for Consent Calendar Item Number 5 stated that there were no written comments received. She asked if there were any written comments received for either Consent Calendar Item Number 5 or 6, proposed pier projects.

Ms. McMahon said she was the planner for Consent Calendar Item Number 5 and there were no written comments received.

Ms. Good said she was the planner for Consent Calendar Item Number 6 and there were no written comments received.

Public Comments & Questions

None.

Ms. Novasel moved approval.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Wlaschin for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Motion carried.

Ms. Aldean moved to adjourn as the TRPA and convene as the TMPO.
Motion carried.

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Amendment No. 8 to the 2019 Federal Transportation Improvement Program

Ms. Aldean said the Operations and Governance Committee recommended approval of item one.

Public Comments & Questions

None.

Ms. Aldean moved approval.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Wlaschin for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Motion carried.

Ms. Aldean moved to adjourn as the TMPO and reconvene as the TRPA.
Motion carried.

VII. ADMINISTRATIVE MATTERS

A. Resolution Recognizing Bill Craven, Chief Consultant, California Senate Natural Resources Committee

TRPA team member Ms. Regan said she's had the privilege of working with many extraordinary members of staff. TRPA is fortunate to work with not only our federal delegation but both California and Nevada and the local government representatives. Today, what stands out is one incredible person that she's had the opportunity to work with for the past 10 to 12 years. Bill Craven has been the Chief Consultant at the California Senate Natural Resources Water Committee for the State of California. Truly, it stands out in her tenure at TRPA and the relationships that we've had the good fortune to work with. The people who work behind the scenes like Bill, are extremely important. They often don't get the credit for their hard work because elected officials are certainly in that role. We would like to recognize Bill for his contributions not only to Lake Tahoe but to the entire State of California which has rippled throughout the country in terms of the leadership on some of the environmental policy issues that Bill has worked on for many years. When you think of the environmental improvement program in Tahoe and the hundreds of millions of dollars that have been flowing through California here to the Basin, Bill has had a hand in that, and his policy legacy will live on for future generations.

Mr. Yeates read the resolution into the record.

Mr. Craven thanked the Governing Board for the resolution and said it's an honor. It's been great to work on issues in the Basin and even better when he could visit the Basin while working on those issues.

Board Comments & Questions

Mr. Lawrence said he heard Bill's name and reputation for many years before he had the opportunity to meet him. When they met and started working together it was under stressful and tough situations. That was when the relationship between California, Nevada, and TRPA was not at its high point. Bill's work, guidance, and perspective was key and valuable in the years that we were able to piece everything back together and have Nevada stay in the Compact and get the Regional Plan Update across the finish line. He thanked Bill both personally and from the State of Nevada.

Mr. Craven said it was important to resolve that bi-state issue.

Ms. Gustafson recognized Bill for his outstanding leadership and wisdom. He's been willing to share his perspective, honesty, and integrity. She appreciated working with him for many years and said his dedication towards our natural resource is phenomenal.

Mr. Bruce said he sent Bill a note on behalf of himself and the State of Nevada. It encapsulates the way he feels about Bill and his leadership. "Thank you for all you've done for our natural environment. We, including our children owe you a life time of outdoor happiness and adventure for your leadership and inspirational service over the years."

Ms. Regan said for those of us who do a lot of work with the legislatures understand the frenetic pace and the demands of time. Bill was always there for everyone, despite the crazy demands of his job.

Mr. Yeates said he's enjoyed working with Bill and it was Bill who got him appointed to this board. Our work will continue here on items such as getting the implementation of the vehicle miles traveled completed.

Public Comments & Questions

None.

Board Comments & Questions

Mr. Bruce moved approval.

Motion carried.

VIII. PLANNING MATTERS

A. Year in Review of Environmental Improvement Program Activities and Projects

TRPA team member Ms. Caringer provided the presentation.

Ms. Caringer said this is a 2019 year in review. With nearly 80 different partners implementing projects around the lake, it's impressive on what gets put on the ground in one year. The Environmental Improvement Program began in 1997 and is the implementation arm of the Regional Plan to accelerate the progress on threshold attainment. It's divided into four program areas: Watersheds and water quality that focuses on watershed restoration and improving lake clarity; Forest Health that focuses on protecting our communities from catastrophic wildfire and reducing hazardous fuels in the wildland urban interface. Also, restoring the forests to make it more resilient to threats such as climate change; Sustainable Recreation and transportation focuses more on the people aspect of how it interacts with the environment and improving the public access to the lake and public lands, improving air quality and getting people out of their cars and onto bike trails and pedestrian paths; Science, Stewardship, and Accountability: Applied science to ensure that all of the projects are informed by the best available science. Stewardship focuses on getting the public, the visitors, and residents involved in taking care of Lake Tahoe. Accountability is showing how we're spending all of the public and private funds for this program and making progress.

Watersheds and Water Quality: One aspect of that is the Stormwater Management Program and is largely implemented by the local jurisdictions. The local jurisdictions are continuing to exceed targets of the fine sediment, phosphorus, and the nitrogen load preventing that from flowing into Lake Tahoe and its tributaries. Cumulatively, they've prevented 476,000 tons of fine sediment from going into the Lake. That's a modeled number using scientific modeling to show where a project is implemented and the type of project and how much fine sediment reduction can be achieved based on location. Over 7,000 miles of street sweeping occurred last year by the local jurisdictions as part of implementing water quality projects and the total maximum daily load.

A couple of projects highlighted for the watershed restoration program are the Rosewood Creek and Third Creek restoration. Those tributaries to Lake Tahoe on the Nevada side have had many projects over the years. Through segment by segment on improving the erosion, wildlife habitat, water quality of those streams making it better for fish to migrate up and for less sediment to migrate down. Another watershed restoration program project is the City of South Lake Tahoe's Bijou Park Creek restoration project. The Whole Foods store opened last year in this area. That area now has a restored stream environmental zone restoration area that can capture water and take it behind the Whole Foods center and go under the road to Lake Tahoe. It was prone to flooding when it was the Knights Inn. Another project to highlight is the US Fish and Wildlife Service and the Nevada Department of Wildlife who were able to release about 5,000 Lahontan Cutthroat Trout into Lake Tahoe this past year. They did it as part of a media event at Fall Fish Festival to create a stewardship event to see these iconic native species and how they're introduced. They're all tagged and able to be caught by anglers. They're monitored to see where the Lahontan Cutthroat Trout go in Lake Tahoe and how they use this habitat to gain information for future restorations.

The Aquatic Invasive Species program is also part of the watershed and water quality program. There'll be more discussion on the Tahoe Keys later today. The other is the AIS prevention program which continues to protect the Lake from no new invasions.

Last year, one of the control projects was the Meeks Marina restoration. The former Meeks Marina was decommissioned but was infested with about three acres of Eurasian Watermilfoil. The Forest Service Lake Tahoe Basin Management Unit was able to partner with TRPA and the Tahoe Resource Conservation District to lay down mats in Meeks Creek. The mats were put down last year and are still in place. This is phase one of a bigger restoration project for that entire area of the Meeks Bay ecosystem recreation.

Forest Health: This has two programs within this focus area; Community Wildfire and Protection Program and Forest Restoration. The Community Wildfire and Protection Program focuses on reducing hazardous fuels in the wildland urban interface in preventing catastrophic wildfire. There were 5,408 parcels inspected for defensible space. That is thanks to new funding sources that the Tahoe Fire and Fuels Team were able to garner through the Southern Nevada Public Land Management Act funding and it gave more capacity for the local fire districts to increase their defensible space. It was also attributed to the homeowners being aware of the wildfire danger. The Tahoe Network for Fire Adaptive Communities has been part of the Tahoe Fire and Fuels Team and facilitated by the Tahoe Resource Conservation District focuses on informing the public about defensible space and living with fire. They held numerous block parties, public workshops, attended the local farmers markets with over 22 community events to inform people about wildfire danger and what they can do to protect themselves.

The Forest Restoration Program focuses on restoring the forest and creating healthy forest that are more resistant to wildfire. There were approximately 4,600 acres that were treated last year by a variety of different partners. The Lake Tahoe Basin Management Unit is about 3,000 acres of that and are the largest land owner in the Basin. There were 327 acres of private land treated last year which was much higher than previous years. Usually, it's around 10 to 30 acres on an average year. This was attributed to local fire districts implementing on private land. There were 535 acres treated by the State of California which was another record for one year and 300 acres were treated for the Spooner Lake Resilience Project. Highlighting two of those fire districts are the Tahoe Douglas Fire District who completed two large projects; one was a 56 acre thinning on top of Kingsbury adjacent

to the Tahoe Village Homeowners Association Community and 138 acres on private land in between Round Hill and Zephyr Cove. The North Lake Tahoe Fire Protection District were able to do two projects with Diamond Peak. Then also partnered with the Forest Service, state, and private property owners in the Crystal Bay area to get into some tough areas on a steep slope.

Sustainable Recreation Program: There's been improvements to trailheads over the past few years. As these trailheads increase in popularity, better parking, BMPs, and amenities become important to protect the environment and give visitors a better experience. One of the projects was at the top of Kingsbury at the North Benjamin Drive access to the Tahoe Rim Trail along with a couple of other hiking and mountain biking trails. Before it was dispersed parking often in the dirt with not a lot of BMPs. It improved the parking lots, trail maps, and restrooms. The North Tahoe Public Utility Districts trail improvements were at the North Tahoe Trail access point in the North Shore.

Also, for sustainable recreation there's major progress happening on the State Route 89 and the State Route 28 Corridor Planning. The Incline to Sand Harbor Tahoe Trail was open to the public last year and are seeing record visitation. The next eight miles is in planning and should happen later this year. Funding was acquired to start the State Route 89 feasibility study of the Tahoe multi-use pedestrian and bike path.

Transportation: Highlighted projects are the Meyers roundabout that was implemented by Caltrans and the Tahoe City Community Revitalization Program phase one project for the roundabout and the new bridge crossing over the Truckee River. In the City of South Lake Tahoe there was the Sierra Boulevard complete streets project that was finished last year through the City and the South Tahoe Public Utility District.

Science Program: The Tahoe Science Advisory Council is continuing to look into lake clarity and the divergence between winter and summer clarity. They're actively working on ways to investigate how the Lake is adapting to climate change. A few items to highlight are the White Satin Moth defoliation on the Nevada side near Spooner Lake. In 2017, there was an infestation of the White Satin Moth and the Nevada Division of State Lands, the Nevada Division of Wildlife, and the Institute for Natural Science partnered to look at the effects of that infestation on bird, nesting, and wildlife habitat. They should have the results of that study next year. The Tahoe Keys science investigation that happened in 2019 collected over 1.5 million data points to better understand the Tahoe Keys ecosystem and inputs and drivers of the weed infestation.

Stewardship and Accountability: The League to Save Lake Tahoe's Pipe Keepers program continues to grow, and this past year launched a new training program online. Volunteers are able to take a training course and help participate in the monitoring and data collection amongst pipes entering Lake Tahoe. As part of this program, volunteers learn how to sample stormwater, survey aquatic invasive species, and microplastics. In 2019, nearly 50 new pipe keepers were trained, and 40 new pipes were added to the monitoring list.

The Environmental Improvement Programs has around 80 partners implementing projects around the Lake. The collaboration cannot be understated. Over the last year the Tahoe Interagency Executive Steering Committee oversaw more than 14 different EIP working groups to help coordinate, implement, and leverage funding to implement all of these projects. It was this foundation of collaboration that the basin was able to rely on as the 2020 Covid pandemic started. This was proven to be very valuable for communication, coordination, and getting consistent

messaging out to the public on many aspects how the pandemic was affecting visitor and resident use in Lake Tahoe.

As part of the stewardship program there was Take Care messaging developed about mask wearing and social distancing. The Sustainable Recreation Working Group that was put into place a few years ago, now has over 30 active organizations meeting weekly to talk about how they're handling recreation, opening, messaging, troubleshooting hot spots and being able to support each other while operating under unprecedented conditions.

One of the messages at the Lake Tahoe Summit will be the continued commitment to the Lake Tahoe Restoration Act and funding for the Lake Tahoe Basin. Last year, they spent almost \$80 million on environmental improvement projects that came from a variety of different funding sources. A vital part for the federal share was the Lake Tahoe Restoration Act. In Fiscal year 2019, \$15 million was appropriated and was a key part in getting new projects on the ground. Those types of projects that need collaborative large scale planning are the Tahoe Keys project, Meeks Bay ecosystem restoration, and the feasibility study for the Tahoe Trail in Emerald Bay. The Lake Tahoe Restoration Act funds have been vital in getting those large complex projects off the ground. They'll continue to ask for a commitment to the Lake Tahoe Restoration Act this year when they get the federal congressional delegation here as part of the Tahoe Summit.

Ms. Regan said this year the annual Lake Tahoe Summit will be held on August 25 and will be hosted by Senator Cortez Masto on a virtual platform. TRPA is partnering through a summit working group under the charter of the Tahoe Interagency Executive Steering Committee. Coordination is being done with the Tahoe Fund, the League to Save Lake Tahoe, many stakeholders from both states, and the public and private sector to support Senator Cortez Masto's office.

Presentation can be found at:

[Agenda-Item-No.-VIII.A-EIP-Year-in-Review.pdf](#)

Board Comments & Questions

None.

Public Comments & Questions

None.

B. Status Update on Transportation Matters:

1) Progress Report on Bi-State Consultation on Transportation

TRPA team member Mr. Haven provided the presentation.

Mr. Haven said the two states following the 2017 Regional Transportation Plan convened a committee to look into transportation priorities. They're looking at a nearer term than the 25 years laid out in the Regional Transportation Plan to see where the states could align on transportation priorities as well as have alignment with the regional and local partners who are delivering those projects. That effort under previous governor administrations was concluded in 2018 and developed a ten year action plan on transportation. It was a broad list of transportation projects that the state could support and came

from local and regional efforts. In 2020, the Bi-State Consultation was reconvened by the states under the new administration of Brad Crowell, Director of the Department of Natural Resources in Nevada, and Wade Crowfoot, Secretary of Natural Resources in California reconvened the group in January to focus on top priorities. It's the initial set of projects that the states could align on with the region and local partners to support along with the extra step of looking into funding and how to get the projects on the ground.

Then the Bi-State consultation delegated that to a planning committee which was a subset of the full Bi-State Consultation to dive into understanding the transportation priorities, working with implementation partners and began to narrow that list. The committee has met over the past seven months under the leadership of Elizabeth Williamson, Deputy Secretary of External Affairs, California Natural Resources Agency and Jim Lawrence, Deputy Director, Department of Conservation and Natural Resources. Their work was to zero in on the top priorities and potential funding.

Some of the regionally significant projects include the US 50 Stateline Revitalization Project in the South Shore. The Highway 89 Emerald Bay Corridor, they'll look at those initial low hanging fruit projects to improve the parking, access in that corridor to make it safer, and in addition the trail around Emerald Bay. The Placer Resort Triangle Transit Priority Project, Placer County is looking to promote giving the transit priority access through State Route 89 and eventually State Route 267 corridors and having more of the managed land situation that makes transit more attractive and drives ridership. The State Route 28 corridor is working on building out the Stateline to Stateline bikeway of continuing the next eight miles from the new trail between Sand Harbor and Incline Village. It will extend this new trail from the terminus at Sand Harbor to Spooner Summit where there'll be improvements on parking and transit. The committee spent a lot of time on the free and enhanced transit to understand the priorities for developing and evolving the transit system to serve recreation, commuters, and ensuring that we can maintain a free system within the basin. That's in place now with Covid funding but that's going to need some effort to keep it going.

With those priorities identified, the next step was to look at the funding strategy. They discussed potential funding sources for these projects looking at the existing fairly limited fixed revenue formula funding. They also looked into discretionary competitive grant sources that would be available and eligible for these projects. It includes a number of California and Federal programs. There's still an additional funding need which is dependent upon the success of getting those discretionary grants. Even with some of those formula funds and success with those grants, there remains a funding gap that needs to be worked on as a region.

The next steps are in preparation of the August Lake Tahoe Summit and looking to develop these priority projects and funding into an action plan summary that can be highlighted at the Summit and be accepted by the full Bi-State Consultation. Hopefully with unified state and regional priorities established this broad support for those discretionary grants and a coordinated effort on generating any new transportation revenue is good timing for that exercise.

Board Comments & Questions

Mr. Lawrence said we convened the first round of the Bi-State Consultation on Transportation in 2017. Largely what was driving that idea was building on the success of a Bi-State Consultation when they were able to get consensus and help get the Regional Plan Update completed and adopted. The transportation system is stressed and it's a challenge in the Tahoe Basin. When this

started in 2017, his office was receiving a lot of calls on transportation and mixed messages on what the problems and solutions were. That's when the Bi-State was formed to get a better understanding of the issues, challenges, and to get a collective vision on priorities, solutions, and funding sources. As Nevada and California continued to implement climate policies, it was important to be able to align transportation efforts in the Basin with the two resource department efforts regarding state climate policies. They've gone a long way in getting more of consensus on vision and priorities. The next step is to take a look at these funding gaps from the short term priorities while not losing site of the long term priorities. There are funding issues regarding transportation and to get large scale funding solutions will take time. They'll need to address some of these challenges early and not wait for a final funding solution. The projects that have been identified by the group are those key projects spread out through the Basin that can make a significant difference if we can get those implemented right of way.

Ms. Gustafson said she's appreciated the collaboration of being candid through the bi-state process to share the concerns of the different local jurisdictions and looking at the priorities. Transportation is key to everyone and getting both states educated and understanding the efforts and support that will be needed to institute changes has been critical.

Mr. Yeates said hopefully we'll get buy in from both states as we move forward on putting together an action plan to present at the Summit. The South Shore Revitalization Project was a unanimous approval by the Governing Board. Emerald Bay is in critical need of some changes and there was success with the State Route 28 Bike Path. Those projects are ones that both states can endorse and then the question is how we can fund it.

Ms. Aldean said in addition to amending Article IV in the Bi-State Compact relative to the Tahoe Transportation District, there needs to be some legislative amendments in Nevada and possibly in California. If one of the funding sources involves the imposition of basin user fee; toll booths cannot be constructed on existing roadways in Nevada. There would have to be a legislative amendment to permit the charging of fees at the points of entry from Nevada into the Basin. Are legislative changes being looked at to implement such a fee?

Mr. Lawrence said if a fee is seen as the consensus solution, what's the path forward on legislative changes? Items such as toll roads would need statutory changes. The Tahoe Transportation District is looking at the Legislative Oversight Committee as a vehicle to look at legislative changes. We need to look at transportation through a lens that there is an immediate need. What can we do short and long term and make sure we're working parallel and that the short term builds a foundation for the long term. He doesn't believe that we have consensus that the basin user fee is the solution. He believes that there are people in support, others who are not, and some that are still undecided and have questions. Regarding legislative strategy, it's always best to get some of those foundational questions answered. The Bi-State hasn't had a full meeting discussing the pros and cons of a basin entry user fee. They are having discussions on the pros and cons of different approaches and strategies to transportation implementation and what does the Basin need.

Ms. Aldean said because the Nevada Legislature only meets once every two years, if consensus can be achieved on the implementation of a user fee then we need to expedite teeing up any legislation in order to move the funding source from an idea to implementation.

Mr. Yeates agreed that it's an issue.

Ms. Williamson, California Natural Resources Agency said overall she's pleased with the bi-state process and where that group has gone with looking at different priority areas around the basin and transit. We're in a good position and is happy with everyone coming to the table because there is such a need for the Basin. Having this core ten year action plan to focus the efforts on, getting buy-in, and having unified messaging will be critical to determine the funding needed.

2) Tahoe Transportation District Report on Regional Transportation Funding

Mr. Yeates said Mr. Hasty made this same presentation to the Tahoe Transportation District board and encouraged him to make this presentation to TRPA. We need to get TRPA and TTD on the same page. One of the reasons we went into the second round of Bi-State Consultation meetings was to get alignment from everyone in the Basin on what the priorities are. Once there was agreement on the priorities and which ones were ready to move forward then it's what is the likelihood of funding. Even some of the funding that was presented in Mr. Haven's presentation is questionable because of the formulaic manner in which transportation is funded and the competition for that funding. In addition, the work that transportation did on the ONE Tahoe project. His concern is he didn't want that out in front of all the other work that's being done to try and get projects that we can sell to both states to get their support for the funding needs. He asked for this presentation so we understand the Tahoe Transportation Districts needs and the work they've done to try and come up with solutions to resolve the regional transportation funding source that maybe we could tap into ourselves.

Mr. Hasty, District Manager, Tahoe Transportation District provided the presentation.

Mr. Hasty said the process that's been underway has been constructive and helpful. The conversations that have happened at TTD and their board have also been constructive. The presentation will refresh the board and bring them up to speed with where they are on the issue and how they can help fund getting the Regional Transportation Plan on the ground. As an implementing agency they have a lot of experience in getting tough projects on the ground. They've also dealt with transit and taking on a system that was in bankruptcy and learning about keeping a system on the ground as well as how to grow a system in the region. TTD looked at their own authority which has not been bringing anything to the table. It's not been a useful authority under the Compact, this is speaking to the funding authority.

The Compact direction is the multi-modal transportation system in order to protect the environment and preserve the quality of the experience, sustain the economy, and achieve the climate goals. To get the kind envisioned transportation system on the ground has taken about 40 years. When they look at funding and the ability to fund a lot quickly, its been missing.

Based on the 2017 Regional Transportation Plan there's about \$60-\$70 million annual shortfall. Many are working on the update of the RTP that will go before both boards later this year. They're having discussions with the Bi-State on the different ways they can fill the gap. The list that Mr. Haven laid out is a very optimistic one in terms of the success of those discretionary funds. There are very important nuances to whether they have the match to be competitive. The gap that was shown on Mr. Haven's slide could even be larger depending on the success of that discretionary arena. They think of the gap as more of a range and it depends on the type of projects. Operations and maintenance accounts for about 62 percent of total costs and the operations includes not just

addressing roads but includes transit operations such as transit capital and transit operations. It's a challenge for any jurisdiction and is no less of a challenge at Lake Tahoe.

They went through a stakeholder process of 18 plus months with about 28 to 29 different ideas from stakeholders and the general public asking what revenue ideas that they could support for establishing a type of regional revenue. The TTD authority has not proven itself workable. The existing authority that TTD has is a sales tax authority that has to be implemented in all jurisdictions at the same time which has proven to be impossible. It was attempted twice in the 1980s back when the City of South Lake Tahoe was acting as the administrative body for TTD and failed more so the second time. It's never delivered anything to the transportation program as a funding authority.

Going through those 28-29 ideas that came forward, one of them was tolls. What Morse Associates Consulting has recommended are user fees. There's a legal distinction between tolls and fees. Part of the criteria they looked at was if it was equitable, effective and efficient to the different types of user groups such as the non-commuters, commuters, resident businesses and non-residents who are the day visitors, and extended visitors. Because of the way fees are set up there's full transparency.

The idea is to levy this as a basin-wide fee, the US Department of Transportation is encouraging communities to look at alternative ways of funding transportation needs and services because the federal transportation system (transportation act) doesn't fund what it used to and there's the expectation that it's not going to change in the foreseeable future. California is a good example and Nevada has done the same thing in terms of where it's gone in Washoe and Clark County with the largest population where they've indexed their fees. A lot of the metro areas in California have levied sales taxes county wide for the long term of 30 years which now provides the bulk of transportation revenue for transportation improvements in those jurisdictions. Fungibility is important criteria because their experience when it comes to using discretionary funds or dedicated funds like sales tax has a defined purpose for which it can be used and where it can be spent. They need a funding source that will be the glue that holds the mosaic together thinking about the discretionary and formula sources that are very specific. Something has to hold it together and is where fungibility comes into play. A user fee is ideal for playing that role.

Important in looking at different funding ideas is how easy is it to administer, how expensive is it to collect, and distribute dollars. How flexible can we be in the future? This is another benefit of fees unlike a tax. A sales tax is for a specific purpose and amount and to make changes, it will have to go back and make a much more wholesale change. If it were a utility fee, periodically a utility fee gets adjusted to respond to the needs of the system. More revenue comes in than needs to be collected, then the fee can go down. If there's updates to the Regional Transportation Plan that are requiring more or additional improvements that could require a fee change. A fee has the ability to evolve and can be done in an transparent administrative process.

Part of the recommendation that came from this process was recognizing that most of the existing dollars that come into the Basin can be attributed to the local share of about a 95:5 ratio of local allocation to visitor. This approach would balance that out which is looking more at a 95 percent visitor versus a five percent local share. A convenient way to collect this would be through the vehicle registration address. Example of entry fees: Non-residents non-commuter groups (1 or more persons) entering the basin by vehicle: \$4.10/day. Non-resident, commuter groups (1 or

more persons) entering the basin by vehicle: \$1.06/day. Resident households: \$7.00/month and resident businesses based on trip generation of land use: average \$71/month.

Article IX of Bi-State Compact is the TTD authorizing language. Looking at their ability and that the fact it's not working and there are some prohibitions. This aspect of being able to charge a fee is prohibited in the Bi-State Compact. A tax or a charge for persons entering or leaving the Basin is prohibited. It was a point of contention in the 1980 Compact deliberation. Gaming in Nevada was opposed to the idea and California was very much in favor of the idea. The compromise was to not go there at that time. It's been brought up by Congressman Garamendi at the last couple of federal events. If they were going to change Article IX then one of the asks would be to change that prohibition.

Feedback from the TTD board was if they were to remove the prohibition this would be the type of language suggested: "By affirmative vote of at least two-thirds majority of the directors, impose fees, fix appropriate fee rates and manner of collection of fees from resident and non-resident transportation system users within the basin necessary to implement programs, projects, and services identified in the regional transportation plan that do not exceed the reasonable costs of implementation of the programs, projects, and services identified in the regional transportation plan including but not limited to the costs of environmental and other studies, planning, design, construction, maintenance, operations, property acquisition, equipment and materials procurement, financing, and administration."

One, any kind of vote having to go to all voters of all jurisdictions in California and Nevada has proven itself unworkable. The effort would be to queue up and reach consensus so they can address the 2021 Nevada legislative cycle. With the update of the Regional Transportation Plan the kind of revenues that they could be looking to fill this gap even for the short list, let alone the ten year action plan if they were to be successful in 2021 they would not anticipate being able to any kind of collection until 2023 at the earliest.

Presentation can be found at:

[Agenda-Item-No.-VIII.B-Status-Update-on-Transportation-Matters.pdf](#)

Board Comments & Questions

Mr. Yeates said there isn't agreement yet about what to do with this funding idea within the Bi-State and within the Basin there are mixed issues. If you look at the priorities that we've gone through and drill down to the extent that we're at now for example, the South Shore Revitalization project along with the Main Street Management Project and combined with the Event Center that was unanimously approved. In addition, the affordable housing will be done in South Lake Tahoe and the neighborhood amenities that go with everything. The change that will occur with the Main Street is transformative to that section of the Lake. That has a big price tag to it. If you look at Emerald Bay, you could say the same thing. We're going to have to do something different to get people out of their cars, provide a shuttle service, and some other parking management ideas to address people parking illegally and creating this bottleneck at Emerald Bay. Funding is going to be an issue. If we do what the Compact suggest in trying to encourage people to come and visit, we will have a reliable system to get out of their cars and reduce the impact of cars.

Mr. Lawrence asked how the Placer County Resort Triangle fits into the transportation user fee.

Ms. Gustafson said they initially approached the Town of Truckee and some their leaders on this issue. They put that on pause while they come to consensus on this in the Basin through the Bi-State. It's an area that they're interested in working collaboratively with the Town of Truckee for the impacts shared between the jurisdictions. The ski areas located on State Route 267 and 89 contribute significantly to traffic during the winter and how they address that is going to be critical. The funding mechanism would have to be governmental structure, memorandums of understanding, or joint powers authorities in order to work across and outside of the Basin lines. This needs to be explored as soon as they have the go ahead from TRPA, TTD, the Bi-State, and California and Nevada to pursue that. Both the public and business community sentiment in the North Shore is that they have to find means to control the visitation. Due to the Covid pandemic, they are experiencing what they believe are some of the largest visitation numbers. The timing is good for the public and business community to say that they can't deal with the volumes of people that could potentially come here and protect this environment and quality of experience. The question is what can we do to use both the fee and potentially congestion management pricing to help control that and fund the solutions necessary.

Mr. Hasty said the Tahoe Transportation Districts boundary is the same as TRPA's designated by the Compact. The 2017 Regional Transportation Plan had improvements that are outside of the Basin because there's recognition of the interplay and how important it is. The ideas are the type of joint powers authority agreements and the inter-government agreements that could be developed. That kind of application through some of authorities that even Placer County has right now by amending that are all possible ideas to be companion here which allow that kind of joint powers authority solution.

Mr. Lawrence said reading news articles, it sounded like decisions had been made. This is a complicated issue and there's a lot of questions to be answered. It makes sense on the timing of addressing those questions. He said there's been questions such as how the mechanics are going to work, what about in basin versus out of basin, etc. It's important as we work together to be able to talk with one voice and answer questions accurately. There are parallels when he looks at his experience being a northern Nevada resident. It's a much smaller scale but what about the impacts of people driving up from Gardnerville and Minden to go skiing at Heavenly. That's a winter time impact and there's not a lot of basin vehicle miles traveled for those people but is a basin impact. Maybe there's lessons learned on how we can apply these different geographic locations consistently across the two states.

Mr. Hasty said there's a lot more work to be done. What this enabling language would do is to provide the opportunity. To even get to two-thirds of a vote of the Tahoe Transportation District board is going to require a lot of work. There's administrative questions and process that would need to be addressed. They're going to the states to ask for tens of millions of dollars. What they're looking at is to change the authority to make it possible, then the work has to be invested to arrive at this decision that has to have all those answers and game plan laid out and vetted. Those would be the next steps.

Mr. Lawrence said the example that was brought to him that caused questions was along the lines of equity. For example, a Nevada resident that might be living in Minden or Gardnerville and commutes over Kingsbury Grade, works at the casino, and supports the local economy. That

commuter has a pretty small vehicle miles traveled footprint but is paying \$5.00/week if they're working five days a week. That's a larger fee than somebody that lives in the Basin or someone who is visiting from elsewhere who might have a larger VMT footprint.

Mr. Hasty said the fee can be customized. There are also services that would be enhanced as a result of this kind of fee. They've watched this transit ridership increase as business have started to open back up. The Tahoe Transportation District provides transit service to connect the Minden and Gardnerville area with Lake Tahoe and Carson City. Those off the hill workers use the transit service and is one way to get into the Basin. The more transit service they provide and it's not going to have fares then there's going to be a way for a commuter to get in. Other equity types of questions have to do with income, age, and veteran status. All those are part of setting up a system that can be customized to address and balance. There all also user groups who would have better access to Lake Tahoe if they are able to provide the kind of transit inter-regionally that's has been envisioned in the Regional Transportation Plan.

Mr. Beyer said having been involved in seven sales tax measures in California, six of the seven passing. He knows how difficult it is to get a consensus of local governments to put a sales tax on a ballot and then getting the voter support. The fee situation is a different alternative. He asked if they've done any polling or analysis of what the threshold level of a fee within the different jurisdictions. When they've done sales tax measures, they did poll to gauge the level of the voter's ability to say yes to something. Any time you create a tax or a fee, there's a human behavior component that needs to be put into fee.

Mr. Hasty said they did some statewide polling as well as in Basin in the beginning of the project and again after they were considering the fee idea. In general, the public gets it. There's a huge user group for Lake Tahoe. They understand the transportation issues and would like to see them remedied. The cost and the ideas were met overall with some pretty good reception. When you get to the decision time, then the polling should be done again.

Mr. Beyer said the Reno Tahoe International Airport is a boom to the community. He asked if there's been any factoring in for the air traveler and an associated fee.

Mr. Hasty said there's the Airporter service that is utilized by some coming to the south shore and there is the North Lake Tahoe Express that is sponsored by Truckee North Tahoe Transportation Management Association that some of those air travelers will also utilize, otherwise they're arriving in a vehicle. This idea would still be capturing them as opposed to "at the gate" from the airport.

Ms. Aldean said if we're successful in encouraging people to use transit, our revenue projections in connection with collecting a basin entry user fee needs to take into account diminishing returns over time. Is that part of the equation?

Mr. Hasty said yes. Part of the answer is to what degree, what kind of mode split would we be able to achieve and what would that target be in terms of automobile versus transit. How much growth can be expected in visitation over time and how much are we able to offset with the entire multi-modal strategy. For example, the Tahoe Transportation District board has adopted a goal of targeting a 20 percent transit mode split. By their analysis that would allow in the foreseeable future of being able to address some congestion issues as well as absorb some growth in visitor

travel to Lake Tahoe. They don't think that they'll get to the place unless Tahoe went to other measures such as a reservation system for the entire basin or major mass transit inter-regional ability to have to even approach the basin in their car. Would we have so large of an affect that we would still not be addressing revenue to maintain that kind of operation especially if they want to maintain a free to the user type of service.

Ms. Laine said the proposed language suggests that the Tahoe Transportation District is positioning itself to be more of project lead/implementor as opposed to just a funding source that local projects could tap into.

Mr. Hasty said it would be both. The Tahoe Transportation District provides transit now so there's the operations aspect of that. There are projects that TTD does and could continue to do but it doesn't mean it has to. Within the 2017 RTP, there are dollars that would go directly to local jurisdictions for local roads, for example. There are projects that local jurisdictions are going to do. There would be an annual process of how they would be allocated. That has been proposed to marry up with the annual Regional Transportation Plan that goes on now or can be annual. There's the local jurisdictions public works department, the two state departments of transportation, TTD, and TRPA. This money would be part of the rule making, how would that be done? There's been the proposal of having this technical group that's comprised of all those entities which TRPA has taken that step to establish this technical group. Then that would be brought before decision makers which has all the implementation organizations. That annual process is how that money would be allocated to whomever is doing the project and operation of services.

Ms. Laine said her concern is that's its clunky and very bureaucratic. She asked if the Tahoe Transportation District thought of annually allocating a percentage of those monies collected so they don't have to go through hoops and compete north shore, south shore projects, for example.

Mr. Hasty said that is exactly the kind of continuing dialogue and deliberation about setting all this up. These types of "fair share" questions have come up with the Tahoe Transportation District. There's enough experience in the Basin such as the Environmental Improvement Program where it's being dealt regionally and as a system and there has a lot of successful work that's gone into it. Every year the local jurisdictions update their five year list. The capital programming changes around. The proposal from the point of their consultant group is that everyone should have to agree on any kind of decision. They have a series of recommendations that were provided to them and they are happy share. There's a lot more dialogue that has to go on and is anticipated when there are things that are exclusively to local jurisdictions that money is needed then that's where it goes.

Mr. Lawrence said where Nevada is legislatively and what that means is where they are budget wise as well. They've been working together on the East Shore State Route 28, they've been able to get the shuttle in place to Sand Harbor, East Shore Trail built, parking lot with fees, and dynamic pricing on board. He asked if they see this basin user fee taking over the need for the State of Nevada to invest in the east shore shuttle system or to have paid parking nodes at recreation sites or do they see that as an addition to make everything work.

Mr. Hasty said this could go either way, it becomes an option. That's where what makes the most sense from the user and administration of all of this. In using paid parking, it gets to a place where your using it for a different reason that you need to create greater turnover or you need to be

able to incentivize people to use other times of the day when the demand isn't so high. It opens up these possibilities and provides more tools that's complimentary to what the demand on the Lake is and what the user would like to experience.

Mr. Bruce asked where the Nevada Legislature is with respect to this sample of enabling language. Essentially saying the discretion of how the funding would be used and taxed and handled by the Tahoe Transportation District.

Mr. Hasty said that door is already open with the existing authority. It's unfortunate that the existing authority isn't workable. The legislatures years ago made that possible. This particular mechanism like anything, there's going to be concerns and some of those may be along party lines. For example, having the two thirds majority of the Tahoe Transportation District board making a decision versus a vote of the people. Those will have to be addressed and an explanation provided. They've done some vetting along those lines but not nearly enough. Covid items tend to dominate right now. They're not coming in asking for revenue, it's about positioning for the future, where's the Basin going to go in that regard. He believes there's an appetite and willingness and if there's a consensus coming out of the Tahoe Basin, that's critical. No one will tackle anything if there's not enough of a consensus to go forward. There's an opportunity with all that we know including the update of the Regional Transportation Plan and where we're heading on climate to arrive at point where they have support being able to go forward.

Mr. Bruce asked if this is where he thinks transportation is going generally. For example, does he think Monterey might do the same thing.

Mr. Hasty asked if Mr. Bruce is referring to a regional approach.

Mr. Bruce said where certain recreational resort areas and larger municipalities are saying "if they're going to do that, we want to do that too."

Mr. Hasty said if someone was to look at successful mountain resort communities, they have figured out in a number of ways of how to tap what's driving their demand which is their visitation. They have a number of sources that they have established through means that are available to them. The unique thing for Tahoe is the challenge, we don't fit any typical mold. Most of those successful mountain resort communities are located in an entire county or they are just a town and most of the state mechanisms that exist are all oriented around a full county enablement. For example, in California that's a sales tax initiative. In mountain resort communities they've done it a number of ways, there's paid parking, restaurant tax, and the transient occupancy tax. They've not got to the point where it's necessarily using an entrance fee but, in a way, you are paying an entrance fee. Lake Tahoe hasn't done that nearly to the degree that it needs to in order to put the system in place. That trend has already been there and we're catching up with that trend. This is more of an approach about our regional self-help capability. He doesn't see that this would set any trend other than allowing us to go where the direction has been and is enabling us for Lake Tahoe's unique situation which would be the Compact.

Mr. Yeates said there were a lot of comments at the Tahoe Transportation District board about this language. There were some concerns about how you arrange a two thirds vote. Depending on how the vote goes, you could have California forcing Nevada to deal with a fee that they don't want or vice versa. If this legislation were brought up to California, the question would arise about

what additional programs should be funded with this fee. What is local governments interest here and what could Caltrans interest be in possibly being able to fund things as a result of coming into Lake Tahoe by eliminating some state costs. There's a lot with this. Mr. Hasty has not got out in front of us on this issue by bringing this up to the Nevada side first without trying to at least get a basin agreement on this. He suggested that Mr. Hasty and the Tahoe Transportation District work with TRPA staff on the language so we can address some of these issues. The Compact is the one that set up this program for a bi-state responsibility for protecting Lake Tahoe. He understands the wisdom of going ahead with this language and getting the authorization but we might look tone deaf at this time by going around trying to deal with a funding mechanism when there's so much happening in both states right now as a result of Covid. And the fact that Tahoe is running around trying to get additional funding to address its transportation needs when there's some unbelievable costs regarding public health and other issues that are on the front burner right now. We can be working together on this and trying to do this through the Bi-State to see if we can get some agreement on how we might go forward at this time. He understands the concerns because of the difference between the two legislative operations, because if we miss the timing with Nevada then we have to wait and at the same time if you launch Nevada and California is not ready it's not going to happen either. If everyone is in agreement, we can get around some of those issues.

Public Comments & Questions

Steve Teshara said he serves on the Tahoe Transportation District board but is speaking more broadly today. He thanked the board and senior management for allowing this discussion to take place today. It's been extremely helpful in contributing toward the dialogue of all the parties involved in these important discussions on how to fund transportation and transit in the Basin for the future knowing that we are in the eye of many folks who want to enjoy it. We've talked for many years about how we can provide transit and transportation and multi-modal services that make this a world class experience. While the private sector may be able to provide some revenue, the businesses and community cannot financially provide all that the visitation is requiring us to do for multi-modal visions. We do need to establish an equitable, effective, and fair share self-help source that can give the Regional Transportation Plan finance plan credibility and improve the competitiveness with regard to discretionary funding. Recently, they've lost some discretionary opportunities because they can't provide the level of funding, the local match that they need to be as successful as they've been in the past. The Tahoe Transportation District effort is about making its regional authority useable in support of the RTP for the benefit of our local communities, the governmental entities, and for those who flock to the Basin to enjoy. With the regional source using the TTD Compact authority, implementing partners can leverage private, local, state, and federal sources to continue in the process of delivering the RTP as those needs grow.

Elise Fett said regarding matching funds, in Washoe County there's a 13 percent tax that's collected from the vacation rentals. They've collected an enormous amount of money over the past couple of years and it would be fair for part of that tax money to be used for matching funds. She's had many individuals over the past 25 years who have wanted to have a small second unit on their property to help pay for their taxes, etc. It has not been allowed and is asking TRPA to consider allowing people to put small second units that are deed restricted to provide low income housing for in Basin workers to reduce commuting. In addition, she's previously suggested that we incentivize by reducing fees or use of custom modular buildings. It would help reduce the amount

of traffic that is being generated locally. The TTD has talked about improving the transit service to make it more efficient. There needs to be safe bike paths for people to get to these transit stations and have areas available to lock up the bikes. Many of the businesses rely on the visitors and rather than focusing on putting a fee out there that discourages people from coming here that support our businesses, rather reduce the traffic that's created by our people every day. Ninety percent of the problems for the Lake come from the roads so by reducing that traffic with the local people is important, we shouldn't just be focusing on the visitors.

Tobi Tyler, Sierra Club asked what the status was on electric buses and if some of these fees could be used for electrifying buses.

Mr. Hasty said the Tahoe Transportation District is electrifying its buses by ordering its firsts electric buses with additional larger ones to be coming on line. They've also invested in electric charging infrastructure at the Lake Tahoe Community College. That will be the primary charging point for these electric buses as well as at their yard. The future is going to bring more of that to both the TART and TTD system.

Peter Kraatz, Placer County Public Works Department commended the efforts of the Tahoe Transportation District staff, board, and consultant team. We collectively need to keep the momentum going. The comments are correct about the umbrella we're under with Covid. We need to plan for the future with transportation in the Basin. This item that TTD is focused on is setting up the authority for the future. It's that first step of many steps that still need to happen. There's a lot of details to be worked out along the way but without a regional funding program like this, the Tahoe Basin area will continue to plod along at too slow of a pace to keep up with the high visitation that the area continues to receive. We are 10 to 15 years behind on items such as parking management, public transit, and micro transit as compared to other recreation destinations like Park City, Utah, for example. The East Shore Trail Parking is a great example of infrastructure of the good things we're doing but we need to connect those items throughout the Basin with having consistent pricing for parking. There were good comments today about how that marries up with a basin fee but there's still things that need to be worked out for a fully connected multi-modal transportation system. Funding remains an obstacle not just for new infrastructure but for operations and maintenance of what's out there today and what we still need in the future. When we embarked on the Environmental Improvement Program when he joined Placer County it was a one billion dollar need to address water quality in Basin. They addressed the water quality need and were successful at a huge financial level.

IX. PUBLIC HEARINGS

A. Draft State Route 89 Recreation Corridor Management Plan

TRPA team member Mr. Middlebrook provided the presentation.

Mr. Middlebrook said the iconic West Shore also comes with challenges. We're all familiar with the traffic and parking backups through Emerald Bay, Camp Richardson, and Pope Beach and the associated issues with impacts to our natural and cultural resources, the visitor experience, and the Lake.

The corridor planning framework is how they've started to move from the Regional Transportation Plan high level vision goals that outlay the next 25 years and start to zoom in on the Basin based on

corridors and bundle projects for multi benefit results within each of those corridors. They've seen the success on State Route 28. In 2018, the Bi-State Transportation Consultation created a memorandum of understanding for the corridor planning framework which was the framework that set forth the State Route 89 corridor plan.

The steering committee for this plan is TRPA, the Tahoe Transportation District, and the Lake Tahoe Basin Management Unit. The consultant team is led by Design Workshop and includes transportation consultants and ORCA who are a team of ex-Disney officials who focus on that visitor experience. In addition, there's also the project development team that have been involved in the planning process from the beginning. They've also done extensive outreach with a stakeholder group that includes more non-profits, businesses, homeowners within the corridor to get a full view of everyone's needs, challenges, and what they see moving forward.

They've done 15 days of data collection and produced an existing conditions report that summarizes all of what they've heard on the ground from quantitative and qualitative methods. There's been dozens of meetings, online surveys and there are more webinars to come. They've received thousands of comments and questions from hundreds of full time residents, second homeowners, and visitors.

The key issues are the demand for this corridor that has exceeded the recreation infrastructure and is impacting the transportation system, visitor experience, and lake. Congestion and traffic are also of concern especially along the west shore particularly when you think about wild fire and emergency response.

The future vision and what they've heard from those challenges is creating this balanced and managed multi-modal corridor recognizing that the corridor has something for everyone and there's many different needs to be served through different techniques and strategies.

The desired conditions behind this vision are about finding that balance to cooperatively manage the corridor, to gain environmental improvements, and quality travel experience. The draft corridor plan lays out a number of additional metrics and monitoring for success that will be done throughout the corridor. It's about balancing the natural and cultural resources, visitor experience, and infrastructure and operations that everyone heard about during Mr. Hasty's presentation.

From all the work and stakeholder input, they generated a plethora of ideas within this corridor from projects to management strategies, to new types of recreation. They took all of the input and tested those against those corridor goals and desired conditions. Those were organized around a set of corridor wide tools and strategies around transit, trails, technology, and communities just like the Regional Transportation Plan and different strategies that all work together.

The key part about anyone individual strategy is that they will not be successful on their own and need to be interconnected in order for them to work.

When looking at the future of how people get to, from, and around the State Route 89 corridor, the team did a mobility alternatives analysis. That looked at four different future scenarios within the corridor based on how many people would be arriving by vehicle, bike, or transit. They looked at it through the auto dominant mode which is what there is today where most people are arriving by car and all the way to the other side of a car free future.

Looking at the travel model they focused in on the baseline which is from the data collection and what they would consider a busy summer day within the corridor. They looked at the peak visitation within that corridor which is the Emerald Bay and Pope to Baldwin segment. Within that they broke down the travel analysis to look at how many people they could realistically look to shift. They understand that not everyone is not going to be able to ride a bike or take the bus. On average there's 16,000 people who visit Emerald Bay on a busy summer day and about 10,600 have been identified as that high potential person to shift to alternate modes. Within the Pope to Baldwin segment the unique challenge is the roadside parking and congestion. They assume that all of the parking lots that currently exist at Pope, Baldwin, and Kiva beach would continue to exist and most likely move over a reservation system or some other type of parking management system but eliminating road side parking through that segment to reduce congestion and allow emergency vehicles to respond quicker. That equates to about 2,200 high potential transit or bike users within that corridor that they can offset.

When they looked at the assessments, they took into consideration not only the physical capacities but the operational feasibility. At full buildout in 2045 if every visitor moved through the corridor on transit it would be a fleet of 92 buses operating during the day coming to a bus stop every two to three minutes. While that would meet the environmental goals and move people out of their cars, the operational side doesn't make that as feasible. They took a step back and looked at some of the options in the middle. The travel models assumed no changes in visitor patterns.

Two examples in their case studies that fit in this scenario is Muir Woods, north of San Francisco and the Griffith Observatory in Los Angeles. They both have high demand for the recreation and public access with similar characteristics with their infrastructure. Muir Woods used the paid parking and transit system to flatten the peak. They were able to reduce their peak during the day by 50 percent. For the State Route 89 corridor plan they've assumed a 35 percent reduction from the peak which would be an overall 20 percent reduction from the average.

They're looking at three phases within the corridor plan as a possible framework for moving forward. The first phase would be to add a shuttle route from the existing Taylor Creek Sno-Park parking lot to Emerald Bay. This would run every 30 minutes. This is very analogous to the East Shore Express on the North Shore that runs from Incline Village to Sand Harbor. It's projected to be about the same size, similar operating costs and will result in 7,500 fewer cars going to Emerald Bay every summer month. This will result in getting 15 percent of people out of their cars in Emerald Bay. This will require many support projects such as parking lots, parking management systems, new bus stops, etc. that will need to happen along with the bus route in order to work.

The second phase of framework is where more layers of travel options are added and expanding the transit routes. It will go from having a shuttle from the Taylor Creek Sno-Park to Emerald Bay to expanding it to a shuttle route from the North Shore to the corridor. They're also working with Homewood Marina and Camp Richardson who have expressed interest in expanding their already existing water taxi services through a public private partnership to provide more public access to these recreation spots. This moves the needle on mode share and overall, for the corridor they could move one third of the people that normally arrive by vehicle in an alternate mode. This equates to 25,000 fewer cars in the corridor every summer month.

The final phase will be an expansion of the existing fleet and infrastructure. Muir Woods was able to phase their parking and transportation system by building upon it as people got use to the system.

At full buildout in this preferred framework it could be 60 percent less vehicles going into the corridor to enjoy the recreation and amenities. That equates to 37,000 fewer cars in the corridor. While this framework focuses on the summer months, they understand that there's need for year round access through this corridor. This system is being built to serve the peak summer visitors through the full transportation system but also to ensure access in those off months when there's no water transit or a full service bus route.

The transit routes and bike paths are part of the overall system along with a set of corridor wide recommendations that this plan has outlined. It is key and lynch pinned around a coordinated management approach and having the team that built this plan along with the partners to continue to work together as the implementation is done.

There's also the remaining section of the Tahoe Trail that currently ends at Meeks Bay in the north and Spring Creek Road in the south. Currently, there are request for proposals for a consulting firm to do the feasibility study for that missing eight miles of trail. For the highway right-of-way there's a lot of recommendations including restricting roadside parking, developing recreation speed zones, and enforcement. Because they're relying so much on technology and reservation systems and real time information, underlying technology will be important, as there is a lot of dead zones around through this corridor.

There's always going to be a need for increased operational resources. State Route 28 has set up some very unique funding mechanisms where they're able to share resources that are generated from the paid parking and to do the operations and maintenance of that corridor.

The corridor project management team will be developing an implementation memorandum of understanding that all partners will sign on to. While this presentation is being made to the Governing Board, all of the partners have their own processes and ways of integrating this corridor plan into their daily operations.

The Draft Corridor Plan will be available today at www.trpa.org/sr-89. Presentations will be made to all the partner agencies and their decision making bodies. There'll be additional stakeholder engagement through an interactive workshop the week of August 3. Also, there'll be two additional public webinars on August 10 and September 21. Go to www.trpa.org/sr-89 to sign up. Anyone interested in a presentation can contact Mr. Middlebrook at dmiddlebrook@trpa.org. The final corridor plan and recommendations will be brought back to the Governing Board in September.

Presentation can be found at:

[Agenda-Item-No.-IX.A-SR89.pdf](#)

Board Comments & Questions

Mr. Rice said he's concerned about the enforcement and safety aspect. People ignore the no parking signs and, in some locations, has created safety issues on the Nevada side of the lake. He asked how there will be adequate enforcement of these rules and regulations when law enforcement is stretched so thin.

Mr. Middlebrook said there's a variety of strategies the plan has outlined such as physical barriers, ticket pricing, etc. Those parking restrictions near Cave Rock and Zephyr Cove happened without any

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other alternative or strategies being implemented. The corridor planning process is what brings it all together. If there's going to be no more roadside parking then there'll be another bike lane, transit options, or a parking management system, for example. In terms of the physical restrictions of parking, it will be more than just signs and red paint. It will need to be physical improvements to the roadway to prevent that from happening. That multiple integrated strategies are how to avoid the issues that Mr. Rice cited on the East Shore.

Mr. Rice said unless people have an available alternative that they're willing to use, the problem will continue.

Mr. Lawrence said for many years State Route 28 had no parking signs that were not enforced. It took the corridor team to bring in the Nevada Highway Patrol and set up alternatives like the East Shore Express to make a situation where law enforcement and the courts were willing to enforce it. In regard to the first phase, are there infrastructure improvement costs included or what does the infrastructure estimate to make phase one a reality?

Mr. Middlebrook said the cost listed on slide 17 are just for the transit component. They understand it's not just purchasing the bus; the Tahoe Transportation District would also need an expanded bus yard to store the extra fleet. It would also not include the charging infrastructure for the electric buses. In Mr. Haven's presentation there was the bi-state project list with an estimate of \$20 million for State Route 89 which was a more accurate representation of the first phase. Some of the recommendations are farther along with better ball park estimates and have all the information available in detailed spreadsheets.

Ms. Novasel asked how they're addressing the homeowner associations.

Mr. Middlebrook said they reached out to at least ten of the homeowner associations. Some were hard to contact as they are defunct and didn't have websites. They did a specific focus group at the beginning of the process with just HOA members. There's been multiple presentations for HOA boards in the Rubicon area, Meeks Bay, and Spring Creek Road area.

Ms. Novasel asked Mr. Middlebrook to send her their list of homeowner associations that they contacted.

Public Comments & Questions

Amy Berry, Tahoe Fund on behalf of Cory Ritchie. She asked for additional information about bike safety along the corridor.

Mr. Middlebrook said safety throughout the corridor for all travelers is one of the goals. In some of the hot spot areas where there's a lot of traffic they've identified the need for expanded bike infrastructure. The Pope Beach to Baldwin Beach bike trail segment is already heavily used by a variety of bikers, skateboarders, walkers, etc. They've identified the need for cycle tracks through those high speed areas.

Laurel Ames asked what growth numbers were used. What's the total increase in cars in the projected plan now?

Mr. Middlebrook said within the State Route 89 corridor the model analysis didn't necessarily look at the growth of people, it looked at what can this system realistically and feasibility move. The baseline data collection is 2018. The overall sentiment from the team was that there was no desire to greatly increase the visitation from 2018 and even some desire to match the resources better with the visitation. If they can get more resources, there's better ability to handle current visitation. If there's less resources, then it's more of an adaptive management piece. Overall, for visitation growth to the Tahoe Basin is the work that's being done in the Regional Transportation Plan update and the model working group. Their system is looking at is how much can the transit and bikes travel and move through the corridor. The bigger conversation about what happens to those people that they can't move needs to happen at that basin wide level. You can't control Emerald Bay or Camp Richardson without having it move around the Basin somewhere else. They are dealing with what the transportation system can accommodate and it's not a massive growth or any growth from 2018 baseline level. The bigger conversation around visitation growth to the Basin as a whole is happening as part of the model working group with the Regional Transportation Plan update.

Cory Ritchie said Ms. Berry asked her question. It was specific to road biking because they travel at a higher speed than people typically do on a bike path. Her other question was about the shoulder, which Mr. Middlebrook addressed with the cycle tracks.

- B. Tahoe Keys Target Aquatic Weed Control Methods Test—Draft Joint TRPA Environmental Impact Statement and CEQA Environmental Impact Report, TRPA File# EIPC 2018-0011, Tahoe Keys, City of South Lake Tahoe, CA, Project Number 510-101-00

Ms. Marchetta said today is the first public webinar on the Draft EIS since its release on July 6. It presents the possible test alternatives and technical analysis of those alternatives. The first week of its release, three webinars were held. The first was to a stakeholder committee who was convened and has worked collaboratively to develop the control alternatives to the test. The second webinar was to an extended group of stakeholders who were the stakeholder consultation circle of approximately 30 organizations, agencies, and individuals who represent different interests in regard to these tests. The third webinar was presented to the Tahoe Keys Property Owners Association.

This is not at the stage of any final solutions for the Tahoe Keys. What's being presented are different methods for treating invasive aquatic weeds and rigorously designed tests of those methods either alone or in combination. This EIS isn't proposing any long term comprehensive solution for the infestation. They need to test methods first in the environment of the Tahoe Keys to get better information about how these different methods would work in the Tahoe Keys. This information will be used later when they're proposing a final solution on how to put methods together for the 170 plus acres of infestation. Tests also needed to be done first to be extra cautious that the remedy when selected would be effective and not have negative effects that had not been studied, anticipated, or planned for. This EIS looks at these testing options and the decisions on these tests will be later in the spring of 2021 and will be about what methods to tests.

Ms. Caringer, TRPA Environmental Improvement Program Division Manager will present on some of background and collaborative partnership, Mr. Zabaglo, TRPA Aquatic Resources Program Manager will summarize the test alternatives that were analyzed, Mr. Tucker, Lahontan Regional Water Quality Control Board will be filling in for Mr. Norman and will summarize some of the complex regulatory context and some of the special standards of this project. Following Mr. Tucker will be Mr. Good, Environmental Science Associates who is the environmental review consultant firm who will

present the technical analysis and findings of the Draft Environmental Impact Statement. While many topics were reviewed in the EIS, the heart of the issues are in water quality. Most of today will focus on the water quality because the stage we're at to seek input on the technical adequacy of the analysis that Mr. Good is presenting. Then Mr. Zabaglo will provide a recap and next steps at the end.

We all know and have learned from long experience to solve Tahoe's toughest problems like this invasive weeds problem at the Tahoe Keys takes a collaborative approach to reach a total solution. It wasn't until recently here in the region that we started treating the problem of weeds in the Tahoe Keys not as the property owner's association problem alone but rather treating it as a collaborative solution. Up until a few years ago, it was treated as the Tahoe Keys problem. A few years ago, the mindset was shifted, and they made the Tahoe Keys weed infestation our collective problem. We agreed to stand together with the property owner's association and go forward together in this common interest to protect the Tahoe Keys, Lake Tahoe, and its ecosystem along with the \$5 billion dollar economy. They began working with the property owners and other key stakeholders on this more collaborative and shared path. That public private partnership is now proven, we are not just in collaborative work together but also shared funding. The Lake Tahoe Restoration Act funds had paid for the environmental impact analysis for the EIS. Those funds are also helping pay for the collaborative facilitation of the stakeholder's group and some of the necessary methods test and monitoring.

Ms. Caringer said a major parity of the Environmental Improvement Program is to monitor, control, and eradicate the aquatic invasive species in the Lake. It's not just because they're an unsightly nuisance to beach goers and those who recreate but they also degrade Lake Tahoe's water quality, clarity, and disrupt the natural ecosystem and the natural habitat for the native species. The weeds proliferate and are persistent making them hard to eradicate. Over the past decade public and private partners have joined together to control the spread of the invasive weeds in the Lake by collaborating across different jurisdictions, engaging with scientists, prioritizing different control areas, and trying new and innovated ways to remove weeds. Lake Tahoe scientists and natural resource managers have ranked the Tahoe Keys Lagoons as the top priority for weed control because of the size of the infestation and the high recreational use by boaters that can cause spread of weed fragments to other areas. Despite the concerted efforts by the Tahoe Keys Property Owners Association to control the infestation, that population of weeds continue to grow.

Over the past few years, the homeowners and the Environmental Improvement Program partners including TRPA, the League to Save Lake Tahoe, and the Tahoe Resource Conservation District have worked together to determine where to start to solve such a daunting challenge. The infestation covers 172 acres of waterways and doesn't allow for an expedient or easy solution.

The infestation is within the private residential area but is a major public recreation access point to the Lake. Solving the weed issue garners an interest from stakeholder's region wide. This is a lake wide problem, not just a Tahoe Keys problem.

The Tahoe Keys Property Owners have tried many methods of weed control over the past 40 years and engaged with experts to try and find solutions. In 2018, after years of research, TKPOA asked TRPA and the Lahontan Regional Water Quality Control Board if they could expand their toolbox to consider aquatic herbicides. While aquatic herbicides are used in many other parts of the country haven't been permitted as a control method in Lake Tahoe. While some believe it's the only solution to significantly knock back and gain control of the infestation in the Tahoe Keys, others would prefer

it be the last option or never be introduced. They agreed that before the agencies could make a determination on using herbicides there would need to be a comprehensive analysis of the potential environmental impacts. They also agreed to initiate that broad stakeholder engagement process. Over the past few years, they've formed several stakeholder committees and what's resulted is a lot of good information sharing and discussion of many viewpoints. Through this process they've found that stakeholders want to work together to solve one of the Lake's most pressing environmental challenges. People felt that we needed to learn more about the different options and is what will be presented today. The stakeholder committee helped shape the current proposed project used to conduct a test of a variety of different control methods in the Tahoe Keys. This testing program would occur over three years with two additional years of project monitoring. It would allow TKPOA and resource managers to study, analyze, and compare the options in the unique environment of the Tahoe Keys. Both herbicide and non-herbicide options are on the table prior to developing, evaluating, and implementing a future large scale project in the Tahoe Keys.

The document being presented on today provides the environmental analysis of the tests; it doesn't provide a project recommendation but rather provides the analysis of the environmental effects which will be a tool in eventually making a decision. This document is a result of an intensive scientific study over the last year. Staff is asking for input on the adequacy, completeness, and conclusions of that analysis. If a control methods test is approved, resource managers will collect that data to inform the long term strategy which is still a few years out. Another environmental analysis will need to be conducted before that bigger project could be implemented. The process is intended to be thorough and based on scientific fact finding.

Mr. Zabaglo said they've been implementing aquatic invasive species control projects for several years now with a lot of success. With that success, they've learned is that multiple methods are needed. The Tahoe Keys is a huge challenge and number one priority. It's 30 times larger than any project that's been implemented to date. The conditions are difficult with the size and the loose organic "muck" layer that resides at the bottom causes poor visibility that makes other successful methods much more difficult to employ. A test approach was shaped in this collaborative setting with the stakeholders and includes the examination of new tools. Besides the testing of aquatic herbicides there are also innovative methods included such as ultraviolet light and laminar flow aeration. While ultraviolet light and laminar flow aeration have had some exciting results, they've been done at very small and limited scales. This test approach will incorporate all of these methods in standalone applications and in combination.

A massive data collection effort has resulted in over one million data points that allowed them to understand the existing conditions that are necessary to analyze the potential impacts of the test project. In addition, a nutrient cycling model was built with this information to understand how nutrients are moving through the system.

Multiple workshops were held last summer obtaining feedback on a scoping period. They received over 300 comments with a broad support for a test approach. There were numerous comments that suggested physical modifications should be considered as well as support for and against herbicide use. The boat back up station at the Tahoe Keys Property Owners Association west side continues to be used and is complimented by the bubble curtain and sea bins to prevent fragments from leaving the Tahoe Keys. Slide five represents the proposed project by the Tahoe Keys Property Owners Association and was refined by that stakeholder input. The test project would be implemented over a three year time frame and is intended to test the initial treatment methods that are likely to achieve

extensive weed reduction in a one time application in that first year. It would then be followed up with maintenance and spot treatment methods in years two and three.

The initial treatments in year one is referred to as Group A methods that include specific aquatic herbicides, ultraviolet light, and the laminar flow aeration. Group B methods are intended to be follow up or spot treatment methods that can handle plots of weeds after the initial treatment. That includes some of the more traditional methods with bottom barrier where feasible and suction and hand pulling. The ultraviolet light can also be used in this application.

Those alternatives include a non-herbicide only alternative and then one that also relies on dredging the substrate to control the weeds. Lastly, there's a no project alternative that's the status quo. The goal of this test is to understand what methods are likely to reduce weed infestations and bring them to manageable levels, reducing the chance of re-infestation and improved beneficial use of the Tahoe Keys such as water quality and recreation.

The control methods test would be implemented in 21 locations and were selected to ensure that the test accounts for the inherent variability within the Tahoe Keys and to have that triplicate testing of methods to ensure a scientifically rigorous design. The test area is a little over 41 acres.

In response to comments received the alternative (slide 9) is using non-herbicide methods similar to the proposed project but removing the herbicide component. It would include the use of ultraviolet light and laminar flow aeration. The ultraviolet light uses a specific wave length that when plants are exposed, cell walls in the DNA of the weeds are damaged and result in the dying of leaves and stems. The laminar flow aeration is intended to provide a consistent oxygen level from the surface through the upper layers of sediment. The sediment is often lower in oxygen levels, so if that can be increased, it is expected to break down that "muck" layer and results in fewer plants in the affected area.

The second alternative would use dredging as a primary means of control and would rely on excavation of the bottom substrate to remove the plants, roots, turions, and the organic "muck" layer. It could then be replaced with a more core substrate that may be less suitable for plant growth. The team brought in a Geo-technical expert to help craft this alternative because of the number of comments suggesting that this method should be considered.

During scoping they received several comments that suggested that they take a hard look at what a no project alternative would mean to the rest of the Lake. The team conducted a detailed analysis that's not typically done for a no project alternative. In this scenario, the Tahoe Keys Property Owners Association would continue with harvesting, fragment collection, and other activities allowed within their existing approvals. The test would not take place, nothing would be learned, and would increase the time to address this issue.

Some of the key regulatory considerations because aquatic herbicides have been proposed, any potential discharge requires more analysis and considerations in permitting that wouldn't normally be required for some of the other methods that might be able to be used. The California Environmental Quality Act and TRPA reviews are required. Aquatic herbicides are being considered because of the severe situation that we're in with the aquatic weeds. The Tahoe Keys Lagoons are part of Lake Tahoe and its Outstanding National Resource designation and with that has an anti-degradation requirement.

The Lahontan Regional Water Quality Control Board has a prohibition on herbicide use but does have an exemption to that process which the Tahoe Keys Property Owners Association is seeking. The analysis is helping inform that with the anti-degradation analysis. This provides the highest level of protection for waters like Lake Tahoe. The anti-degradation analysis will be available this summer and is a complimentary piece to this environmental analysis.

Some key considerations and requirements for that Basin plan prohibition is that the environmental impact report must be conducted per the California Environmental Quality Act. If herbicides are approved, a National Pollution Discharge Elimination System permit will be required. Any use would need to be in compliance with the anti-degradation policies and demonstrate that the minimum amount of any potential herbicide to be used is being implemented for an effective treatment. In order for an exemption to be granted, a description of why other non-herbicide methods have not effectively addressed the target weeds present in the Tahoe Keys. The property owners are also required to have peer reviewed monitoring, reporting, and mitigation plan program.

The anti-degradation policy states that there cannot be any long term degradation to baseline water quality that exists in Lake Tahoe. Even when there's a restoration project it has to ensure that there's no long term degradation. Short term is allowed when your implementing restoration or conservation type projects. That short term degradation is weeks to months and not years. Any degradation of water quality would have to be temporary. This anti-degradation analysis will help inform using information from this environmental analysis but also some additional information that's being created, developed. This will help inform whether or not these treatments would have that long or short term degradation in order for them to be used.

Mr. Good, Environmental Science Associates said he's been leading the evaluation of water quality and other aquatic resources. The environmental impact statement covers a lot of different potential resource effects from recreation, air quality, and traffic. Today's presentation will focus on the water quality and beneficial uses. All of the activities proposed in this project are in the lagoon waters.

There were five steps in the approach to evaluating the water quality effects. First, they had to decide which water quality constituents could be affected. There are dozens of water quality standards in TRPA's threshold standards and the Basin Plan water quality objectives. Some of them don't apply to the activities of this project for example, the water quality objective for radio-activity. A lot of TRPA threshold standards are specific to stormwater or tributary waters. Second, they did an extensive baseline monitoring in 2019. Third, they defined 13 specific water quality and environmental health issues. Fourth, they evaluated both direct and indirect effects for each one of those 13 issues. There's a lot of information available for public review that shows their work in detail on all these evaluations. There were five PhD specialists in different areas of aquatic scientist working on this project.

For the first step in these water quality constituents based on the initial study and in consultation with staff from the Lahontan Water Board and TRPA had ten constituents of focus: Water temperature; Dissolved oxygen, pH; turbidity; floating materials; phosphorus; nitrogen; harmful algal blooms; detectable concentrations of herbicides and degradants; and aluminum.

They collected measurements and water samples in the lagoons almost every day for about six months. This was to have an in-depth understanding of the physical, chemical, and biological components of the lagoon and ecosystems and how they're interacting to perform the functions

ecologically.

The baseline data collection included continuous 15 minute interval measurements of dissolved oxygen, temperature, and pH at 13 different stations throughout the three lagoons at shallow and deep depths. There's a lot of variability of water quality in the lagoons so the conditions present during the afternoon when photosynthesis is happening compared to at night and early morning when photosynthesis is shut down is very different. It's also different for the near surface and near bottom waters, particularly when there's strong stratification and not a lot of mixing. They also had a rain gauge and water level recorders on the lagoons collecting that data at 15 minute intervals. Twice a month they measured depth to ground water in wells that were installed around the perimeter of the lagoons. They measured water quality profiles of temperature, oxygen, and pH at one foot intervals from near the surface to the bottom. That is important for documenting the amount of water circulation or stratification that was happening which has a large bearing on other water quality components. Once per month, they collected water samples in the lagoons and sent them to a laboratory for analysis of nutrients and chlorophyll. Several times over the season they collected ground water samples for lab analysis for nutrients and measured turbidity in the lagoons. In June and October, they did the fish and macroinvertebrates surveys. July was the one-time sediment sampling and when the TRC conducted the terrestrial biology and wetland delineation surveys.

The issues around water quality are in two different sections: Section 3.2, Environmental Health that has a lot to do with beneficial uses. The six issues identified: EH-1: Herbicide applicator exposure and health; EH-2: Herbicide persistence; EH-3: Protecting drinking water supplies; EH-4: Toxicity to non-target plants and animals; EH-5: Aluminum toxicity; and EH-6: Harmful algal blooms.

For water quality, these seven issues are around compliance with water quality standards: WQ-1: Water temperature effects; WQ-2: Sediment disturbance and turbidity; WQ-3: Dispersal of aquatic weed fragments; WQ-4: Changes in pH; WQ-5: Changes in dissolved oxygen; WQ-6: Increases in total phosphorus; and WQ-7: Increases in total nitrogen.

The fourth step in evaluating direct and indirect water quality effects they started with a description of the methods and assumptions for each one of those 13 issues and are summarized at the beginning of those environmental health and water quality sections. They focused on protecting the lagoon receiving waters because the water quality standards apply in the lagoons. They don't rely on any dilution in the greater Lake Tahoe. If the standards are met in the lagoons, it will be pretty safe with the greater Lake Tahoe water quality. The evaluations boiled down to three key questions: How long would herbicide chemicals be detectable? Would water quality standards be met? And would beneficial uses be protected?

How long would herbicide chemicals be detectable? They started with the aquatic pesticide application plan that was prepared by the Tahoe Keys Property Owners Association in 2018. They considered the chemicals that they proposed for testing and eliminated penoxsulam because it requires multiple applications to be effective and it has by far the longest persistence in the water. Second, they considered the application rates that TKPOA had proposed based on their mesocosm study and literature review. It was decided to conservatively base their evaluations on the maximum allowable application rates. They also needed to research the lowest attainable laboratory reporting limits. Through contacting contract laboratories that are able to analysis these herbicide chemicals they determined that one part per billion is the lowest reliable

reporting limit. Using those maximum application rates and the one part per billion reporting limits, based on information on degradation rates of the herbicide active ingredients and assuming no dilution they came up with ranges of persistence in the environment that went from a low 6 to 36 days for Florpyrauxifen-benzyl and up to 120 days for Triclopyr. It will ultimately be up to the Lahontan Water Board to make a determination on how these estimated persistence periods fit with that requirement that those herbicide chemicals cannot be detectable for more than weeks to months and not years.

Would water quality standards be met? The 2019 baseline survey showed that already pre-project the water quality isn't good in these lagoons and the standards aren't met for at least six water quality constituents. The question is would these water quality conditions get any worse from the control methods tests or the alternatives.

Several items considered in this evaluation; one was what is the proposed timing and extent of the activities. Second, what are the protective measures that are built in to the design of how those activities would be conducted. Third, they considered whether real time monitoring of water quality could be conducted and used to adjust the methods or pace of the work to assure that water quality standards are met. They also prescribed additional mitigation measures to get a greater safety factor that water quality standards would be met. They considered literature including monitoring information from other similar projects. All of these considerations went into developing their expectations for what the extent and the duration of effects could be.

For turbidity they expect short term increases would occur during bottom barrier removal. Under the dredging alternative during suction dredging or discharge of the dewatering effluent. The turbidity could be minimized or controlled by using turbidity curtains at the dredging sites and implementing spill control and treatment of dewatering effluent. For any of the alternatives, turbidity monitoring can be conducted in real time during the activity to adjust those activities as needed to meet turbidity standards.

For dissolved oxygen they found no concerns for direct oxygen demand from the herbicide products themselves. As far as the oxygen demand from decomposing plants, those effects could be minimized by treating the plants when they're small so there's less biomass that's decaying. Second, by deploying aeration during decomposition of the plants which was one of the mitigation measures that was added in. For pH there was also no concerns for direct pH changes from herbicides largely because the herbicide products are applied in a small quantity compared to the volume of water in a lagoon treatment site.

With phosphorus and nitrogen there was an in depth evaluation that was based on the nutrient loading and cycling model that was developed and can be found in Appendix F. Some of the key findings were that most of the nitrogen and phosphorus in lagoons is not in the water, it's in the plant tissues. Plant decay becomes the biggest nitrogen and phosphorous source in the main lagoon when those plants die back and decay. It's a different situation in Lake Tallac where there's a much larger watershed and more incoming ground water. Together those external sources of nitrogen or phosphorous are more than the internal sources from plant decay. They've found that the algal productivity is correlated strongly in the main lagoon to the concentration of nitrogen and phosphorus in the water. However, that was not the case in Lake Tallac because the tannins in the water inhibit algae productivity. In the main lagoon they expect greater sensitivity in terms of algal blooms from increased water nutrients that could happen during decay of plants. The

phosphorous and nitrogen can be minimized by treating plants when they're small and another mitigation measure of applying Phoslock to inactivate phosphorus. Phoslock is made from bentonite clay and contains a rare earth mineral called lanthanum that binds with phosphorous. If this product is sprinkled on the water, it will bind to the phosphorous molecules as it moves down the water column. The phosphorous then remains bound in the sediments where it's not available for algae blooms for aquatic plant growth.

Would beneficial uses be protected? In terms of impacts to human health from herbicides, there was information from the product registration and safety data sheets. This information showed that there's no potential to exceed drinking water standards. There's also no acute risk or chronic exposure to workers applying the chemicals. Also, the containment and protective measures and the monitoring and contingency plans in the aquatic pesticide application plan provide a safety factor that they believe will protect people. In terms of the potential or increased harmful algal blooms occurrence at these test sites during the nutrient release from decomposing plants, the aeration systems that would be deployed would create circulation so the water wouldn't be as stagnant and warm, therefore, it would be less conducive to algal blooms. The phosphorous activation (Phoslock) would effectively starve the algae of an essential nutrient. Since 2017, the Tahoe Keys Property Owners Association has undertaken a testing and public notice program. If during the course of test there was cyanobacteria identified, it would be sampled and depending on the level of those toxins, warning signs and other public notices would be issued.

Regarding impacts to non-target aquatic life from the herbicides there was the 2019 baseline surveys on the fisheries and Benthic Macroinvertebrates. They have information on the aquatic toxicity and the product registration and safety data sheets and used the Environmental Protection Agency risk assessment methods for this evaluation. The most protective measure for aquatic life is pretreatment surveys. It would mean getting out there before any herbicide applications occur and doing aquatic plant surveys to identify any stands of non-target plants that should be avoided. The boundaries of these test sites would be adjusted so that those areas would be avoided. They would expect some loss of individual non-target plants but the impacts on the overall plant community would be negligible.

There are some other potential impacts to non-target aquatic life. Some plants and invertebrates would be burned by ultraviolet light or buried by bottom barriers. They do expect at the community level those impacts would be minimal. Fish and other mobile organisms would swim or crawl away as soon as they sense the activities. Deoxygenation during plant decomposition would be managed by aeration. The potential for aluminum toxicity to fish would be managed by controlling sediment disturbance and the sediment disturbance would be managed by ongoing real time turbidity monitoring. The rapid recolonization and long term benefits to native plant and animal communities that would be coming from aquatic weed control on a little over 20 percent of the total lagoon area that would be tested. To the extent that those tests would be affected in controlling the weeds, there would be a net benefit to these beneficial uses of aquatic life.

Mr. Zabaglo said Mr. Good and a team of scientist conducted an in depth and independent analysis that looked at multiple natural resource areas. What's being reported by them is if a control methods test can be implemented with careful protective measures, impacts are expected to be less than significant. Some of those protective measures identified in the analysis is that regardless of the methods approved, treating the weeds at the right time is critical. The treatment needs to occur early in the growing season when the biomass of those plants is low and use aeration which would help

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prevent oxygen depletion and excessive nutrient release and potentially the formation of harmful algal blooms. Real time monitoring should also occur in order to make adjustments during implementation to ensure standards are being met. Pretreatment surveys would be completed to avoid non-target plant communities and having appropriate test sites. What they're trying to understand in this analysis of a test, is can all those proposed tests or methods be tested. They would like input on whether those potential impacts been addressed adequately, are the protective measures sufficient and is the range of alternatives reasonable.

The DEIR/DEIS can be found at <https://www.trpa.org/document/projects-plans/>. The 60-day comment period ends on September 3, 2020. Comments can be made via email to TahoeKeysWeeds@trpa.org or mailed to or mailed to Dennis Zabaglo, Aquatic Resources Manager, P.O. Box 5310, Stateline, NV 89449.

The Final EIR/EIS and response to comments will be in the Winter of 2020/2021 and with certification from the Lahontan Regional Water Quality Control Board and TRPA's board in the Spring of 2021 with potential implementation of the Group A test methods in late Spring of 2021 and Group B test methods in 2022/2023.

Presentation can be found at:

[Agenda-Item-No.-IX.B-Tahoe-Keys_DEIR_DEIS.pdf](#)

Board Comments & Questions

None.

Public Comments & Questions

Jesse Patterson, League to Save Lake Tahoe said aquatic invasive species is the number one threat to the Lake's unique and fragile ecology. Where we are is the draft environmental document and where we need to go sooner than later is a long term management plan for the largest infestation at Lake Tahoe. Around 2013, the League identified that in order to address aquatic invasive species, the Tahoe Keys would need to be addressed. They were fortunate to have formed a very strong partnership with the Tahoe Keys Property Owners Association and many others at that time to start working through the process. It started with him presenting to the Keys for the first time ever and then it moved on to several good partnerships with citizen science programs and the League committing funding and technical assistance to solve this issue. One of those items was the bubble curtain protecting the west channel. What they've found through all those iterations of working groups and collaborative processes, is that more tools are needed in the tool box. They believe that this combined methods test with a wide stakeholder engagement, public and private investments, excellent facilitation, and extensive outreach opportunities gets us to that point where we're moving forward. This draft environmental review was well written and easy to understand despite all its technical information, science backing, and everything else involved. Its science based and pragmatic approach to this exploratory and innovative solution for the Tahoe Keys is ambitious but achievable.

He thanked both lead agencies; Lahontan Regional Water Quality Control Board and TRPA for taking this on. To the Tahoe Keys Property Owners Association for their patience, diligence, and being

adaptable. Lastly, to all the stakeholders who have been on this journey.

Moving forward, we need to keep our eyes on the prize. It took more than seven years to get to this point and feels that Lake Tahoe doesn't have another seven years to figure out what to do to address this infestation. The Lake remains at risk until there's something done in the Tahoe Keys despite all the efforts to date. Testing as many methods in isolation or combination is one great way to do it.

This draft environmental document pointed out that all potentially significant impacts from the proposed project can be mitigated leaving no significant impact. They'll continue to read the anti-degradation analysis from Lahontan and the rest of the document.

Trish Friedman asked what kinds of cyanobacteria toxins have been found in the Tahoe Keys, What is going on with the fertilizer use by the Tahoe Keys residents and has there been any testing done in the air in regard to the algae blooms.

Mr. Yeates said staff will respond to Ms. Friedman's questions offline. This is a public hearing to accept comments on the draft environmental document.

Tobi Tyler, Sierra Club said they have some initial comments while they're still reviewing the draft environmental document.

First, the anti-degradation analysis is not included in the draft. Though, inclusion of this analysis was promised during the scoping phase of this project. Since the anti-degradation analysis is essential to allowing herbicide use in Lake Tahoe for the first time, and since it's mentioned in the draft at least 60 times, they assert that the public comment period should be 60 days from the release of the anti-degradation analysis instead of 60 days from the release of the draft Environmental Impact Statement/Environmental Impact Report.

Second, they haven't been able to find any discussion of the cost of Action Alternative Two, the dredging option, it's quite clear from the description that this alternative will be extremely expensive. It would meet one of the Sierra Club's goals for complete removal of the weeds and their seeds from the lagoons, but are the lead agencies expecting the public to pay for expensive dredging, disposal, and replacement so Tahoe Keys property owners can continue boating from their back yards. The result of dredging and replacement will be unnatural lagoons in which the process of fine sediment deposition and weed infestation will resume all over again. This option doesn't solve the problem and the risk of aluminum toxicity to aquatic life are too high. Restoring lagoons to a marsh and completely removing the habitat for weeds would be a cheaper alternative and the public would be more likely to support restoration.

Third, Action Alternative One, the non-chemical treatments alternative is clearly the environmentally superior alternative and is identified as such in the draft document. They remain opposed to the proposed project as herbicide use in Lake Tahoe and the Tahoe Keys doesn't solve anything. It would open the door to more use and should never be used in Outstanding National Resource Waters. They support action Alternative One but even this alternative to test only non-chemical methods doesn't protect the Lake from the infestation that continues to threaten it. The staff report on page two cites a critical issue for the need to act quickly on the environmental threat of the spread of aquatic weeds. A physical barrier must be placed at the entrance to the Lake to close off the Tahoe Keys until the environmental threat is completely removed or until the lagoons are restored to marshes. Why

aren't physical barriers included in the draft document as one of the alternatives for protecting the Lake?

This public process during the Covid pandemic doesn't adequately satisfy the needs of all citizens of who would like to comment. Some citizens don't have computers needed for virtual participation. The process is too highly controlled and doesn't allow any of the spontaneity for public meetings. Now, one has to not only prepare and submit their comments the day before the meeting, you have to preregister for the meeting ahead of time. There's also no option to reply to comments during the meeting. The technology doesn't always work for everyone who tries to participate. For instance, raising one's hand doesn't always guarantee an opportunity to speak. The opportunities for public participation do not adequately satisfy the California Environmental Quality Act and the National Environmental Policy Act requirements. Lake Tahoe deserves careful high quality management and real solutions, not band aids like the proposed project. Lake Tahoe is not a chemical testing ground and applying a band aid to a severed artery is not a solution. The health of Lake Tahoe comes first. Allowing the use of aquatic herbicides without due exploration of alternatives such as the restoration, barriers, and thoroughly testing non-chemical methods first would be dereliction of our duties to protect this national treasure.

Elise Fett said the bubble curtain is not currently working. The compressor blew out and there's one on order. It was mentioned earlier that this is becoming a lake problem. It's a collaborative and it seems that we need the collaborative to help maintain these tests, including the laminar aeration tests. It turns out that the bubble curtain was not running throughout the winter. CLEAN-FLO installed the system and has been clear that these tests have been very successful, this system has been used for ten years successfully to eliminate nutrients, but it has to be ran 24/7 year round. The system was shut down at the Tahoe Keys for the winter and was supposed to be turned on in April but wasn't because of the compressor. It had to be ran all year long, so it was as successful as Ski Run Marina where it eliminated over 20 inches of nutrients. It does this by increasing the natural enzymes which bring the nutrients up and then the microbes digest the nutrients and then eliminates the nutrients. That resolves the source of the problem that has been pointed out over and over again. Mr. Good said they wanted to use aeration, if you were to use the testing of aquatic herbicides anyway, then shouldn't it be installed now and start trying to reduce the source of the problems which are the nutrients at the base. The system eliminated four feet of muck from Lake St. Catherine in Vermont in 2014 after four years of testing. It takes time but has to be done properly. We need large scale non-chemical methods to be running permanently and a collaborative that does these tests the way that they need to be done to show that they work.

David Blau, Board Member and Program Chair for the League to Save Lake Tahoe said they've been a key player in the stakeholder group for several years. They helped fund and design the bubble curtain as a containment method along with the laminar flow aeration technology experiments. He has 36 years' experience preparing National Environmental Policy Act and California Environmental Quality Act documents and resource management plans. He's read the entire environmental document and said this document has many strong points. It's very comprehensive, it meets the requirement of full disclosure which is required by law and was happy to see the no action alternative treated as a distinct alternative all the way through the environmental impact chapter. This is rarely done, usually the no action is one or two pages that dismisses if we don't implement the action, we don't achieve the project objectives. The way this has been done; it's been taken through the entire environmental analysis. It makes a case for the urgency to solve the problem and protect lake ecology. The no action alternative ended up with the most significant impacts from any of the alternatives. They were happy

to see that the proposed project has no significant impacts. The conclusion by the authors as pointed out by Mr. Good, was less than significant in environmental health, water quality, and aquatic biology.

Their one concern is the labeling of Action Alternative One, the non-chemical alternative as the "Environmental superior alternative." This is required by law, but it doesn't mean you have to go with it, rather it only needs to be identified. Their concern is that the logic was based on one criterion that the proposed project has barriers that would block off about half the boaters in the Tahoe Keys for possibly three plus months of the first year of testing. To block off those boaters in the spring of year one for three months in return they get years and years of cleaner channels, seems like a small sacrifice. They asked for all to take another hard look at the designation of the environmental superior alternative. It has nothing to do with environmental health, water quality, or aquatic biology. It's only based on recreation boater obstruction in the Tahoe Keys. They don't favor one tool over any other at this time. They feel it's essential that all the tools in the tool kit be tested that are in category A and B to get a true picture of the pros and cons of each tool. They can't afford to waste possibly three years looking at an alternative that doesn't come anywhere near reducing the biomass by 75 percent. That wasn't mentioned in the presentation but is one of the four primary goals of the project. They're asking to test all the tools and find a solution and a mix of tools that meets the objective of reducing the biomass by 75 percent.

Julie Soules said the environmentally superior alternative would be the way to go. The idea that the chemicals are safe is something that seems largely unproven. If you look back over history, years and years of things we thought were safe end up having long term unintended consequences. If there's an option to clean and control the weed situation without introducing chemicals, that has to be the first choice. She grew up in Lake Tahoe and appreciated the quality of the water and remembers drinking it all the time when swimming. Future children shouldn't be fearful of doing that because we've introduced new chemicals and unsafe items into the water system. The weeds to be dealt with but if there's an option that doesn't involve introducing foreign chemicals, it should be pursued first. Unless that fails, why introduce foreign chemicals into the Lake.

Eric Ronning said he also grew up in Lake Tahoe and 40 years ago he would dive down and drink the lake water. Prior to testing any aquatic herbicides that can potentially cause more nutrients and mutation of weeds that could make them stronger and more difficult to eliminate, take the time to test all the non-chemical methods properly. This needs to be done on a large enough scale with enough time to see results before introducing chemicals. No Round Up for Lake Tahoe and let's try the natural method first.

Laurie Kemper, 35 year resident of Lake Tahoe who worked for the Lahontan Regional Water Quality Control Board for 33 years. She's speaking as private citizen today. She commended staff and the experts that put this document together. We know that eradication is not possible, rather it's a long term management strategy. It's important that we take the time now to evaluate the methods to determine what's possible and achievable with the non-chemical methods. It's also important for the Governing Board to understand that the Lahontan Basin Plan requires that non-chemical methods be done first and evaluated prior to the Lahontan Water Board making a decision to allow pesticides or herbicides to be used at Lake Tahoe.

This draft environmental document could be used to do a longer term test and evaluation program where the non-chemical methods are tested first and done very well to see if we can meet the 75

percent. If not, then make a decision to try herbicides. Don't tie a decision to test herbicides ahead of knowing what's possible with all these creative ideas that are explored in the draft document. Decisions and permitting can be done conditionally and can be done over a series of decisions. She said herbicides could be considered as a possibility after the other options have been thoroughly evaluated. The environmental impacts may be considered less than significant; a violation of the non-degradation standard that's in place at Lake Tahoe because of the Outstanding National Resource Water designation, the allowance of herbicides would violate that standard and that would be considered a significant impact. Under the California Environmental Quality Act there can be a statement of overriding consideration that would allow that to happen looking at the benefits over the impacts. It's not genuine to say there are no significant impacts when you're talking about adding a foreign substance to Lake Tahoe that's never been done. Just the existence of that herbicide violates that objective to keep the Lake with levels of pesticides that are non-detectable.

Laurel Ames said we need to know how much better we can do with the non-chemical methods. The Sierra Club is opposed to using herbicides in Lake Tahoe and tributaries which are considered by the Environmental Protection Agency to be part of Lake Tahoe. If 75 percent of the weeds are removed, that leaves 25 percent of the weeds. These weeds just grow and grow, it means that Lahontan and TRPA will have to deal with weeds for the rest of time unless they close it off from the Lake. Once they close it off from the Lake, it's not a tributary anymore. They believe that a barrier that prevents the waters in the Tahoe Keys and their weeds and the poisons will not be discharged to the Lake. That includes the groundwater. She hopes that there will be a re-jigger and a reset while the agencies proceed to work on the project and solutions with greater emphasis than they have to date.

Madonna Dunbar, Tahoe Water Suppliers Association said they were a member of the stakeholder working group and have been involved for many years on the development of the project plan being presented. They've come along ways over the past few years and recognized everyone's collaborative spirit. They've shared ideas, concepts, and possible solutions and are moving forward from a much larger project with the potential use of herbicides that was presented a few years ago. The Tahoe Water Suppliers Association board subcommittee has been meeting and they'll be going back to the full board with final written comments for submittal. At this time, the Tahoe Water Suppliers board continues to support the testing of the non-chemical methods. They are fully in support of Alternative Action A.1 for the laminar flow aeration and ultraviolet light testing. This has been their position for a long time. She'll go back to their board to see if their position has changed as a full board. The reason why they still support the non-chemical path is that even a one-time herbicide test into Lake Tahoe as a tier three Outstanding National Resource Water with six filtration exempt water systems out of 60 in the country, isn't appropriate at this time. As mentioned by Ms. Kemper, this is a great opportunity for us to test the larger scale non-chemical methods to see how well those can work. Also, there is a plan B option of the diver assisted suction that should be checked on a larger scale that's being used successfully in quite a few places. It removes that plants physically with the roots and are reducing the biomass of the plants. If there aren't good results after they run quality controlled consistent tests over a couple of seasons, then let's have this discussion again. Alternative A.1 has been identified as the environmentally superior alternative that they would support. They are talking about how they would support Alternative Action two, dredging and replacing substrates is one way to address the growth conditions of the weeds. However, it is an artificial enhancement, it may promote more weed growth and the restoration wetlands ecosystems services may be more applicable in water quality mitigation than a riffraff substrate replacement. They appreciated the shift in development from past years, but this is now about enhancing the water quality in the Tahoe Keys section of Lake Tahoe. They'll be submitting additional written comments.

Board Comments & Questions

None.

X. REPORTS

A. Executive Director Status Report

Ms. Marchetta said Patrick Wright, Director of the California Tahoe Conservancy was asked to accept a six to nine month detail as the Interim Director of the California's Governors Forest Management Task Force. He is taking the place of Jennifer Montgomery who similarly moved over and accepted a six to nine month detail to help lead the states Covid contract tracing work. Jane Freeman, the California Tahoe Conservancy's Deputy Director will now be taking on that interim lead role at the Conservancy for their programs and projects. Dorian Fougères will be stepping up to take the interim Deputy Director position. In addition, Forest Supervisor, Jeff Marsolais of the Lake Tahoe Basin Management Unit took a position as the Forest Supervisor for the El Dorado National Forest. Danelle Harrison is now the Acting Forest Supervisor for the LTBMU and the Acting Deputy Forest Supervisor is Matt Jedra.

Ms. Regan provided an update on the coordination with the Covid pandemic.

Ms. Regan said we are all facing many issues related to Covid and TRPA has played a pivotal convening role to bring the partnership together on a few fronts. TRPA's Research and Analysis team has been tracking the number of Covid cases and rolling them up for the basin. We're nearing 400 cumulative cases for the basin. There are 129 active cases basin wide. Staff worked together through the Sustainable Recreation Working Group to convene the land managers and the public and private partners. Devin Middlebrook and others have led the charge for that. This group meets every Tuesday looking at what happened over the weekend and how to triage and improve system operations. There were huge messaging challenges because of different rules from county to county and state to state. They've activated a communication working group; a Covid Communications Team that include public information officers from the public entities as well as representatives from all the visitor's authority, and private sector operators. That group meets every Thursday to coordinate messaging going into the weekends. That group has been equally effective at trouble shooting a lot of issues and also works with the operators at the land management facilities, beaches, etc.

The public information campaign around masks that spawned from that group has been deployed out into the community with thousands of signs and billboards promoting the use of masks in Lake Tahoe. Placer County and the North Shore has an influencer campaign with Olympic athletes promoting the use of masks. The South Shore is also looking at a similar campaign using Olympic athletes and other influencers to stress the need to wear masks. All of that is a product of the epic collaboration in Lake Tahoe. The success of these working groups has also inspired the states of perhaps convening the County Health Officers from California and Nevada to have a similar working group to discuss issues related to county health issues and orders.

Today, the House of Representatives passed the Great American Outdoor Act which the Senate had done so several weeks ago. They're expecting that bill be signed into law by the President which would permanently authorize funding for the land and water conservation fund and

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additional funds for a very large and expensive backlog of maintenance in public facilities in National Parks, on Forest Service and Fish and Wildlife land, amongst other agencies. This is one of the great conservation milestones in history.

Every year we honor local community members with the Lake Sprit Awards. In recognition of TRPA's anniversary, we're going to have the Spirit of TRPA legacy honored. Nominations will be made for folks who have made a difference in making TRPA what it is today. Staff has identified several folks over the decades starting in the 1960s. Board members will receive a survey to suggest others or to vote on the recommendations. Later, at a board meeting or another function when it's possible to get together, we'll be honoring the Spirit of TRPA award winners.

1) Quarterly Report: April – June 2020

No further report.

B. General Counsel Status Report

Mr. Marshall said they responded to the open meeting law compliant that was filed with the Nevada Attorney General's office. Please let him know if you're interested in receiving a copy. On Monday, there was a status conference regarding the Garmong litigation. They'll be filing a second amended complaint which will start the full motion to dismiss over again.

XI. GOVERNING BOARD MEMBER REPORTS

None.

XII. COMMITTEE REPORTS

A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project

Mr. Hester said there are four items reported out on every month which are the design of the plan, the parking management, the transit, and the ownership, operation and maintenance. The draft for the parking management is expected on August 3 from the Tahoe Transportation District and their consultant. The transit information was presented to the board at the time of the Event Center proposed project. The on demand and the mainline on Highway 50 are the components that will be in the draft Main Street Management Plan. The design will be put together by mid to late August and then hopefully the final stakeholder working group meeting. That will then go through a review and comment with Douglas County, the City of South Lake Tahoe, and the Tahoe Transportation District before going to the Governing Board hopefully by October. The ownership, operation and maintenance will be held back. They feel that it's a better idea that the Tahoe Transportation District bring that later after they get to the 60 percent design and worked out with the City and County what right-of-way will be owned and operated by which entity, how they'll permit events, etc. It would be premature to get that ownership, operations and maintenance done now. The plan will move forward less that part of the plan.

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B. Local Government & Housing Committee

Ms. Novasel said the housing working group will meet in August.

C. Legal Committee

No Report.

D. Operations & Governance Committee

No Report.

E. Environmental Improvement, Transportation, & Public Outreach Committee

No Report.

F. Forest Health and Wildfire Committee

The committee recommend approval of the proposed amendments for TRPA Code of Ordinances Chapter 61, Section 61.3. Vegetation Protection and Management .

G. Regional Plan Implementation Committee

Mr. Yeates said the committee discussed the vehicle miles traveled threshold and project tool, as well as the new mobility mitigation measure. Based on the public comment, the be a technical advisory committee will be busy!

XIII. PUBLIC INTEREST COMMENTS

Eric Ronning is speaking today on the multi-use private pier that was approved on May 27, 2020. His family owns lakefront property at 105 Chipmunk in Kings Beach. This project is two littoral parcels away by the shoreline from the largest pier going into Lake Tahoe; Akatiff pier off of Brockway Vista Avenue. The way that the shoreline curves there and the 45 degree angle that the pier comes off the shore at takes this pier directly across all of the lakefront properties on Chipmunk Street. It's extremely detrimental to them. The Chipmunk Street lakefront owners need to be considered and acknowledged before this pier is allowed to be built. Part of the problem is the way that the applicants site plan was done. The pier is not centered on the site plan, the pier and the site plan focus mainly going up Brockway Vista Avenue and the site plan cuts off all of Chipmunk Street. If it would have shown some of Chipmunk Street, that everyone would have said "wow" what about Chipmunk Street. How odd was it that no one from Chipmunk Street attended the hearing or a made comments. The notice had an incorrect access number on the back, and he assumed it was rescheduled for a later time. There are TRPA compatibility findings that TRPA must find that the project is compatible with existing structures in the immediate vicinity. The rationale for TRPA's findings was that there are multiple piers in the vicinity that are approximately 250 feet long. The proposed pier is 362 feet long. The piers in the vicinity have one boatlift and 10 to 20 lights. The proposed pier has four boatlifts and 50 lights. The proposed pier doesn't meet the TRPA compatibility findings. The board was misled during the meeting because when they asked about the pier, staff replied that the piers in the vicinity are not quite as long as this one, although the homeowner's association pier to the south is almost as long.

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Mr. Yeates said this is an item that the Governing Board has already approved. He suggested that he contact TRPA's General Counsel to see if there are remedies for reconsideration.

Eric Ronning said no one heard from anyone on Chipmunk Street. That was a red flag and those property owners should have been contacted.

Mr. Yeates said the adequacy of the notice was raised at the meeting. The board was informed that the proper noticing was done.

Catherine Schoen, El Dorado County resident said she's suffered from poor memorandum of understanding coordination between El Dorado County and TRPA related to fence codes.

On May 25, 2020, her neighbors contacted El Dorado County Code Planning staff and asked if a seven foot fence would need a permit to which they replied in an email that no permit was needed. The response is unusual and incorrect since TRPA has not changed its Code of Ordinances to agree with El Dorado County recent code update. It still maintains even at that time on TRPA's website that fences needed project review and permitting for heights above six feet.

On June 8, she saw on TRPA's website that the text of six feet was in red. She contacted Jeff Cowen to verify if it was six or seven feet. She was told by Mr. Cowen that it was the stricter of the two and he would forward this issue of the neighbor's fence to Code Compliance. She left a message for Taylor Currier in Code Compliance on June 15 and then again on June 16 to let him know that fence work was continuing to a height of seven feet. Mr. Currier returned her call and then initiated a code compliance complaint. She thought that changes were being done because the text about six feet was no longer red on TRPA's website. She asked him if TRPA was getting out of the business of regulating fences, he said no. He gave an expectation of the typical scenario of a complaint and its course.

She emailed Mr. Currier on June 27 about how she was not making progress with El Dorado County Code Enforcement Division, she received an email from Mr. Currier on June 30 stating the case was closed as a non-violation because El Dorado County staff had provided the neighbor with a letter that said no permit was needed. This was six days after he had informed the neighbor on June 24, which was also the same day that he and other TRPA staff met with the neighbor to discuss TRPA's administrative remedy for the fence violation.

From the time of her complaint on June 16 to June 24, Mr. Currier had worked with El Dorado County Planning staff and the neighbor to let them know that the fence exceeded TRPA's threshold for six feet and that an administrative action would result. El Dorado County staff told the neighbor that when two jurisdictions have conflicting standards the stricter one would apply. According to an email from her neighbor to El Dorado County Planning staff, Mr. Currier didn't know that El Dorado County had updated their fence ordinances. This is an example of poorly coordination of agencies under a memorandum of understanding. Coordination MOU management is needed to keep agencies abreast of changes to each other's codes. MOU partners shouldn't disregard each other's code when they update their own. If TRPA is turning fence permitting over to El Dorado County, TRPA should have the correct information on their website. She hopes that TRPA doesn't let this incorrect example stand but rather completes the administrative corrective action for this new seven foot fence.

GOVERNING BOARD

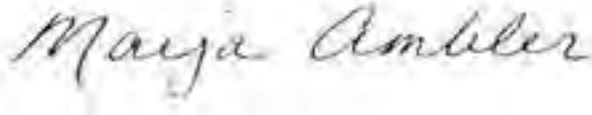
July 22, 2020

XIV. ADJOURNMENT

Ms. Novasel moved adjournment.

Chair Mr. Yeates adjourned the meeting at 4:13 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler". The signature is written in black ink on a white background.

Marja Ambler
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review

The July 22, 2020 Regional Plan Implementation Committee Meeting Minutes will be included the September packet.



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.org

STAFF REPORT

Date: August 19, 2020
To: TRPA Governing Board
From: TRPA Staff
Subject: July Financial Statements, Fiscal Year 2020/21

Summary and Staff Recommendation:

TRPA has been successful in maintaining our operations and serving the public with minimum disruption during this pandemic. We anticipate working remotely indefinitely. Current Planning and Shoreline permitting activities can be handled via websites, email, and telephones. Health and safety protocols are in place for anyone entering our offices. Lost productivity is minimal, and largely driven by extraneous factors like school system changes.

These financial results reflect performance against the FY 2021 budget approved by the Governing Board in the June meeting. The first month of the fiscal year normally has significantly reduced contract expenditures. Most invoices relate to the prior fiscal year. The first month's expenditures do not accurately reflect performance against the budget.

Staff recommends acceptance of the July Financial Statements for Fiscal Year 2020.

Required Motion:

In order to accept the Financial Statements, the Governing Board must make the following motion:

- 1) A motion to accept the July 2020 Financial Statements

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

We have now completed one month (9%) of the fiscal year. Revenues are at 3% of the annual budget, and expenditures at 4% of budget. Revenue is running behind due to uncertainties over state budgets. Expenditures are normally low in July due to the timing of contract expenses.

YTD Revenues and Expenses

Tahoe Regional Planning Agency

Fiscal YTD July 2020

	State & Local	Fees	Grants	Grand Total
Revenue				
Fees for Service		446,644		446,644
Grants		320		320
State Revenue				
Local Revenue				
Rent Revenue		37,311		37,311
Other Revenue	(0)			(0)
TRPA Rent Revenue		57,415		57,415
Revenue Total	(0)	541,690		541,690
Expenses				
Compensation	326,716	131,228	55,894	513,838
Contracts	4,500	9,000		13,500
Financing		5,028		5,028
Other	65,364	365	47	65,776
Rent	57,415	2,564		59,979
A&O/Transfers	(1,195)			(1,195)
Expenses Total	452,800	148,184	55,940	656,925
Grand Total	(452,800)	393,505	(55,940)	(115,235)

Revenues are below prior years at this point. Delays in finalizing state budgets due to the COVID pandemic and its' impact on government revenues kept us from billing promptly. We will bill both states this month. Current Planning Fees are 27% ahead of the year-to-date average of the last three years. Annual mooring fees are not due until September 30th. We have collected \$0.7M YTD in AIS fees vs. a budget of \$1.1M. Grant revenues are billed in arrears, at the end of the quarter.

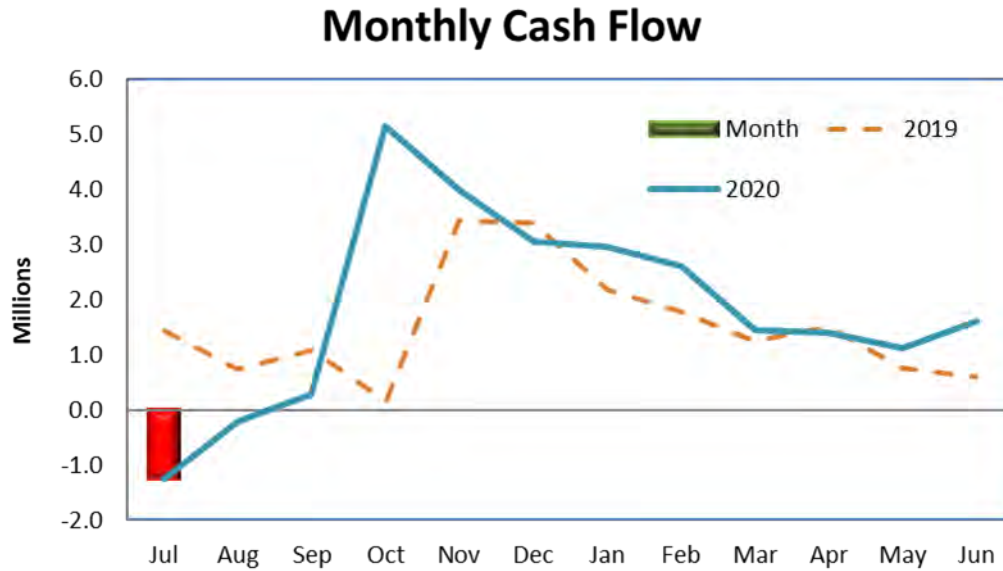
Expenditures are at or below budgeted levels. Compensation expenses are at 7% of the annual budget, consistent with the timing of payrolls. Contract expenses minimal due to normal lags in vendor billings. Our next debt service payment is in December.

TRPA Balance Sheet

The TRPA balance sheet is not available this month. We will provide one in September.

Cash Flow

Cash flow for the month was a negative \$1.2M. We received \$0.5 M in receipts and disbursements were \$1.8M. Planning fees continue strong reflecting increased permitting activity. Receipt of our State funds is delayed due to budget revisions.



When reading the detailed reports (attached), be aware that fund balances July not be intuitive. Negative balances mean revenues exceeded expenses. Positive fund balance occurs when expenses exceed revenue. This reflects the formatting in our accounting system.

Contact Information:

For questions regarding this agenda item, please contact Chris Keillor at (775) 589-5222 or ckeillor@trpa.org.

Attachment:

- A. Attachment I July Financial Statements

Attachment A
July Financial Statements

Tahoe Regional Planning Agency
Actuals vs. Budget by Program
Fiscal YTD July 2020

	Ann Budget	YTD	Remaining	% Remaining
TRPA Totals				
Revenue				
State Revenue	6,758,773	0	6,758,773	100%
Grants	4,394,581	320	4,394,261	100%
Fees for Service	3,662,741	446,644	3,216,097	88%
Local Revenue	150,000	0	150,000	100%
Rent Revenue	331,961	37,311	294,651	89%
TRPA Rent Revenue	688,980	57,415	631,565	92%
Other Revenue	90,303	0	90,303	
Revenue Total	16,077,340	541,690	15,535,650	97%
Expenses				
Compensation	7,195,433	513,838	6,681,595	93%
Contracts	6,885,833	13,500	6,872,333	100%
Financing	354,721	5,028	349,694	99%
Rent	725,408	59,979	665,429	92%
Other	1,061,366	65,776	995,591	94%
A&O/Transfers	15,298	1,195	14,103	
Expenses Total	16,207,464	656,925	15,550,538	96%
TRPA Net	(130,124)	(115,235)		

Agency Mgmt

Page #10

Revenue				
Fees for Service	0	0	0	
Grants	2,385	20	2,365	99%
State Revenue	5,768,881	0	5,768,881	100%
Other Revenue	90,303	0	90,303	100%
Local Revenue	150,000	0	150,000	100%
Revenue Total	6,011,570	20	6,011,550	100%
Expenses				
Compensation	1,890,749	139,757	1,750,993	93%
Contracts	91,423	1,900	89,523	98%
Financing	0	0	0	
Rent	4,877	0	4,877	100%
Other	217,077	2,776	214,301	99%
Expenses Total	2,204,127	144,433	2,059,694	93%
Agency Mgmt Net	3,807,443	(144,413)		

	Ann Budget	YTD	Remaining	%
Current Planning			Page #11	
Revenue				
Fees for Service	2,594,067	235,712	2,358,355	91%
Grants	3,600	300	3,300	92%
State Revenue	124,000	0	124,000	100%
Other Revenue	0	0	0	
Revenue Total	2,721,667	236,012	2,485,655	91%
Expenses				
Compensation	1,707,887	127,963	1,579,924	93%
Contracts	502,606	5,000	497,606	99%
Financing	21,436	3,519	17,917	84%
Other	89,314	255	89,059	100%
A&O/Transfers	738,508	0	738,508	100%
Expenses Total	3,059,752	136,737	2,923,015	96%

Curr Plan Net	(338,085)	99,275
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Envir. Imp.			Page #14	
Revenue				
Fees for Service	1,068,673	210,932	857,741	80%
Grants	1,648,798	0	1,648,798	100%
State Revenue	750,000	0	750,000	100%
Revenue Total	3,467,471	210,932	3,256,539	94%
Expenses				
Compensation	992,731	75,237	917,494	92%
Contracts	2,741,292	6,600	2,734,692	100%
Financing	15,783	1,509	14,274	90%
Rent	30,771	2,564	28,207	92%
Other	72,585	23	72,562	100%
A&O/Transfers	120,385	0	120,385	100%
Expenses Total	3,973,548	85,934	3,887,614	98%

Env Imp Net	(506,076)	124,998
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	Ann Budget	YTD	Remaining	%
L RTP				
Page #18				
Revenue				
Grants	2,205,345	0	2,205,345	100%
Fees for Service	0	0	0	
Other Revenue	0	0	0	
Revenue Total	2,205,345	0	2,205,345	100%
Expenses				
Compensation	1,254,907	85,563	1,169,344	93%
Contracts	1,415,866	0	1,415,866	100%
Rent	780	0	780	100%
Other	45,803	4,247	41,557	91%
A&O/Transfers	328,309	0	328,309	100%
Expenses Total	3,045,665	89,810	2,955,855	97%

L RTP Net	(840,320)	(89,810)
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	Ann Budget	YTD	Remaining	%
R & A				
Page #21				
Revenue				
Grants	434,452	0	434,452	100%
State Revenue	115,892	0	115,892	100%
Revenue Total	550,345	0	550,345	100%
Expenses				
Compensation	1,098,762	78,808	1,019,954	93%
Contracts	1,712,896	0	1,712,896	100%
Other	28,425	0	28,425	100%
A&O/Transfers	7,172	0	7,172	100%
Expenses Total	2,847,255	78,808	2,768,447	97%

R & A Net	(2,296,911)	(78,808)
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	Ann Budget	YTD	Remaining	%
Infrastructure				
Page #20				
Revenue				
Other Revenue	0	0	0	
Rent Revenue	331,961	37,311	294,651	89%
TRPA Rent Revenue	688,980	57,415	631,565	92%
Revenue Total	1,020,941	94,726	926,216	91%
Expenses				
Compensation	93,055	6,509	86,546	93%
Contracts	321,750	0	321,750	100%
Financing	317,502	0	317,502	100%
Rent	688,980	57,415	631,565	92%
Other	556,071	58,474	497,597	89%
Expenses Total	1,977,358	122,399	1,854,959	94%
Infrastructure Net	(956,417)	(27,673)		

Other				
Page #21				
Expenses				
A&O/Transfers	1,209,673	1,195	1,208,478	100%
Expenses Total	1,209,673	1,195	1,208,478	100%

TRPA Fee Report

Fiscal YTD July 2020

Selected Fees, Year to Year Comparison.

	2018	2019	2020	2021	3 yrs. avg
RESIDENTIAL	28,594	29,017	48,007	37,194	106%
GENERAL	19,434	4,999	30,453	20,856	114%
LAND_CHALL	(2,500)	14,050		20,435	354%
OTHER_REV	9,140	4,420	11,500	18,000	215%
REVISIONS		9,777	8,875	14,125	151%
TREE_RMVL	5,411	5,247	10,074	12,851	
COMMERCL_TA	9,875	5,300	13,256	11,095	117%
ALLOCATION	13,324	6,064	5,475	9,243	112%
SECURITIES			4,516	5,983	132%
SHOREZONE	5,000	11,700	10,000	5,356	60%
FULL_SITE	7,614	15,040	6,500	5,202	54%
MOORING				3,600	
RECR_PUBLIC	4,125	3,900	2,275	2,884	84%
GRADING	1,652	1,652	826	2,550	185%
LAND_CAP	1,602	4,272		2,200	75%
VB_COVERAGE	1,514	456		1,723	
SOILS_HYDRO	3,896	2,435	487	1,506	
IPES	1,038	540	861	1,443	177%
LLADJ_ROW	2,020			1,285	64%
VB_USE	720	720	1,872	964	
PARTIAL_SITE		1,058		824	78%
QUAL_EXEMPT	136	408	1,416	728	111%
SIGNS				598	
STD	785	396	1,629	370	
CONSTR_EXT	120	120	156	240	182%
RES_DRIVE	149		194	200	117%
ENFORCENMT	3,500	8,746	2,600		0%
QE SHOREZONE	462	462	1,131		0%
SUBDIV_EXIST	5,583		1,002		
UNDRGRD_TANK	554		790		
LMTD_INCENT			347		0%
TRANS_DEV	1,060	2,120			
TEMP_USE	1,314	689			
PRE-APP	848	424			0%
MONITORING	1,598				0%
HISTORIC	825				0%
NOTE_APPEAL	741				0%
Totals	130,135	134,012	164,242	181,454	127%

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Agency Mgmt			
GF Revenue			
Revenue			
State Revenue	5,768,881	0	5,768,881
Local Revenue	150,000	0	150,000
Other Revenue	90,303	0	90,303
Revenue Total	6,009,185	0	6,009,185
GF Revenue Total	6,009,185	0	6,009,185
Gov Board			
Expenses			
Contracts	1,067	0	1,067
Other	18,847	0	18,847
Rent	2,177	0	2,177
Expenses Total	22,091	0	22,091
Gov Board Total	22,091	0	22,091
Executive			
Expenses			
Compensation	725,057	52,021	673,037
Other	15,637	100	15,737
Expenses Total	740,695	51,921	688,774
Executive Total	740,695	51,921	688,774
Legal			
Expenses			
Compensation	265,685	18,694	246,991
Other	11,494	130	11,624
Expenses Total	277,178	18,564	258,614
Legal Total	277,178	18,564	258,614
Communications			
Expenses			
Compensation	226,466	16,538	209,928
Contracts	17,000	0	17,000
Other	62,703	2,452	60,251
Rent	2,700	0	2,700
Expenses Total	308,869	18,990	289,880
Communications Total	308,869	18,990	289,880

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Finance			
Expenses			
Compensation	458,682	38,364	420,318
Other	2,379	0	2,379
Expenses Total	461,061	38,364	422,697
Finance Total	461,061	38,364	422,697
HR			
Expenses			
Compensation	214,859	14,139	200,720
Contracts	73,357	1,900	71,457
Other	64,310	555	63,756
Expenses Total	352,526	16,594	335,932
HR Total	352,526	16,594	335,932
Env. Newsletter			
Revenue			
Grants	2,385	20	2,365
Revenue Total	2,385	20	2,365
Expenses			
Other	41,707	0	41,707
Expenses Total	41,707	0	41,707
Env. Newsletter Total	39,322	20	39,342
Agency Mgmt Total	3,807,443	144,413	3,951,856
Current Planning			
Current Planning			
Revenue			
Fees for Service	1,858,704	178,212	1,680,492
Revenue Total	1,858,704	178,212	1,680,492
Expenses			
Compensation	1,036,146	76,233	959,912
Contracts	137,230	0	137,230
Financing	21,436	3,519	17,917
A&O/Transfers	476,894	0	476,894
Other	8,839	0	8,839
Expenses Total	1,680,545	79,752	1,600,793
Current Planning Total	178,159	98,460	79,700

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Code Enforcement			
Expenses			
Compensation	355,542	27,703	327,839
A&O/Transfers	167,672	0	167,672
Other	2,143	255	1,888
Expenses Total	525,357	27,957	497,399
Code Enforcement Total	525,357	27,957	497,399
Boat Crew			
Revenue			
State Revenue	124,000	0	124,000
Revenue Total	124,000	0	124,000
Expenses			
Compensation	115,259	13,983	101,276
Other	49,008	0	49,008
Expenses Total	164,267	13,983	150,284
Boat Crew Total	40,267	13,983	26,284
Shorezone Boat Crew			
Expenses			
Compensation	16,741	968	15,774
Contracts	20,000	0	20,000
A&O/Transfers	8,113	0	8,113
Other	8,627	0	8,627
Expenses Total	53,482	968	52,514
Shorezone Boat Crew Total	53,482	968	52,514
Other			
Revenue			
Fees for Service	431,054	34,635	396,419
Revenue Total	431,054	34,635	396,419
Other Total	431,054	34,635	396,419
Legal - Direct or Disallowed			
Revenue			
Fees for Service	4,309	0	4,309
Revenue Total	4,309	0	4,309
Expenses			

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Contracts	4,309	0	4,309
Expenses Total	4,309	0	4,309
Legal - Direct or Disallowed Total	0	0	0
Settlements			
Revenue			
Fees for Service	150,000	0	150,000
Grants	3,600	300	3,300
Revenue Total	153,600	300	153,300
Expenses			
Contracts	146,067	5,000	141,067
Other	20,667	0	20,667
Expenses Total	166,733	5,000	161,733
Settlements Total	13,133	4,700	8,433
Shorezone - Planning			
Expenses			
Compensation	149,078	7,920	141,158
A&O/Transfers	69,881	0	69,881
Expenses Total	218,959	7,920	211,039
Shorezone - Planning Total	218,959	7,920	211,039
Shorezone - Implementation			
Expenses			
Compensation	35,122	1,158	33,964
A&O/Transfers	15,948	0	15,948
Expenses Total	51,070	1,158	49,912
Shorezone - Implementation Total	51,070	1,158	49,912
Shorezone - Communications			
Expenses			
Contracts	45,000	0	45,000
Other	31	0	31
Expenses Total	45,031	0	45,031
Shorezone - Communications Total	45,031	0	45,031
Current Planning Reimbursed			
Revenue			
Fees for Service	150,000	22,865	127,135

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Revenue Total	150,000	22,865	127,135
Expenses			
Contracts	150,000	0	150,000
Expenses Total	150,000	0	150,000
Current Planning Reimbursed Total	0	22,865	22,865
Current Planning Total	338,085	99,275	437,360
Envir. Imp.			
Watercraft Inspection Fees			
Revenue			
Fees for Service	1,029,085	173,243	855,842
Revenue Total	1,029,085	173,243	855,842
Expenses			
Compensation	145,063	9,837	135,226
Contracts	808,678	4,000	804,678
Financing	15,783	1,509	14,274
A&O/Transfers	0	0	0
Other	28,789	23	28,766
Rent	30,771	2,564	28,207
Expenses Total	1,029,085	17,934	1,011,151
Watercraft Inspection Fees Total	0	155,309	155,309
CA Gen Fund AIS Prevention			
Revenue			
State Revenue	375,000	0	375,000
Revenue Total	375,000	0	375,000
Expenses			
Contracts	375,000	0	375,000
Expenses Total	375,000	0	375,000
CA Gen Fund AIS Prevention Total	0	0	0
NV Gen Fund AIS Prevention & Control			
Revenue			
State Revenue	375,000	0	375,000
Revenue Total	375,000	0	375,000
Expenses			
Compensation	68,534	5,370	63,164

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Contracts	277,324	2,600	274,724
A&O/Transfers	0	0	0
Other	29,142	0	29,142
Expenses Total	375,000	7,970	367,030
NV Gen Fund AIS Prevention & Control Total	0	7,970	7,970
Tahoe Keys & Lakewide AIS Control (LTRA)			
Revenue			
Grants	27,184	0	27,184
Revenue Total	27,184	0	27,184
Expenses			
Compensation	18,268	1,732	16,536
A&O/Transfers	8,923	0	8,923
Other	7	0	7
Expenses Total	27,184	1,732	25,452
Tahoe Keys & Lakewide AIS Control (LTRA) Total	0	1,732	1,732
Lakewide AIS Control (USACE)			
Revenue			
Grants	300,000	0	300,000
Revenue Total	300,000	0	300,000
Expenses			
Contracts	300,000	0	300,000
Expenses Total	300,000	0	300,000
Lakewide AIS Control (USACE) Total	0	0	0
Sand Harbor Asian Clam Control (NDSL)			
Revenue			
Grants	23,090	0	23,090
Revenue Total	23,090	0	23,090
Expenses			
Contracts	23,090	0	23,090
Expenses Total	23,090	0	23,090
Sand Harbor Asian Clam Control (NDSL) Total	0	0	0
Shorezone Fees			
Revenue			
Fees for Service	0	29,412	29,412

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Revenue Total	0	29,412	29,412
Shorezone Fees Total	0	29,412	29,412
Env. Improv.			
Expenses			
Compensation	511,272	39,992	471,279
Contracts	20,000	0	20,000
Other	14,393	0	14,393
Expenses Total	545,665	39,992	505,672
Env. Improv. Total	545,665	39,992	505,672
CalFire Wildfire Prevention Outreach			
Revenue			
Grants	25,000	0	25,000
Revenue Total	25,000	0	25,000
Expenses			
Contracts	25,000	0	25,000
Expenses Total	25,000	0	25,000
CalFire Wildfire Prevention Outreach Total	0	0	0
BMP Enforcement in NV (NV 319)			
Revenue			
Grants	44,776	0	44,776
Revenue Total	44,776	0	44,776
Expenses			
Compensation	35,122	4,107	31,015
A&O/Transfers	9,569	0	9,569
Other	85	0	85
Expenses Total	44,776	4,107	40,669
BMP Enforcement in NV (NV 319) Total	0	4,107	4,107
Stormwater Planning Support			
Revenue			
Fees for Service	39,588	8,277	31,311
Revenue Total	39,588	8,277	31,311
Expenses			
Compensation	0	3,006	3,006
Expenses Total	0	3,006	3,006

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Stormwater Planning Support Total	39,588	5,271	34,317
(CLOSED) EPA - CRAM			
Revenue			
Grants	47,916	0	47,916
Revenue Total	47,916	0	47,916
Expenses			
Compensation	32,684	2,003	30,681
A&O/Transfers	15,232	0	15,232
Expenses Total	47,916	2,003	45,913
(CLOSED) EPA - CRAM Total	0	2,003	2,003
(CLOSED) Lahontan			
Revenue			
Grants	12,200	0	12,200
Revenue Total	12,200	0	12,200
Expenses			
Contracts	12,200	0	12,200
Expenses Total	12,200	0	12,200
(CLOSED) Lahontan Total	0	0	0
(CLOSED) BOR SNPLMA			
Revenue			
Grants	51,070	0	51,070
Revenue Total	51,070	0	51,070
Expenses			
Compensation	34,939	85	34,854
A&O/Transfers	15,948	0	15,948
Other	183	0	183
Expenses Total	51,070	85	50,985
(CLOSED) BOR SNPLMA Total	0	85	85
USFWS AIS Control Lake Tahoe 2			
Revenue			
Grants	1,117,563	0	1,117,563
Revenue Total	1,117,563	0	1,117,563
Expenses			

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Compensation	146,849	9,105	137,744
Contracts	900,000	0	900,000
A&O/Transfers	70,714	0	70,714
Expenses Total	1,117,563	9,105	1,108,458
USFWS AIS Control Lake Tahoe 2 Total	0	9,105	9,105
Envir. Imp. Total	506,076	124,998	631,075
L RTP			
Long Range & Transp. Planning			
Expenses			
Compensation	564,907	46,954	517,952
Contracts	90,000	0	90,000
Other	9,179	0	9,179
Expenses Total	664,086	46,954	617,131
Long Range & Transp. Planning Total	664,086	46,954	617,131
TMPO			
Expenses			
Contracts	138,863	0	138,863
Other	36,591	4,200	32,391
Rent	780	0	780
Expenses Total	176,234	4,200	172,034
TMPO Total	176,234	4,200	172,034
Transportation			
Revenue			
Compensation	1,015	0	1,015
Grants	1,265,011	0	1,265,011
Revenue Total	1,263,997	0	1,263,997
Expenses			
Compensation	641,417	36,346	605,071
Contracts	315,546	0	315,546
A&O/Transfers	307,034	0	307,034
Expenses Total	1,263,997	36,346	1,227,650
Transportation Total	0	36,346	36,346
CA Prop 1B Transit Capital Improvement Program South Shore			
Revenue			
Grants	150,000	0	150,000

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Revenue Total	150,000	0	150,000
Expenses			
Contracts	150,000	0	150,000
Expenses Total	150,000	0	150,000
CA Prop 1B Transit Capital Improvement Program South Shore Total	0	0	0
CA Prop 1B Transit Safety and Security-South Shore			
Revenue			
Grants	37,000	0	37,000
Revenue Total	37,000	0	37,000
Expenses			
Contracts	37,000	0	37,000
Expenses Total	37,000	0	37,000
CA Prop 1B Transit Safety and Security-South Shore Total	0	0	0
Transportation SB1 Formula & Competitive			
Revenue			
Grants	284,457	0	284,457
Revenue Total	284,457	0	284,457
Expenses			
Contracts	284,457	0	284,457
Expenses Total	284,457	0	284,457
Transportation SB1 Formula & Competitive Total	0	0	0
NDSL LTLP Shoreline Plan			
Revenue			
Grants	20,000	0	20,000
Other	33	0	33
Revenue Total	19,967	0	19,967
Expenses			
Compensation	14,680	0	14,680
A&O/Transfers	5,287	0	5,287
Expenses Total	19,967	0	19,967
NDSL LTLP Shoreline Plan Total	0	0	0
USFS Meeks Bay Restoration			
Revenue			

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Contracts	200,000	0	200,000
Grants	238,442	0	238,442
Other	0	47	47
Revenue Total	38,442	47	38,489
Expenses			
Compensation	25,995	2,261	23,735
A&O/Transfers	12,447	0	12,447
Expenses Total	38,442	2,261	36,182
USFS Meeks Bay Restoration Total	0	2,307	2,307
USFS Emerald Bay Corridor Plan			
Revenue			
Compensation	6,893	2	6,891
Contracts	200,000	0	200,000
Grants	210,434	0	210,434
A&O/Transfers	3,541	0	3,541
Revenue Total	0	2	2
USFS Emerald Bay Corridor Plan Total	0	2	2
L RTP Total	840,320	89,810	750,510
Infrastructure			
General Services			
Expenses			
Compensation	93,055	6,509	86,546
Contracts	25,703	0	25,703
Other	154,963	256	154,708
Rent	688,980	57,415	631,565
Expenses Total	962,701	64,180	898,521
General Services Total	962,701	64,180	898,521
IT			
Expenses			
Contracts	255,422	0	255,422
Other	179,318	58,132	121,186
Expenses Total	434,740	58,132	376,608
IT Total	434,740	58,132	376,608
Building			
Revenue			

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Rent Revenue	328,603	37,311	291,292
TRPA Rent Revenue	688,980	57,415	631,565
Revenue Total	1,017,583	94,726	922,857
Expenses			
Contracts	40,625	0	40,625
Financing	317,502	0	317,502
Other	160,198	87	160,111
Expenses Total	518,325	87	518,238
Building Total	499,258	94,639	404,619
CAM			
Revenue			
Rent Revenue	3,358	0	3,358
Revenue Total	3,358	0	3,358
Expenses			
Other	61,592	0	61,592
Expenses Total	61,592	0	61,592
CAM Total	58,234	0	58,234
Infrastructure Total	956,417	27,673	928,743
Other			
Expenses			
Compensation	157,341	0	157,341
A&O/Transfers	1,209,673	1,195	1,208,478
Other	52,090	0	52,090
Expenses Total	1,000,242	1,195	999,046
Other Total	1,000,242	1,195	999,046
Other Total	1,000,242	1,195	999,046
R & A			
Research & Analysis			
Expenses			
Compensation	1,059,103	72,862	986,241
Contracts	1,018,589	0	1,018,589
Other	26,582	0	26,582
Expenses Total	2,104,275	72,862	2,031,412

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
Research & Analysis Total	2,104,275	72,862	2,031,412
Nearshore Trib Monitoring (Lahontan)			
Revenue			
Grants	83,812	0	83,812
Revenue Total	83,812	0	83,812
Expenses			
Compensation	11,812	253	11,559
Contracts	72,000	0	72,000
A&O/Transfers	0	0	0
Expenses Total	83,812	253	83,559
Nearshore Trib Monitoring (Lahontan) Total	0	253	253
Wetland Monitoring (EPA)			
Revenue			
Grants	98,625	0	98,625
Revenue Total	98,625	0	98,625
Expenses			
Contracts	98,625	0	98,625
Expenses Total	98,625	0	98,625
Wetland Monitoring (EPA) Total	0	0	0
TSAC			
Revenue			
State Revenue	115,892	0	115,892
Grants	150,000	0	150,000
Revenue Total	265,892	0	265,892
Expenses			
Compensation	13,382	1,289	12,094
Contracts	250,667	0	250,667
A&O/Transfers	0	0	0
Other	1,843	0	1,843
Expenses Total	265,892	1,289	264,604
TSAC Total	0	1,289	1,289
Shorezone - Research & Analysis			
Expenses			
Compensation	14,464	4,404	10,060
Contracts	171,000	0	171,000

TRPA Financials
Thru 7/31/2020

Row Labels	2020 Budget	YTD Actuals	Remaining Balance
A&O/Transfers	7,172	0	7,172
Expenses Total	192,636	4,404	188,232
Shorezone - Research & Analysis Total	192,636	4,404	188,232
EPA LT Info			
Revenue			
Grants	102,015	0	102,015
Revenue Total	102,015	0	102,015
Expenses			
Contracts	102,015	0	102,015
Expenses Total	102,015	0	102,015
EPA LT Info Total	0	0	0
R & A Total	2,296,911	78,808	2,218,103
Closed			
STATA			
Revenue			
Contracts	100,000	0	100,000
Grants	100,000	0	100,000
Revenue Total	0	0	0
STATA Total	0	0	0
Closed Total	0	0	0
Grand Total	130,124	115,235	14,888

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Nevada Division of State Land's (NDSL) Excess Coverage Mitigation Fund Disbursement (\$1,403,020.97)

Summary and Staff Recommendation:

NDSL is requesting a full disbursement of accumulated Excess Coverage Mitigation (ECM) funds through fiscal year 2017 to carry out the Nevada Land Bank program. NDSL is requesting this disbursement to cover personnel and administrative costs of the program, as well as to enable the program to be responsive to land acquisition opportunities.

NDSL is also requesting the TRPA Governing Board to delegate to the TRPA Executive Director the authority to transfer ECM funds for a specific project in consultation with the Governing Board Chair and the Operations Committee Chair if time constraints do not allow approval by the Governing Board. In the Memorandum of Understanding (MOU) between NDSL and TRPA for administration of the land bank, disbursements are to occur not more than quarterly. There may be circumstances where NDSL is not holding sufficient funds and may require an extraordinary transfer of ECM funds from TRPA. If practical, that request will go the TRPA's Board of Governors. NDSL and TRPA request a delegation of authority to the Executive Director for approval of mitigation fund releases in the event a timely disbursement is needed to be responsive to real estate market opportunities.

Required Motion:

To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release of ECM funds subject to the conditions contained in the MOU.
- 2) A motion to adopt Resolution 2020-__ to delegate authority to the Executive Director to approve Excess Mitigation Fund releases to land banks under certain circumstances.

For the motion to pass, any eight affirmative votes are required.

Background:

NDSL and the Nevada Land Bank Program support implementation of the Regional Plan through the acquisition and restoration of sensitive land and participation in the banking, selling, and retirement of land coverage. As TRPA's agent, NDSL administers the Nevada Land Bank program pursuant to the MOU and funded by ECM fees TRPA receives from project applicants. This cooperative relationship has been in place since 1993. The purpose of the fees is to offset the impact of development.

As NDSL has not received a substantial disbursement since 2015, this agenda item will include a presentation from NDSL on the Land Bank Program, history of accomplishments, and the FY20 Annual Report. NDSL will provide illustrative examples of the program activities they will conduct with ECM funds over the next fiscal year during the presentation. ECM funds will be used by the Nevada Land Bank to achieve its priority duties, consistent with section V.B.3 of the MOU, including:

1. Completing the Clancy-Pohl restoration - \$20,000
2. Reimbursing NDSL for project costs associated with restoration of the Burgundy Hill Conservation Easement - \$462,000
3. Acquiring sensitive parcels and coverage, with new opportunities identified in Stateline, NV. This is a potential acquisition of a large parcel over six acres with an estimated value of over \$1.25 million dollars. This property is a good fit for the program - having over 34,000 square feet of verified TRPA coverage, steep slopes, and a strong hydrologic connection to the Lake. This property is also adjacent to both NDSL and US Forest Service parcels making it important habitat for wildlife)
4. Purchasing and retiring restored hard and soft coverage, prioritizing sensitive land classes. (Range of \$50,000 to \$100,000);
5. Providing funding support for Environmental Improvement Projects with water quality and soil benefits on sensitive and disturbed parcels (EIP project needs range from \$100,000 to \$200,000); and
6. Administering the Nevada Land Bank (~\$65,000 in FY21).

Finally, the MOU requires NDSL submit an annual report for each fiscal year that includes:

- I. Mitigation Transactions Closed.
- II. Mitigation Transactions in Process.
- III. Lake Tahoe Mitigation Program (Exhibit "A").
- IV. Nevada Land Bank Activities (Exhibit "B").

The FY20 Report is attached for the Committee's review.

Contact Information:

For questions regarding this agenda item, please contact Kimberly Caringer, Environmental Improvement Program Division Manager at (775) 589-5263 or kcaringer@trpa.org.

Attachments:

- A. NDSL Lake Tahoe Mitigation and Land Bank Activities Annual Report July 1, 2019 through June 30, 2020
- B. Resolution 2020-__ Delegating Authority to Executive Director

Attachment A

NDSL Lake Tahoe Mitigation and Land Bank Activities Annual Report July 1, 2019 through
June 30, 2020

CONSENT CALENDAR ITEM NO. 2



July 10, 2020

Kimberly Caringer
Tahoe Regional Planning Agency
PO Box 5310
Stateline, Nevada 89449

**Re: Lake Tahoe Mitigation and Land Bank Activities Annual Report
July 1, 2019 through June 30, 2020**

Dear Ms. Caringer,

Per the "Memorandum of Understanding between the Tahoe Regional Planning Agency and the Nevada Division of State Lands", the following is a summary of Nevada Division of State Lands ("NDSL") activities for the fiscal year ending June 30, 2020:

- I. Mitigation Transactions Closed.
- II. Mitigation Transactions in Process.
- III. Lake Tahoe Mitigation Program (Exhibit "A").
- IV. Nevada Land Bank Activities (Exhibit "B").

I. Mitigation Transactions Closed:

There were no mitigation transactions closed fiscal year 2020.

II. Mitigation Transactions in Process:

On November 30, 2017, NDSL finalized the purchase of 7.67 acres of land in the amount of \$1,250,000.00 from a private party. This parcel is in the Lower Kingsbury area of South Stateline Nevada and has a total of 22,483 square feet of coverage in classes 1a, 2, 4, 6 and 179 square feet of SEZ Restoration Credit. NDSL is actively working to restore this parcel. Once restored, NDSL will deed restrict and retire most of the coverage. State funding contributed by NDSL toward this acquisition will be used to retain a small amount of restored coverage for sale in the Land Bank.

III. Lake Tahoe Mitigation Program:

A copy of the Land Bank's Mitigation Program, showing completed transactions since the program's inception in 1993 through June 30, 2020 has been attached as Exhibit "A."

IV. Nevada Land Bank Activities:

The Land Bank finalized seven (7) coverage transactions during the 2020 fiscal year, which are attached as Exhibit "B":

Five (5) transactions were in the Incline Village HRA (1) and involved the transfer of 2,773 total square feet of coverage and include:

1. IVGID split transaction of 36 square feet of Class 1a Potential.
2. IVGID split transaction of 662 total square feet of Class 6 Potential.
3. IVGID transaction of 1,342 total square feet of Class 6 Potential.
4. 73 square feet of Class 1b Restored Soft.
5. 660 square feet of Class 1b Potential.

Two (2) transactions in the Cave Rock HRA (3) involved the transfer of 160 total square feet of coverage and include:

1. 94 square feet of Class 1a Restored Soft.
2. 66 square feet of Class 1a Restored Soft.

There are currently three (3) pending transactions for a total of 245 square feet of SEZ Restoration Credit coverage that will be transferred into California from South Stateline HRA (4). These transactions will be reported on next year's fiscal report.

In the event you have any questions regarding this report, please do not hesitate to contact me at (775) 684-2735.

Respectfully,



Sherri Barker
State Land Agent II
Nevada Tahoe Resource Team

Attachments

CC: Charles Donohue, Administrator and Nevada State Land Registrar
Ellery Stahler, Deputy Administrator
Meredith Gosejohan, Tahoe Program Manager

Exhibit A History of the Nevada Land Bank

APN / Address	COUNTY	SELLER	DATE PURCHASED	PURCHASE PRICE	IPES SCORE	LAND CAPABILITY	HZ	HD COV	SOFT COV	POT COV	TOTAL COV	COVERAGE VALUE	DEV RIGHT	D-R VALUE	LAND AREA	APPRAISAL COST	TITLE COST	ESCROW COST
125-561-07	Washoe	LaBier Tahoe 193	4/30/1998	\$175,000.00	539	N/A	1	0	0	488	488	\$5,000.00 \$10.25 psf	1	\$5,000.00	24,400 sf .56 ac	\$560.00	Slr Pd	\$126.00
1318-23-411-002	Douglas	Ince Tahoe 383	1/6/1999	\$55,000.00	751	N/A	4	0	0	2,340	2,340	\$11,750.00 \$5.02 psf	1	\$10,000.00	11,700 sf .269 ac	\$783.44	\$133.25	\$82.25
1418-15-802-002	Douglas	Martin Tahoe 472	3/23/2000	\$245,000.00	742	N/A	3	0	0	7,511	7,511	\$115,000.00 \$15.31 psf	1	\$3,500.00	209,161 sf 4.8 ac	\$1,118.13	\$379.00	\$218.00
126-245-01	Washoe	Wiley Tahoe 244	8/17/2000	\$125,000.00	695	N/A	1	0	0	5,321	5,321	\$100,000.00 \$18.79 psf	1	\$5,000.00	41,060 sf .94 ac	\$1,251.25	\$275.30	\$170.00
0000-07-362-070- 1318-24-702-002	Douglas	** McCall	4/5/2001	\$355,960.00	763	N/A	4	0	0	33,743	33,743	\$355,960.00 \$10.55 psf	0	\$0.00	233,000 sf 5.32 ac	\$0.00	\$50.00	\$222.40
1318-24-311-012	Douglas	Ricci Tahoe 409	4/30/2001	\$135,000.00	N/A	4=996 2=1,361 1a=1,992	4	4,349	0	N/A	4,349	\$75,000.00 \$17.25 psf	1	\$10,000.00	18,872 sf .43 ac	\$800.00	\$180.88	\$174.00
123-055-01 & 123-071-24 123-071-34 123-071-35 123-071-36 123-071-37	Washoe	** Tahoe Mariner	10/2/2001	\$375,207.00	N/A	Class 1a	9	22,071	0	0	22,071	\$375,207.00 \$17.00 psf	0	\$0.00	0.00	\$1,750.00	\$79.00	\$230.40
131-240-02 & 131-100-01 & 131-012-07	Washoe	** Incline Village GID	3/19/2002	\$1,005,000.00	N/A	Class 6 potential	1	0	0	100,000	100,000	\$1,005,000.00 \$10.05 psf	0	\$0.00	Approx 129 ac	0.00	\$182.00	\$452.00
05-150-14	Douglas	** Falcon Capital LLC	5/24/2002	\$204,000.00	N/A	Class 4	3	0	0	17,000	17,000	\$204,000.00 \$12.00 psf	0	\$0.00	8.2ac	0.00	\$25.00	\$75.00
131-240-02 & 131-100-01 & 131-012-07	Washoe	** Incline Village GID	9/9/2003	\$472,600.00	N/A	Class 6	1	0	0	39,200	39,200	\$472,360.00 \$12.05 psf	0	\$0.00	App. 129 ac	\$0.00	\$15.00	\$75.00
048-041-15	Washoe	** Incline Lake Corp	12/30/2005	\$700,000.00	N/A	1a=10,200 6=28,231	1	0	28,231	10,200	38,431	\$700,000.00 1a pot=\$27.00 6 rest=\$15.04	0	\$0.00	0.00	\$0.00	\$0.00	\$0.00
1319-18-202-001	Douglas	** Yocona LLC Kaleta	1/26/2006	\$450,000.00	788	Class 4 Potential	4	0	0	45,000	45,000	\$450,000.00 \$10.00 psf	0	\$0.00	0.00	\$0.00	\$0.00	\$75.00

Exhibit A History of the Nevada Land Bank

APN / Address	COUNTY	SELLER	DATE PURCHASED	PURCHASE PRICE	IPES SCORE	LAND CAPABILITY	HZ	HD COV	SOFT COV	POT COV	TOTAL COV	COVERAGE VALUE	DEV RIGHT	D-R VALUE	LAND AREA	APPRAISAL COST	TITLE COST	ESCROW COST
129-280-20 129-290-01	Washoe	** Incline Village GID	11/29/2010	\$230,000.00	N/A	Class 6 restored	1	0	29,010	0	29,010	\$230,000.00 \$7.92 psf	0	\$0.00	0.00	\$0.00	\$0.00	\$654.00
048-140-03	Washoe	**Incline Lake Corp	6/14/2011	\$800,000.00	N/A	3,994 1b restored 43,151 4 restored 53,402 6 restored 2,396 4 potential 61,670 6 potential	1	0	100,547	64,066	164,613	\$800,000.00	0	\$0.00	5 acres	\$0.00	\$200.00	\$250.00
1318-23-710-002	Douglas	**Warren T. Withers	5/21/2013	\$17,604.00	NA	Class 2 restored (\$12.00 psf)	4	1,467				\$17,604.00	0	\$0.00		\$0.00	\$0.00	\$75.00
1319-07-002-014	Douglas - Cave Rock	**Kent Grusendorf	10/30/2013	\$737,721.75	NA	Class 1a restored soft	3		37,353		37,353	\$737,721.75 or \$19.75 psf	0	\$0.00		\$0.00	\$0.00	\$149.50
1318-26-501-004	Douglas	Pohl/Clancy Tahoe 515	11/30/2017	1,250,000.00	N/A	179 (SEZ), 2184 (1a), 835 (2), 8,679 (4) & 10,606 (6)	4						1			\$ 2,900.00	\$ 1,750.00	\$ 747.50
TOTAL				\$7,333,092.75				27,887	195,141	324,869	546,430	\$4,918,339.75	6	\$33,500.00		\$9,162.82	\$3,269.43	\$3,776.05

** Coverage Only Transactions

EXHIBIT B Nevada Land Bank Activities

Details for the 7 sales transactions in the 2020 fiscal year:

Incline Village – HRA 1 transactions:

1. **SPLIT TRANSACTION** between IVGID and NDSL Land Bank:
NDSL Sending parcel APN: 048-041-15 parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)
IVGID Sending Parcels APNs 125-030-09 and 125-030-06
Total amount transferred: 36 square feet
Receiving parcel APN: 125-030-06 (NV Energy easement on IVGID parcel)
What's being transferred: Class 1a Potential
Close of escrow date: 11/7/2019 Stewart Title, Reno, NV
Transfer price: \$40.00 per square foot
2. **SPLIT TRANSACTION** between IVGID and NDSL Land Bank:
NDSL Sending parcel APN: 048-041-15 parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)
IVGID Sending Parcel APNs 131-240-02, 131-012-07, and 131-100-01
Total amount transferred: 662 square feet
Receiving parcel APN: 130-312-14
What's being transferred: Class 6 Potential
Close of escrow date: 9/27/2019 Stewart Title, Reno, NV
Transfer price: \$25.00 per square foot
3. IVGID **Purchase of their own coverage:**
IVGID Sending Parcel APNs 131-240-02, 131-012-07, and 131-100-01
Total amount transferred: 1,342 square feet
Receiving parcel APN: 127-040-07
What's being transferred: Class 6 Potential
Close of escrow date: 5/28/2020 Stewart Title, Reno, NV
Transfer price: \$0.00 per square foot
4. NDSL Land Bank sale:
NDSL Sending parcel APN: 048-041-15 parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)
Receiving parcel APN: 131-080-16
What's being transferred: Class 1b Restored Soft
Amount transferred: 73 square feet
Close of escrow date: 2/13/2020 Stewart Title, Reno, NV
Transfer price: \$40.00 per square foot

EXHIBIT B Nevada Land Bank Activities

5. NDSL Land Bank sale:
NDSL Sending parcel APN: 048-041-15 parcel has since split into 048-140-04 (USFS) and 048-140-03 (IVGID)
Receiving parcel APN: 130-083-14
What's being transferred: Class 1b Potential
Amount transferred: 660 square feet
Close of escrow date: 1/09/2020 Stewart Title, Reno, NV
Transfer price: \$37.50 per square foot

Cave Rock – HRA 3 NDSL Land Bank transactions:

6. Sending parcel APN: 1319-07-002-014
Receiving parcel APN: 1318-032-120-18
What's being transferred: Class 1a Restored Soft
Amount transferred: 94 square feet
Close of escrow date: 5/4/2020 Stewart Title, Reno, NV
Transfer price: \$50.00 per square foot
7. Sending parcel APN: 1319-07-002-014
Receiving parcel APN: 1418-34-201-008
What's being transferred: Class 1a Restored Soft
Amount transferred: 66 square feet
Close of escrow date: 7/31/2019 Old Republic Title, Las Vegas, NV
Transfer price: \$50.00 per square foot

Attachment B

Resolution 2020-__ Delegating Authority to Executive Director

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2020 –

RESOLUTION DELEGATING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO
DISTRIBUTE EXCESS GOVERAGE MITIGATION FEE FUNDS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, TRPA has an active program to offset the environmental impact of development through the collection of Excess Coverage Mitigation (ECM) funds, to be used to retire coverage and support the Environmental Improvement Program; and

WHEREAS, The Tahoe Regional Compact prohibits the Agency from owning real estate, except for its own headquarters; and

WHEREAS, TRPA and the Nevada Division of State Lands (NDSL) entered into an MOU (updated 4/22/20) to transfer said funds to NDSL for the purpose of establishing and operating the Nevada Land Bank; and

WHEREAS, Real estate transactions may require a faster response time than permitted by the TRPA Governing Board Calendar;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency delegates to the Executive Director the authority to distribute Excess Coverage Mitigation funds, in consultation with the Governing Board Chair and Operations Committee Chair when required to complete a specific transaction.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this 26th day of August, 2020, by the following vote:

Ayes:
Nays:
Absent:

William Yeates, Chair
Tahoe Regional Planning Agency
Governing Board

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of El Dorado County Mitigation Funds for Environmental Improvement Projects

Summary and Staff Recommendation:

El Dorado County requests funding for five EIP projects outlined in the tables below. Project information can be found in the attached project fact sheets taken from the EIP Project Tracker. Funds requested will be put towards project delivery and implementation and will also be used to help the County meet match requirements for pending and awarded grants.

Staff recommends that the Governing Board approve El Dorado County’s request, subject to the conditions cited below. The request is consistent with the Environmental Improvement Program and Regional Transportation Plan objectives, Chapter 65 of the TRPA Code of Ordinances, and the Governing Board’s policy guidelines for the release of mitigation funds.

Required Motion:

To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release subject to the conditions contained in this memorandum.

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Air Quality Mitigation Funds				
EIP No.	Project	Current Balance	Allocation Request	Updated Project Balance
03.01.01.0004	Apache Avenue Pedestrian Safety and Connectivity Project	\$0	\$29,000	\$29,000
03.01.02.0142	South Tahoe Greenway - Upper Truckee Bridge at Johnson Meadow (Interest Account)	\$0	\$31,225	\$31,225
TOTAL			\$60,225.00	

The unencumbered account balance for the Air Quality fund for El Dorado County as of August 19, 2020 is \$227,864.81, which is sufficient to cover this request.

Stream Environment Zone Mitigation Funds				
EIP No.	Project	Current Balance	Allocation Request	Updated Project Balance
01.01.01.0021	Country Club Heights Stormwater Management and Erosion Control Project	\$4,834.64	\$53,000	\$57,834.64
01.01.01.0025	Meyers Stream Environment Zone/ Erosion Control Project	\$14,048.54	\$50,000	\$64,048.54
TOTAL			\$103,000.00	

The unencumbered account balance for the Stream Environment Zone fund for El Dorado County as of August 19, 2020 is \$175,732.66, which is sufficient to cover this request.

Water Quality Mitigation Funds				
EIP No.	Project	Current Balance	Allocation Request	Updated Project Balance
03.01.01.0004	Apache Avenue Pedestrian Safety and Connectivity Project	\$0	\$284,000	\$284,000
01.01.01.0021	Country Club Heights Stormwater Management and Erosion Control Project	\$0	\$30,000	\$30,000
01.01.01.0074	Oflung Water Quality Project	\$7,364.04	\$50,000	\$57,364.04
TOTAL			\$364,000.00	

The unencumbered account balance for the Water Quality fund for El Dorado County as of August 19, 2020 is \$516,935.31, which is sufficient to cover this request.

Conditions:

Staff recommends approving the release of these funds subject to the following conditions of approval:

1. The County shall only use the funds for the project cited above and as approved by TRPA.
2. TRPA reserves the right to withhold funds to ensure project priorities, goals, and objectives are consistent with those of the Environmental Improvement Program and TRPA's Regional Plan.
3. The County agrees to follow all laws, codes, and regulations adopted by federal, state, and local authorities/agencies.

4. The County agrees to maintain a report detailing the use and expenditures of all funds used on the project. These records shall be made available for review and audit by TRPA within thirty (30) calendar days upon written request.
5. All mitigation funds not used as described above shall be returned to TRPA. Upon written approval from TRPA, these funds may be re-allocated to another project.
6. The County agrees to request from TRPA a final inspection no later than 30 days after completion of the project.
7. TRPA approved signage shall be used on all projects during construction to identify TRPA as a funding source and shall include the EIP logo.
8. The County agrees to report the applicable EIP Performance Measures achieved by this project.

Regional Plan Compliance: The proposed releases comply with the TRPA Regional Plan and Code of Ordinances.

Contact Information: If you have any questions regarding this item please contact Kimberly Caringer, Division Manager, Environmental Improvement Program at kcaringer@trpa.org or by phone at (775) 589-5263.

Attachment:

- A. Apache Avenue Pedestrian Safety and Connectivity Project EIP Project Fact Sheet
- B. South Tahoe Greenway - Upper Truckee Bridge at Johnson Meadow Project Fact Sheet
- C. Country Club Heights Stormwater Management and Erosion Control Project Fact Sheet
- D. Meyers Stream Environment Zone/ Erosion Control Project Fact Sheet
- E. Oflyng Water Quality Project Fact Sheet

Attachment A

Apache Avenue Pedestrian Safety and Connectivity Project EIP Project Fact Sheet



Apache Avenue Pedestrian Safety and Connectivity Project

Project Number	03.01.01.0004
Action Priority	Improving Air Quality
Implementers	El Dorado County, CA
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Planning/Design
Duration	2020 - 2025

Air Quality & Transportation > Improving Air Quality

Along Apache Avenue from the US 50/ SR 89 intersection to the Lake Tahoe Environmental Science Magnet School, implement sustainable mobility improvements to provide a safe walkable and bikeable roadway. The project will help support the Walk to School Day, Bike to School Day, and other activities in cooperation with the school district and the Meyers community. Apache Avenue is a major collector and provides challenges faced by the community walking and bicycling to the school and the nearby Tahoe Paradise Park.



Apache Roadway Conceptual Design

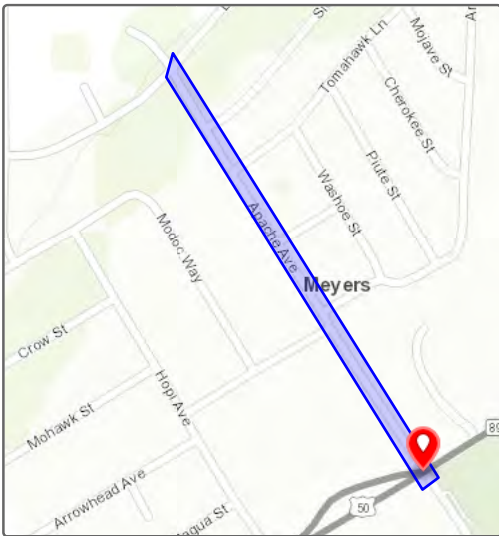
Key Accomplishments

Accomplishments to be provided upon completion of project

Threshold Categories

- Air Quality

Location



Expenditures

No expenditures provided

Photos

Before



Apache Ave at East San Bernardino Ave; entrance to the Lake Tahoe Environmental Science Magnet School



from Apache Ave, looking toward US 50/SR 89 to the south



view to the north at the Apache Ave intersection, from US 50/SR 89

Project Fact Sheet Data as of 08/18/

Attachment B

South Tahoe Greenway - Upper Truckee Bridge at Johnson Meadow Project Fact Sheet



South Tahoe Greenway - Upper Truckee Connector Middle Reaches Pedestrian Bridge

Project Number	03.01.02.0142
Action Priority	Improving Transit and Trails Connections
Implementers	El Dorado County, CA, Tahoe Resource Conservation District
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Planning/Design
Duration	2020 - 2025

Air Quality & Transportation > Improving Transit and Trails Connections

The Upper Truckee River is the largest watershed in the Lake Tahoe Basin flowing through the heart of South Lake Tahoe. Recently acquired into public ownership, the Johnson Meadow property was previously the largest swath of the Upper Truckee River that remained in private ownership. During severe winter storms of 2017, the heavily trafficked pedestrian bridge was made impassable with nearly 400 cubic yards of sediment washing out on the west side of the bridge. Future bridge connects the Sierra Tract neighborhood bordering on the East and the Barton/4th Street neighborhood bordering on the West. Planning is needed to identify the best location for a new bridge.



Summer 2017, bridge not connected to West side

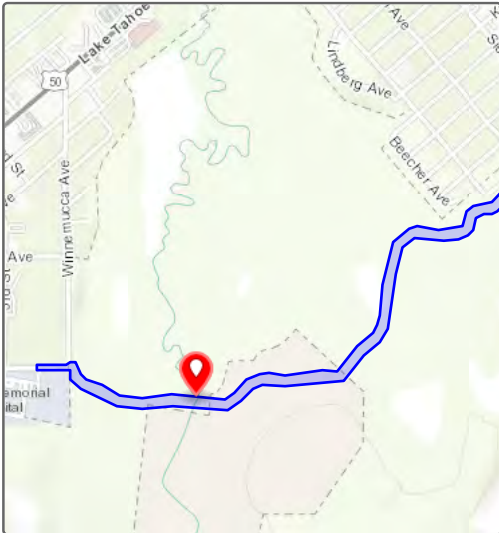
Key Accomplishments

Accomplishments to be provided upon completion of project

Threshold Categories

- Recreation

Location



Expenditures

No expenditures provided

Photos

Before



2017 winter, before runoff disconnected existing bridge

Project Fact Sheet Data as of 08/19/

Attachment C

Country Club Heights Stormwater Management and Erosion Control Project Fact Sheet



Country Club Heights Stormwater Management and Erosion Control Project

Project Number	01.01.01.0021
Action Priority	Reducing Stormwater Pollution from City and County Roads
Implementers	El Dorado County, CA
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Implementation
Duration	2011 - 2022

Stormwater Management > Reducing Stormwater Pollution from City and County Roads

The project, located in the Country Club Heights subdivision, is roughly bounded by Highway 50, the Upper Truckee River, and Crystal Air Drive. The main goal of this project is to reduce very fine/fine sediment from the County right-of-way from reaching the Upper Truckee River near Elks Club Drive to help achieve TMDL goals. Phases 1 & 2 focused on water quality (WQ) / Stream Environment Zone (SEZ) improvements throughout the subdivision. Phase 3 is focused on WQ / SEZ and User Access improvements surrounding the old "Elks Lodge" property between Elks Club Drive, Highway 50, and the Upper Truckee River.

Key Accomplishments

- Miles of Roads Decommissioned or Retrofitted: 5.1 miles
- Miles of Street Sweeping: 6.1 miles

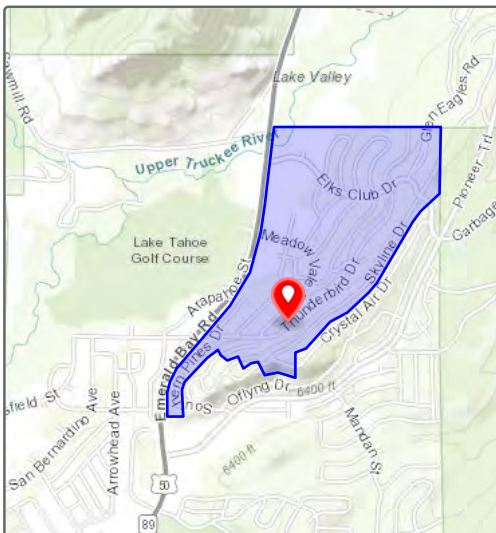
Threshold Categories

- Soil Conservation
- Water Quality

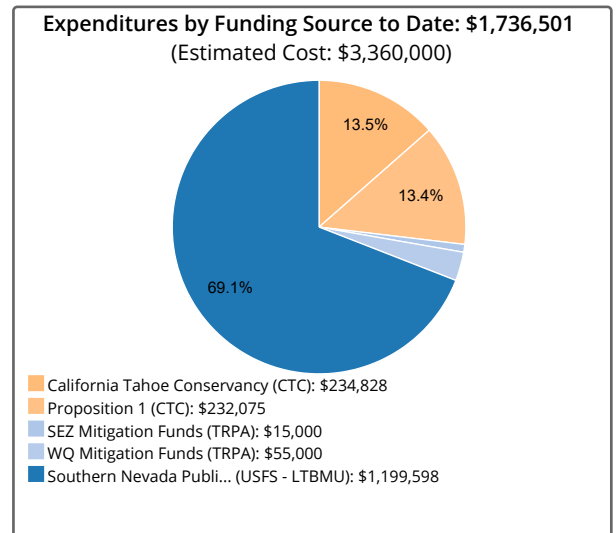


Phase 1/2 - Meadowvale Basin near corner of Boca Raton and Meadowvale Drive

Location



Expenditures



Photos

Before



Phase 1/2 - Eroding channel



Phase 1/2 - Sediment Deposition - Elks Club and Thunderbird Court

After



Phase 1/2 - New channel on east side of lower Elks Club Drive



Phase 1/2 - New outlet channel to meadow area off of Boca Raton

Project Fact Sheet Data as of 08/19/

Attachment D
Meyers Stream Environment Zone/ Erosion Control Project Fact Sheet



Meyers Stream Environment Zone/Erosion Control Project

Project Number	01.01.01.0025
Action Priority	Reducing Stormwater Pollution from City and County Roads
Implementers	El Dorado County, CA
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Implementation
Duration	2010 - 2021

Stormwater Management > Reducing Stormwater Pollution from City and County Roads

This project aims to restore approximately nine acres of stream environment zone (SEZ) partially through the reconnection of Meyers Creek to its floodplain. In the 1960's, Meyers Creek was channelized linearly along the border of the SEZ to make way for urban development. The parcel is located on Santa Fe Road at the west end of Pioneer Trail in Meyers. By reconnecting the creek to its floodplain to restore wetland processes. The project will also have greenhouse gas reductions, groundwater recharge, flood control, water efficiency, possible regional treatment systems, and recreation. This project treats 5 miles of roadways through source control and hydrologic design.



Completed infiltrating sediment basin.

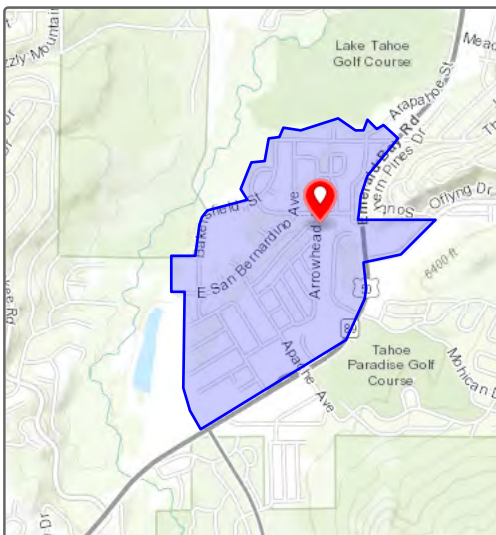
Key Accomplishments

- Acres of Habitat Restored or Enhanced: **0.84 acres**
- Acres of SEZ Restored or Enhanced: **3.5 acres**
- Impervious Coverage Retired: **2,345 sq ft**
- Miles of Street Sweeping: **1 miles**

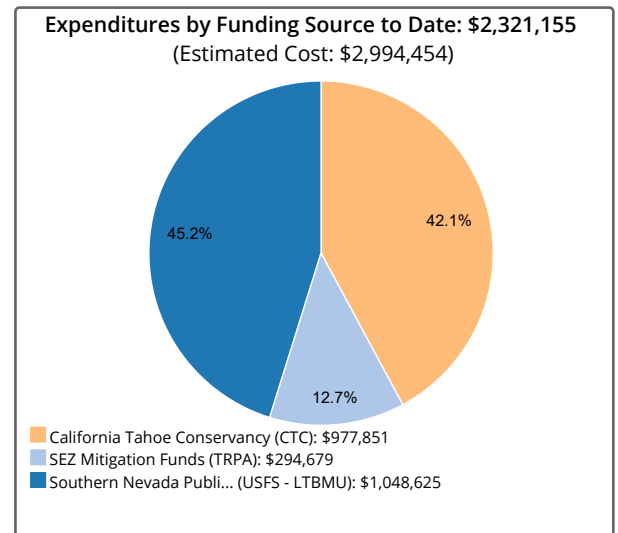
Threshold Categories

- Recreation
- Water Quality
- Soil Conservation

Location



Expenditures



Photos

Before



Publicly-owned parcel opportunity for stormwater treatment.



Previously constructed water quality improvement project near Pioneer Tr & US Hwy 50.

During



Construction of infiltrating sediment basin.

After



Water quality improvement enhancements for additional stormwater retention

Project Fact Sheet Data as of 08/19/

Attachment E
Oflyng Water Quality Project Fact Sheet



Oflyng Water Quality Project

Project Number	01.01.01.0074
Action Priority	Reducing Stormwater Pollution from City and County Roads
Implementers	El Dorado County, CA
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Implementation
Duration	2017 - 2022

Stormwater Management > Reducing Stormwater Pollution from City and County Roads

Urban development in the Oflyng residential area has resulted in a concentrated flow of storm water from the County of El Dorado (County) right-of-way (ROW) directed to pervious forested land as well as the Upper Truckee River. The hydrologic connectivity between Lake Tahoe and the Oflyng area results in a high to moderate potential to deliver fine sediment to Lake Tahoe. Storm water runoff will be directed into infiltration improvements providing a direct reduction in the transport of fine sediment to Lake Tahoe. It is also anticipated that urban storm water infrastructure will be upgraded to current design standards w/ conveyance improved to allow for proper flow sizing/routing.



Oflyng - Failing Slope

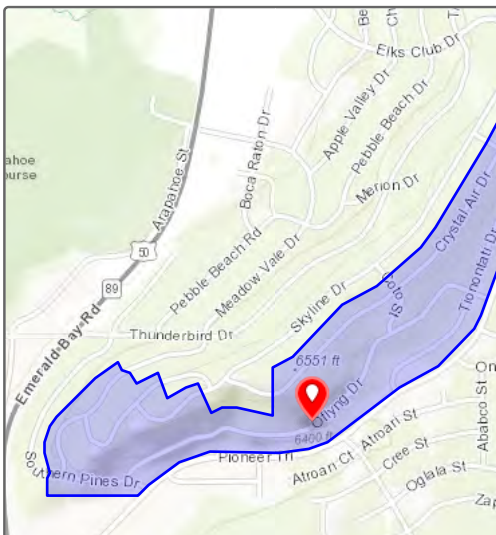
Key Accomplishments

Accomplishments to be provided upon completion of project

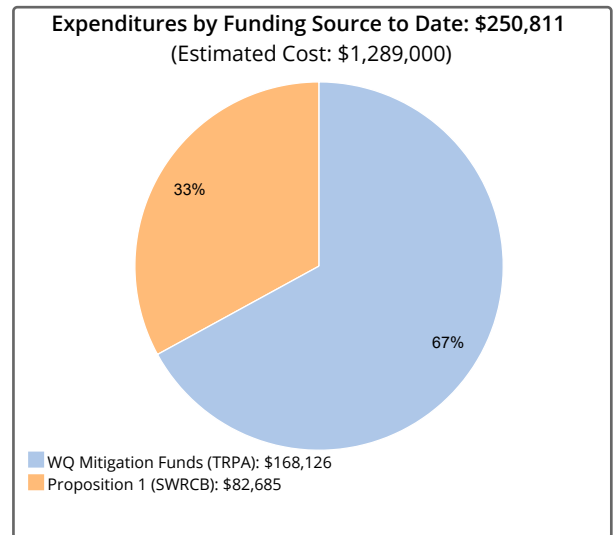
Threshold Categories

- Soil Conservation
- Water Quality

Location



Expenditures



Photos

Before



Outfall at Pioneer Trail - drains Crystal Air and Oflyng

Project Fact Sheet Data as of 08/19/

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action: Calpac Properties, Inc.; Unauthorized Tree Removal, 350 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-060 and 370 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-059.

Summary and Staff Recommendation:

Staff recommends that the Governing Board accept the proposed Settlement Agreement (Attachment A) in which Calpac Properties, Inc. ("Calpac") agrees to pay a \$30,000 penalty to TRPA for the removal of 6 trees over 14 inches DBH without authorization at the properties located at 350 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-060 and 370 Granite Road, Placer County, CA, Assessor's Parcel Number 116-030-059 ("Calpac Properties").

Required Motions:

In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary:

A motion to approve the Settlement Agreement as shown in Attachment A.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background:

In March 2020, TRPA staff and the Placer County Building Department inspected the Calpac Properties to investigate temporary BMP issues. During this inspection, TRPA staff discovered that several trees larger than 14 inches DBH had been removed that were not authorized on the approved plans.

After further investigation and discussion with Kelly Smith ("Smith"), Calpac representative, TRPA staff determined that six trees between the sizes of 15-30 inches DBH were removed without any authorization from TRPA or Placer County. Tree removal of trees larger than 14 inches DBH without authorization is a violation of TRPA Code Section 61.1.5 (requiring TRPA approval for removal of all trees greater than 14 inches DBH or 6 inches DBH on lakefront properties where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe) and Section 2.3.2.M (the tree removal is a non-exempt project and must be reviewed by TRPA).

Calpac has taken full responsibility for the unauthorized activities and has agreed to a settlement where they will plant six mature 10-20 foot native conifers in similar locations from where the trees were removed and pay a penalty of \$30,000 to TRPA.

Regional Plan Compliance:

The Tahoe Regional Planning Compact Article VI (k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Contact Information:

For questions regarding this agenda item, please contact Steve Sweet, Code Compliance Program Manager, at (775) 589-5250 or ssweet@trpa.org.

Attachments:

- A. Settlement Agreement

Attachment A

Settlement Agreement

SETTLEMENT AGREEMENT

This Settlement Agreement is made by and between Calpac Properties Inc (“Calpac”) and the Tahoe Regional Planning Agency (“TRPA”). This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In March 2020, The Tahoe Regional Planning Agency (TRPA) inspected the Property located 350 Granite, Placer County, CA, Assessor’s Parcel Number 116-030-060 and 370 Granite Road, Placer County, CA, Assessor’s Parcel Number 116-030-059 and found that the following violations of the TRPA Code of Ordinances had occurred:

- Unauthorized tree removal of 6 trees larger than 14 inches DBH in violation of TRPA Code Section 61.1.5 (requiring TRPA approval for removal of all trees greater than 14 inches DBH) and Section 2.3.2.M (the tree removal is a non-exempt project and must be reviewed by TRPA). *6 trees greater than 14 inches dbh were removed without approval on the single family dwelling project. No permits or authorization was issued by any applicable agency for the removal of the 6 live trees larger than 14 inches dbh.*

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. Calpac shall pay TRPA \$30,000 within 30 days of Governing Board approval of this Settlement Agreement.
2. As mitigation for the unauthorized tree removal, Calpac shall plant 6 mature 10-20 foot Native conifers in a similar location where the trees have been removed on both properties. The 6 planted trees shall not be removed without a TRPA tree removal permit. The new trees will be identified by a site map and these requirements will be passed on to any future property owners along with a copy of this Settlement Agreement.
3. If Calpac fails to comply with any of the actions required by this Settlement Agreement, Calpac confesses to judgment against them and in favor of TRPA in the amount of \$60,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Calpac also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$60,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided Calpac with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.

4. Once Calpac has fully complied with all of the terms herein, TRPA shall release the Calpac of all claims arising out of his failure to follow TRPA procedures during the activities described in this Settlement Agreement.

Calpac has read this Settlement Agreement and understands all of its terms. Calpac has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledges that the above-described activities constitute a violation of TRPA regulations. Calpac agrees to comply with all applicable TRPA requirements in the future.

Signed:

Calpac Properties Inc

Date

Joanne S Marchetta, Executive Director
Tahoe Regional Planning Agency

Date



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.org

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Hekmat/Quiet Waters/Whitehead New Multiple-Parcel Pier; 885/887/889 Lakeshore Boulevard, Washoe County, Nevada; Assessor's Parcel Numbers 122-181-32, -64, -65; TRPA File Number ERSP2020-0121

Summary and Staff Recommendation:

A new multiple-parcel pier is proposed to serve three littoral parcels located at 885, 887, and 889 Lakeshore Drive in Incline Village, Washoe County, Nevada. The proposed pier extends 210.9' from High Water elevation of 6,229.1 and includes two 30 foot long catwalks and two boatlifts to serve the three parcels associated with the pier. The proposed pier complies with development and location standards for multiple-parcel piers serving three littoral parcels. Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on the staff report and evidence in the required:

- 1) A motion to approve the required findings, including a finding of no significant effect.
- 2) A motion to approve the proposed project subject to the conditions in the draft permit as shown in Attachment B.

For the motions to pass, an affirmative vote of 5-9 (5 Nevada and 9 Total) of the Board is required.

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 will be reviewed and discussed at SRC on August 20, 2020. TRPA staff has solicited comments ahead of the August SRC from Nevada Division of State Lands, U.S. Army Corps of Engineers, and Nevada Department of Wildlife. Nevada Division of State Lands has received an application and did not have any concerns over the project.

Project Description/Background:

The project applicants received an allocation for a new multiple-parcel pier as a result of the 2019 new pier allocation distribution and multiple-parcel prioritization criteria. The new multiple-parcel pier will serve three littoral parcels located at 885, 887, and 889 Lakeshore Boulevard. There is a single-family dwelling on both 889 and 887 Lakeshore Boulevard. There is an existing basketball court on 885

Lakeshore Boulevard, which is an accessory to the single-family dwelling on 887 Lakeshore Boulevard. 885 Lakeshore Boulevard is eligible for a single-family dwelling. Existing shorezone development for the project area includes a total of six moorings: APN 122-181-32 two mooring buoys; APN 122-181-64 two mooring buoys; APN 122-181-65 two mooring buoys.

The proposed project involves constructing a new pier to extend 210.9' from the High Water Line elevation of 6,229.1, with two 3 foot by 30 foot catwalks and two boatlifts located at the pierhead. The pierhead will be 15 feet wide. Existing moorings will be converted to boatlifts as a result of the project. The pier will straddle the property line between APN 122-181-32 and 122-181-65. The pier complies with all development and location standards for a multiple-parcel pier serving three parcels. The proposed project is located within Plan Area Statement 037- Lakeview where piers are an allowed use.

Recognition of a Multiple-Parcel Pier:

New multiple-parcel piers are subject to the deed restriction requirements in TRPA code section 84.4.E which states "An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted." As a result of the project, the project area consisting of three parcels will be deed restricted to one pier. Besides the pier, the three parcels will have the following shorezone development as a result of the project: APN 122-181-32 one mooring buoy and one mooring lift; APN 122-181-64 two mooring buoys; APN 122-181-65 one mooring buoy and one mooring lift.

The Governing Board may find the pier will be a multiple-parcel pier as it results in both the reduction of shorezone development potential and serves two or more primary residential littoral parcels, subject to deed restriction provisions.

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 2019, TRPA awarded five allocations for new single-parcel piers and seven allocations for new multiple-parcel piers. The allocations for multiple-parcel piers were awarded based on codified prioritization criteria. The seven applications that ranked highest per the prioritization criteria were awarded allocations and given six months to then submit complete project applications. 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 23, Crystal Bay, which is not in attainment with the TRPA Scenic Threshold. Up to 460 square feet of visible mass is allowed for multiple-parcel piers serving three or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a total visible mass of 371.65 square feet which counts towards the 460 square feet of allowable visible mass. 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 719.65 square feet. This means that 1,439.3 square feet of visible mass will be mitigated

within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within six months of project completion. The project area will achieve a Composite Scenic Score of 25 within six months of project completion by adding 72 new plants and trees to serve as vegetative screening and darkening the exterior materials of the residence located at 889 Lakeshore Boulevard. Existing vegetative screening will also contribute to the required mitigation.

B. Fish Habitat:

This property is located in mostly feed and cover fish habitat, with a small portion in marginal habitat. The new pier will have 34 new pilings for a total of 23.5 square feet of new lake bottom disturbance, to be mitigated at a 1:1 ratio. The proposed fish habitat mitigation consists of the construction of three (3) rock pyramids at 9 square feet each, resulting in 27 square feet of fish habitat mitigation. None of the proposed fender piles will create lake bottom disturbance because they do not extend to the lake bottom. 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 \$12,654.00 for the construction of 210.9 additional feet of pier length (refer to Attachment B – Draft Permit).

C. Deed Restriction:

The shorezone ordinances require that an additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted. The three parcels associated with the project area will be deed restricted against future pier development. As a result of the project, the project area consisting of three parcels will be deed restricted to one pier. Besides the pier, the three parcels will have the following shorezone development as a result of the project: APN 122-181-32 one mooring buoy and one mooring lift; APN 122-181-64 two mooring buoys; APN 122-181-65: one mooring buoy and one mooring lift.

D. 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.

E. Pier Length:

TRPA Code, Section 84.4.3.C states “Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length may be permitted for piers serving three or more residential littoral parcels”. The new pier, extends 65 feet beyond the TRPA pierhead line, which is the limiting factor for determining pier length. The additional five feet is allowed because the new pier serves three residential littoral parcels.

F. Pier Deck Height:

Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons, because local wave characteristics represent a real threat to the integrity of the structure, or to provide lateral public access. This project area is located in an area that often experiences strong wind events from the southwest, creating the longest possible fetch for wave creation on Lake Tahoe. At high water, this means that the crest of the wave is at elevation 6,233, one foot above the normal pier deck elevation of 6,232. During times of high winds, the wave heights will make the pier unusable and create pier damage requiring temporary disturbance necessary for repair.

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). Additionally, the property would be deed restricted limiting the three subject properties to one shared pier. The IEC is provided as Attachment D.

Public Comment:

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 multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Contact Information:

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

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. 2018 Shorezone Code Conformance Table
- D. Initial Environmental Checklist
- E. Proposed Site Plan and Elevations

Attachment A

Required Findings/Rationale

Required Findings/Rationale
Hekmat/Quiet Waters LLC/Whitehead New Multiple-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 037 - Lakeview, 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 online at both www.trpa.org and www.laketahoeinfo.org.

- (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.

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 Washoe 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 multiple-parcel pier will be accessory to the primary upland residential uses located at 887 and 889 Lakeshore Boulevard. While 885 Lakeshore Boulevard is a part of the project area, there is currently not a primary residential land use on the property. 885 Lakeshore Boulevard would be eligible for a primary residential use in the future.

- (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 multiple-parcel and single-parcel piers within the immediate vicinity of the subject site. While the pier will extend beyond the TRPA pierhead line, the pier will not extend beyond the length limitations placed on multiple-parcel piers serving three or more residential littoral parcels and will therefore be compatible with the surrounding shorezone facilities. The pier is compatible with the length, size, and facilities of surrounding piers in this area.

- (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 via barge/amphibious vehicle in order to avoid unnecessary disturbance of the shorezone/backshore. All of the pilings will be driven with a vibratory hammer from the barge/amphibious vehicle to a depth of 8 feet or refusal. Once all of the pilings have been installed, the joists and decking will be constructed from the barge/amphibious vehicle. All steel pilings and

accessories will be painted prior to being transported to the project site. All material storage will be on the barge/amphibious vehicle. 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 will extend beyond the TRPA pierhead line by approximately 65 feet, but in accordance with the length limitations provided in TRPA code, Section 84.4.3.C. TRPA staff solicited comments from agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised.

- (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.

TRPA staff solicited comments from the U.S. Army Corps of Engineers, the Nevada Division of State Lands, Nevada Department of Wildlife, and the Lake Tahoe Water Supplier's Association. No negative comments were received. The applicant is required to get approval for the project from all of the aforementioned agencies prior to construction.

- (i) Additional Findings for Coverage or Disturbance in the Backshore: The amount of land coverage is the minimum necessary when all Thresholds are taken into consideration to provide access to an approved or an existing structure or use in the nearshore or foreshore.

Approximately 173 square feet of Class 1b/SEZ coverage associated with the new pier is necessary to connect the new pier with the upland portion of the properties. The permittee will be required to obtain restoration credits from the California Tahoe Conservancy or Nevada Division of State Lands at a ratio of 1.5 to 1 times the amount of coverage required for the proposed pier coverage. Should restoration credits not be available, then the applicant is required to undertake a restoration project to be reviewed and approved by TRPA or relocate existing, verified, Class 1b coverage on-site. Should this be the case, the applicant would need to create a project area for coverage purposes and deed restrict the Class 1b coverage accordingly.

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 7, where vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm. The pier will be constructed entirely from a barge/ amphibious vehicle on the lake. Access to the project area from the upland is prohibited except for necessary access paths for construction workers, and construction staging of equipment and material will not occur anywhere on the shoreline or on the upland portion of the property.

Attachment B

Draft Permit



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.org

August 26, 2020

Kaufman Edwards Planning
P.O. Box 1253
Carnelian Bay, CA 96140

QUIET WATERS LLC/HEKMAT/WHITEHEAD NEW MULTIPLE-PARCEL PIER, 885/887/889 LAKESHORE BOULEVARD, WASHOE COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBERS (APNs)122-181-32, 64 & 65, TRPA FILE NUMBER ERSP2020-0121

Dear Applicant:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence, (September 9, 2020).

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

Sincerely,

A handwritten signature in black ink that reads "Tiffany Good".

Tiffany Good
Principal Planner
Planning Department

C: Quiet Waters, LLC
10877 Wilshire Boulevard #300
Los Angeles, CA 90024

Conditional Permit

PROJECT DESCRIPTION: New Multiple-Parcel Pier
APNs: 122-181-32, -64, -65
PERMITTEES: Kambiz and Mahnaz Hekmat
Quiet Waters, LLC
Eddie and Lynn Whitehead
FILE #: ERSP2020-0121
COUNTY/LOCATION: Washoe/ 885/887/889 Lakeshore Boulevard

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **August 26th, 2020**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **August 26th, 2023**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.



TRPA Executive Director/Designee 8/26/2020
Date

PERMITTEES’ ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole

responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

Signature of Permittee(s) _____ Date _____

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APNs 122-181-32, -64, & -65

FILE NO. ERSP2020-0121

Excess Coverage Mitigation Fee (1): Amount \$ _____ Type Paid _____ Receipt No. _____

Excess Coverage Mitigation Fee (2): Amount \$ _____ Type Paid _____ Receipt No. _____

Project Security Posted (3): Amount \$ 10,000 Type Paid _____ Receipt No. _____

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

Project Security Posted (5): Amount \$ 5,000 Type Paid _____ Receipt No. _____

Security Administrative Fee (6): Amount \$ _____ Paid _____ Receipt No. _____

Shorezone Mitigation Fee (7): Amount \$ 12,654 Type Paid _____ Receipt No. _____

Notes:

- (1) Amount to be determined. See Special Condition 3.F, below.
- (2) Amount to be determined. See Special Condition 3.G, below.
- (3) See Special Condition 3.H, below.
- (4) Consult the TRPA filing fee schedule for the current security administration fee.
- (5) See Special Condition 3.J, below.
- (6) Consult the TRPA filing fee schedule for the current security administration fee.
- (7) See Special Condition 3.I, 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 a new multiple-use pier is proposed to serve three littoral parcels located at 885, 887, and 889 Lakeshore Boulevard in Incline Village, Washoe County, Nevada. The proposed pier involves constructing a new pier to extend 210.9' from the High Water Line elevation of 6,229.1, with two 3-foot by 30-foot catwalks and two boatlifts located at the pierhead. The pierhead will be 15 feet wide. Two existing moorings will be converted to two boatlifts as a result of the project. The pier will straddle the property line between APN 122-181-32 and 122-181-65. The pier complies with all development and location standards for a multiple-parcel pier serving three parcels, and consistent with TRPA Code of Ordinances chapters 80 through 85. There is no coverage approved landward of the High Water Line.

Existing shorezone development includes a total of six moorings:

The three parcels associated with the project area will be deed restricted against future shorezone development and limited to one shared pier. Once the permit has been acknowledged, the project area will include the following (See Special Condition 3.C, below):

APN 122-181-32 one mooring buoy and one mooring lift

APN 122-181-64 two mooring buoys

APN 122-181-65 one mooring buoy and one mooring lift

All APNs: one multiple-parcel pier

The three parcels associated with this project shall be considered a project area for scenic mitigation purposes. The proposed contrast rating scores for the parcels are as follows:

APN 122-181-32: Composite Contrast Rating Score of 26

APN 122-181-64: Composite Contrast Rating Score of 26

APN 122-181-65: Composite Contrast Rating Score of 26

The proposed project is located within Scenic Shoreline Unit 23, Crystal Bay, which is not in attainment with the TRPA Scenic Threshold. Up to 460 square feet of visible mass is allowed for multiple-parcel piers serving three or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a total visible mass of 371.65 square feet which counts towards the 460 square feet of allowable visible mass. 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 719.65 square feet. This means that 1,439.3 square feet of visible mass will be mitigated within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project area will achieve a Composite Scenic Score of 25 within 6 months of project completion by adding 72 new plants and trees to serve as vegetative screening and darkening the exterior materials of the residence located at 889 Lakeshore Boulevard. Existing vegetative screening will also contribute to the required mitigation.

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 T1) for the project area shall be revised to include the following:
 1. Include the location of temporary BMPs, if necessary, for access pathways from the upland to the pier.
 2. Delineate the location of the turbidity curtain and include allowance for barge access.
 3. Delineate the limits of the barge access for construction of the pier.
 4. Add a note stating no containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.
 5. 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.
 6. Remove the temporary jet ski rail/storage located in the backshore of APN 122-181-32. The project security shall not be released unless this has been removed.
 - B. 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.
 - C. The permittees shall record a deed restriction to be prepared by TRPA that will create a project area of the subject APNs (122-181-32, -64, & -65) for the purpose of limiting potential future shorezone development, to allow for only one pier between the subject parcels. The deed restriction shall also create a project area for the purposes of scenic review. The permittee shall record the deed restriction with the Washoe County Recorder's Office, and provide either the original recorded

deed restriction or a certified copy of the recorded deed restriction to TRPA prior to permit acknowledgement.

- D. 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.
- E. 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.
- F. The subject property, APN 122-181-65, has 4,727 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 1 (Incline), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0150, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$20.00 per square foot for projects located within the Hydrologic Transfer Area 1 (Incline).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- G. The subject property, APN 122-181-32, has 6,217 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land

coverage on this property by removing coverage within the Hydrologic Transfer Area 1 (Incline), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0175, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$20.00 per square foot for projects located within the Hydrologic Transfer Area 1 (Incline).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- H. 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.
- I. 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 \$12,654 for the construction of 210.9 feet of pier length for a new pier (assessed at \$60.00 per linear foot).
- J. By acceptance of this permit, the permittee agrees that the scenic mitigation authorized under this permit shall be maintained in perpetuity. Failure to meet scenic mitigation requirements is a violation of the permit and TRPA Code of Ordinance Section 5.4 and is subject to enforcement actions.

A project area contrast rating score of 26 will be achieved to comply with the required scenic mitigation and qualify for security return. The project has a maximum of 5 years from final inspection to meet the necessary requirements. When the scenic mitigation requirements have been met, the following documentation shall be submitted at www.trpa.org/.

- Post project photos taken from 300 feet and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions.
- Post project revised scenic assessment. This is only required if there are significant changes from the approved scenic assessment.
- Planting of 72 trees and shrubs in the project area and painting of the exterior siding of the residence located at 122-181-32 to match Munsell color 3/1 5YR

The shorezone scenic security of \$5,000 shall be required per TRPA Code of Ordinances Section 5.9. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. An additional inspection fee is due at permit acknowledgement.

- K. 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, its Planning Commission, 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, 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 this 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 California Department of Fish and 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

Hekmat/Quiet Waters/Whitehead Multiple Use 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)	1/3 mile away from the nearest SMPZ located at Incline Beach	In conformance
Fish Habitat	Mitigation at 1:1 for Feed/Cover fish habitat	Replaced fish habitat adjacent to project, mitigation of \$12,654 for additional 210.9 linear feet	In conformance
Length	Pierhead may extend 30 feet past 6219 or 60 feet past pierhead line, whichever is more limiting. An additional 15 feet may be permitted for piers serving three or more primary residential parcels.	210.9' , extends 65 feet past 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 15' wide excluding catwalks	15' with two (2) boatlifts on either side of the pier.	In conformance
Catwalk	Maximum of 3' by 30'	3' x 30'	In conformance
Boatlift	One boat lift per littoral parcel (max. 4)	Two boatlifts	In conformance
Pier Height	6,232' maximum	6,234'	In conformance (see staff report)
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	460 sf of visible mass allowed for piers serving 3 or more primary residential littoral parcels (does not include accessory structures such as boatlifts, boats, handrails, and ladders).	371.65 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 changing exterior material colors and adding vegetative screening.	In conformance
Retirement of Shorezone Development Potential	An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.	Deed restriction to be recorded prior to permit acknowledgement.	In conformance

Attachment D

Initial Environmental Checklist



**TAHOE
REGIONAL
PLANNING
AGENCY**

OFFICE
128 Market St.
Stateline, NV

Phone: (775) 588-4547
Fax: (775) 588-4527

MAIL
PO Box 5310
Stateline, NV 89449-5310

www.trpa.org
trpa@trpa.org

HOURS
Mon., Wed., Thurs., Fri.
9 am-12 pm / 1 pm-4 pm
Closed Tuesday

New Applications Until 3:00 pm

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

I. Assessor's Parcel Number (APN)/Project Location 122-181-32, 64 & 65

Project Name Hekmat-Quiet Waters-Whitehead New Multi Use Pier County/City Washoe

Brief Description of Project:

New multiple use pier shared by three littoral parcels. Please refer to enclosed project description for details.

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

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?

- Yes
- No
- No, With Mitigation
- 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?

- Yes
- No
- No, With Mitigation
- 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?

- Yes
- No
- No, With Mitigation
- 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)?

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

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

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

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

[Empty response box]

- Yes
- No
- No, With Mitigation
- 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?

[Empty response box]

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

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

[Empty response box]

- Yes
- No
- No, With Mitigation
- 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)?

[Empty response box]

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

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

[Empty response box]

- Yes
- No
- No, With Mitigation
- 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?

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

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

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

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

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

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

- Yes
- No
- No, With Mitigation
- 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?

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

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

[Empty response box]

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

9. Natural Resources

Will the proposal result in:

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

[Empty response box]

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

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

[Empty response box]

- Yes
- No
- No, With Mitigation
- 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?

[Empty response box]

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

b. Involve possible interference with an emergency evacuation plan?

[Empty response box]

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

11. Population

Will the proposal:

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

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

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

- Yes
- No
- No, With Mitigation
- 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?

- Yes
- No
- No, With Mitigation
- 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?

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

Number of Existing Dwelling Units: 3

Number of Proposed Dwelling Units: 3

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?

- 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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.)

- Yes No
 No, With Mitigation 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?)

- Yes No
 No, With Mitigation Data Insufficient

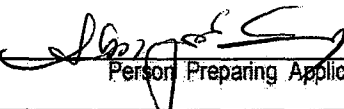
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes No
 No, With Mitigation 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.)

 _____ At _____ Placer _____ Date: 12/26/19
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Please refer to attached IEC response.

FOR OFFICE USE ONLY

Date Received: 1/17/2020 By: Tiffany Good

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

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

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

Yes No

Signature of Evaluator

Date: _____

Tiffany Good - Principal Planner

Title of Evaluator

Attachment E

Proposed Site Plan and Elevations

HEKMAT/WHITEHEAD MULTIPLE-USE PIER PROJECT

PROJECT INFORMATION:

OWNERS: KAMBIZ HEKMAT
10877 WILSHIRE BLVD. #300
LOS ANGELES, CA 90024
(APN: 122-181-064)

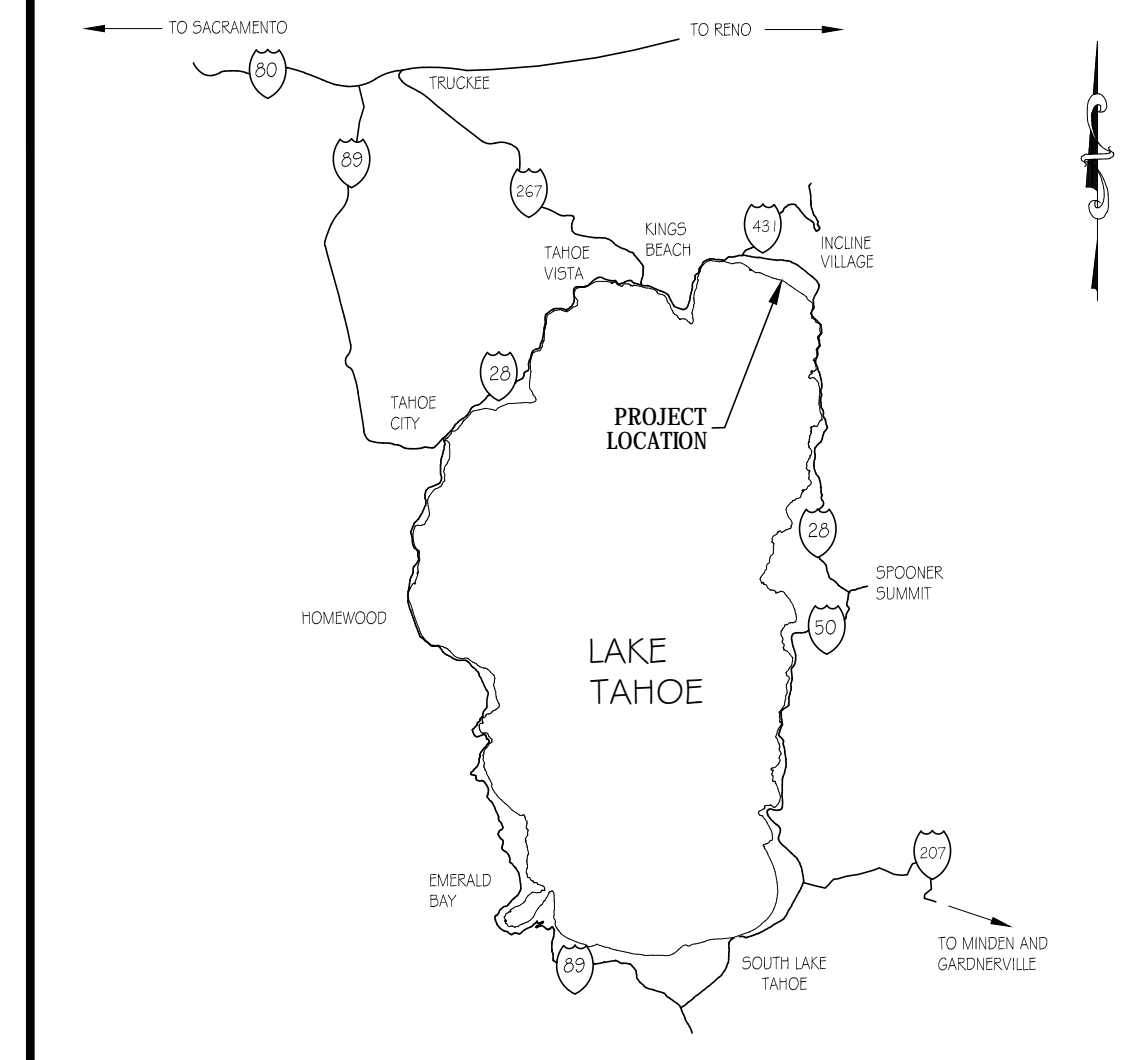
QUIET WATERS, LLC d/b/a INDIVEST
10877 WILSHIRE BLVD. #300
LOS ANGELES, CA 90024
(APN: 122-181-065)

EDDIE WHITEHEAD
P.O. BOX 8751
INCLINE VILLAGE, NV 89451
(APN: 122-181-032)

PLANNER: KAUFMAN EDWARDS PLANNING & CONSULTING
ATTN: ABIGAIL EDWARDS
P.O. BOX 1253
CARNELIAN BAY, CA 96140
(530) 546-4402

ENGINEER: FERRELL CIVIL ENGINEERING
ATTN: TIM FERRELL
P.O. BOX 361
TAHOE VISTA, CA 96148
(530) 546-2752

PROJ. LOCATION: 885, 887 & 889 LAKESHORE BLVD
INCLINE VILLAGE, NV 89450



AREA MAP

SURVEY/GENERAL NOTES:

- PIER DESIGN BASED ON SURVEYS PROVIDED BY KENNETH F. BARROW LAND SURVEYOR, DATED: 05/21/2003 (FOR APN: 122-181-032) AND SURVEY DATED 07/14/2003 (FOR APN'S: 122-181-064/065); FERRELL CIVIL ENGINEERING (F.C.E.) WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THESE SURVEYS.
- WHILE COMBINING THE SURVEYS F.C.E. MADE MINOR ALTERATIONS TO THE CONTOUR LINES TO MINIMIZE DISCREPANCIES, CONTRACTOR TO VERIFY ON SITE ALL ASPECTS OF PROPOSED DESIGN PRIOR TO BEGINNING OF WORK. IF CONFLICT ARISES IMMEDIATELY CONTACT F.C.E. FOR RE-DESIGN.
- EXISTING BUOY LOCATION AND COORDINATES WERE PROVIDED BY KAUFMAN PLANNING, AND ARE SHOWN ON THIS SITE PLAN FOR GRAPHICAL REPRESENTATION ONLY.
- NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UNDERGROUND UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY. CONTRACTOR TO BE RESPONSIBLE FOR CONTACTING UNDERGROUND SERVICE ALERT PRIOR TO BEGINNING OF WORK, EVEN ON PRIVATE PROPERTY.
- CONTRACTOR AND/OR OWNER TO VERIFY ALL EXISTING EASEMENTS, BUILDING SETBACKS AND ANY OTHER BUILDING RESTRICTIONS WHICH MAY AFFECT THIS PROPERTY/PROJECT.
- CONTRACTOR TO HAVE THE APPROVED TRPA PERMIT AND STAMPED PLANS ON SITE AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR SHALL COMPLY WITH THE TRPA SPECIAL AND STANDARD CONDITIONS OF APPROVAL SET FORTH IN THE PERMIT.
- ALL PROPOSED STEEL PILES TO HAVE A MIN. EMBEDMENT DEPTH OF 6 FEET. IF SITE CONDITIONS DO NOT ALLOW FOR THIS CONTRACTOR SHALL PIN THE PILES TO EXISTING BOULDERS PER ENGINEER'S DIRECTION AND DETAIL 4/D 1.
- PIER FILINGS, STRUCTURAL STEEL AND CATWALK SHALL ALL BE A FLAT DARK GRAY, BLACK, OR OTHER DARK COLOR CONSISTENT WITH THE COLOR PHOTOGRAPHS SUBMITTED WITH THE APPLICATION MATERIALS.
- CAISSONS AND/OR A TURBIDITY CURTAIN WILL BE INSTALLED AT THE DISCRETION OF THE CONTRACTOR, SUBJECT TO THE APPROVAL OF THE TRPA PRE-GRADE FIELD INSPECTOR.

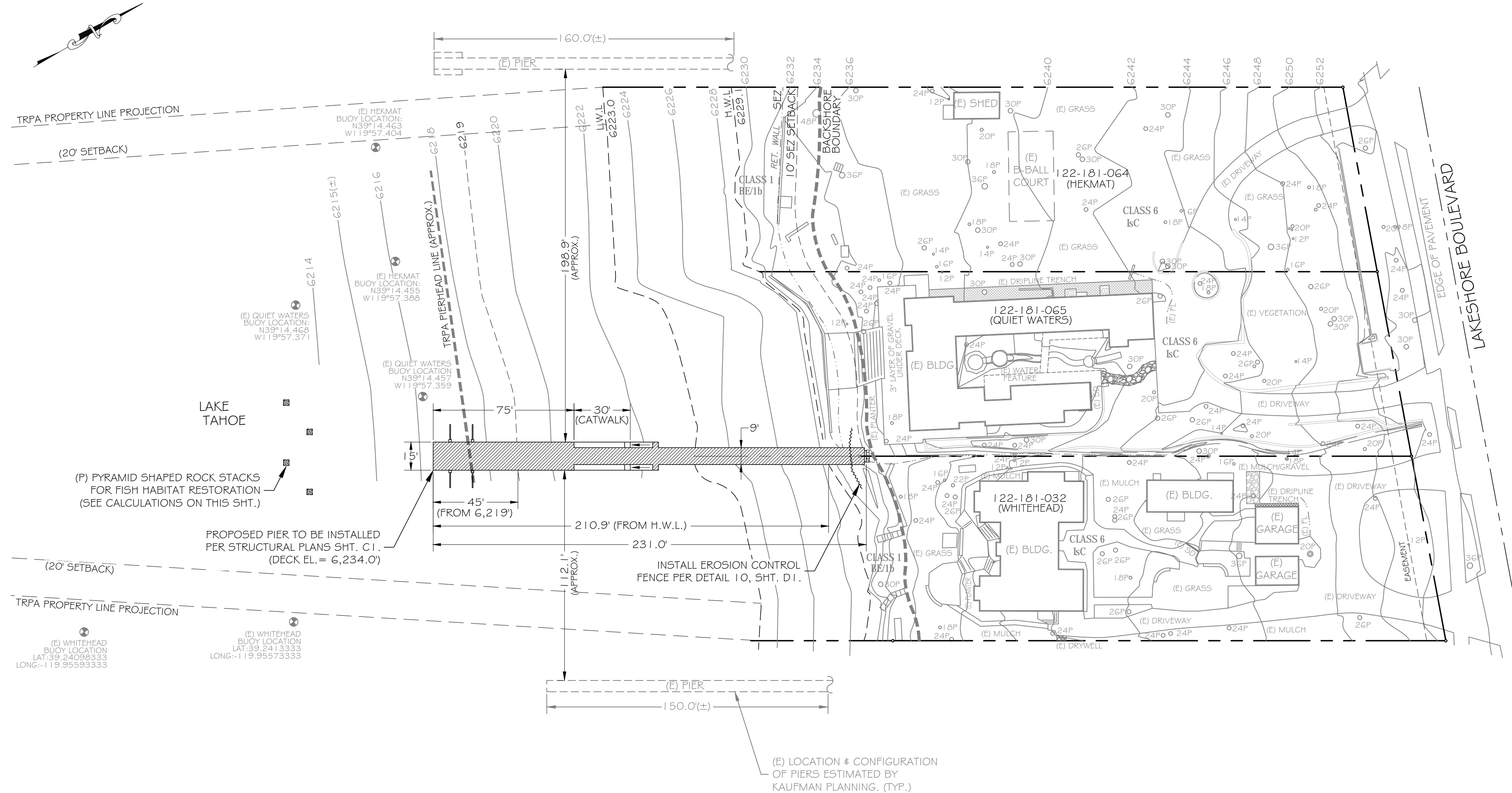
TRPA NOTES:

- THERE WILL BE NO STORAGE OF CONSTRUCTION MATERIALS IN THE SHOREZONE (INCLUDING THE BACKSHORE), EXCEPT ON EXISTING HARD LAND COVERAGE.
- STAGING ACTIVITY IS PROHIBITED LAKE-WARD OF THE HIGH WATER LINE EXCEPT BY BARGE DELIVERY, REMOVAL AND STAGING OF CONSTRUCTION EQUIPMENT AND MATERIALS SHALL ONLY OCCUR ON THE BARGE UNLESS APPROVED BY TRPA IN THE CONSTRUCTION PLAN.
- DISTURBANCE (TEMPORARY OR PERMANENT) TO THE LAKE SUBSTRATE IS PROHIBITED FOR CONSTRUCTION ACTIVITIES AND MODIFICATIONS TO THIS PIER EXCEPT FOR BOLTS OR SIMILAR DEVICES NECESSARY TO ANCHOR THE APPROVED STRUCTURAL SUPPORT AND FENDER FILINGS. EXISTING BOULDERS IN LAKE TAHOE SHALL NOT BE REMOVED OR RELOCATED. CONSTRUCTION ACTIVITIES SHALL NOT INCREASE WATER TURBIDITY NOR CAUSE ANY SUSPENSION OF ANY LAKE SEDIMENTS IN THE WATERS OF LAKE TAHOE.

ALLOWED PIER MASSING CALCULATIONS		
PROPOSED PIER DIMENSIONS	(feet/in.)	(feet)
Pier length (to HWL)	210'-10.8"	210.90
Width of pier head and (2) Catwalks	15'-0"	15.00
Decking height with joists	9"	0.75
Girders depth	8-1/4"	0.70
Pile height (visible at 6.226' lake level)	6'-6.75"	6.56
Pile width (Pier Walkway)	10-3/4"	0.90
Pile width (Pier Head)	12"	1.00
PROPOSED PIER VISUAL MASS (sq. ft.)		
Decking/framing: 210.9' x 0.75' (side) =		158.18
Decking/framing: 15' x 0.75' (front) =		11.25
Steel piles (Walkway): 0.9' x 6.56' x 9 piles (side) =		53.14
Steel piles (Walkway): 0.9' x 1.75' x 2 piles (side) =		3.15
Steel piles (Pier Head): 1' x 6.56' x 6 piles (side) =		39.36
Steel Piles: 1' x 6.56' x 4 piles (front) =		26.24
Steel Girders: 0.08 SF x 18 (side) =		1.44
Steel Girders: 0.7' x 15' (front) =		10.50
(2)-Catwalk/Guardrail/Ramp: ((9.99)+(5.25' x 3' +1.5)) =		54.48
New fender piles: ((0.29' x 6' x 6)+(0.29' x 6' x 2)) =		13.92
Total Proposed Visual Massing:		371.65
Total Allowed Visual Massing:		460.00

VISIBLE PIER MASSING TO BE MITIGATED		
PROPOSED PIER VISUAL MASS	(sq. ft.)	
Decking/framing: 210.9' x 0.75' (side) =		158.18
Decking/framing: 15' x 0.75' (front) =		11.25
Steel piles (Walkway): 0.9' x 6.56' x 9 piles (side) =		53.14
Steel piles (Walkway): 0.9' x 1.75' x 2 piles (side) =		3.15
Steel piles (Pier Head): 1' x 6.56' x 6 piles (side) =		39.36
Steel Piles: 1' x 6.56' x 4 piles (front) =		26.24
Steel Girders: 0.08 SF x 18 (side) =		1.44
Steel Girders: 0.7' x 15' (front) =		10.50
(2)-Catwalk/Guardrail/Ramp: ((9.99)+(5.25' x 3' +1.5)) =		54.48
New fender piles: ((0.29' x 6' x 6)+(0.29' x 6' x 2)) =		13.92
Two New 12,000 lbs Boat Lift (@ 174 SF) =		348.00
Total Visual Massing to be Mitigated:		719.65
SQUARE FEET OF MITIGATION REQUIRED		
Visually Modified Scenic Character Type (1:2 scenic mitigation req.) (719.65 x 2) =		1439

FISH HABITAT MITIGATION CALCULATIONS		
AREA OF DISTURBANCE RESULTING FROM INSTALLATION OF 22 (10-3/4" DIA.) NEW PILINGS (0.64 X 22)		14.08 SQ. FT.
AREA OF DISTURBANCE RESULTING FROM INSTALLATION OF 12 (12" DIA.) NEW PILINGS (0.79 X 12)		9.48 SQ. FT.
TOTAL FISH HABITAT RESTORATION REQUIRED (1:1.5 MITIGATION)		35.34 SQ. FT.
TOTAL PROPOSED FISH HABITAT MITIGATION (FOUR ROCK PYRAMIDS AT 9 SQ.FT./EACH)		36.00 SQ. FT.



SITE PLAN OVERVIEW
SCALE: 1"=40'-0"

SHEET INDEX:

- T1 - TITLE SHEET & SITE PLAN
- C1 - PROPOSED PIER PLANS
- D1 - STRUCTURAL DETAILS
- D2 - BUOY EXHIBIT & COVERAGES

A.P.N.	PARCEL SIZE	LAKE FRONTAGE
122-181-064	39,391 SF	107.2 LF
122-181-065	37,799 SF	110.1 LF
122-181-032	35,748 SF	111.0 LF
TOTAL:	112,938 SF	328.3 LF

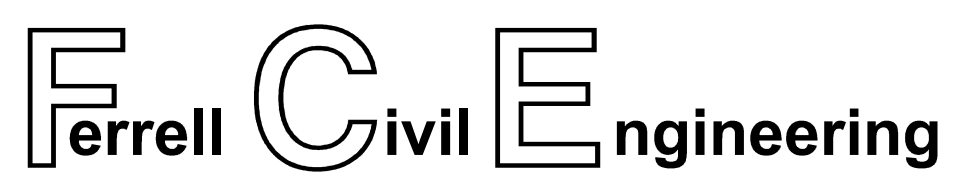
*CALCULATIONS BASED ON THE SURVEY PROVIDED BY: KEN BARROW P.L.S.

Call Two Working Days
Before You Dig!

Dig Safely. Dig Safely.
CALL: 811

REVISION	DATE	DESCRIPTION	APPROVED	DATE

DRAWN BY: HBG DESIGN BY: HBG
CHECKED BY: TKF DWG: P:\PIERS\HEKMAT\dwg\FCE-PIER



CA #C 55546 NV #12927 P.O. Box 361, Tahoe Vista, CA 96148
www.ferrellcivilengineering.com ferrell@fcivil.com
ph: 530.546.2752 fax: 530.546.4469

885/887/889 LAKESHORE BLVD. INCLINE VILLAGE NEVADA

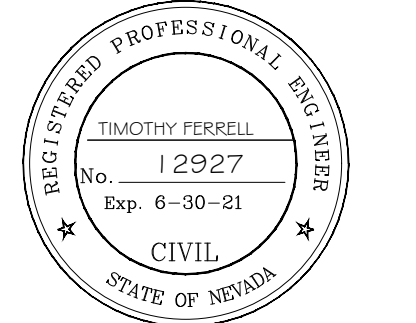
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122-181-065
122-181-032

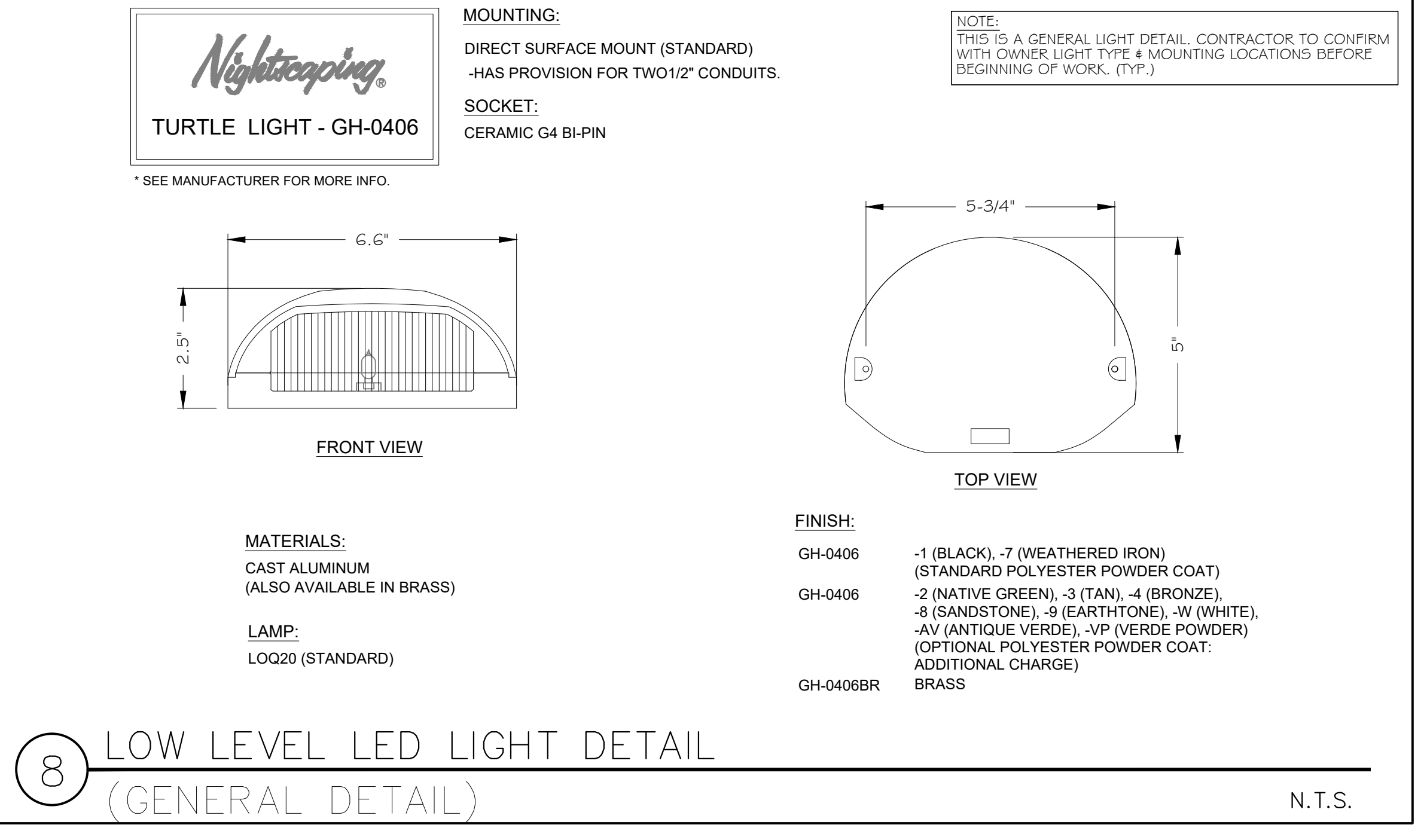
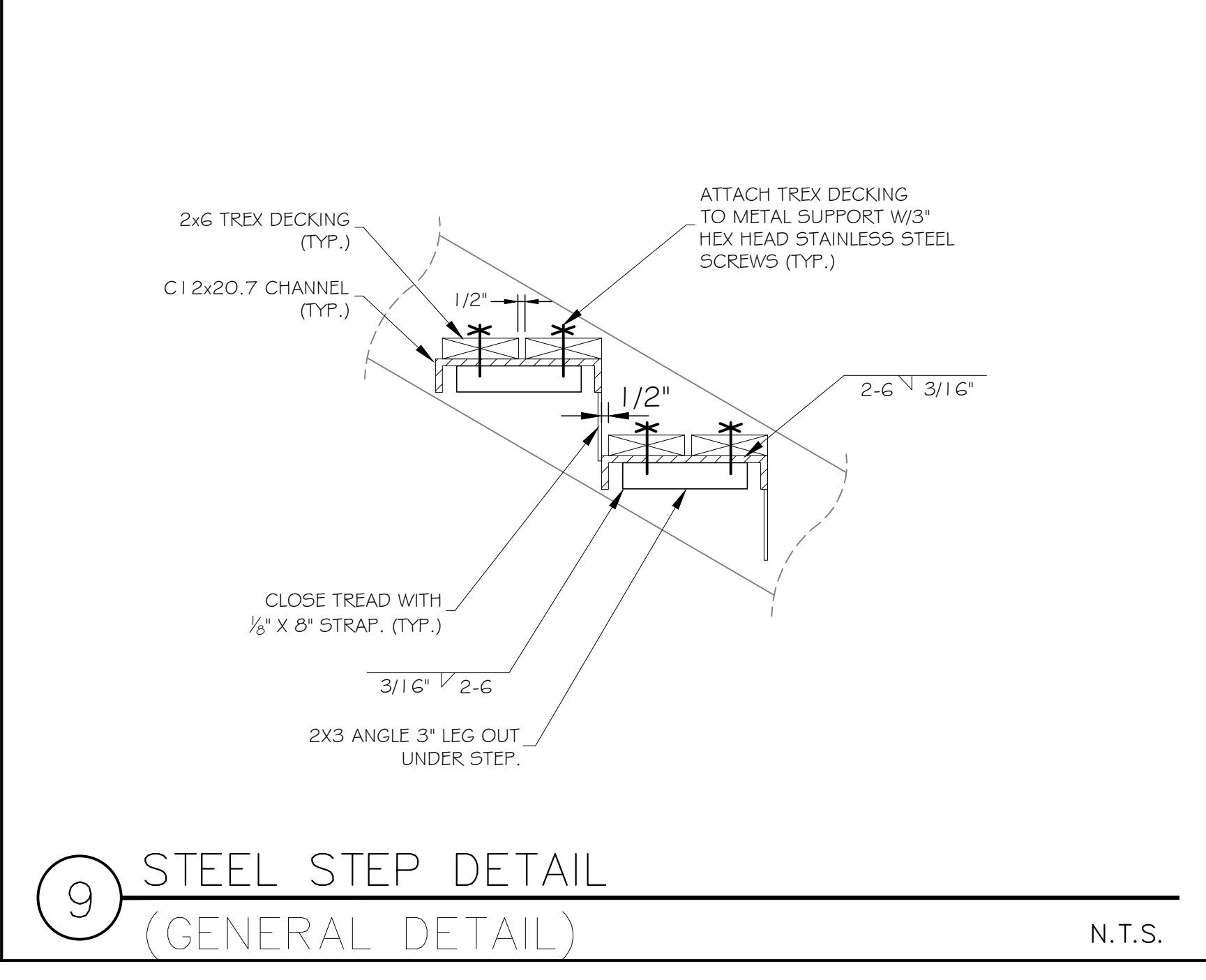
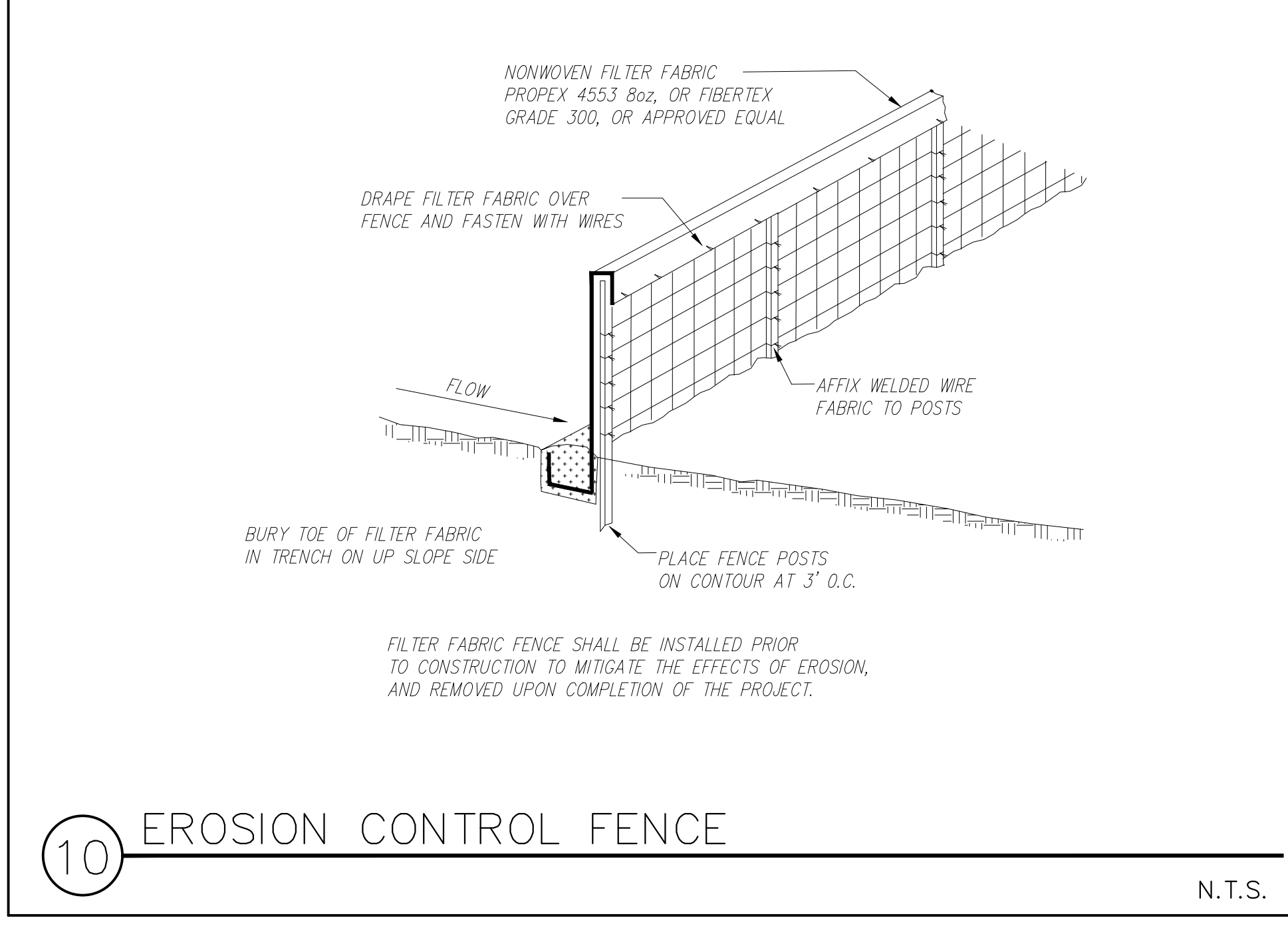
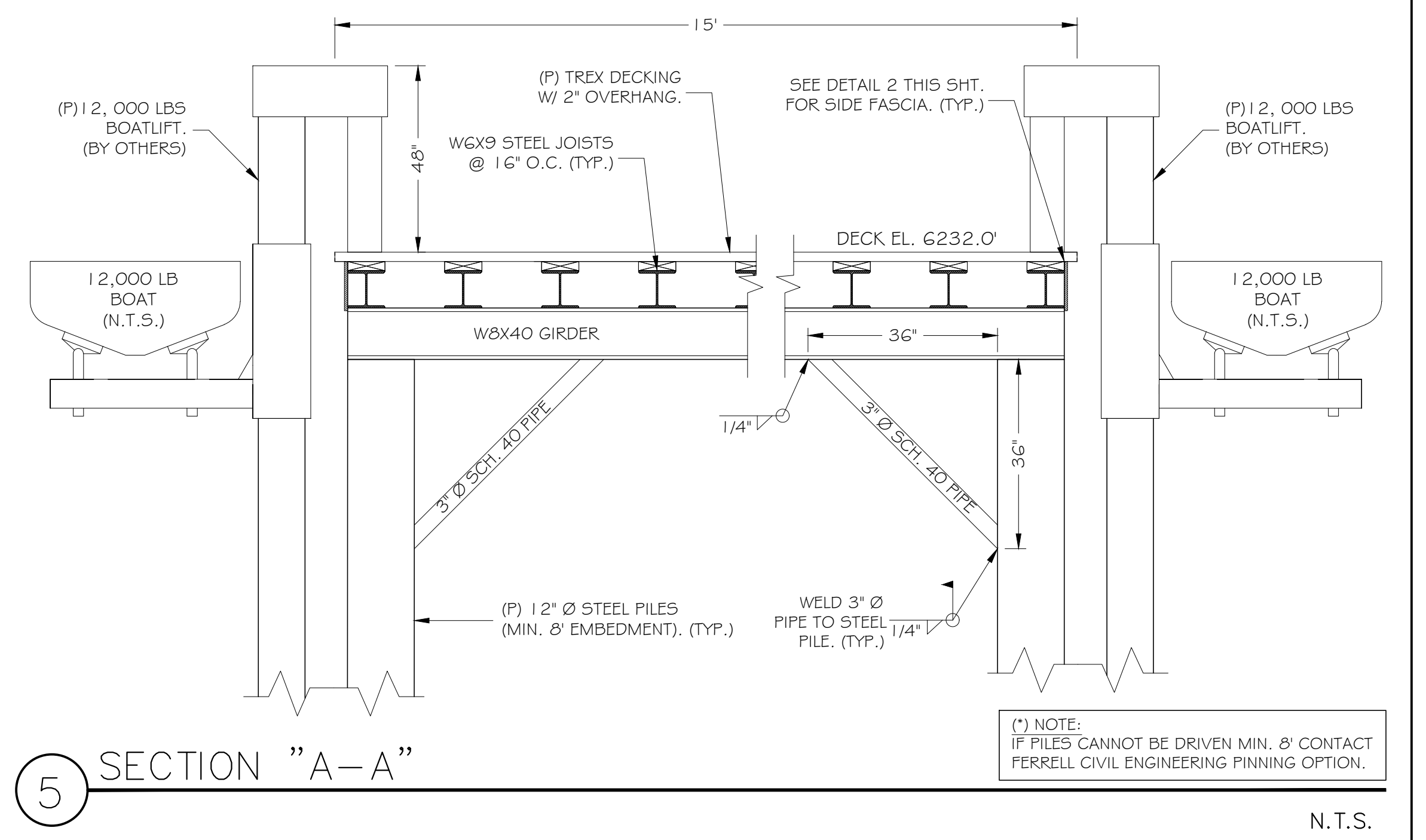
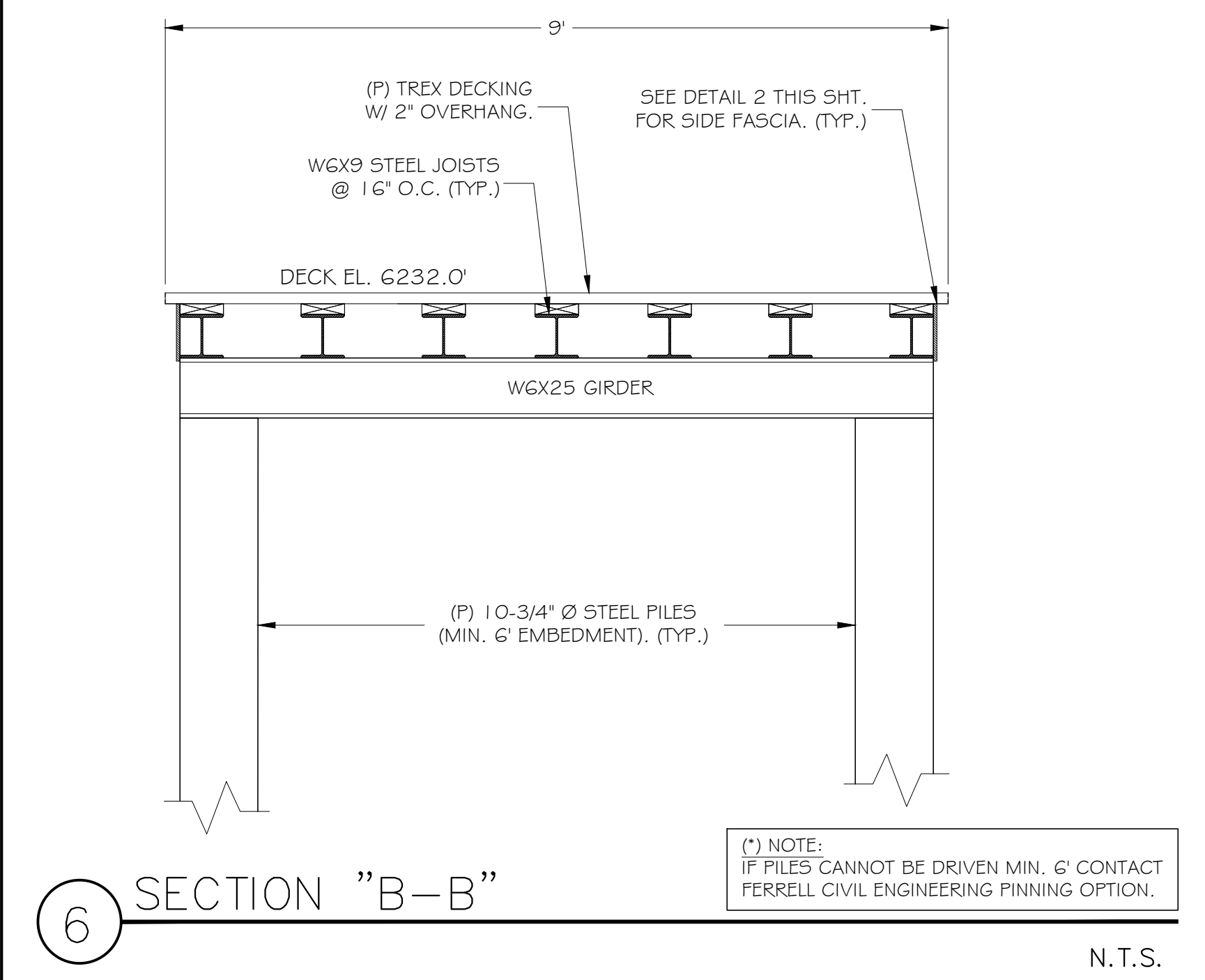
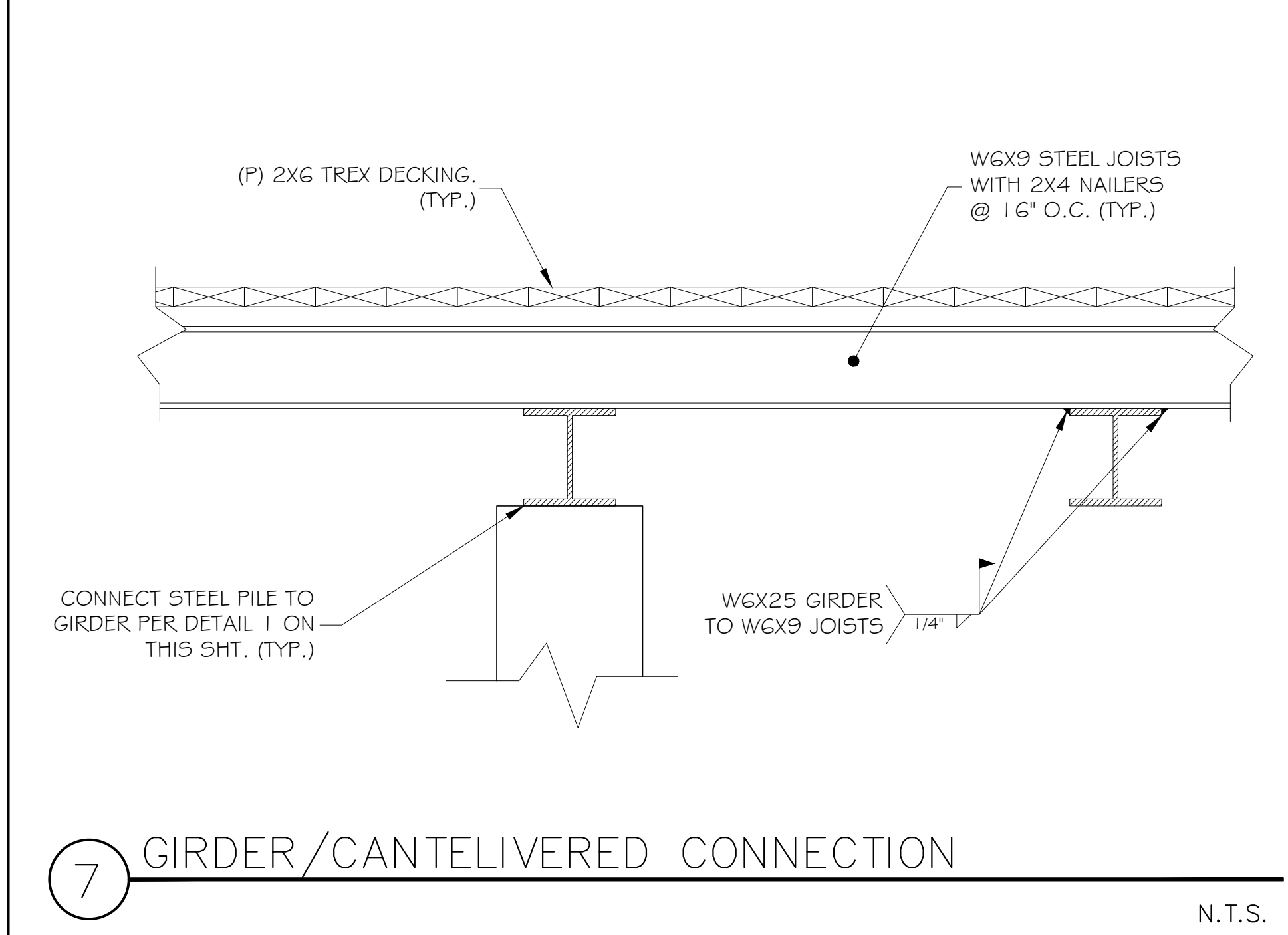
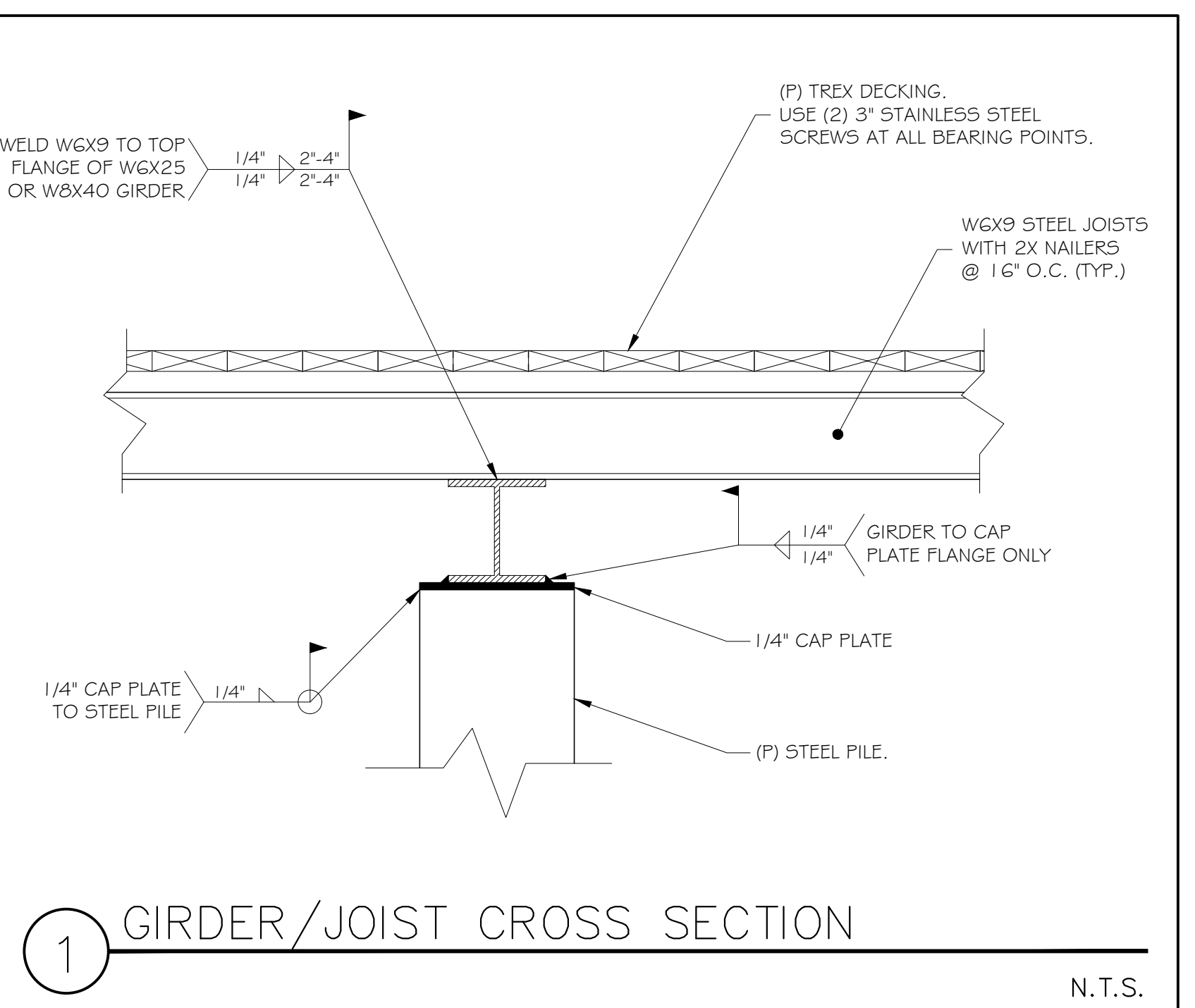
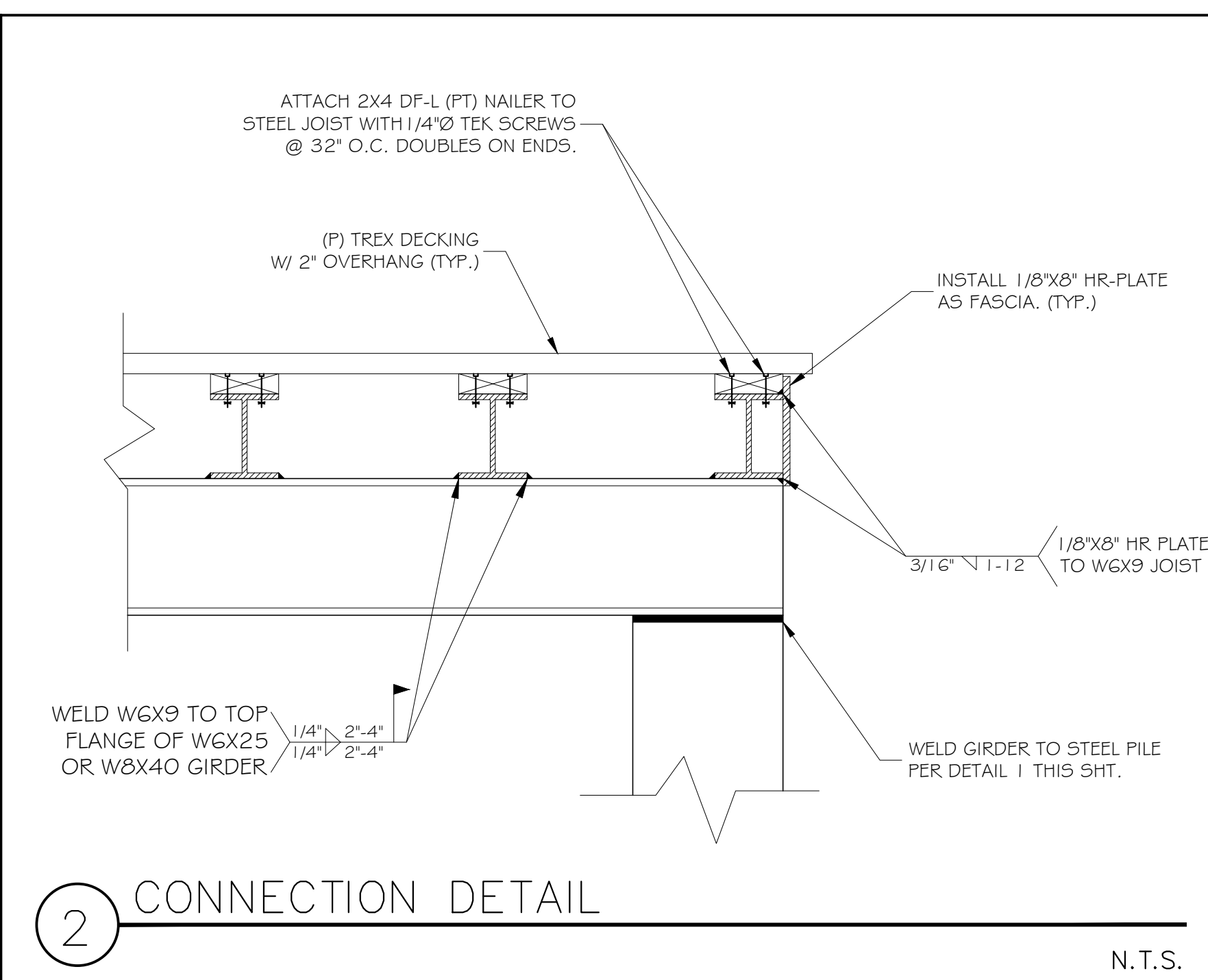
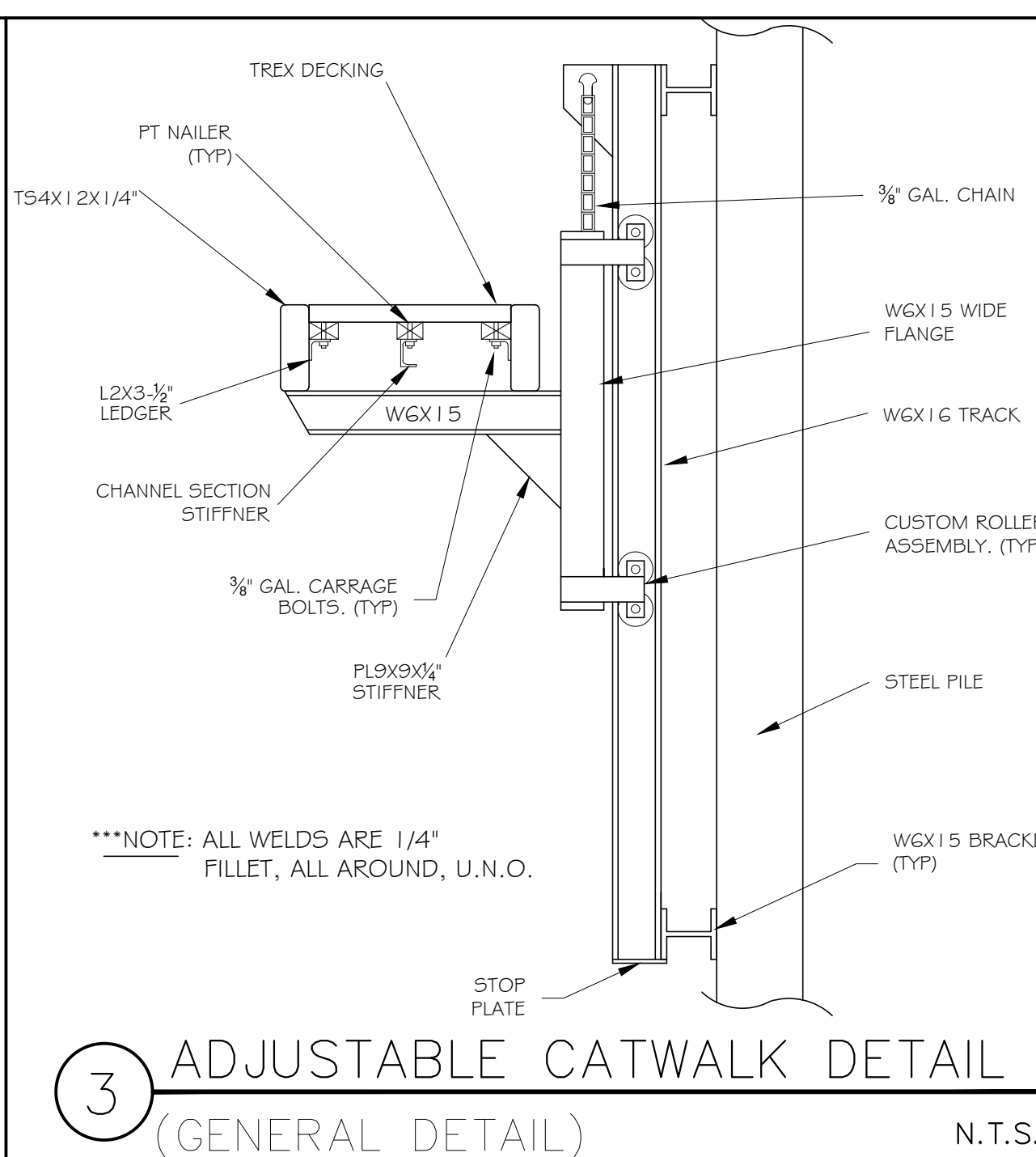
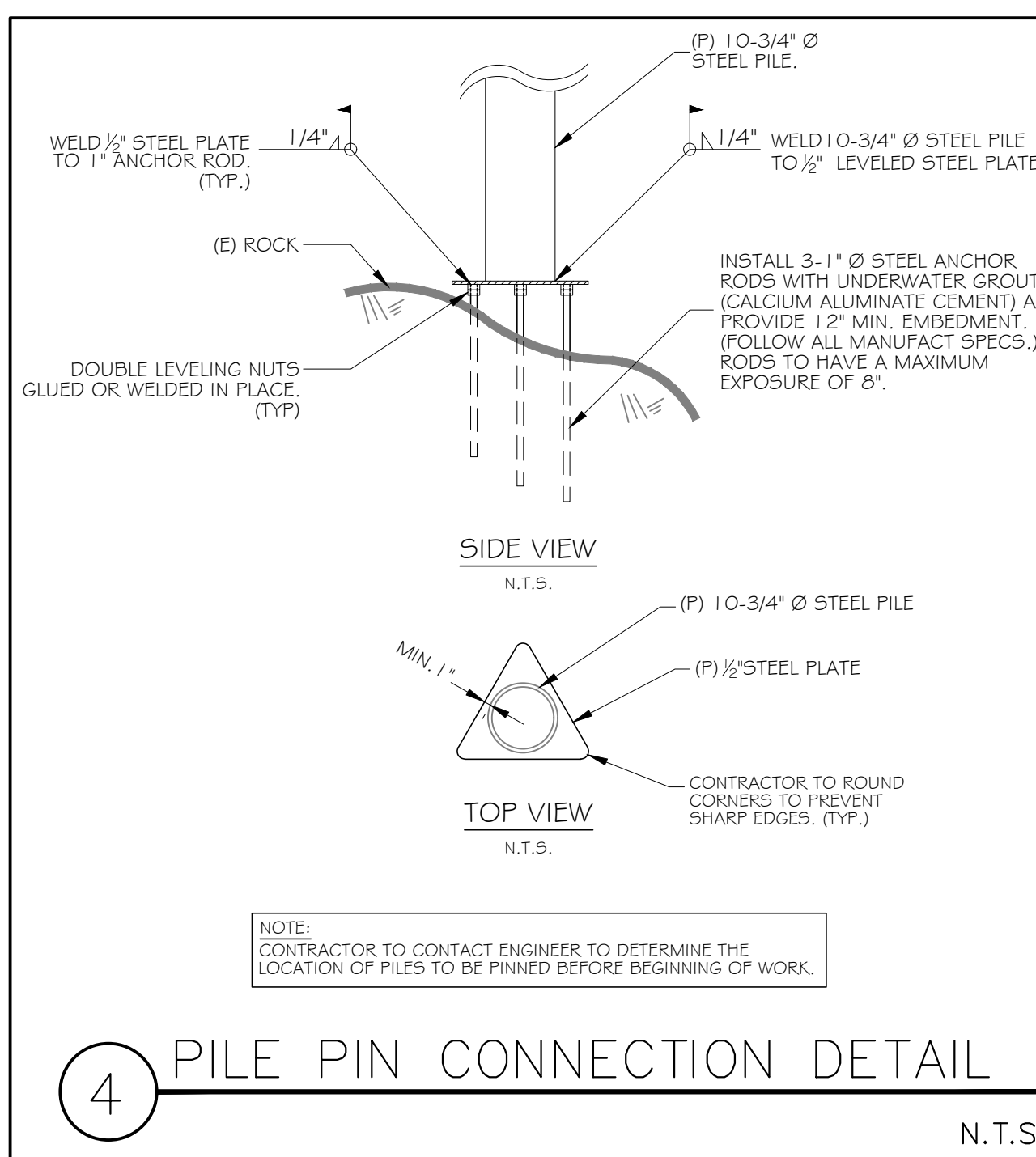
DATE: JANUARY 14, 2020

SCALE: 1"=40'-0"

SHEET T1 OF 4

W.O. NO. HEKMAT/WHITEHEAD PIER





DATE	
APPROVED	
DESCRIPTION	
REV.	
DATE	
DESIGN	HRB
CHECK	TKF
DATE	JANUARY 14, 2020
SCALE	AS NOTED
HORIZONTAL	
VERTICAL	
CAD	

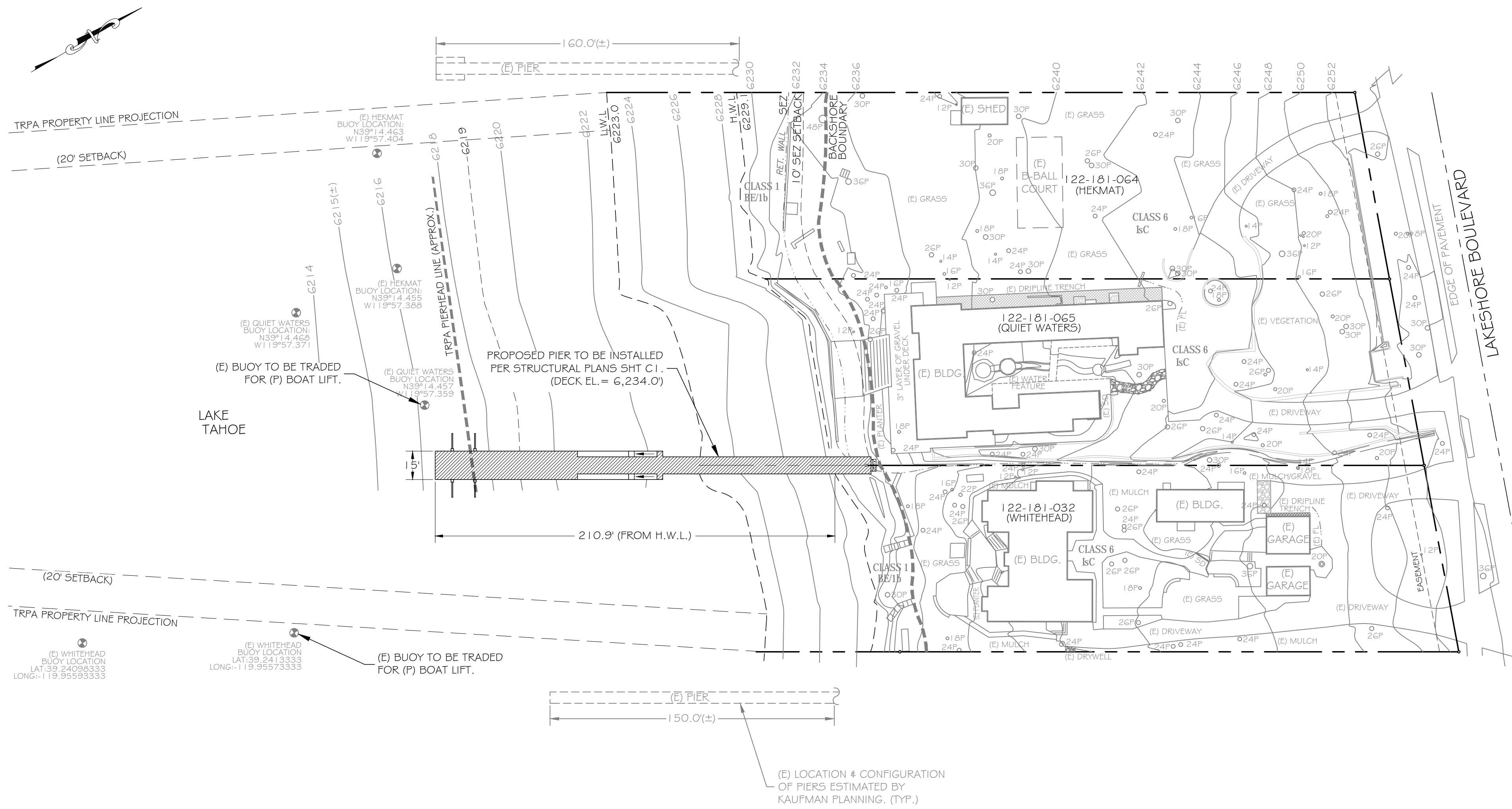
COMP. DATE: HRB
 DRAW. DATE: TKF
 WORK ORDER:
 SCALE: AS NOTED
 HORIZONTAL:
 VERTICAL:
 CAD:

PH: 530.546.2752
 FAX: 530.546.4469
Ferrell Civil Engineering
 CA #C 6548 NV #12927
 P.O. Box 301, Tiburon, CA 94948
 ferrell@fcivil.com

REGISTERED PROFESSIONAL ENGINEER
 LICENSE NO. 12927
 EXPIRES 6-30-21
 CIVIL
 STATE OF CALIFORNIA

STRUCTURAL DETAILS
 HEKMAT/WHITEHEAD MULTIPLE-USE PIER
 885/887/889 LAKESHORE BLVD. INCLINE VILLAGE, NV
 A.P.N.: 122-181-032/064/065

D1



BUOY EXHIBIT
SCALE: 1"=40'-0"

HEKMAT PROPERTY APN: 122-181-064		QUIET WATERS PROPERTY APN: 122-181-065		WHITEHEAD PROPERTY APN: 122-181-032	
EXISTING COVERAGE		EXISTING COVERAGE		EXISTING COVERAGE	
CLASS 6 (IsC)		CLASS 6 (IsC)	5,305 SF	CLASS 6 (IsC)	5,063 SF
DECK/STAIRS	26 SF	DECK/STAIRS:	1,537 SF	BUILDINGS:	3,805 SF
CONCRETE:	1,888 SF	CONCRETE:	4,725 SF	A.C. PAVING:	5,189 SF
A.C. PAVING:	1,335 SF	A.C. PAVING:	85 SF	SHEDS:	32 SF
SHEDS:	358 SF	ROCK PATHS:	1,016 SF	ROCK PATHS:	373 SF
TOTAL (CLASS 6):	3,607 SF	TOTAL (CLASS 6):	12,668 SF	TOTAL (CLASS 6):	14,462 SF
CLASS 1 (Be/1b)		CLASS 1 (Be/1b)		CLASS 1 (Be/1b)	
DECK/STAIRS	59 SF	CONCRETE	545 SF	CONCRETE/STAIRS	134 SF
TOTAL (CLASS 1):	59 SF	TOTAL (CLASS 1):	545 SF	TOTAL (CLASS 1):	134 SF
TOTAL EXISTING:	3,666 SF	TOTAL EXISTING:	13,213 SF	TOTAL EXISTING:	14,596 SF
ALLOWED COVERAGE		ALLOWED COVERAGE		ALLOWED COVERAGE	
CLASS 6 (IsC):	9,115 SF	CLASS 6 (IsC):	8,459 SF	CLASS 6 (IsC):	8,298 SF
CLASS 1 (Be/1b):	22 SF	CLASS 1 (Be/1b):	27 SF	CLASS 1 (Be/1b):	81 SF
TOTAL ALLOWED:	9,137 SF	TOTAL ALLOWED:	8,486 SF	TOTAL ALLOWED:	8,379 SF
PROPOSED COVERAGE		PROPOSED COVERAGE		PROPOSED COVERAGE	
CLASS 6 (IsC)		CLASS 6 (IsC)	5,305 SF	CLASS 6 (IsC)	5,063 SF
DECK/STAIRS	26 SF	DECK/STAIRS:	1,537 SF	BUILDINGS:	3,805 SF
CONCRETE:	1,888 SF	CONCRETE:	4,725 SF	A.C. PAVING:	5,189 SF
A.C. PAVING:	1,335 SF	A.C. PAVING:	85 SF	SHEDS:	32 SF
SHEDS:	358 SF	ROCK PATHS:	1,016 SF	ROCK PATHS:	373 SF
TOTAL (CLASS 6):	3,607 SF	TOTAL (CLASS 6):	12,668 SF	TOTAL (CLASS 6):	14,462 SF
CLASS 1 (Be/1b)		CLASS 1 (Be/1b)		CLASS 1 (Be/1b)	
DECK/STAIRS	59 SF	CONCRETE	545 SF	CONCRETE/STAIRS	134 SF
TOTAL (CLASS 1):	59 SF	PIER & STEPS	82 SF	PIER & STEPS	79 SF
		CONCRETE LANDING	6 SF	CONCRETE LANDING	6 SF
TOTAL PROPOSED:	3,666 SF	TOTAL (CLASS 1):	633 SF	TOTAL (CLASS 1):	219 SF
		TOTAL PROPOSED:	13,301 SF	TOTAL PROPOSED:	14,681 SF

COMP.: ECE DESIGN: HBS
 DRWN: HBB PROJ. ENG.: TKF
 WORK ORDER: SCALE: AS NOTED
 HORIZONTAL: HORIZONTAL: DATE: JANUARY 14, 2020
 VERTICAL: VERTICAL: CAD:

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 Exp. 6-30-21

BUOY EXHIBIT & COVERAGES
HEKMAT/WHITEHEAD MULTIPLE-USE PIER
 885/887/889 LAKESHORE BLVD. INCLINE VILLAGE, NV

D2

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Additional Public Comment Opportunity on the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS) for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Summary and Staff Recommendation:

No action is required at this time. Staff requests that the Governing Board (GB) offer comments and solicit additional public comments on the Tahoe Regional Planning Agency (TRPA) Draft Environmental Impact Statement (EIS), CEQA Draft Environmental Impact Report (EIR) for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test. Presentations on the project and DEIS/DEIR occurred at the July 23, 2020 Governing Board meeting, a public workshop on August 11, 2020, and at the August 12, 2020 Advisory Planning Commission meeting.

Public Comment:

The Draft EIR/EIS is available for public review and comment until September 3, 2020. Interested agencies, organizations, and individuals are encouraged to submit comments on the completeness and technical adequacy of the Draft EIR/EIS and alternatives. Comments are requested to be concise and focused on the specifics of the proposed project and alternatives to ensure that the impacts are adequately determined before the lead agencies make a final decision. The document can be referenced electronically at trpa.org and tahoekeysweeds.org. Project information can also be referenced at tahoekeysweeds.org.

In accordance with Article 6.13(b) of the TRPA Rules of Procedure, the comment period for the Draft EIR/EIS commenced on July 6, 2020 and will conclude on September 3, 2020. The purpose of the sixty-day comment period is to gather input from the public regarding the adequacy of the Draft EIR/EIS in terms of identified impacts and proposed mitigation measures that are addressed in the environmental document. After the comment period a Final EIR/EIS will be prepared that will include responses to all written comments received during the comment period and may include responses to oral or late comments per Article 6.14, TRPA Rules of Procedure. TRPA action on the project, including a hearing on certification of the Final EIR/EIS by the Governing Board, will be after publication of the Final EIS.

Contact Information:

For questions regarding this agenda item, please contact Dennis M. Zabaglo, Aquatic Resources Program Manager at (775) 589-5255 or dzabaglo@trpa.org.



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Stateline, NV 89449-5310

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www.trpa.org

SHOW CAUSE HEARING SUMMARY

Date: August 19, 2020
To: TRPA Governing Board
From: TRPA Staff
Subject: Notice of Violation, Justin Sheaff/Mountain Addiction LLC, Unauthorized Tree Cutting, California Tahoe Conservancy Property, Placer County, California, APNs 092-010-021, -035

Requested Action:

To conduct a Show Cause hearing on the May 8, 2020 Notice of Violation (“NOV”) issued to Justin Sheaff and Mountain Addiction LLC (collectively “Mountain Addiction”) for cutting down without authorization five trees greater than 14 inches on CTC property located in Placer County, and to determine whether to pursue a judicial action to assess a civil penalty.

Staff Recommendation:

Staff recommends that the Governing Board conduct the hearing and vote to direct the Executive Director and General Counsel to pursue a judicial action to assess a civil penalty for the violations alleged in the NOV.

Motion:

1. A motion to direct the Executive Director and Agency Counsel to pursue a judicial action to assess Justin Sheaff and Mountain Addiction LLC a civil penalty for the conduct alleged in TRPA’s May 8, 2020 Notice of Violation.

In order to grant the motion, any eight affirmative votes are required.

Introduction:

Some time prior to January 23, 2020, approximately 50 live trees were cut down, a number of dead stumps and trees were trimmed down or felled, and numerous branches of manzanita bushes were cut to create a winter time route for a wide vehicle, such as a snow cat, that originated from a residential building owned by Mountain Addiction LLC, traversing the CTC property and ending in the paved multi-use path. The route and location of the cutting activity is shown on Attachment A. Five of the live trees cut were cut in violation of TRPA’s ordinances prohibiting the felling of trees over 14 inches without a permit.

There is no dispute the cutting took place without authorization from either TRPA or CTC; the only dispute is over who did it. TRPA staff contends that the weight of the evidence of the purpose, location, opportunity and benefit render it likely that Mountain Addiction LLC and Justin Sheaff, a principal, were responsible for the activity and violations of TRPA’s Code of Ordinances. Sheaff and Mountain Addiction

LLC deny any involvement with the cutting activity and further contend that the cutting was random and for no apparent purpose.

The Executive Director's May 8, 2020 NOV is appended as Attachment B. On June 2, 2020, Mountain Addiction submitted its Response to the NOV and it is appended as Attachment D. (The Response includes as Appendix No. 1, a civil complaint TRPA filed in federal court. TRPA filed this complaint to preserve its enforcement options pending the Governing Board's Show Cause hearing because Sheaff and Mountain Addiction LLC refused to execute a second waiver of the applicable statute of limitations.) CTC recently submitted a response (Attachment G) to Mountain Addiction's response.

Pursuant to TRPA Rules of Procedure Article 9.13, TRPA Staff submits this hearing summary with the following required elements: (1) a review the uncontested facts, (2) the factual and legal contentions of the parties, and (3) a summary of the issues to be determined. Because there is no dispute that five trees were cut without authorization, the Show Cause hearing will focus on who did it.

Statement of Uncontested Facts:

The CTC property comprises over 500 acres of public land. The parcels have been used by the public for recreation purposes year-round. Several informal summer hiking and mountain biking trails cross the property as well as the Dollar Creek paved shared use path.

In 2018, Mountain Addiction LLC built, pursuant to a TRPA permit, a single-family addition to an existing residence that resulted in a completed single structure with 3,500 square feet ("SF") of living space and 7,000 SF of garage and storage. The structure is located on the northwest corner of the Mountain Addiction Property and adjacent to the east side of the CTC Property. See Attachment A. The structure includes a rear garage door and ramp leading directly to the CTC Property that can be used for snowmobile access. See Attachment F (plans) and Attachment C.1 (photographs). Justin Sheaff is a principal of, and represented Mountain Addiction LLC, in the permitting for this project.

On January 23 and 31, 2020, CTC personnel inspected the CTC property and discovered the unauthorized cutting of trees and other resource damage on the property by snow cat access behind the Mountain Addiction residence. On February 6, 2020, CTC and TRPA staff inspected the site and documented damage to CTC property. TRPA staff also visited the site on June 10, 2020. Photographs from these various inspections are aggregated in Attachment C.

The CTC and TRPA inspections revealed over-the-snow parallel vehicle tracks indicating that someone had traveled from the Mountain Addiction property across the CTC property on to the Dollar Creek multi-use path along a route identified in Attachment A. At the time of the CTC and TRPA winter inspection a snow-cat was parked on the Mountain Addiction property. Sheaff stated to CTC staff that he owned that snow cat and that he had been on the property when the snow cat travelled between the house and the paved bike path along the created route.

Approximately 50 live trees of various sizes were cut. Of the trees felled, five trees were greater than 14 inches diameter at breast height ("dbh"). TRPA has not issued a permit to any person or entity (except CTC) to cut, remove, or materially damage trees on the CTC Property. CTC informs TRPA that it has not authorized any party to cut trees on the CTC Property.

Justin Sheaf conducts "maintenance" on the CTC property during the winter for over-the-snow uses.

Factual and Legal Contentions of the Parties:

TRPA contends that the following facts establish Mountain Addiction's responsibility for the cutting of trees and other vegetation, including five trees over 14 inches dbh, on the CTC property.

- A. Five live trees greater than 14 inches dbh were cut without authorization from TRPA or CTC.
- B. The cutting of the five live trees without authorization violates TRPA's Compact, Regional Plan, and Code of Ordinances.
- C. Justin Sheaff and Mountain Addiction LLC are responsible for the illegal cutting of these five live trees.
 1. The location and pattern of cutting created an over-the-snow access route between the Mountain Addiction property and the Dollar Creek multi-use path on the CTC property.
 - a. The cutting and damage were oriented linearly on a route between the Mountain Addiction house and the paved bike trail. See Attachment A (CTC map).
 - b. All cutting and damage occurred within the corridor for the access route and provide a clear route therein. See Attachments A (CTC map), C (photographs).
 - c. This summer TRPA walked transects across the CTC property (see Attachment E for map of inspection transects) and could not locate any other similar damage on the CTC property other than within the route on Attachment A.
 - d. Cut trees were bucked and moved off the route and left on site. Trees felled to land outside path were not bucked. Photographs in Attachment C.1, C.2.
 - e. Some trees were limbed to create space that likely accounts for snow accumulation. Photographs Attachment in C.3.
 - f. Various size trees were cut (from 4 inches dbh to 32 inches dbh) indicating clearing of space was the objective of the cutting rather than forest health.
 - g. Trees left uncut indicate no intent to treat CTC property for forest health reasons. No trees, stumps, or manzanita cut outside of route. See Photographs in Attachment C.3.4.
 - h. Route connected open areas to minimize necessary tree cutting and avoid steep slopes.
 - i. Stumps, snags, and larger manzanita cleared from route. As demonstrated by photographs these items posed both barriers and potential sharp threats to snow cat tracks.
 - j. A snow cat used route between Mountain Addiction house and paved bike trail. Photographs in Attachment C.2.

- k. The width of track accommodates snow cats and provides room to accommodate tree snow wells, limbs, rocks, etc. Photographs in Attachment C.2, C.3.
 - m. Cutting pattern inconsistent with current CTC forest management prescriptions.
2. Mountain Addiction had the motive, means, and opportunity to create the over-the-snow access route between their property and the Dollar Creek multiple-use path.
- a. Sheaff and other Mountain Addiction principals are “avid outdoor enthusiasts,” including snowmobiling. Response at 8.
 - b. The design and placement of the Mountain Addiction house indicate an intent to access the CTC property.
 - i. Placement of house near to CTC property. Attachment F (plans), Attachment C.1 (photographs).
 - ii. Outsized garage to house multiple snow machines. Attachment F (plans), Attachment C.1 (photographs).
 - iii. Multiple garage doors including one with driveway leading directly to CTC property and start of cutting route to Dollar Creek multi-use path. Attachment F (plans), Attachment C.1 (photographs).
 - c. The over-the-snow route connects, and provides access from, the Mountain Addiction house and the Dollar Creek multi-use path on the CTC property.
 - d. Sheaff owns a snow cat, a snow cat was photographed on site in January/February 2020, and Sheaff was “present” on the site when the snow cat travelled between the Mountain Addiction house and the paved bike path along the created route. Response at 8; Sheaff statements to CTC; photographs.
 - e. During this winter, the area around the garage doors of the Mountain Addiction house were groomed with a snow cat. Attachment C.1 (photographs).
 - f. Sheaf admits he “maintained in the winter [] the existing trail from Old County Road which leads to the bike path and the bike path itself.” Response at 8. And, “[m]aintenance consisted of wintertime grooming” Id. Sheaff admits grooming the Dollar Creek multi-use path with his snow cat during the winter. Response at 5.
 - g. Respondents admit they could have performed the clearing as “it is clear that anyone with knowledge of how to operate a chainsaw could have cut the trees down.” Response at 10. Sheaff admits he knows how to operate a chainsaw. Id.

- h. Given the significant effort involved in clearing the route, it is unlikely anyone but Mountain Addiction would have undertaken the activity.

In their Response (Attachment D), Mountain Addiction contends the following allegations establish they were not responsible for the cutting of the trees on the CTC property.¹

A. Mountain Addiction will not benefit from the tree cutting.

- 1. Rather than creating the route, the activity was the “[r]andom cutting of trees with no apparent purpose in mind” and [n]othing more than the sporadic, and perhaps, senseless, cutting of trees for no apparent reason.” Response at 2.
 - a. Other trees on the CTC property outside of the route greater than 14 inches dbh had been cut in the past. Response at 6.

[TRPA response: The recent cutting activity of trees, snags, stumps, and manzanita was confined to, and did not occur outside of, the route between the Mountain Addiction house and the Dollar Creek multi-use path.]

- 2. Alternatively, the respondents contend the CTC property was “masticated in recent years by heavy machinery to reduce fuel.” Response at 4.

[TRPA response: CTC has not treated the CTC property in recent years. The recent cutting activity of trees, snags, stumps, and manzanita was confined to, and did not occur outside of, the route between the Mountain Addiction house and the Dollar Creek multi-use path. The cutting bears no relationship to any CTC prescription for fuel reduction.]

- 3. Sheaff did not need to cut several of the trees in order to provide access on the route for his 12-foot snow cat. Response at 4, 10 (attached photographs indicating distances greater than 12 feet from some larger stumps to edge of route).

[TRPA response: The distance from a cut stump to the base of a tree on the edge of the route (see e.g., Response at Exhibit 6) is not the relevant measurement. For this over-the-snow route, one must also take in consideration, for example, the route with significant snow accumulation creating tree snow wells, the reach of branches into the route from both trees on the edge and the cut trees with snow under tread, the cross-slope where one might desire greater width, avoidance of other obstacles such as rocks. TRPA need not establish why whoever created the route decided to cut each particular tree, stump, snag or bush. Collectively, the impact of the all the cutting is the creation of a wide route capable of allowing easier access for powered over-the-snow machines like a snow cat.]

¹ The respondents include significant material in their Response that is irrelevant to resolution of remaining issues in this matter (e.g., whether Mountain Addiction uses the house for commercial purposes, the CTC/TRPA negotiation process to date). TRPA does not address these issues in this hearing summary.

- B. Neither Sheaff nor anyone from Mountain Addiction were on site from mid-January to mid-February 2020 when respondents allege CTC states the cutting took place. Response at 10.

[TRPA's response: TRPA and CTC do not know when the cutting activity took place except that it occurred prior to January 23, 2020 (the date of the first observation of the cut trees and other damage by CTC staff) after a winter snow fall (saw dust observed on top of snow). That Sheaff or other Mountain Addiction principals or guests were not present on the site starting January 10, 2020 fails to exculpate them.]

- C. Other people use the CTC property for recreational activities, including snowmobiling and possibly UTV side-by-sides. Response at 3, 5.

[TRPA response: That the public may use the CTC property for winter motorized recreational activities in the past does nothing to curtail the specific benefit gained to Mountain Addiction from the route from their back door to the Dollar Creek multi-use path. Respondents also do not provide a reason why these users would undertake the intensive effort necessary to create the route. As to respondents claim that UTV side-by-sides could have created the snow cat tracks, staff observation of such vehicles indicates that the tracks are narrower than the tracks photographed and regardless, Sheaff admitted that the snow cat travelled on the route when he was there.]

The Issues to be Resolved:

During the Winter of 2019-2020, somebody created an over-the-snow trail between the Mountain Addiction LLC property and the Dollar Creek multi-use path across the CTC property wide enough for a snow cat. TRPA staff contends Justin Sheaff and Mountain Addiction LLC were responsible for the creation of the snow cat route and are therefore legally responsible for the cutting of five trees greater than 14 inches dbh in violation of TRPA Code of Ordinances Sections 2.3.2.M and 61.1.5. In order to concur in this recommendation, the Governing Board needs to resolve the following outstanding issues:

- A. Is it more likely than not that Justin Sheaff and Mountain Addiction LLC were responsible for the clearing of the over-the-snow route and the felling of the five trees over 14 inches dbh on the CTC property?
- B. Should TRPA staff seek a judicial assessment of civil penalties against Justin Sheaff and Mountain Addiction LLC?

If the Governing Board believes the answer to these two issues is yes, staff recommends the Governing Board approve a motion to direct the Executive Director and Agency Counsel to pursue a judicial action to assess Justin Sheaff and Mountain Addiction LLC a civil penalty for the conduct alleged in TRPA's May 8, 2020 Notice of Violation.

Contact Information:

For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.org, or Steve Sweet, Compliance Program Manager, at (775) 589-5250 or ssweet@trpa.org.

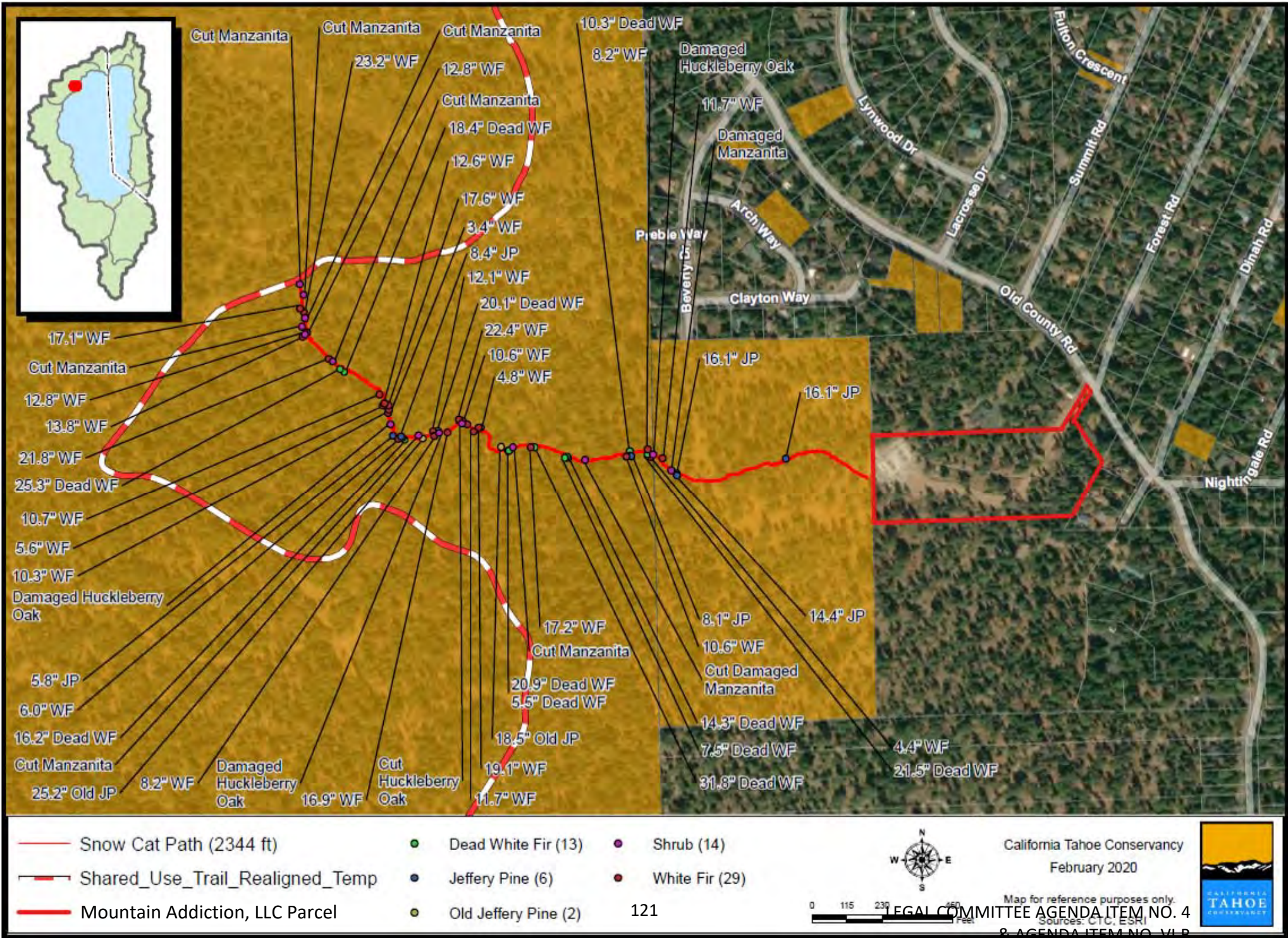
Attachments:

- A. CTC Property Map: Conservancy Resource Damage
- B. March 8, 2020 NOV
- C. CTC/TRPA Site Photographs
 - C.1. January 2020 CTC Photographs
 - C.2. February 6, 2020 TRPA Photographs
 - C.3. June 10, 2020 TRPA Photographs
- D. Sheaff/Mountain Addiction LLC Response to NOV
- E. CTC Property Inspection Transects
- F. Site and Building Plans
- G. August 18, 2020 CTC Response to Sheaff/Mountain Addiction Response to NOV

Attachment A

CTC Property Map: Conservancy Resource Damage

Conservancy Resource Damage



Attachment B

March 8, 2020 NOV



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

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Phone: 775-588-4547
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May 8, 2020

Justin Sheaff
200 A N Rogers Street
Waxahachie, TX 75165

Mountain Addiction LLC
200 A N Rogers Street
Waxahachie, TX 75165

Send via email to: basile@portersimon.com

**NOTICE OF VIOLATION AND VIOLATION REPORT, UNAUTHORIZED TREE REMOVAL,
CALIFORNIA TAHOE CONSERVANCY PROPERTY, PLACER COUNTY, CALIFORNIA, ASSESSOR
PARCEL NUMBER (APN) 092-010-021 AND 092-010-035.**

Dear Justin Sheaff and Mountain Addiction LLC:

This Notice of Violation is directed to Justin Sheaff and Mountain Addiction LLC. Both Parties are represented by attorney Lou Basile, and so this Notice is being delivered to Mr. Basile on behalf of each of his clients as well as mailed to each party.

(a) Nature of Violation

Pursuant to Article IX of the Tahoe Regional Planning Agency ("TRPA") Rules of Procedure, this Notice of Violation and Violation Report is being issued to Justin Sheaff ("Sheaff") and Mountain Addiction LLC ("Mountain Addiction") for unauthorized tree removal activities on land owned by the State of California and managed by the California Tahoe Conservancy (the "CTC"). The CTC parcels, APN 092-010-021 and 092-010-035 (hereafter referred to as the "CTC Property"), lay uphill and between the Mountain Addiction Property and other public lands owned by the United States and managed by the U.S. Forest Service. Mountain Addiction and the general public use these federal lands for winter activities, including snowmobiling.

(b) Correction of the Violation

The intent of the Rules of Procedure, Article IX, is to promote resolution of violations at the administrative level. The steps necessary to correct the violation are set forth below in the proposed resolution of enforcement action.

(c) Cease & Desist

TRPA previously issued a Cease & Desist Order for the unauthorized activities on the CTC Property on March 18, 2020 to Sheaff and Mountain Addiction.

(d) Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board will be scheduled during the June 24, 2020 Governing Board meeting beginning at 8:30 a.m. This meeting will be held virtually. In the event that a settlement is reached prior to June 24, 2020, the Show Cause Hearing will be cancelled and the settlement agreement will be submitted to the Governing Board for approval. In the event that any or all parties fail to respond to this Notice of Violation, the Show Cause Hearing will be cancelled and further enforcement action, including the prosecuting a civil complaint in a court of law, may be commenced.

VIOLATION REPORT

**UNAUTHORIZED TREE REMOVAL ACTIVITIES, COUNTRY CLUB ROAD, PLACER COUNTY, CA,
ASSESSORS PARCEL NUMBER (APN) 092-010-021.**

(a) Noticed Party:

Justin Sheaff
200 A N Rogers Street
Waxahachie, TX 75165

Mountain Addiction LLC
200 A N Rogers Street
Waxahachie, TX 75165

(b) Provisions of the Tahoe Regional Planning Compact and the Regional Plan Package
violated:

Tahoe Regional Planning Compact, P.L. 96-551, 94 Stat. 3233 (1980), Art. V(g), VI(b).

TRPA Code of Ordinances:

- TRPA Code Section 61.1.5: Removal of trees greater than 14 inches dbh shall require approval by TRPA.
- TRPA Code Section 2.3.2.M: The tree removal is a non-exempt project and must be reviewed by TRPA.

(c) Statement of Facts:

In 2018, Placer County issued a building permit to Mountain Addiction for a single-family addition that included 3500 SF of living space and 7000 SF of garage/storage. The project is located adjacent to the south side of the CTC Property and includes a rear garage door leading directly out to the CTC Property for snow cat and snowmobile access. Sheaff was both the representative for Mountain Addiction and the main contact for this project.

Placer County, CTC, neighboring property owners, and TRPA staff raised concerns that this single-family home was being converted to a commercial snowmobile retreat. The residence, including the 7000 SF garage used for snow cat and snowmobile storage, is not the typical residence in this area.

In late January 2020, TRPA received information from the California Tahoe Conservancy (CTC) that the CTC Property had been damaged by snow cat access behind the residence on the Mountain Addiction Property. The photos taken during the CTC inspection showed evidence of disturbance caused by the snow cat including tracks leading to the Mountain Addiction Property where the snow cat was stored.

On February 6, 2020, TRPA staff inspected the site and found that approximately 35 live trees of various sizes were cut and left along a trail system on the CTC Property used for snow cat and snowmobile access by Sheaff and Mountain Addiction. At that time, TRPA staff discovered that 5 trees between 14 inches dbh to 23 inches dbh were removed without approval by TRPA in violation of TRPA Code Section 61.1.5 (Removal of trees greater than 14 inches dbh shall require approval by TRPA) and TRPA Code Section 2.3.2.M (The tree removal is a non-exempt project and must be reviewed by TRPA). The tree removal activities appeared to be done by someone with tree cutting experience in order to improve snowmobile access on that trail system and making the trail large enough for the snow cat owned by Sheaff to now access and groom a larger trail system above the Mountain Addiction property.

On March 18, 2020, TRPA issued a Cease and Desist requesting additional information from both Sheaff and Mountain Addiction. Sheaff and Mountain Addiction state that neither party were responsible for the tree cutting and, furthermore, had no knowledge of who could have been responsible. However, in a response letter to the CTC dated April 14, 2020 they state that Sheaff has voluntarily maintained the trails in the winter for the aforementioned uses.

Sheaff, who is a Cal Fire wildland firefighter and a professional snowmobile rider, has explained that this is not his permanent residence but rather is a second home for him, his friends, and his business partners with Mountain Addiction to stay when they visit Lake Tahoe. Sheaff has also stated that other residents in the neighborhood have snowmobiled in this area for decades. However, this new tree removal activity only occurred after the Mountain Addiction residence was constructed and is now occupied with visitors. While the CTC property is a popular snowmobile area for residents, the driveway for the Mountain Addiction property is located on one of the access points. Some residents in the neighborhood have expressed that due to the construction of the driveway leading to Mountain Addiction's private residence, they concluded that this access is no longer available for public use.

On April 27, 2020, TRPA sent a settlement offer to both Sheaff and Mountain Addiction to resolve the unauthorized activities with TRPA. The settlement offer included a \$25,000 monetary penalty (\$5,000 per tree over 14 inches dbh). TRPA has received no response to this proposal.

(d) Documentary Evidence:

The most relevant documentation to this Notice of Violation is hyperlinked in the following list:

- [Public Law 96-551; Tahoe Regional Planning Compact](#)
- [TRPA Rules of Procedure, Article IX, Compliance Procedures](#)
- [TRPA Code of Ordinances](#)

Additional documentary evidence supporting the determination of a violation, including written statements and photographs, are in TRPA's possession and may be requested via electronic mail or reviewed at the TRPA office in Stateline, Nevada.

(e) Proposed Resolution of Enforcement Action:

The Tahoe Regional Planning Compact provides for substantial penalties for violations of TRPA ordinances or regulations.

Article VI of the Compact States:

Any person who violates any ordinance or regulation of the Agency is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 per day, for each day on which a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

As a means of resolving this matter, TRPA proposes the following resolution:

1. The Settling Parties (Justin Sheaff and Mountain Addiction LLC.) shall pay TRPA \$25,000 within 30 days of Governing Board approval of this Settlement Agreement.

(f) Governing Board Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board and its Legal Committee has been scheduled for the June 24, 2020, Governing Board virtual meeting. The Legal Committee commences at 8:30 a.m. At the conclusion of the hearing the Legal Committee will recommend to the Governing Board a course of action to resolve this matter. The Legal Committee may recommend that the Governing Board affirm, modify, or withdraw the Executive Director's determination of violation, authorize legal counsel to pursue judicial remedies, determine and offer a proposed resolution, or recommend such other action as deemed appropriate by the Legal Committee. The Governing Board will consider the matter after the 9:30 a.m. commencement of the Governing Board meeting.

Notice of Violation and Violation Report

Sheaf/Mountain Addiction LLC

Page 6 of 6

If the Settling Parties decide to pursue a settlement of the violations, the Show Cause Hearing will be stayed pending the outcome of the settlement efforts. Such a stay will occur if the Settling Parties provide a response as set forth in subsection (h) below. Settlement of this matter, by acceptance of the above-proposed resolution or an alternative proposal agreed upon by all parties, is the preferred option. Any settlement reached by the parties will require review and approval by the Legal Committee and the Governing Board.

(g) Response Due Date:

Per Article IX of the TRPA Rules of Procedure (enclosed), you may serve a written response within twenty-one (21) calendar days of the date of this Notice of Violation.

(h) Election to Pursue Settlement:

Pursuant to TRPA Rule of Procedure 9.10, if you wish to pursue settlement of this violation your response must include acceptance of or a response to the settlement proposed above. Your response must also include a waiver of the Statute of Limitations (copy enclosed). If TRPA does not receive acceptance of or a response to the proposed settlement by May 22, 2020 the Agency will consider settlement discontinued, and the scheduled Show Cause Hearing will proceed at the June 24, 2020 TRPA Governing Board.

If you have questions, I may be reached at 775-589-5281, 8:00 a.m. through 5:00 p.m., Monday through Friday.

Sincerely,



Steve Sweet

Code Compliance Program Manager

Attachment C

CTC/TRPA Site Photographs

Attachment C.1

January 2020 CTC Photographs





Attachment C.2

February 6, 2020 TRPA Photographs





































































C.2.35





















C.2.45











Attachment C.3

June 10, 2020 TRPA Photographs



































C.3.18

















C.3.26

























C.3.38





Attachment D

Sheaff/Mountain Addiction LLC Response to NOV

RESPONSE TO NOTICE OF VIOLATION

Section 9.8 TRPA Code of Ordinances – Rules of Procedure

Respondents:

Justin Sheaff
Mountain Addiction, LLC
c/o Porter Simon PC
Post Office Box 5339
Tahoe City, CA 96145
530.583.7268
basile@portersimon.com

INTRODUCTION

The Notice of Violation naming Justin Sheaff and Mountain Addiction, LLC (hereafter, collectively, “Respondents”) asserts that they cut down trees and vegetation on land owned by the State of California and managed by the California Tahoe Conservancy (“CTC”). The CTC land is located adjacent to property owned by Mountain Addiction and is also bordered on United States Forest Service (“USFS”) land. It is undisputed that the CTC land has historically been used by the general public for decades, perhaps over forty years. Those uses consist of year-round recreational activities including hiking, walking, mountain bike riding, snow shoeing, cross country skiing, snowmobiling and other general recreational uses.

TRPA issued its Cease and Desist Order to Respondents on March 18, 2020. Respondents responded in mid-March by way of direct communication between Justin and Steve Sweet of TRPA and through their attorney having direct telephone contact with Mr. Sweet on March 31, 2020 and April 1, 2020. During those conversations Respondents learned that 29 White Firs, 14 shrubs, 13 dead trees and 8 Jeffrey Pines had been cut down, and that such activities had taken place during late January, 2020. Of the White Firs and Jeffrey Pines, 5 were measured by TRPA staff at greater than fourteen inches at DBH which forms the basis of the Notice of Violation. Drone video footage shows sporadic cutting of trees throughout the area with no specific area that would indicate a path of travel.

During its inspection in February, 2020, CTC staff prepared an exhibit entitled Conservancy Resource Damage which purportedly shows the location of the White Firs and Jeffrey Pines that had been cut down as well as several dead trees and shrubs. A recent inspection of the CTC land by Respondents show that several trees throughout the area, both live and dead, have been fallen in addition to those plotted by CTC. The Conservancy Resource Damage exhibit shows that the felled trees form a somewhat convoluted and meandering route across the CTC land that connects with the newly constructed paved public bike path. However, a physical inspection of the CTC land, actual photos taken by TRPA and drone video footage do

not support the notion that some sort of route exists. The TRPA photos clearly show that the locations of the felled trees do not support the notion that someone had an intent to create a new trail, path or route through the forest for any purpose. Instead, they appear to show that there were random cutting of trees with no apparent purpose in mind. Moreover, Respondents have had no reason whatsoever to create a new trail, path or route through the forest. Respondents' photographs, with GPS locations, illustrate the random nature of trees that were cut down.

In an attempt to resolve issues that resulted in the Notice of Violation, Respondents' attorney communicated with TRPA's attorney John Marshall relative to Respondents signing a waiver of the statute of limitations in order to pursue further investigation of the matter. Respondents agreed to a short waiver and signed waivers of the statute of limitations. Instead of conducting further investigation, TRPA elected to move forward with a Notice of Violation and file an action in U.S. District Court.¹ Respondents forwarded a letter to TRPA² expressing surprise at this turn of events and, in addition, forwarded a letter to CTC in response to the accusations levied against them.³

Respondents adamantly deny that they engaged in the aforementioned activity and assert that they have no knowledge as to the persons responsible for the tree and shrub damage.

STATEMENT OF FACTS

The Statement of Facts in the Notice of Violation alludes to various circumstances with which Respondents wholly disagree as discussed below. Actually, the circumstances presented by TRPA and CTC, other than photographs, are based upon opinion, speculation and conjecture. TRPA's and CTC's photographs, standing alone, show nothing more than the sporadic, and perhaps senseless, cutting of trees for no apparent reason. By contrast, Respondents offer actual facts based upon their personal knowledge and documentary evidence. It is clear that the opinions, speculation and conjecture alluded to by both TRPA and CTC are not supported by the facts and evidence.

A. PERMITTING AND APPROVAL FOR MOUNTAIN ADDICTION RESIDENCE

Mountain Addiction applied for and obtained a Placer County permit to build a single family residence on its property. The Mountain Addiction project was approved by Placer County and TRPA. During the permitting process, Mountain Addiction was made aware that three (3) neighboring property owners had contacted TRPA with the concern that the residence was to be used for commercial snowmobile tours/rentals. TRPA staff member Paul Neilson and Placer County staff member Heather Beckman had apparently fielded calls from these neighbors who were not in favor of the project and expressed their discontent. Justin's understanding was that these neighbors notified the CTC in the fall of 2018 that a "snowmobile lodge" was being built with plans to run snowmobile tours. Upon learning of the neighbors' false statements to

¹ See Appendix No. 1 (Notice of Violation and filed Complaint filed in U.S. District Court)

² See Appendix No. 2 (Email to John Marshall dated April 28, 2020)

³ See Appendix No. 3 (Letter to Jack Matthias of CTC dated April 14, 2020)

TRPA and Placer County that Mountain Addiction was building a “snowmobile lodge” Justin explained, not only to TRPA and Placer County, but also to CTC exactly what Mountain Addiction was building, to wit: a residence with a large garage for storage of recreational equipment used during the summer and winter. Thus, prior to permit approval, TRPA, Placer County and CTC were not only aware of the complaints of three neighbors, but were also aware of the fact that Respondents had no intention of creating a “snowmobile lodge” or running a commercial operation. Indeed, neither the residence nor the Mountain Addiction property was ever intended to be used, or has ever been used, for those purposes or for commercial purposes. Instead, the residence, completed in November, 2019 was built exclusively for the use of Mountain Addiction and its principals who are avid outdoor enthusiasts.

B. PURPOSE OF MOUNTAIN ADDICTION RESIDENCE AND USE OF CTC LAND

The Mountain Addiction residence is used by its owners and guests for the purpose of enjoying the Lake Tahoe region and all of the outdoor activities that it has to offer. The Mountain Addiction, LLC principals, their families and friends, are all outdoor enthusiasts who partake in the recreational offerings of the Lake Tahoe region.

Justin, one of Mountain Addiction’s principals, has lived in the Lake Tahoe area for 14 years and had been visiting all his life as his grandparents lived on the West shore dating back to the 1950’s. Justin has been active in the local Search & Rescue utilizing his knowledge of the backcountry to help others for many years. Justin is an avalanche instructor in addition to being a professional structural fireman. He spends much of his time recreating in the outdoors year around. He is also well known in the local community as an avid snowmobiler and outdoorsman and is widely recognized for his unique freeriding style and backcountry abilities.

Mountain Addiction initially purchased the property in 2017. Both before and since the residence was built, Justin frequented the property during the winter. It is worthy to note that the CTC property, described as a “wild life parcel”⁴, adjoins several other parcels on which there are at least twelve homes, has several major trails that are, and have historically been, heavily used for hiking, snowmobiling, skiing, biking and both motorized and non-motorized use and has a newly constructed paved bike path. Accordingly, Respondents, as do scores of other residents and visitors to the Lake Tahoe area, access their property, the CTC land and USFS land for summer and winter activities including those mentioned above. The property has been used for such purposes dating back to at least 1980.

C. CTC DISCOVERY OF FALLEN TREES

This past January, CTC personnel visited the CTC land and made various observations. On January 23, 2020 Jack Mathias inspected the land and found resource damage created by snowmobiles. He took photographs of the area. Eight days later, on January 31, 2020, Kelsey Lemming inspected the CTC land and found snow cat tracks which appeared to be over some snowmobile tracks. She discovered trees that had been cut down on the CTC land and took

⁴ See Appendix No. 4 (Mountain Addiction plans on file with TRPA)

pictures. On February 6, 2020 Jack and Kelsey met on site with TRPA personnel and viewed what had earlier been reported by Jack and Kelsey. At some point in time, TRPA was on site and took additional photographs of the CTC land. However, the date of those photographs has not been disclosed. On February 10, 2020 CTC personnel met with Justin to discuss what had transpired in late January. Justin informed CTC personnel that he did not know who had cut down the trees. In the ensuing weeks TRPA staff had discussions with neighbors in the area, none of whom had seen any tree cutting activity taking place. During the time that CTC reported the cutting of trees and disturbance of vegetation, neither Justin nor any Mountain Addiction affiliates were at the property.

Notably, the CTC land was masticated in recent years by heavy machinery to reduce fuel. Current photographs of the CTC property show that there are several fallen trees, both of which appear to be live and dead, throughout. Thus, the fallen and dead trees are not confined to the areas exhibited in the photographs taken by CTC and TRPA.

D. NEITHER JUSTIN NOR MOUNTAIN ADDICTION PRINCIPALS OR FRIENDS WERE ON CTC LAND BETWEEN EARLY JANUARY TO EARLY FEBRUARY, 2020

According to the inspection reports by CTC personnel, it estimates that the tree and shrub cutting occurred during the last week of January, 2020. Neither Justin nor the principals of Mountain Addiction were at the Mountain Addiction residence during that timeframe with the possible exception of Justin and his family being at the residence during evening hours.

During late January, 2020, Justin was teaching avalanche/rescue classes on January 10-12, 17-19, 24-26, 2020 and from January 31-February 2, 2020. On January 13-16, 2020 he was involved in a film shoot for a snowmobile company. On January 27, 2020 he was involved all day on an assignment with a local powersports dealer. On January 21-23 and 28-30, 2020 he was on duty at the fire station. Also, during the January timeframe, due to the lack of snow, Justin had confined his snowmobiling activities to higher elevations where there was snow. Likewise, there was no one, including “visitors”, from the Mountain Addiction affiliation in California between January 4th and February 15th, 2020.

Simply stated, Respondents were not on site during the period of time when the CTC land was disturbed and damaged.

E. RESPONDENTS’ INSPECTION, MEASUREMENTS AND PHOTOGRAPHS DEPICT EVIDENCE OF SPORADIC CUTTING

Since being served with the Notice of Violation Respondents have inspected the area where the tree and shrub damage occurred, have taken measurements, have taken photographs and have marked GPS coordinates at the locations where the larger trees have been cut. Significantly, in most of the areas where trees were cut, especially the larger trees, there would have been no reason for tree removal for the purpose of snow cat or any other type of snow vehicle access. By way of example, the spacing between the larger trees that were cut and the next closest trees ranged between 18 to 25 feet, an area clearly wide enough for a snow cat to

maneuver without the necessity of having to remove a tree. The spacing of the trees was wide enough to allow ready access throughout the forest. Thus, there was no reason or need to remove trees. Even if that were not the case, Respondents had no incentive, need or necessity to blaze a new trail as discussed below.

RESPONSE TO TRPA STATED FACTS

Pursuant to Rule of Procedure 9.8.3 Respondents' reply to each of TRPA's stated facts are as follows.

A. Responding parties admit the following facts as qualified by their comments in italics:

- (1) In 2018, Placer County issued a building permit to Mountain Addiction for a single-family addition that included 3500 SF of living space and 7000 SF of garage/storage. The project is located adjacent to the south side of the CTC Property and includes a rear garage door. Justin Sheaff was both the representative for Mountain Addiction and the main contact for this project. *The project also has four front garage doors.*
- (2) Neighboring property owners raised concerns that this single-family home was going to be converted to a commercial snowmobile retreat. *A single family home was not being converted in that there was no pre-existing home on the property. In addition, the concerns of the neighboring property owners was not that the residence was being constructed as a commercial snowmobile retreat; it was that the residence was being constructed to house a commercial snowmobile rental facility.*
- (3) The disturbance was caused by a snow cat. *The disturbance shown in the photographs could have been caused by either a snow cat, a UTV-side by side or a snowmobile – several of which are utilized in the area.*
- (4) On February 6, 2020, TRPA staff inspected the site and found that approximately 35 live trees of various sizes were cut and left.
- (5) On February 6, 2020, TRPA staff discovered that 5 trees between 14 inches dbh to 23 inches dbh were removed without approval by TRPA in violation of TRPA Code Section 61.1.5 and TRPA Code Section 2.3.2.M.
- (6) On March 18, 2020, TRPA issued a Cease and Desist requesting additional information from both Sheaff and Mountain Addiction. Sheaff and Mountain Addiction state that neither party were responsible for the tree cutting and, furthermore, had no knowledge of who could have been responsible. However, in a response letter to the CTC dated April 14, 2020 they state that Sheaff has voluntarily maintained the trails in the winter for the aforementioned uses. *The*

only trails maintained in the winter is the existing bike path which Justin has groomed during the winter. Trail maintenance in the summertime consists of picking up debris and cleaning obstructions in the existing trails which are accessed by hiker and bike riders.

- (7) Sheaff has explained that this is not his permanent residence but rather is a second home for him, his friends, and his business partners with Mountain Addiction to stay when they visit Lake Tahoe. Sheaff has also stated that other residents in the neighborhood have snowmobiled in this area for decades.
 - (8) Justin is a professional snowmobile rider and a firefighter. *Justin is neither a professional snowmobile rider nor a wildland firefighter. He neither races, competes, received compensation, health or other benefits normally associated with the term professional. He is a structural fire fighter assigned to his department's training bureau. His use of chainsaws are confined to cutting into and accessing structures that are on fire.*
 - (9) However, this new tree removal activity only occurred after the Mountain Addiction residence was constructed. *Respondents have no idea when the tree removal activity occurred. As noted, trees were cut in other areas throughout the CTC land. Respondents have no knowledge as to when such cutting took place.*
- B. Respondents deny the following facts as set forth in the Notice of Violation as explained in italics:
- (1) The project includes a rear garage door leading directly out to the CTC property. *The project also includes four front garage doors that lead directly out to a parking area. The rear garage door was not created, designed and constructed for snow cat and/or snowmobile access; it was designed for ventilation.*⁵
 - (2) The residence, including the 7000 SF garage used for snow cat and snowmobile storage, is not the typical residence in this area. *Respondents are not totally familiar with all of the residences in the area. However, the only thing that may be unique about Mountain Addiction's residence is the large garage.*
 - (3) A trail system exists on the CTC Property for snow cat and snowmobile access by Sheaff and Mountain Addiction. *The trail system on the CTC property was in existence long before Respondents' bought their property and was, and is, for use by the general public for many purposes. The trail system is not used for snow cat access by Respondents. The trail system has been used for snowshoeing, cross country skiing and snowmobile access by the general public at least back to*

⁵ See Appendix No. 4 (Mountain Addiction plans on file with TRPA)

1980. Moreover, Respondents have never used the CTC Property for snow cat grooming or snowmobile grooming. Justin has groomed only the existing trails and the bike path primarily for snowshoeing and/or cross country skiing access during the winter. He has never groomed any area on the CTC land for snowmobiling or any other activity. Snowmobilers, once they have gained access to the CTC property, fairly much go anywhere they please.

- (4) The tree removal activities appeared to be done by someone with tree cutting experience in order to improve snowmobile access on that trail system and making the trail large enough for the snow cat owned by Sheaf to now access and groom a larger trail system above the Mountain Addiction property. *Neither Justin nor Mountain Addiction use any trails on the property during the winter other than the existing hiking path trail and the bike trail which Justin has groomed for snowshoeing and cross country skiing activities. In all the years prior to Mountain Addiction owning the property and since that time, neither Justin, nor others to his knowledge, have ever had a problem accessing the property for snowmobiling. There is no reason for a snow cat to access any of the area where trees were cut as snowmobilers have freedom of access throughout the forest. The cutting of the trees at the locations depicted is not consistent with a viable trail for either activity.*
- (5) The tree removal activity occurred while the property was occupied with visitors. *There were no “visitors” on the property in the January and February timeframe during which the trees were cut. Mountain Addiction had no visitors there and Justin had no visitors there. Justin, other than perhaps occasionally during the evening hours, was not at the property from January 10, 2020 through February 2, 2020 as he was totally tied up with business related activities and his job as a fire fighter.*
- (6) While the CTC property is a popular snowmobile area for residents, the driveway for the Mountain Addiction property is located on one of the access points. Some residents in the neighborhood have expressed that due to the construction of the driveway leading to Mountain Addiction’s private residence, they concluded that this access is no longer available for public use. *Justin is aware of a few neighboring property owners who believe that a commercial snowmobile rental operation is taking place on the property. Perhaps, those individuals have concluded that they no longer have public access to the CTC Property. Notwithstanding the perception of those property owners, Respondents have kept the trail system opened and have maintained a trail running parallel to their driveway that accesses the trail system and CTC Property. That trail is used frequently by members of the general public.*

(7) TRPA has received no response to its settlement proposal. *Respondents forwarded their response to TRPA's settlement proposal in the form of an email.*⁶

RESPONDING PARTY'S DEFENSE

The CTC reported that its property had been damaged in late January, 2020 by snow cat access behind the Mountain Addition residence. At the time, Justin was not present at the property. He was teaching avalanche classes, had business obligations and was performing his duties at the fire station between the timeframe of January 10th through February 2nd, 2020. Mountain Addiction, including its associates, were in Texas during this time period. There were no "visitors" at the property. While it is true that Justin owns a snow cat, no one had authorization from Mountain Addiction or Justin to use the snow cat during the time period in question.

CTC stated that its inspection in late January showed evidence of disturbance to vegetation caused by a snow cat including tracks leading to the Mountain Addiction property. The location of the snow tracks was not disclosed. However, the photographs of the tracks are consistent with the tracks of UTV-side by sides, many of which are owned and utilized by residents in the area. Justin is aware of at least three neighboring individuals who live in the area that own UTV-side by sides and use them on CTC Property and has observed as many as three to six different UTV-side by sides on the property over the years.

Justin informed CTC personnel that he had in fact maintained the *existing* trail system for the many users of the CTC land and USFS land. The existing trail system is well defined and consists of the well marked foot paths and the newly built bike path. See Appendix 6, Ex. 6.G, 6.H. However, the only trails Justin has maintained in the winter is the existing trail from Old County Road which leads to the bike path and the bike path itself. The maintenance consisted of wintertime grooming of the trail from Old County Road to the bike path and the bike path itself, and nothing else off trail and, in the summertime, general stewardship, removing debris from the trail system and keeping the pathways clear. Such maintenance at no time included either cutting down or trimming of trees.

After issuance of the Cease and Desist Order, Respondents, through their attorney, contacted TRPA and forwarded a letter to CTC which among other things explained that neither Justin nor Mountain Addiction were responsible for the tree cutting and had no knowledge of who was responsible.⁷ They explained that the trails that Justin had maintained, at least during the winter of 2018-2019, consisted of the shared use bike trail going from Fulton crescent DR to

⁶ See Appendix No. 2 (Email to John Marshall dated April 28, 2020)

⁷ See Appendix No. 3 (Letter to CTC dated April 14, 2020) In its response letter to CTC, Respondents' attorney candidly explained and disclosed the following: "Our understanding is that the Conservancy land has been used extensively over the years by members of the general public, i.e., for jogging, hiking, mountain bike riding and dirt bike riding during the summer as well as hiking, cross-country skiing, snowshoeing and snowmobiling during the winter. We understand that the property has been used extensively by neighboring residents in the area and by the public at large. Our further understanding is that the trails are maintained during the summer and that Justin has voluntarily maintained the trails during the winter for the aforementioned uses. The nearby residents as well as the general public have been highly appreciative of the trail maintenance."

the staging area at HWY 28. The trails were maintained to provide use for all types of recreational users.

Notwithstanding the foregoing, snowmobilers readily access several areas in the “back country” and are not confined to, nor do they need, a trail system. In fact, quite the opposite is true. Indeed, in Justin’s experience, snowmobilers do not use or even access groomed trails in the area. Instead, they access the general forest itself which has wide open space as opposed to being confined to any sort of a trail system

Contrary to the assertion contained in the Notice of Violation, the tree removal activity did not occur while the Mountain Addiction residence was occupied with visitors. In fact, as noted, both Justin and Mountain Addiction affiliates were out of the area during the time period in question. Further, neither Justin nor Mountain Addiction had any friends or associates visit the Mountain Addiction property during this timeframe. In fact, Justin did most of his snowmobiling this past winter in the higher elevations due to the scant snowfall in the lower elevations. As was obvious to Lake Tahoe residents in early winter, snow levels in the region were minimal. Snow depth reports for the month of January showed less than average accumulations in the area. In February, snow in the Tahoe basin was virtually non-existent. The TRPA and CTC photos taken in early February show that the snow accumulations on CTC land were scant. See Appendix No. 5, Ex. 5.A. through 5.T.

In an effort to point a finger directly at Justin, TRPA staff has opined that the tree removal activities appear (1) to have been performed by someone with tree cutting experience, (2) in order to improve snowmobile access on that trail system and (3) making the trail large enough for the snow cat. These opinions, which are not only conclusionary in nature, but also based on speculation, do not reference any supporting evidence. By way of example, TRPA asserts that Justin, because he works for Cal Fire, must be an experienced chain saw user. However, cutting trees with a chain saw is a frequent occurrence performed by many individuals throughout the Lake Tahoe basin. Hundreds, if not thousands, of residents in the Lake Tahoe area own chain saws and cut down trees for fuel, defensible space, residential building purposes and/or upon arborist recommendations. It is also worth noting that Justin’s training and experience in using a chain saw is confined to cut holes (ventilate) structural roofs, not falling trees.

Next, TRPA or CTC staff assert that the tree removal activities appear to have been undertaken for the purpose of improving snowmobile access on the trail system. However, Respondents have never created a new trail or cut down trees for such a purpose. As noted, snowmobilers do not need a trail system for access. Snowmobilers are able to “free wheel” throughout the forest without having to resort to a trail system. They need not, nor would they be inclined to, use a trail system frequented by cross country skiers, snowshoers or hikers. Thus, there was no reason, motivation or rationale to “improve” access. For snowshoers, cross country skiers and snowmobiles, they already had access from Old County Road to the existing trail system which connected to the bike/cross country trail. For snowmobilers they already had freedom of access through the trail on the Mountain Addiction property and onto the forest located on CTC and USFS lands. Moreover, various photos taken by TRPA clearly demonstrate

either open areas in the forest which would not necessitate tree removal to gain access or, alternatively, dense areas of the forest in which tree removal did not provide or enhance any type of access. See for example, photos in Appendix No. 5 (TRPA and CTC photos), Ex. 5.A. through 5.E., 5.H. through 5.N. and 5.Q through 5.S.

Lastly, TRPA staff asserts that trees were cut to make a trail large enough for a snow cat. However, the photographs of the stumps show that not to be the case. In areas where stumps exist, there were widths of open forest ranging 18-25 feet that would be ample room for a snow cat to maneuver without the necessity of having to cut down a tree. See Appendix No. 6 (Respondents' photos), Ex. 6.I. through 6.M., 6.R. through 6.Z. These photos, depicting areas where large trees were cut down show widths of 18 feet, 20 feet, 20.5 feet and 24 feet. Justin's snow cat is 12' wide and has been used on the property for 7+ years. In virtually every area where large trees were cut there would have been ample room for his snow cat to traverse without the necessity of removing a tree. There simply would have been no reason to cut down a tree in these wide-open areas as depicted in the photographs. Also, in TRPA's and CTC's photographs which depict stumps of cut trees there are several large rocks larger than the stumps that were left in the "supposed" pathway that would be an impediment either to the movement of a snow cat and/or having a groomed trail. See Appendix No. 5 (TRPA and CTC photos), Ex. 5.I., 5.K. and 5.P. Thus, staff's assertion that Respondents were trying to make a trail large enough for a snow cat is contradicted by the actual facts. The location of the large rocks in the area suggest that it would not be an ideal spot for a trail system as speculated by CTC personnel. Actual photographic evidence submitted by TRPA and CTC, *coupled with the physical evidence*, do not support the conjecture that trees were cut to make a trail large enough for a snow cat.

To summarize, while it is clear that anyone with knowledge of how to operate a chain saw could have cut down trees, the fact remains that neither Justin nor Mountain Addiction had any reason, motive or rationale to do so to "improve" snowmobile access. First, Respondents did not need or would even use such access. Second, the areas in question where trees had been cut were already wide enough for snow cat access *without the necessity to remove trees* as clearly depicted in the photographs. See Appendix No. 5 (TRPA and CTC photos), Ex. 5.A. through 5.E., 5.H. through 5.N. and 5.Q. through 5.S.; also see Appendix No. 6 (Respondents' photos), Ex. 6.I., 6.K., 6.L. Finally, as noted, in the areas where trees were cut there were large fallen dead trees and large boulders that would have rendered snow cat passage untenable.

In referencing a topic totally unrelated to the Notice of Violation TRPA asserts that the Mountain Addiction property is located on one of the access points to CTC and USFS lands and that residents in the neighborhood have "expressed that due to the construction of the driveway..., they concluded that this access is no longer available for public use." Mountain Addiction is uncertain as to TRPA's motives in making this assertion. Perhaps the motive is to attack the integrity of Justin and/or Mountain Addiction. Nonetheless, the inuendo suggested by the assertion is not supported factually. Mountain Addiction has taken action to accommodate public access. It has constructed and made available to the public an access trail directly from the location of its driveway on Old County Road that runs parallel to the driveway and which connects to the existing trails on the CTC land. Neither Justin nor Mountain Addiction have

discouraged public use of the property. In fact, residents, Lake Tahoe locals and out of the area visitors regularly frequent the property on a year-round basis with no impediments whatsoever to such use having been created or employed by Respondents.

CONCLUSION

For all the reasons above stated, it is clear that Respondents are not responsible for the unauthorized tree removal on CTC land and that they have not violated the TRPA Code of Ordinances. The conclusions reached by TRPA and CTC which casts suspicion on Respondents are not only based upon pure speculation, but are also wholly unsupported by the facts. For example:

1. As to the theory that the trees were cut during January when there were visitors on the property, neither Justin nor Mountain Addiction people were on site;
2. Regarding the assertion that the disturbance in the forest were near snow cat tracks, the tracks discovered were consistent with tracks of 4x4s and/or snowmobiles. Moreover, there was disturbance in areas where there were no tracks as clearly shown by the photographs;
3. As to the assertion that Justin maintains the trails for snowmobilers, the only trails maintained by him were the existing main trail on CTC Property and the bike trail and this trail maintenance was solely for cross country skiers and snowshoers;
4. As to the theory that the trails were cut to gain access for snowmobilers, snowmobilers do not need a trail system;
5. As to the supposition that Justin is somehow responsible because he has tree cutting experience as a fireman, he wanted to improve access for snowmobilers and he wanted to make a trail large enough for a snow cat, the actual facts are that (a) Justin does not have experience cutting down trees; (b) neither Justin nor Mountain Addiction had any reason, desire or motive to improve access for snowmobiling as freedom of access already existed; and (c) the photographic evidence demonstrate that most all of the trees that were cut were in areas ranging in width of 18 to 25 feet, easily wide enough for a snow cat to travel without the necessity of having cut the trees in question.

Clearly, Respondents had absolutely nothing to do with respect to the allegations levied against them.

Dated: June 2, 2020

PORTER SIMON, PC



By: _____
LOUIS A. BASILE,
Attorney for Respondents

**APPENDIX TO
RESPONSE TO NOTICE OF VIOLATION**

1. Notice of Violation and Complaint filed in U.S. District Court
2. Respondents' attorney's email to John Marshall dated April 28, 2020
3. Respondents' attorney's letter to Jack Matthias of the California Tahoe Conservancy dated April 14, 2020
4. Mountain Addition plans attached to the TRPA file
5. TRPA and CTC photos
6. Respondents' photos

APPENDIX NO. 1



**TAHOE
REGIONAL
PLANNING
AGENCY**

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.org

May 8, 2020

Justin Sheaff
200 A N Rogers Street
Waxahachie, TX 75165

Mountain Addiction LLC
200 A N Rogers Street
Waxahachie, TX 75165

Send via email to: basile@portersimon.com

**NOTICE OF VIOLATION AND VIOLATION REPORT, UNAUTHORIZED TREE REMOVAL,
CALIFORNIA TAHOE CONSERVANCY PROPERTY, PLACER COUNTY, CALIFORNIA, ASSESSOR
PARCEL NUMBER (APN) 092-010-021 AND 092-010-035.**

Dear Justin Sheaff and Mountain Addiction LLC:

This Notice of Violation is directed to Justin Sheaff and Mountain Addiction LLC. Both Parties are represented by attorney Lou Basile, and so this Notice is being delivered to Mr. Basile on behalf of each of his clients as well as mailed to each party.

(a) Nature of Violation

Pursuant to Article IX of the Tahoe Regional Planning Agency ("TRPA") Rules of Procedure, this Notice of Violation and Violation Report is being issued to Justin Sheaff ("Sheaff") and Mountain Addiction LLC ("Mountain Addiction") for unauthorized tree removal activities on land owned by the State of California and managed by the California Tahoe Conservancy (the "CTC"). The CTC parcels, APN 092-010-021 and 092-010-035 (hereafter referred to as the "CTC Property"), lay uphill and between the Mountain Addiction Property and other public lands owned by the United States and managed by the U.S. Forest Service. Mountain Addiction and the general public use these federal lands for winter activities, including snowmobiling.

(b) Correction of the Violation

The intent of the Rules of Procedure, Article IX, is to promote resolution of violations at the administrative level. The steps necessary to correct the violation are set forth below in the proposed resolution of enforcement action.

(c) Cease & Desist

TRPA previously issued a Cease & Desist Order for the unauthorized activities on the CTC Property on March 18, 2020 to Sheaff and Mountain Addiction.

(d) Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board will be scheduled during the June 24, 2020 Governing Board meeting beginning at 8:30 a.m. This meeting will be held virtually. In the event that a settlement is reached prior to June 24, 2020, the Show Cause Hearing will be cancelled and the settlement agreement will be submitted to the Governing Board for approval. In the event that any or all parties fail to respond to this Notice of Violation, the Show Cause Hearing will be cancelled and further enforcement action, including the prosecuting a civil complaint in a court of law, may be commenced.

VIOLATION REPORT

**UNAUTHORIZED TREE REMOVAL ACTIVITIES, COUNTRY CLUB ROAD, PLACER COUNTY, CA,
ASSESSORS PARCEL NUMBER (APN) 092-010-021.**

(a) Noticed Party:

Justin Sheaff
200 A N Rogers Street
Waxahachie, TX 75165

Mountain Addiction LLC
200 A N Rogers Street
Waxahachie, TX 75165

(b) Provisions of the Tahoe Regional Planning Compact and the Regional Plan Package
violated:

Tahoe Regional Planning Compact, P.L. 96-551, 94 Stat. 3233 (1980), Art. V(g), VI(b).

TRPA Code of Ordinances:

- TRPA Code Section 61.1.5: Removal of trees greater than 14 inches dbh shall require approval by TRPA.
- TRPA Code Section 2.3.2.M: The tree removal is a non-exempt project and must be reviewed by TRPA.

(c) Statement of Facts:

In 2018, Placer County issued a building permit to Mountain Addiction for a single-family addition that included 3500 SF of living space and 7000 SF of garage/storage. The project is located adjacent to the south side of the CTC Property and includes a rear garage door leading directly out to the CTC Property for snow cat and snowmobile access. Sheaff was both the representative for Mountain Addiction and the main contact for this project.

Placer County, CTC, neighboring property owners, and TRPA staff raised concerns that this single-family home was being converted to a commercial snowmobile retreat. The residence, including the 7000 SF garage used for snow cat and snowmobile storage, is not the typical residence in this area.

In late January 2020, TRPA received information from the California Tahoe Conservancy (CTC) that the CTC Property had been damaged by snow cat access behind the residence on the Mountain Addiction Property. The photos taken during the CTC inspection showed evidence of disturbance caused by the snow cat including tracks leading to the Mountain Addiction Property where the snow cat was stored.

On February 6, 2020, TRPA staff inspected the site and found that approximately 35 live trees of various sizes were cut and left along a trail system on the CTC Property used for snow cat and snowmobile access by Sheaff and Mountain Addiction. At that time, TRPA staff discovered that 5 trees between 14 inches dbh to 23 inches dbh were removed without approval by TRPA in violation of TRPA Code Section 61.1.5 (Removal of trees greater than 14 inches dbh shall require approval by TRPA) and TRPA Code Section 2.3.2.M (The tree removal is a non-exempt project and must be reviewed by TRPA). The tree removal activities appeared to be done by someone with tree cutting experience in order to improve snowmobile access on that trail system and making the trail large enough for the snow cat owned by Sheaf to now access and groom a larger trail system above the Mountain Addiction property.

On March 18, 2020, TRPA issued a Cease and Desist requesting additional information from both Sheaff and Mountain Addiction. Sheaff and Mountain Addiction state that neither party were responsible for the tree cutting and, furthermore, had no knowledge of who could have been responsible. However, in a response letter to the CTC dated April 14, 2020 they state that Sheaff has voluntarily maintained the trails in the winter for the aforementioned uses.

Sheaff, who is a Cal Fire wildland firefighter and a professional snowmobile rider, has explained that this is not his permanent residence but rather is a second home for him, his friends, and his business partners with Mountain Addiction to stay when they visit Lake Tahoe. Sheaff has also stated that other residents in the neighborhood have snowmobiled in this area for decades. However, this new tree removal activity only occurred after the Mountain Addiction residence was constructed and is now occupied with visitors. While the CTC property is a popular snowmobile area for residents, the driveway for the Mountain Addiction property is located on one of the access points. Some residents in the neighborhood have expressed that due to the construction of the driveway leading to Mountain Addiction's private residence, they concluded that this access is no longer available for public use.

On April 27, 2020, TRPA sent a settlement offer to both Sheaff and Mountain Addiction to resolve the unauthorized activities with TRPA. The settlement offer included a \$25,000 monetary penalty (\$5,000 per tree over 14 inches dbh). TRPA has received no response to this proposal.

(d) Documentary Evidence:

The most relevant documentation to this Notice of Violation is hyperlinked in the following list:

- [Public Law 96-551; Tahoe Regional Planning Compact](#)
- [TRPA Rules of Procedure, Article IX, Compliance Procedures](#)
- [TRPA Code of Ordinances](#)

Additional documentary evidence supporting the determination of a violation, including written statements and photographs, are in TRPA's possession and may be requested via electronic mail or reviewed at the TRPA office in Stateline, Nevada.

(e) Proposed Resolution of Enforcement Action:

The Tahoe Regional Planning Compact provides for substantial penalties for violations of TRPA ordinances or regulations.

Article VI of the Compact States:

Any person who violates any ordinance or regulation of the Agency is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 per day, for each day on which a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

As a means of resolving this matter, TRPA proposes the following resolution:

1. The Settling Parties (Justin Sheaff and Mountain Addiction LLC.) shall pay TRPA \$25,000 within 30 days of Governing Board approval of this Settlement Agreement.

(f) Governing Board Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board and its Legal Committee has been scheduled for the June 24, 2020, Governing Board virtual meeting. The Legal Committee commences at 8:30 a.m. At the conclusion of the hearing the Legal Committee will recommend to the Governing Board a course of action to resolve this matter. The Legal Committee may recommend that the Governing Board affirm, modify, or withdraw the Executive Director's determination of violation, authorize legal counsel to pursue judicial remedies, determine and offer a proposed resolution, or recommend such other action as deemed appropriate by the Legal Committee. The Governing Board will consider the matter after the 9:30 a.m. commencement of the Governing Board meeting.

If the Settling Parties decide to pursue a settlement of the violations, the Show Cause Hearing will be stayed pending the outcome of the settlement efforts. Such a stay will occur if the Settling Parties provide a response as set forth in subsection (h) below. Settlement of this matter, by acceptance of the above-proposed resolution or an alternative proposal agreed upon by all parties, is the preferred option. Any settlement reached by the parties will require review and approval by the Legal Committee and the Governing Board.

(g) Response Due Date:

Per Article IX of the TRPA Rules of Procedure (enclosed), you may serve a written response within twenty-one (21) calendar days of the date of this Notice of Violation.

(h) Election to Pursue Settlement:

Pursuant to TRPA Rule of Procedure 9.10, if you wish to pursue settlement of this violation your response must include acceptance of or a response to the settlement proposed above. Your response must also include a waiver of the Statute of Limitations (copy enclosed). If TRPA does not receive acceptance of or a response to the proposed settlement by May 22, 2020 the Agency will consider settlement discontinued, and the scheduled Show Cause Hearing will proceed at the June 24, 2020 TRPA Governing Board.

If you have questions, I may be reached at 775-589-5281, 8:00 a.m. through 5:00 p.m., Monday through Friday.

Sincerely,



Steve Sweet
Code Compliance Program Manager

1 JOHN L. MARSHALL (Cal. Bar No. 145570)
TAHOE REGIONAL PLANNING AGENCY
2 128 Market Street
Stateline Nevada, 89449
3 Tel: (775) 303-4882
jmarshall@trpa.org

4 Attorney for Plaintiff
5 Tahoe Regional Planning Agency

6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 TAHOE REGIONAL PLANNING AGENCY,) Case No.
10 Plaintiff,)
11 vs.) COMPLAINT FOR CIVIL PENALTIES
12 MOUNTAIN ADDICTION LLC, JUSTIN)
SHEAF,)
13 Defendants.)
14)
15)

16 I. INTRODUCTION

17
18 1. Plaintiff Tahoe Regional Planning Agency (“TRPA”) files this action against
19 Defendants Mountain Addiction, LLC and Justin Sheaf (hereinafter collectively referred to as
20 “Mountain Addiction”) for civil penalties for multiple violations of the Tahoe Regional Planning
21 Compact, Pub. Law 96-551, 94 Stat. 3233, Cal. Gov. Code §§ 66801 et seq., Nev. Rev. Stat. §§
22 277.200 et seq. (1980) (“Compact”), and its implementing Code of Ordinances (“Code”) arising
23 out of their unauthorized cutting trees on public land to improve their access for power-oriented
24 winter sports, primarily snowmobiling.

1 II. JURISDICTION AND VENUE

2 2. This Court has jurisdiction over this matter pursuant to: (a) Article VI(j) of the
3 Compact; and (b) 28 U.S.C. § 1331(a) in that this civil action arises under the laws of the United
4 States.

5 3. Venue is proper in this Court pursuant to Article VI(j)(2)(A) of the Compact in
6 that for a civil action challenging an activity by a person undertaken upon a parcel of real
7 property, venue lies in the federal judicial district where the real property is located. The
8 activities underlying this enforcement action occurred on real property located within the United
9 States District Court for the Eastern District of California. Venue is also proper in this Court
10 pursuant to 28 U.S.C. § 1391(b) in that TRPA is informed and the defendant Sheaf resides in this
11 District, and the events and omissions giving rise to this action occurred in this District.

12 III. PARTIES

13 4. Plaintiff TRPA is a legal entity created by the Compact. The Compact empowers
14 TRPA to adopt a regional plan and implementing ordinances for land use in the Tahoe Region.
15 Article VI of the Compact authorizes TRPA to bring enforcement actions to ensure compliance
16 with the regional plan, implementing ordinances, rules, regulations, and policies.

17 5. Defendant Mountain Addiction, LLC, a Texas limited liability corporation, is the
18 owner of record of real property located at 585 Old County Road, Placer County, California,
19 having Assessor’s Parcel Number (“APN”) 092-290-003 (hereinafter the “Mountain Addiction
20 Property”). Mountain Addiction, LLC is a corporation of Texas with registration located at
21 200A N. Rogers Street, Waxahachie, TX 75165.

1 TRPA develop regulations to attain and maintain the environmental targets established by the
2 thresholds.

3 11. In 1987, TRPA enacted its Regional Plan including the TRPA Code, a set of
4 regulations through which the thresholds can be attained and maintained. The Code provides a
5 comprehensive regulatory system that benefits residents and visitors alike by ensuring a high
6 quality of environmental standards in the Tahoe Region. Tahoe residents especially benefit from
7 the TRPA Code because its regulations significantly enhance property values.

8 12. Pursuant to the Compact and the Code, TRPA must approve all projects in the
9 Tahoe Region. Article II(h) of the Compact defines a “project” as “an activity undertaken by
10 any person . . . if the activity may substantially affect the land, water, air, space or any other
11 natural resources of the region.” Chapter 4 of the TRPA Code requires that all projects in the
12 Tahoe Region obtain a TRPA permit prior to authorization unless the project is specifically
13 identified as “exempt” or “qualified exempt”. Section 5.2 of Article V of the TRPA’s Rules of
14 Procedure require that each person undertaking a project in the Tahoe Basin establish an interest
15 in the real property upon which the project is undertaken.

16 13. TRPA Code Chapter 61 contains specific regulations concerning trees in the
17 Tahoe Region. These regulations ensure that activities in the Tahoe Region impacting trees are
18 done so in a manner consistent with the thresholds and which does not adversely affect forest
19 health or the ecological integrity of the Tahoe Region.

20 14. TRPA Code specifies that the removal of live trees having a diameter-at-breast
21 height (“dbh”) of greater than 14 inches requires a TRPA permit.

22 15. TRPA reviews permit applications to remove live trees having a dbh of 14 inches
23 or greater in accordance with Chapter 61 of the TRPA Code, entitled “Tree Removal.” The term
24

1 “tree removal” is defined in Chapter 2 of the TRPA Code as “the cutting down, killing, or
2 damaging materially, a tree.” Subsection 61.5 of the TRPA Code contains an exclusive list of
3 allowable reasons for tree removal.

4 16. The Mountain Addiction Property is adjacent to over 500 acres of land owned by
5 the State of California and managed by the California Tahoe Conservancy (the “CTC”). The
6 CTC parcels, APN 092-010-021 and 092-010-035 (hereafter referred to as the “CTC Property”),
7 lay uphill and between the Mountain Addiction Property and other public lands owned by the
8 United States and managed by the U.S. Forest Service. Mountain Addiction and the general
9 public use these federal lands for winter activities, including snowmobiling. Mountain Addiction
10 accesses the public lands by crossing the CTC Property.

11 17. In 2018, Mountain Addiction, LLC built a single-family addition to an existing
12 residence that resulted in a completed single structure with 3,500 square feet (“SF”) of living
13 space and 7,000 SF of garage and storage. The structure is located on the northwest corner of the
14 Mountain Addiction Property and adjacent to the east side of the CTC Property. The structure
15 includes a rear garage door and ramp leading directly to the CTC Property for snow cat and
16 snowmobile access. Defendant Sheaff represented Mountain Addiction, LLC during the
17 permitting for this project.

18 18. In late January 2020, TRPA received information from the CTC that the CTC
19 Property had been damaged by snow cat access behind the residence of Mountain Addiction,
20 LLC. On February 6, 2020, TRPA staff inspected the site and found that at least 35 live trees of
21 various sizes were cut, creating an on-snow trail on the CTC Property used for snow cat and
22 snowmobile access from the Mountain Addiction residence. Of the trees felled, five trees were
23
24

1 greater than 14 inches dbh. Stumps of the cut trees were painted black apparently to disguise
2 their recent felling.

3 19. This trail creation activity also resulted in disturbance to vegetation and soils on
4 the CTC Property. A map illustrating the extensive activities along the access trail on CTC
5 Property is attached hereto as Exhibit A.

6 20. The apparent purpose of the tree removal was to establish a snow cat/mobile route
7 to access the existing trail system at elevation above the Mountain Addiction residence on public
8 lands.

9 21. TRPA did not issue any permit to any person or entity to cut, remove, or
10 materially damage trees on the CTC Property. CTC informs TRPA that it has not authorized any
11 party to cut trees on the CTC Property.

12 22. The felling of trees on the CTC Property improves Mountain Addiction's access
13 to public lands and benefits the Mountain Addiction Property.

14 23. TRPA is informed and believes that Justin Sheaf is or was employed by the
15 California Department of Fire and Forestry ("Cal Fire") as a Heavy Equipment Operator. TRPA
16 is informed and believe that Sheaf is familiar with use of chainsaws and the felling of trees.

17 24. The trees felled on the CTC Property were cut by an experienced person.

18 25. Justin Sheaf has admitted to being present on the CTC Property when the snow
19 cat was in use between the Mountain Addiction residence and the public lands.

20 26. Justin Sheaf admits that he conducts "maintenance" on the CTC property during
21 the winter for his winter use purposes.

22 27. TRPA is informed and believes that as a wildland fire fighter, Defendant Sheaf
23 has the necessary knowledge and experience to cut the trees on the CTC Property.

24

1 28. Based on the foregoing, TRPA alleges that it is more likely than not that Justin
2 Sheaf for himself and on behalf of Mountain Addiction, LLC either himself cut or directed others
3 to cut the five trees greater than 14 inches dbh on the CTC Property.

4 29. Under the Compact, any person who violates the Compact, TRPA ordinance, or
5 regulation is subject to a civil penalty not to exceed \$5,000 per violation per day the violation
6 persists.

7 30. The Compact authorizes TRPA to bring enforcement actions and to seek civil
8 penalties. TRPA files this action within the applicable limitations period in Compact Article
9 V(j).

10 V. FIRST CAUSE OF ACTION
11 (FOR UNAUTHORIZED MATERIAL DAMAGE TO TREES)

12 31. TRPA incorporates herein by reference the allegations of paragraphs 1 through
13 30.

14 32. Defendants Mountain Addiction, LLC and Justin Sheaf cut, directed, or were
15 responsible for the felling of the trees on the CTC Property including the five trees 14 inches dbh
16 or greater.

17 33. The Compact and Section 4.7 of the TRPA Code requires that all projects in the
18 Tahoe Region obtain prior TRPA review and approval. Article II(h) of the Compact defines
19 “Project” as “an activity undertaken by any person . . . if the activity may substantially affect the
20 land, water, air, space, or any other natural resource of the region.” The cutting of the five trees
21 on the CTC Property may substantially affect the land, water, air, space, and other natural
22 resources in the Tahoe Region. The cutting of the five trees therefore required TRPA review
23 and approval.
24

1 34. The cutting of trees on the CTC Property was not reviewed or authorized by
2 TRPA. No TRPA permit was sought or issued for the activity. Therefore, the cutting activity on
3 the CTC Property constitutes a violation of TRPA Code Section 4.7.

4 35. Pursuant to Sections 61.3 and 61.5 of its Code of Ordinances, TRPA must review
5 and approve the cutting of trees of each live tree in the Tahoe Region having a dbh of 14 inches
6 or greater.

7 36. Section 5.2 of Article V of the TRPA's Rule of Procedure require that each
8 person undertaking a project in the Tahoe Basin establish an interest in the real property upon
9 which the project is undertaken. Defendants Mountain Addiction, LLC and Justin Sheaf possess
10 no real property interest in the CTC Property. Defendants' cutting activity on the CTC Property
11 therefore violated Section 5.2 of Article V of TRPA's Rules of Procedure.

12 37. Defendants Mountain Addiction, LLC and Justin Sheaf violated the Compact and
13 TRPA Code and are subject to civil penalties pursuant to Article VI(k). Defendants Mountain
14 Addiction, LLC and Justin Sheaf are subject to civil penalties for each individual violation of the
15 Compact and TRPA Code as a result the cutting of trees on the CTC Property.

16 38. The violations caused by the unauthorized tree removal from the cutting of trees
17 on the CTC Property are of a continuing nature.

18 39. The violation caused by the unauthorized tree cutting on the CTC Property were
19 either willful or the result of gross negligence.

20 40. A civil penalty against Defendants Mountain Addiction, LLC and Justin Sheaf is
21 necessary to deter illegal conduct, redress the environmental harm, and to disgorge the economic
22 benefit attributable to the violations.

1 REQUEST FOR RELIEF

2 A. For each individual violation, a penalty assessed against Defendants Mountain
3 Addiction, LLC and Justin Sheaf not to exceed \$5,000 per violation per day that the violation
4 persists.

5 B. Reasonable attorneys' fees and costs of suit incurred in this action.

6 C. Such other and further relief as the Court deems just and proper.

7 DATED: May 8, 2020.

8 TAHOE REGIONAL PLANNING AGENCY

9
10 By: /s/ John L. Marshall

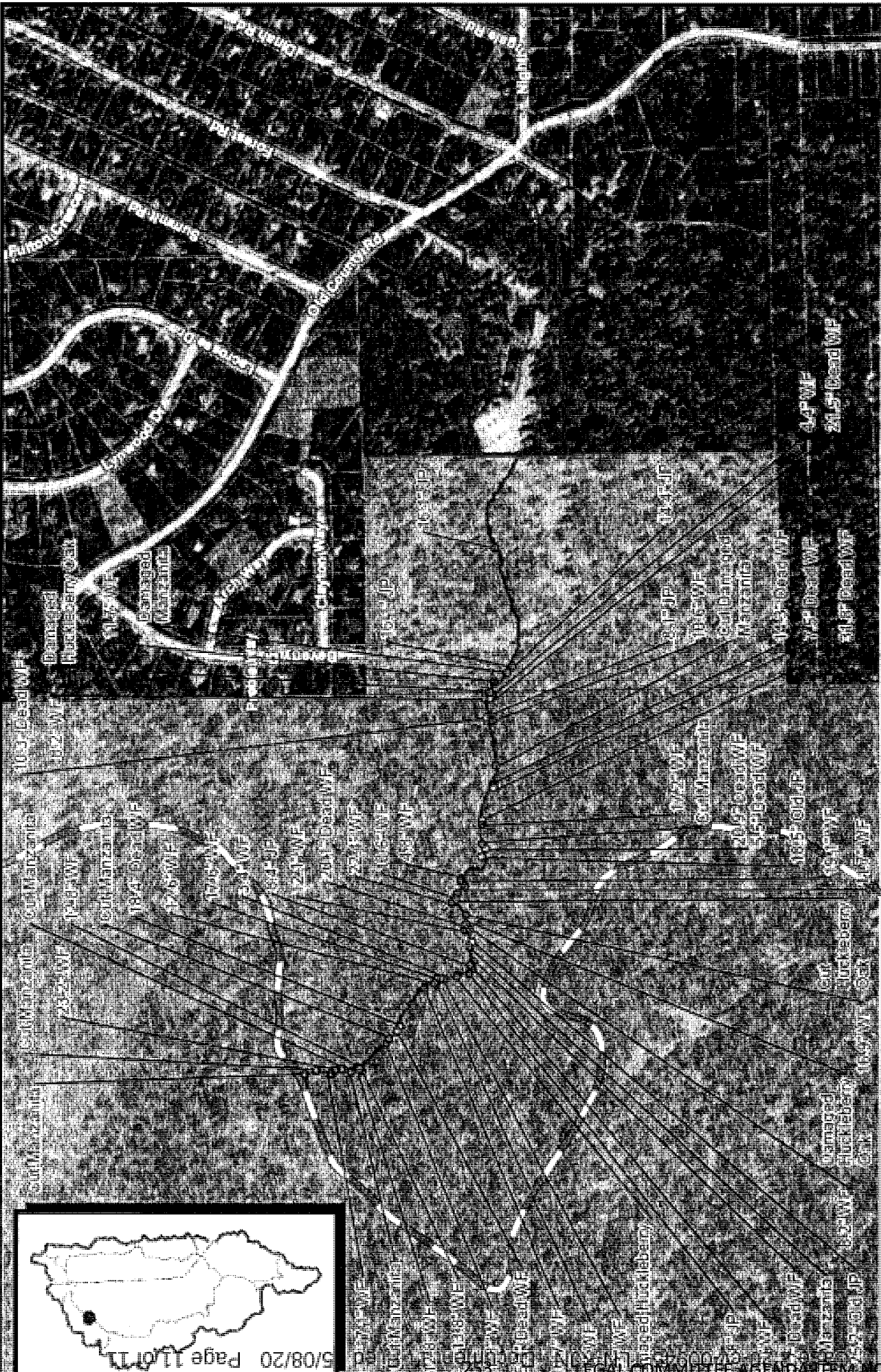
11 Attorney for Plaintiff,
12 Tahoe Regional Planning Agency
13 jmarshall@trpa.org

Exhibit A

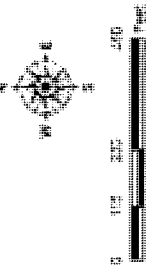
Conservancy Resource Damage



5/08/20 Page 11 of 11



California Tahoe Conservancy
February 2020
Map for reference purposes only
Source: CTC, ESRI



- Snow Cat Path (2344 ft)
- Shared Use Trail, Realigned Temp
- Mountain Addition, LLC Parcel
- Dead White Fir (13)
- Jeffrey Pine (6)
- Old Jeffrey Pine (2)
- Shrub (14)
- White Fir (29)

APPENDIX NO. 2

Lou Basile

From: Lou Basile
Sent: Tuesday, April 28, 2020 5:14 PM
To: John Marshall
Cc: Steve Sweet
Subject: RE: Mountain Addiction, LLC

Follow Up Flag: Copied to Worldox (Porter Simon Main Documents\080476\47700\EMAIL\00882812.MSG)

John:

I am totally taken back by your proposal and the draft settlement agreement. You and Steve requested that our clients agree to a waiver of the SL relative to TRPA's enforcement proceedings so that you could complete your investigation of this matter. After our clients agreed to the waiver, you then turned right around and inform me that TRPA intends to pursue its enforcement action. Were you simply playing me to buy more time? Your action, on its face, is reprehensible.

Both Justin and I have explained that neither he nor Mountain Addiction had anything to do with the tree cutting. Yet, you propose that they sign a settlement agreement that contains a tacit admission of involvement? Due to ethical requirements, I am forwarding the settlement agreement to our clients. However, unless you can point to some evidence of their involvement, I will strongly recommend to them that they not sign it. I am amenable to further talk, but you will first have to come up with some competent evidence/proof that demonstrate involvement on the part of our clients.



LOUIS A. BASILE
Post Office Box 5339
Tahoe City, CA 96145
530.583.7268 x 4128 | 530.583.7209 fax
basile@portersimon.com | PorterSimon.com



CONFIDENTIALITY NOTICE: This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you have received this communication in error, please contact me by e-mail or by telephone at (530) 583-7268. Thank you.

From: John Marshall <jmarshall@trpa.org>
Sent: Monday, April 27, 2020 8:59 AM
To: Lou Basile <basile@portersimon.com>
Cc: Steve Sweet <ssweet@trpa.org>
Subject: Re: Mountain Addiction, LLC

Lou,

APPENDIX NO. 3

Louis A. Basile
Kelley R. Carroll*†
Steven C. Gross*
Brian C. Hanley*
James L. Porter, Jr.*
James E. Simon
Ravn R. Whittington*



David W. Wolfe*
Ethan J. Birnberg*
Sara D. Davidson

Peter H. Cuttitta, *Of Counsel*
Stephen C. Lieberman, *1941-2016*
Dennis W. De Cuir, *Of Counsel*

† *Certified Specialist in Estate
Planning, Trust & Probate Law
(California Board of Legal
Specialization)*
* *Also licensed in Nevada*

April 14, 2020

VIA EMAIL: jack.matthias@tahoe.ca.gov

California Tahoe Conservancy
Attention: Jack Matthias
1061 Third Street
South Lake Tahoe, California 96150

Re: 585 Old County Road
Placer County APN # 092-290-003

To Whom It May Concern:

This firm represents Mountain Addiction, LLC, owner of the above-referenced property. Over the years, Mountain Addiction has utilized the services of Justin Scheaff as an off-site property manager and caretaker. Justin oversees and renders caretaker services with respect to the residence located on the property.

Most recently, there have been accusations levied against Mountain Addiction, LLC and/or Justin that either or both are responsible for the cutting down of several trees and shrubbery on California Tahoe Conservancy (the "Conservancy") land adjacent to the property owned by Mountain Addiction. Our understanding is that the aforementioned cuttings took place this last winter. Our clients have asked us to contact the Conservancy to address the aforementioned accusations and open up a dialogue regarding the uses by the general public of Conservancy property for the past several decades.

First, and foremost, our clients deny having anything to do with the cutting and/or being involved therein. The principals of Mountain Addiction, LLC do not reside at the property and were quite likely not even in the area during the time of the cutting. Justin denies having anything to do with the cutting or any knowledge relative to any third parties having anything to do with the cutting. In this regard, our clients desire to set the record straight and, moreover, do whatever is necessary to cooperate with the Conservancy in maintaining and/or managing the Conservancy land.

Prior to our firm becoming involved in this matter, Tahoe Regional Planning Agency ("TRPA") contacted Justin to inform him of the tree cutting and, through inuendos, implied that he either was first-hand involved therein or had knowledge thereof. Justin denied involvement. Since, I have been in touch with TRPA's code enforcement officer, Steve Sweet, who provided

{00875822.DOC 1 }

me with both information and the rationale as to why TRPA concluded that Justin was involved. Admittedly, while the factual circumstances seemingly point to Mountain Addiction and/or Justin, the reality is that neither was involved with the tree cutting in any way.

Our understanding is that the Conservancy land has been used extensively over the years by members of the general public, i.e., for jogging, hiking, mountain bike riding and dirt bike riding during the summer as well as hiking, cross-country skiing, snowshoeing and snowmobiling during the winter. We understand that the property has been used extensively by neighboring residents in the area and by the public at large. Our further understanding is that the trails are maintained during the summer and that Justin has voluntarily maintained the trails during the winter for the aforementioned uses. The nearby residents as well as the general public have been highly appreciative of the trail maintenance.

We understand from Mr. Sweet that the Conservancy is concerned that the Conservancy land has been defaced by the perpetrators of the tree cutting. He explained that a rather large quantity of trees and shrubs had been cut down. Our client, and Justin, are concerned and even appalled by the actions of those who were involved in the cutting. Their intent is to use the Conservancy land only in the fashion that it has been used over the years. They, as well as the members of the general public, would certainly hate to see the aforementioned uses being altered in any whatsoever.

We are hopeful that this letter will serve to open a dialogue between the Conservancy and our clients relative to resolving what appears to be a relationship between them which has gotten off on the wrong foot. Apparently because of accusations that were made against Mountain Addiction and Justin which were offensive to them, they immediately got on the defensive which served no purpose whatsoever in fostering a working relationship with the Conservancy.

As you are no doubt aware, Mountain Addiction, LLC's driveway has long served as a gateway to the Conservancy property by recreational users. Mountain Addiction, LLC recognizes the foregoing and perceives that the general public likely has prescriptive rights over its driveway to access the Conservancy property. Since its ownership of its property, it has done nothing to curtail the rights of the general public in this regard. And, they have no intent to do so in the future.

While Mountain Addiction and Justin are aware that a few residents in the area have complained about recreational activities on the Conservancy property, in particular snowmobiling, they are also aware that all of such recreational uses, including snowmobiling, have taken place on the property over the past three decades. Apparently, these few residents have openly suggested that our client has engaged in a commercial snowmobiling operation. That is simply not true. The property owners have used the property for snowmobiling during the winter on a limited basis. The same is true of Justin. Others have accessed the land for the above-described uses, including snowmobiling, as they have over the years.

We assume that Mr. Matthias, who has contacted Justin in the past, is the individual with whom we may open a dialogue. We would appreciate that he or another Conservancy official reach out to us for the purpose of discussing the foregoing and coming to a resolution in an attempt to foster a good neighbor relationship between the Conservancy and our client. We look forward to engaging in a dialogue to that effect.

Very truly yours,



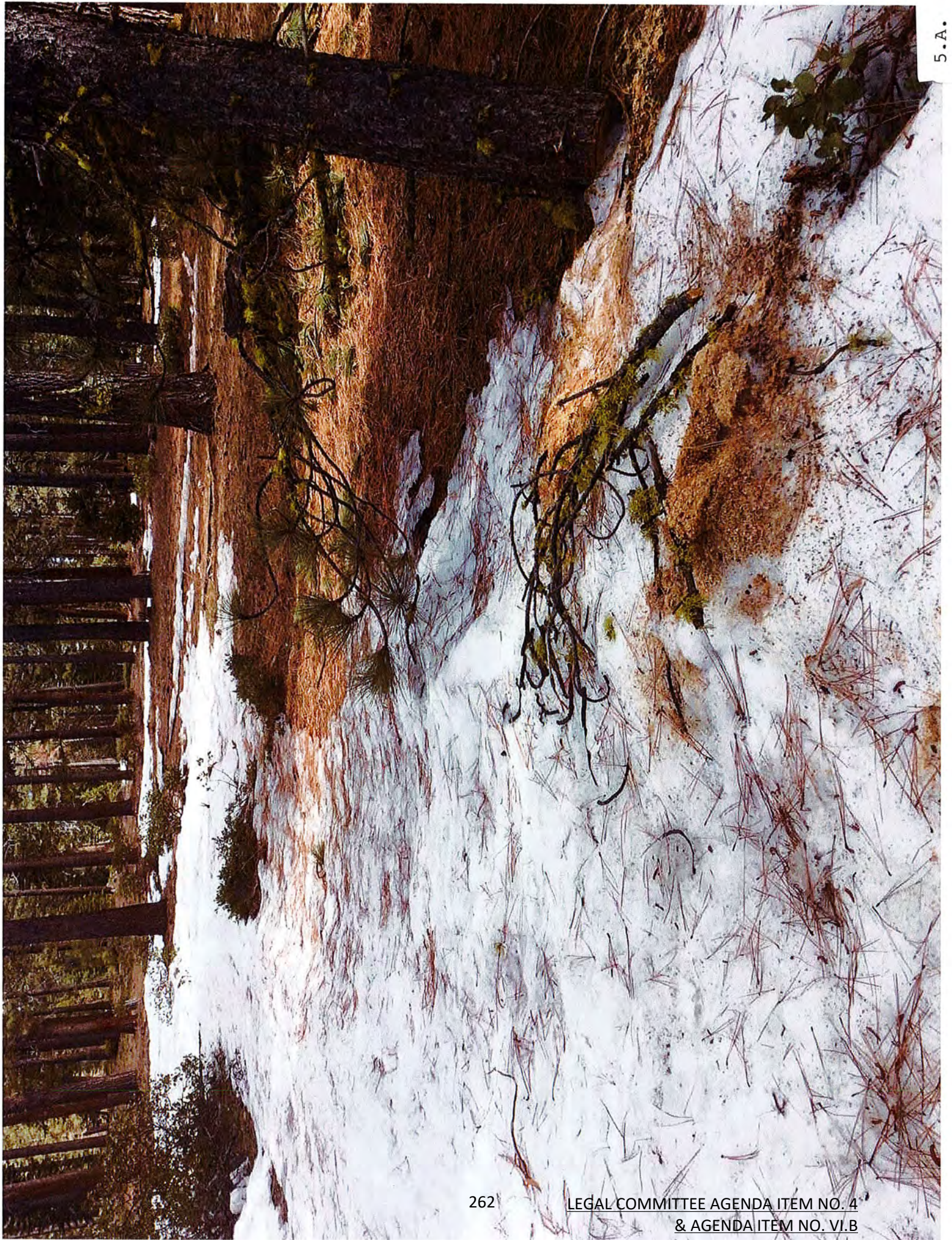
LOUIS A. BASILE

LAB/mw

Cc: Client
John Marshall
Steve Sweet

APPENDIX NO. 4
[Attached to TRPA file]

APPENDIX NO. 5



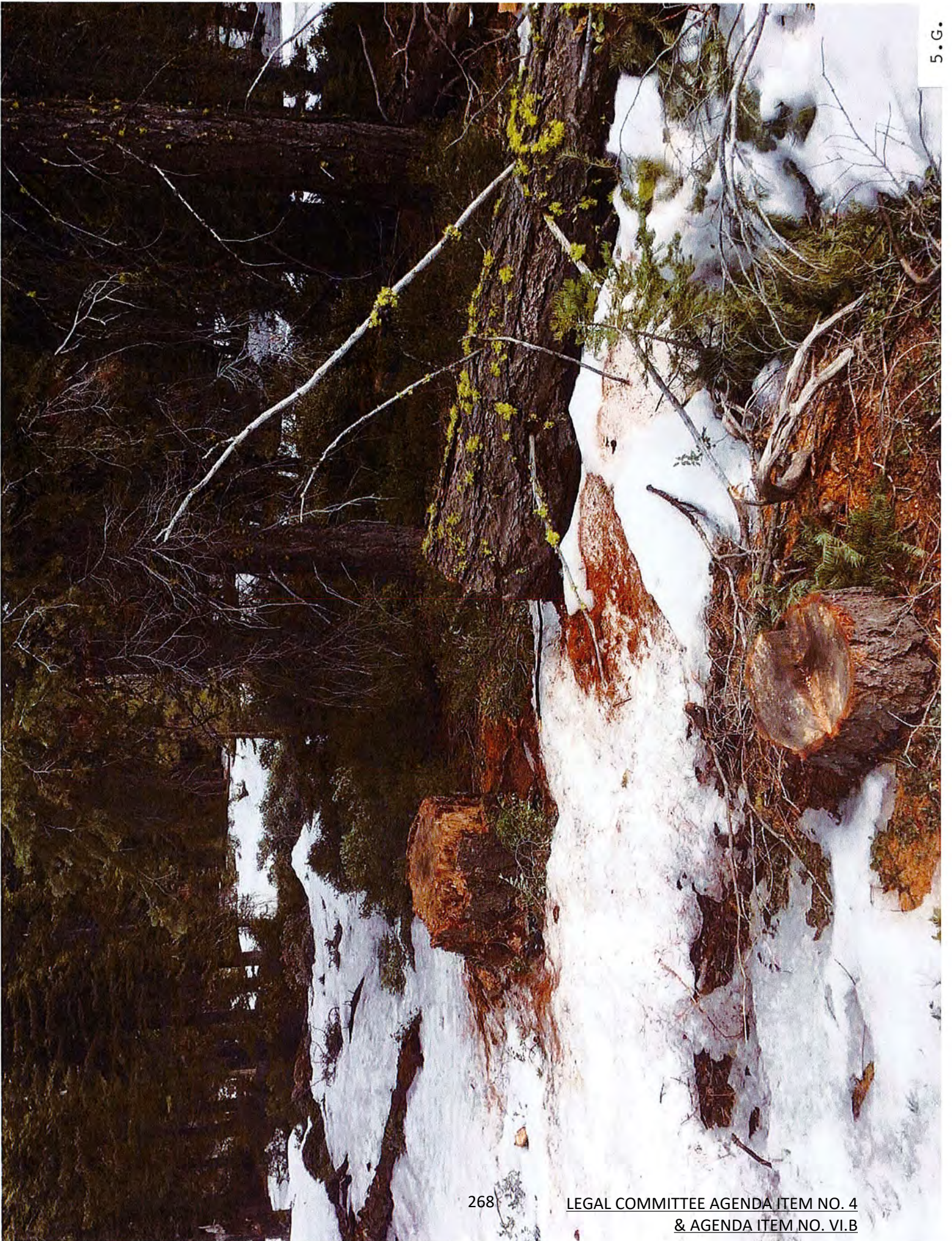




































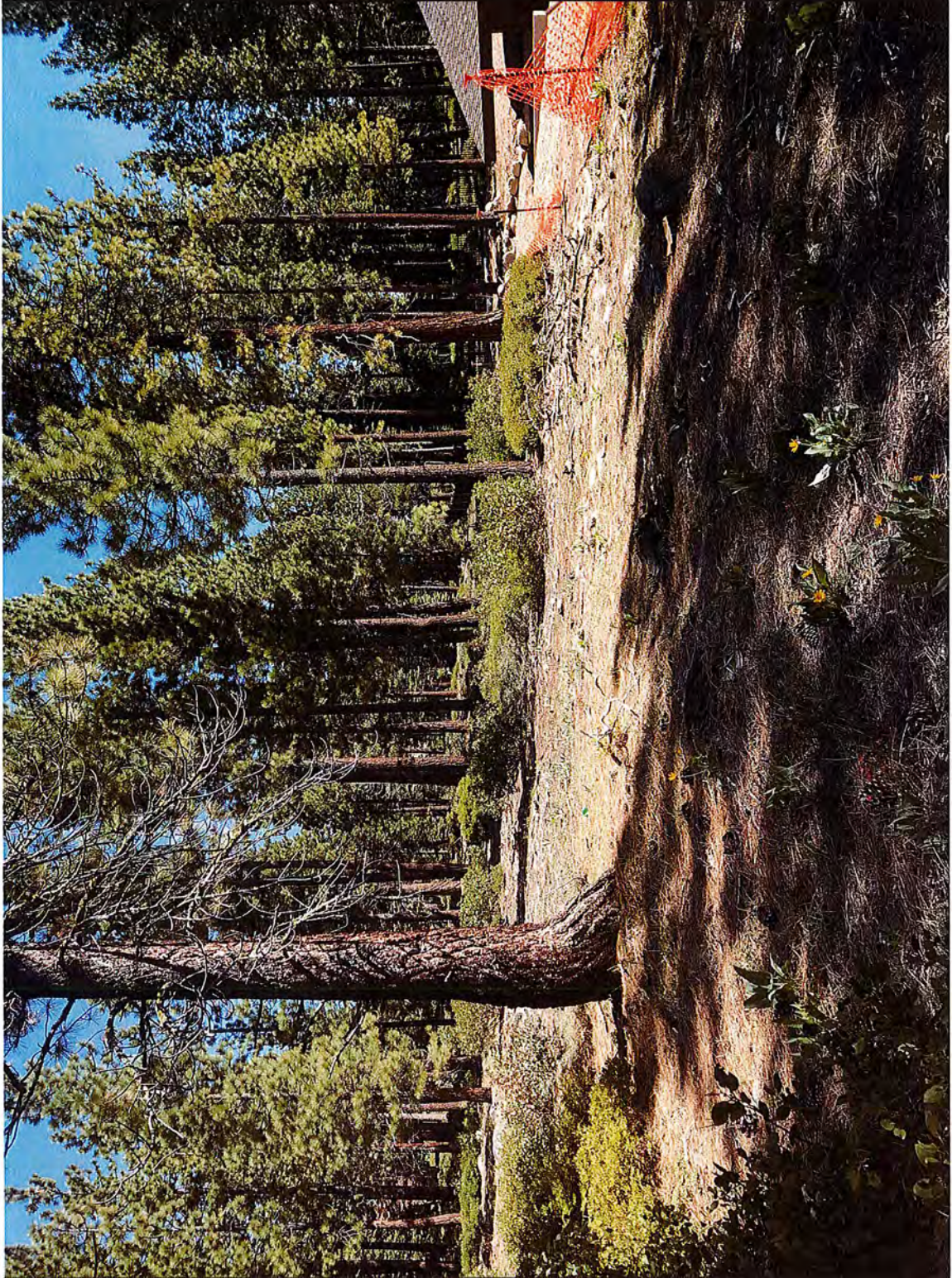


APPENDIX NO. 6













Main Trail
N 3912.243
W 120 06.144

6.F. (3825)



Main Trail
N 3912, 243
W 120 06.144

6.G. (3826)

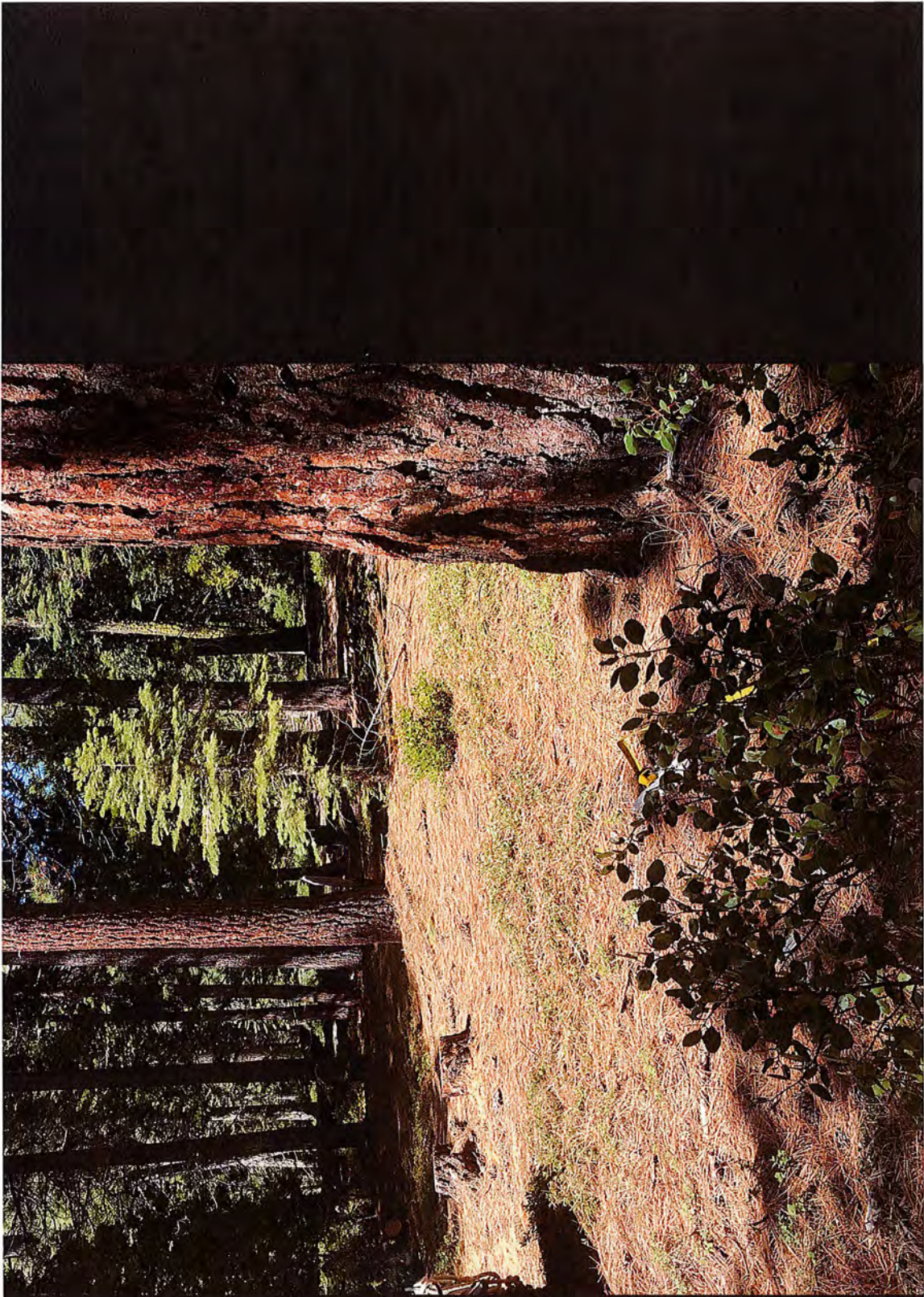


Main Trail

W 39 12.283

W 120 06.167

6.H. (3827)



Cut Trees 1000'

N 39 12.278

W 120 06.281

25' from stump

6.I. (3839)



Cut Trees 1000'
N 39 12.278
W 120 06.281
25' From stump

6.J. (3840)



Cut Trees 1000'
N 39 12. 278
W 120 06. 281
25' From Stump

6.K. (3841)



Cut Trees
W 39 12.290
W 120 06.356
22' from stump 4' rock 6.I. (3843)



Cut Trees
N 39 12.290
W 120 06.356
22' From Stump 4' rock

6.M. (3845)











Cut tree
N 39.1271
W 120 06.538
18' to stump

6.R. (3887)



Cut Tree
N 39. 1271
W 120 06.538
14' to stump

6.S. (3888)



Cut Tree
N 39 12.361
W 120 06.538
20' to stump

6.T. (3891)



Cut tree
N. 39.361
W 120 Db. 538
20' to stump

6.U. (3892)



Cut tree
 W 39 12.347
 W 120 06.521
 205' to stump



Cut tree
N 39 12.347
W 120 06.521
20.5' to stump



Cut tree
N. 39 12.339
W 120 06.516
24' to stump

6.X. (3899)



Cut tree
N 39 12.339
W 120 06.516
24' to stump

6.Y. (3900)



Cut tree
N. 39 12.339
W 120 06.516
24' to stump

6.Z. (3901)

Attachment E

CTC Property Inspection Transects

Attachment F

Site and Building Plans

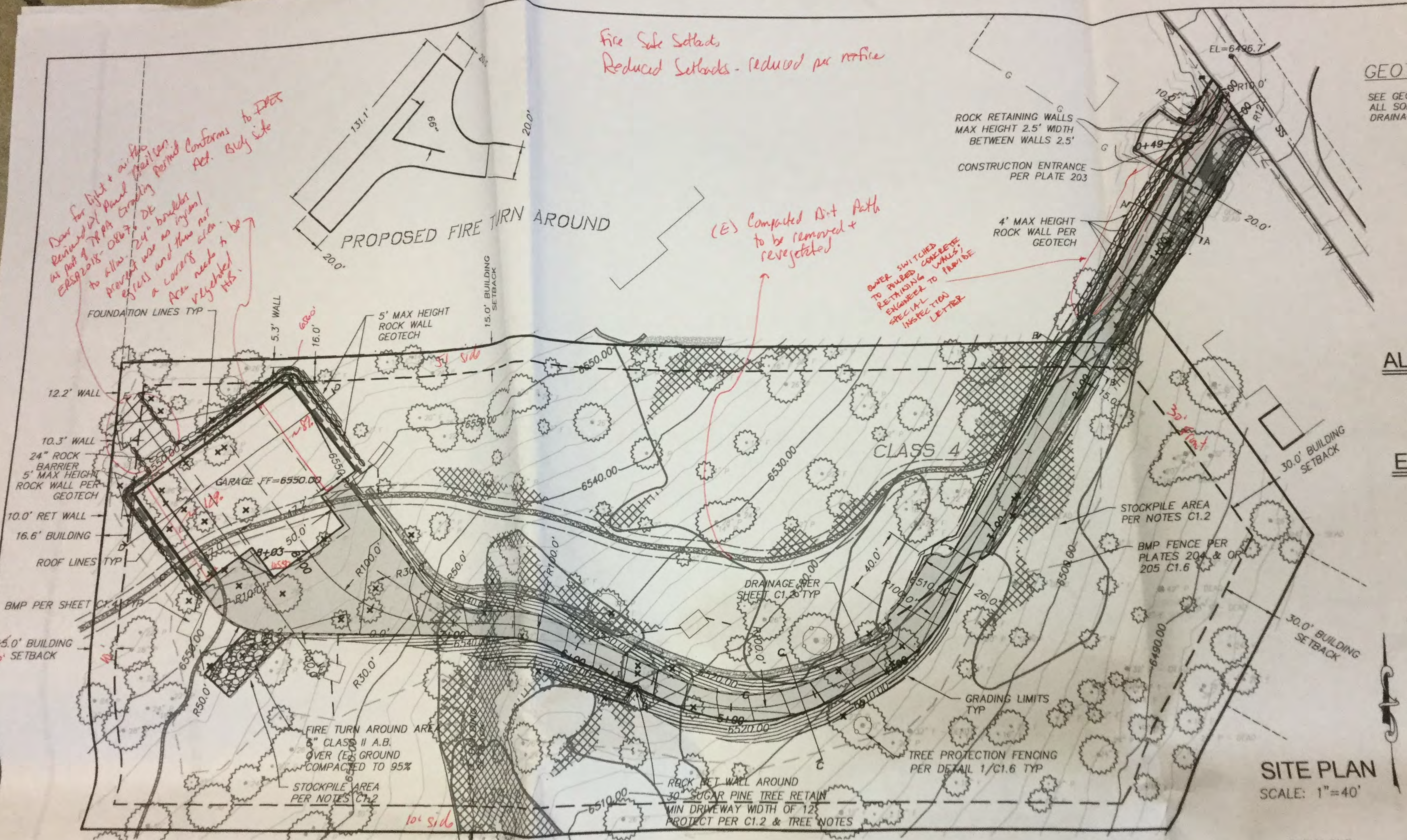
Fire Safe Setbacks
 Reduced Setbacks - reduced per notice

Done for light & air flow
 retained by panel
 ERS 2018-08-27-08
 to allow 24" barriers
 prevent use as ingress
 egress and thus not
 a covering area
 Area needs to be
 vegetated
 15' side

PROPOSED FIRE TURN AROUND

(E) Compacted Dirt Path
 to be removed +
 revegetated

OWNER SWITCHED
 TO PAVED CONCRETE
 RETAINING WALLS
 SPECIAL INSPECTION
 LETTER



GEOTECH
 SEE GEOTECH
 ALL SOIL
 DRAINAGE

ALL
 AP
 IP
 'S
 C
 EX

SITE PLAN
 SCALE: 1"=40'

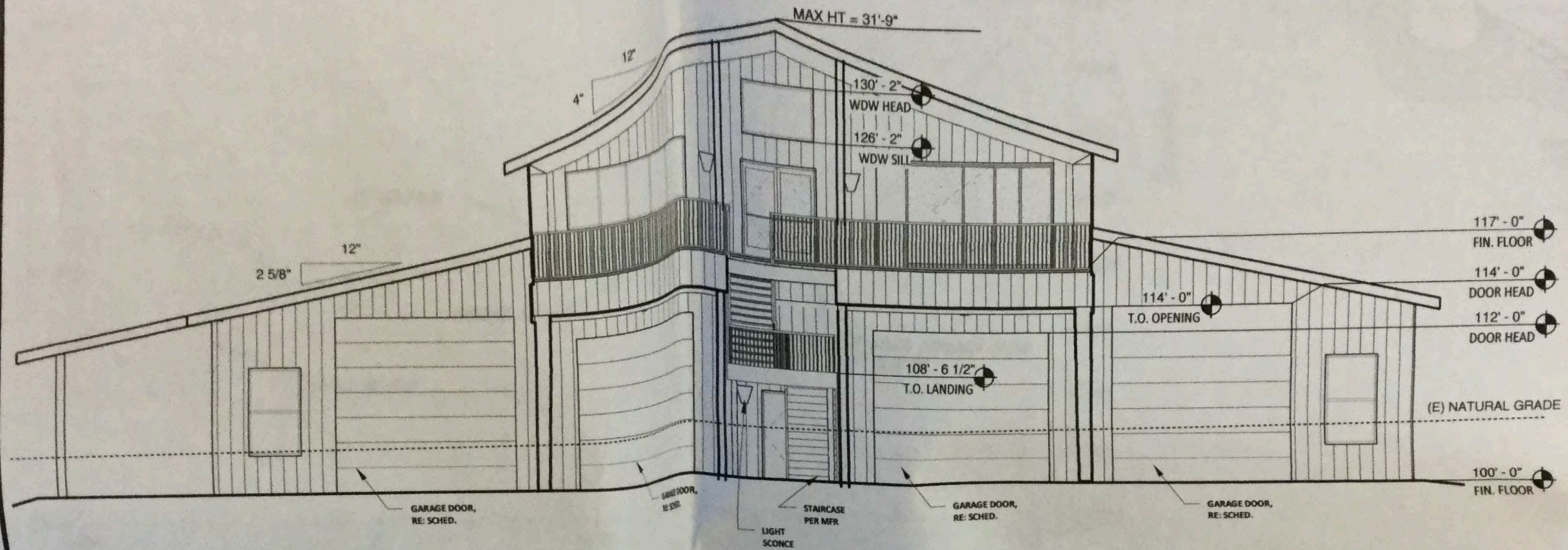
MAIN ROAD TO SHOP PROFILE

SSMH #1	CLEAN OUT
STA: 7+69.99 OFF: -23.34L	STA: 7+71.17 OFF: -69.26L
RIM: 6549.01	RIM: 6549.66
SUMP: 6539.35	SUMP: 6545.66
INV IN: 6539.45 4"	INV OUT: 6545.66 4"
INV IN: 6539.45 4"	45.95' of 4" @ 13.52%
INV IN: 6539.45 4"	
INV OUT: 6539.35 4"	

PM STA: 6+88.48
 PM ELEV: 6544.04
 K: 12.50
 LVC: 50.00

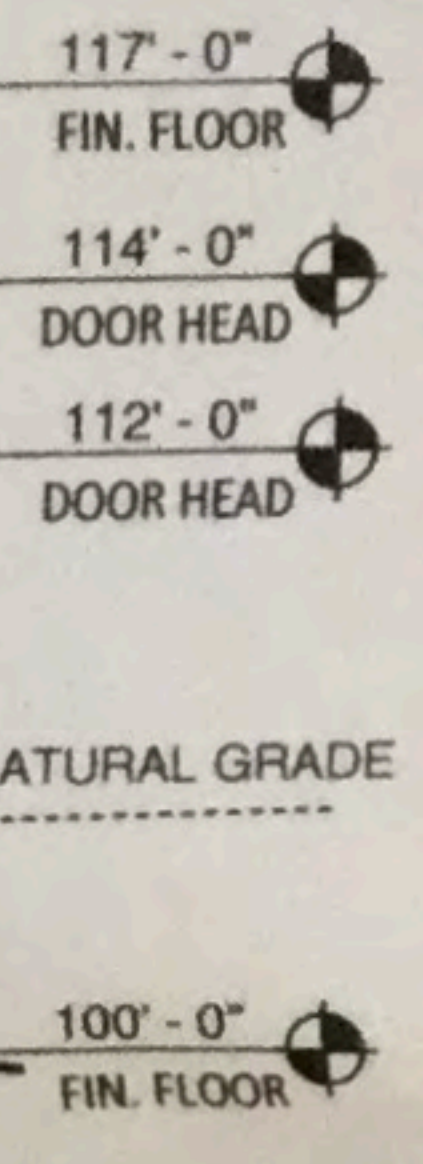
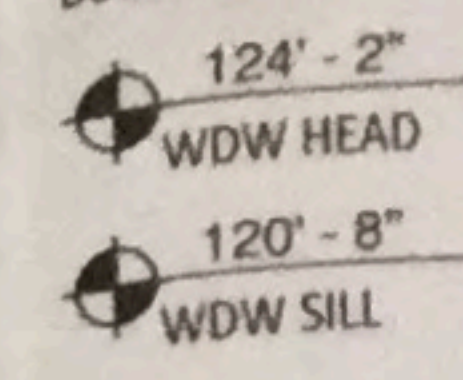
6552
 6548

6.00%

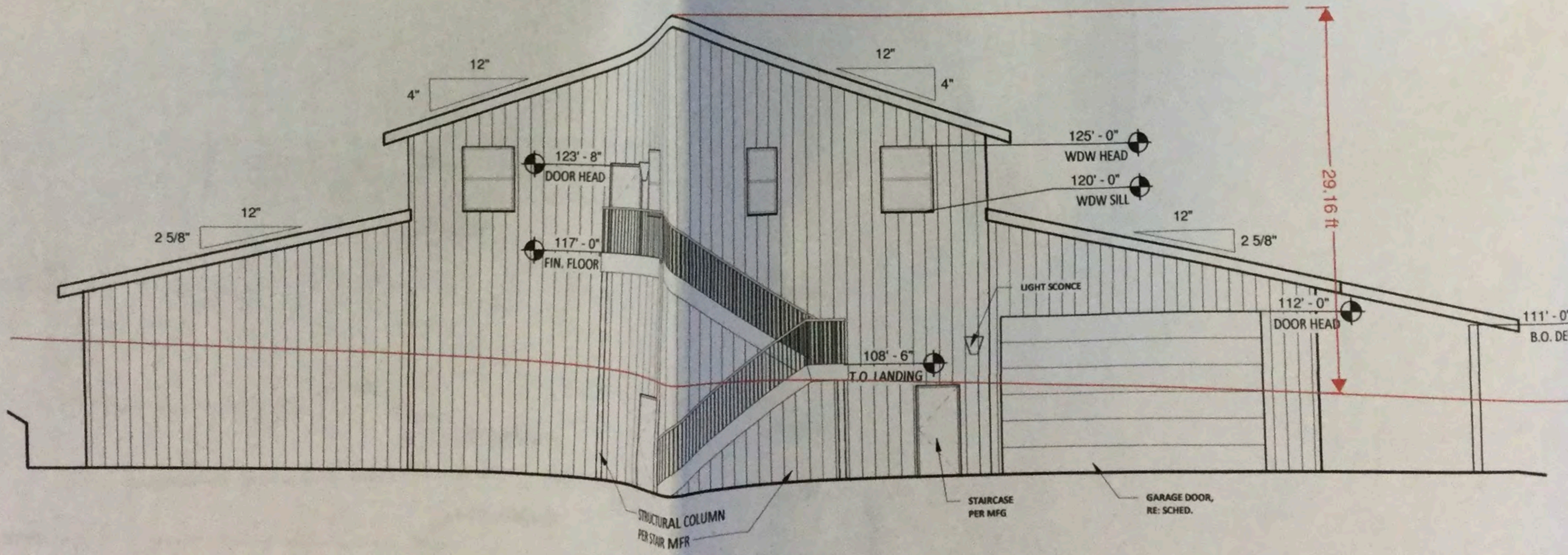


1 FRONT ELEVATION
 1/8" = 1'-0" RE: A2.1 / 1

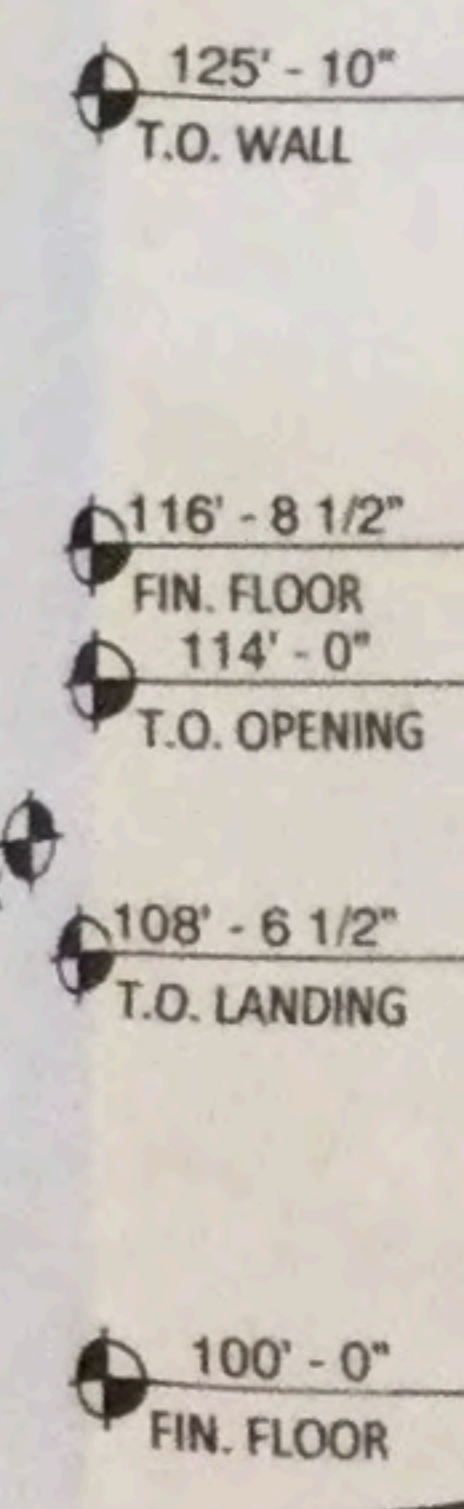
VERIFY WINDOW SIZE AND SILL HEIGHT COMPLIANCE WITH EMERGENCY EGRES REQUIREMENTS OF LOCAL BUILDING CODES



2



3 REAR ELEVATION
 1/8" = 1'-0" RE: A2.1 / 1



4

Attachment G

August 18, 2020 CTC Response to Sheaff/Mountain Addiction Response to NOV



Memorandum

To: John Marshall, Tahoe Regional Planning Agency
From: Sara Cutuli, California Tahoe Conservancy
Date: August 18, 2020
Subject: Factual Corrections to Justin Sheaff/Mountain Addiction LLC Response to Notice of Violation

Dear Mr. Marshall:

The California Tahoe Conservancy (Conservancy) has reviewed Justin Sheaff and Mountain Addiction LLC’s Response to Notice of Violation (Response), dated June 2, 2020, for factual accuracy. This memorandum provides factual corrections to assertions made in the Response.

1. Misrepresentation of the Timeline of Events

The Response misrepresents the relevant timeline through its focus on January and February 2020 activities:

- *On February 10, 2020 Conservancy personnel met with Sheaff to discuss what had transpired in late January. Sheaff informed Conservancy personnel that he did not know who had cut down the trees. In the ensuing weeks TRPA staff had discussions with neighbors in the area, none of whom had seen any tree cutting activity taking place. During the time that Conservancy reported the cutting of trees and disturbance of vegetation, neither Sheaff nor any Mountain Addiction affiliates were at the property. (Response at p. 4)*
- *According to the inspection reports by Conservancy personnel, it estimates that the tree and shrub cutting occurred during the last week of January, 2020. Neither Sheaff nor the principals of Mountain Addiction were at the Mountain Addiction residence during that timeframe with the possible exception of Sheaff and his family being at the residence during evening hours. . . . Likewise, there was no one, including “visitors”, from the Mountain Addiction affiliation in California between January 4th and February 15th, 2020.” (Response at p. 4) (See additional assertions on pages 6, 7, 9, 11.)*

Corrections/Clarifications: First, Sheaff was aware of the damage prior to the Cease and Desist Order. Conservancy staff met with Sheaff in 2018 after receiving calls from concerned neighbors that a snowmobile lodge was being constructed. At that time, the Conservancy informed Sheaff of acceptable uses of the property and that the Conservancy would be monitoring for any resource damage. In January 2020, after a snowstorm, Conservancy staff returned to the property to see how the property was being used, and whether there was concern over the use of snowmobiles on the property. On 1/23/2020, Jack Matthis inspected the property and saw several snowmobile tracks leading from the lodge to the ramp at the rear of the garage, and resource damage to shrubs. On 1/31/2020, Kelsey Lemming inspected the property and found snowcat tracks. Kelsey Lemming followed the tracks and found that the trees had recently been removed along the snowcat

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tracks' path. On 2/6/2020, Conservancy staff met with TRPA to show the cut living trees and damage to shrubs. On 2/10/2020, Conservancy staff met with Sheaff. Sheaff stated that he did not cut the trees but admitted to being there when the snowcat was operated on Conservancy property. On 2/20/2020, while the Conservancy was installing construction fence, an individual who was believed to be Sheaff spoke with Kelsey about the fence. Kelsey informed him that this was to prevent any more resource damage and informed him that 50 trees were cut down. Sheaff stated he did not know who cut the trees and that he has not seen resource damage.

With respect to the tree cutting, Respondents are shortening the relevant timeline. The damage was only discovered in early January. The trees were cut before January (sometime between summer and their discovery in January). There was sawdust viewed on top of the snow when the trees were discovered. Therefore, these were likely recent cuttings, after one of the snowstorms in 2019, or early 2020. The sawdust was still visible during the June 10, 2020 site visit. Further, at the time of the June site visit, the needles on the trees were still green, the felled portions were still bright in color and fresh, and the stumps are painted black. These could not have been from Conservancy forest management thinning based on the timing. No forest management activities took place on that property during the 2019 field season. The last forest thinning happened at least 10 years ago.

2. Mischaracterization of the Current and Historic Use of Conservancy Land

The Response makes several inaccurate assertions relating to the current and historic use of the Conservancy land:

- *It is undisputed that the Conservancy land has been historically used by the general public for decades, perhaps over forty years. Those uses consist of year-round recreational activities including hiking, walking, mountain bike riding, snow shoeing, cross country skiing, snowmobiling and other general recreational uses. (Response at p. 1)*
- *It is worthy to note that the Conservancy property, described as a “wild life parcel”⁴, adjoins several other parcels on which there are at least twelve homes, has several major trails that are, and have historically been, heavily used for hiking, snowmobiling, skiing, biking and both motorized and non-motorized use and has a newly constructed paved bike path. (Response at p. 3) (See additional assertions on page 6.)*
- *Sheaff’s understanding was that these neighbors notified the Conservancy in the fall of 2018 that a “snowmobile lodge” was being built with plans to run snowmobile tours. Upon learning of the neighbors’ false statements to TRPA and Placer County that Mountain Addiction was building a “snowmobile lodge” Sheaff explained. (Response at pp. 2-3) (See additional assertions on page 5.)*
- *Sheaff is aware of a few neighboring property owners who believe that a commercial snowmobile rental operation is taking place on the property. Perhaps, those individuals have concluded that they no longer have public access to the Conservancy Property. Notwithstanding the perception of those property owners, Respondents have kept the trail system opened and have maintained a trail running parallel to their driveway that accesses the trail system and Conservancy Property. That trail is used frequently by members of the general public. (Response at p. 7)*

Corrections/Clarifications: Mountain Addiction’s characterization of the wildlife parcel is a misrepresentation of how the property has been used historically. The Conservancy has owned the parcel adjacent to Mountain Addiction’s property since 1992. There are user-created neighborhood trails, for non-motorized activity on this adjacent parcel. The Conservancy does not create or maintain any of the trails, and motorized vehicles are not permitted on the bike path. The trail identified by the Response is not the same as the snowcat path and is irrelevant.

In 2018, Conservancy received concerned calls that the new lodge, which abuts Conservancy property (the ramp from the back of the garage leads directly to the Conservancy property line), would lead to increased snowmobile use, whether technically commercial operations or not. The neighbor's complaints are indicative that the Conservancy property is not popular for snowmobile use. There is no historical evidence of heavy snowmobile use on the parcel adjacent to the lodge or the larger Conservancy/US Forest Service properties. The Conservancy has not received a complaint related to snowmobiles or UTVs prior to Mountain Addiction's construction. The current heavy snowmobile use coincides with the house being built and ramp.

3. Incorrect Characterization of Felled Trees

Respondents incorrectly characterize the path of the felled trees:

- *“The Conservancy Resource Damage exhibit shows that the felled trees form a somewhat convoluted and meandering route across the Conservancy land that connects with the newly constructed paved public bike path.” (Response at p. 1)*
- *“TRPA's and Conservancy's photographs, standing alone, show nothing more than the sporadic, and perhaps senseless, cutting of trees for no apparent reason.” (Response at p. 2)*
- *“The TRPA photos clearly show that the locations of the felled trees do not support the notion that someone had an intent to create a new trail, path or route through the forest for any purpose. Instead, they appear to show that there were random cutting of trees with no apparent purpose in mind. Moreover, Respondents have had no reason whatsoever to create a new trail, path or route through.” (Response at p. 2) (See additional assertions on page 7.)*
- *“Significantly, in most of the areas where trees were cut, especially the larger trees, there would have been no reason for tree removal for the purpose of snow cat or any other type of snow vehicle access. By way of example, the spacing between the larger trees that were cut and the next closest trees ranged between 18 to 25 feet, an area clearly wide enough for a snow cat to maneuver without the necessity of having to remove a tree.” (Response pp. 4-5)*
- *Sheaff informed Conservancy personnel that he had in fact maintained the existing trail system for the many users of the Conservancy land and USFS land. The existing trail system is well defined and consists of the well marked foot paths and the newly built bike path. (Response at p. 8) (See additional assertions on page 10.)*
- *In areas where stumps exist, there were widths of open forest ranging 18-25 feet that would be ample room for a snowcat to maneuver without the necessity of having to cut down a tree. . . . Second, the areas in question where trees had been cut were already wide enough for snow cat access without the necessity to remove trees as clearly depicted in the photographs. . . . Finally, as noted, in the areas where trees were cut there were large fallen dead trees and large boulders that would have rendered snow cat passage untenable.” (Response at p. 10) (See additional assertions on page 10.)*

Corrections/Clarifications: Considering the terrain, the tree coverage, slope, and boulders, the felled trees create the most direct route between the snowmobile lodge and the bike path. It is not a “straight shot” because it takes advantage of naturally occurring openings, in order to reduce the number of trees to be felled, and to avoid steeper slopes and boulders. It is exactly the presence of the large boulders and tree groupings that dictates the path of cut trees. The cut trees and manzanita connect the more open areas of the Conservancy property. This is a path for winter use, therefore, not all of the lower shrubs needed to be removed. Only those that were impeding the path or trees with stumps or branches in the way of the access of the snowcat. Nowhere else is there a consistent path of 19+ feet that runs directly between the snowmobile (or any other private property) to the bike path. Trees/shrubs along the path between the wider areas had to be cut to create a continuous access way.

There would not be access or a connection between these wider points **but for** the removal of certain trees that had to be removed to create the spacing to get 12 ft. for larger machinery. They were building trail that took advantage of and incorporated naturally wide areas into a path to create the snowcat access. Without the cuts the slope, ravines, the distance between trees and boulders would prevent a snowcat from traveling or from making turns. Sheaff admits the snowcat is 12ft wide. Sheaff admitted to grooming the bike path, Sheaff admits that he owns a snowcat, Mountain Addiction has a snowcat stored on its property, and Sheaff admitted to being at the lodge when the snowcat was used on Conservancy property. This shows that the purpose of the trees/resource damage is to create an access path for the snowcat.

Further, no forest management activities took place on that property during the 2019 field season. The last forest thinning happened at least 10 years. The cuts are not consistent with Conservancy forest thinning practices—the Conservancy’s forestry staff conducted a site visit and concluded that trees felled were not done by Conservancy or consistent with forestry management practice used in the basin. First, Conservancy forest thinning will generally only cut live trees that are suppressed (so close to another tree that its viability is threatened) or that have bad insect or disease infestation. The trees in this area with these conditions were previously treated. Here, the trees were still live with green needles and were not suppressed. Even if Conservancy had done a treatment recently, a majority of the live trees removed for the snowcat path would not have been removed for treatment.

Second, Conservancy forest thinning would not leave the felled trees and biomass on site in the same manner as was done here. Materials from previous treatments were piled and burned or chipped. Moreover, mechanical thinning collects the trees and removes the material from the area. Here, the trees taken would not have been left in the manner they were. They would have been processed to prevent future fire risk and to prevent insect infestations. Otherwise this defeats the purpose of limiting fire risk by adding to dead understory and undermining forest health. They also would not have been left for wildlife. The cut trees would have been transported off site for forest health if this was a treatment conducted by Conservancy.

Third, the Conservancy does not mark stumps with paint. The Conservancy would not paint the stumps after being cut. The only painting of trees is marking prior to treatment to identify those trees that would be felled as part of the treatment. It is commonly known within forestry professionals that painting stumps helps hide the age of the stumps. Here, many of the stumps were painted. Nonetheless, the age is more than evident by the tree material laying just outside the snowcat path, which showed fresh cuts, bright wood, and green needles. Lastly, if this was a private, illegal cutting of wood for firewood, the trees would not have been left at the side of the path. The only reasonable explanation remaining that fits the facts is that the trees were cut to create a path for the snowcat.

4. Incorrect Assertions Regarding Other Causes

The Response places unsubstantiated claims that the cause is other machinery.

- *The disturbance shown in the photographs could have been caused by either a snow cat, a UTV-side by side or a snowmobile – several of which are utilized in the area. (Response at p. 5)*
- *Moreover, Respondents have never used the Conservancy Property for snow cat grooming or snowmobile grooming. Sheaff has groomed only the existing trails and the bike path primarily for snowshoeing and/or cross country skiing access during the winter. He has never groomed any area on the Conservancy land for snowmobiling or any other activity. Snowmobilers, once they have gained access to the Conservancy property, fairly much go anywhere they please. (Response at p. 7) (See additional assertions on page 7.)*

- *Conservancy stated that its inspection in late January showed evidence of disturbance to vegetation caused by a snow cat including tracks leading to the Mountain Addiction property. The location of the snow tracks was not disclosed. However, the photographs of the tracks are consistent with the tracks of UTV-side by sides, many of which are owned and utilized by residents in the area. Sheaff is aware of at least three neighboring individuals who live in the area that own UTV-side by sides and use them on Conservancy Property and has observed as many as three to six different UTV-side by sides on the property over the years. (Response at p. 8) (See additional assertions on page 11.)*
- *Indeed, in Sheaff's experience, snowmobilers do not use or even access groomed trails in the area. Instead, they access the general forest itself which has wide open space as opposed to being confined to any sort of a trail system. (Response at p. 9) (See additional assertions on page 9.)*

Corrections/Clarifications: Respondents are conflating the relevant uses. It is irrelevant whether the ultimate grooming was for snowmobile access, cross country skiing, or joy riding. The tree and resource damage was done to create an access path to connect the lodge to the bike path. Sheaff admits to grooming the bike path for snow activities. There is no other access point for a snowcat to reach the bike path for grooming. Conservancy does not have formal trails, or formal trail maintenance agreements. The Conservancy does not maintain or groom, and do not condone private maintenance. There is no license agreement with Mountain Addiction or Sheaff. There is no grooming allowed, there is no authority to conduct such maintenance, and the trails are user created. Further, motorized vehicles are not permitted on the bike path.

The shrub damage is shown with snowmobile tracks, directly adjacent to the lodge. Sheaff/Mountain Addiction admit they are snowmobile enthusiasts and that Sheaff owns a snowcat. The snowcat tracks were seen just outside the lodge property line, from the ramp leading from the rear garage door. The larger tracks documented on Conservancy property match the tracks of the snowcat seen on the Mountain Addiction property. A UTV/side by side does not have the same width of individual tracks, width between tracks (wheelbase) or the same teeth on the track's tread, whereas it is admitted that a snowcat is approximately 12 feet wide. The photographs do not show a UTV on site. The Conservancy is not aware of UTV use in this area and has not received complaints regarding UTV use. It is irrelevant what the snowmobile use is, except to the extent that the off-trail use supports Conservancy's observation of tracks over damaged manzanita.

5. Other Incorrect Statements

The Response also makes several additional incorrect statements:

- *"In an attempt to resolve issues that resulted in the Notice of Violation, Respondents' attorney communicated with TRPA's attorney John Marshall relative to Respondents signing a waiver of the statute of limitations in order to pursue further investigation of the matter. Respondents agreed to a short waiver and signed waivers of the statute of limitations. Instead of conducting further investigation, TRPA elected to move forward with a Notice of Violation and file an action in U.S. District Court." (Response at p. 2)*

Corrections/Clarifications: Conservancy and TRPA attempted to meet with Sheaff and he declined, through his attorney, after originally agreeing to meet.

- *"The project also includes four front garage doors that lead directly out to a parking area. The rear garage door was not created, designed and constructed for snow cat and/or snowmobile access; it was designed for ventilation." (Response at p. 6)*

Corrections/Clarifications: There is a ramp that leads from the back door of the garage directly to Conservancy property, nearly abutting the property line. This ramp would not be required if the rear door was constructed for ventilation. There are also snowmobile tracks seen cut into the dirt just off of the ramp.

6. Admissions

The Response makes several important admissions.

- *While it is true that Sheaff owns a snow cat, no one had authorization from Mountain Addiction or Sheaff to use the snow cat during the time period in question. (Response at p. 8)*

Corrections/Clarifications: Sheaff admits that he owns a snowcat (an uncommon and expensive piece of machinery) but incorrectly identifies the relevant timeline. The Response did not address the relevant timeline, prior to January 2020.

- *The project is located adjacent to the south side of the Conservancy Property and includes a rear garage door. (Response at p. 5)*

Corrections/Clarifications: This is an admission that there is a rear garage door that abuts the Conservancy property, which indicates use of the Conservancy property.

- *Sheaff is a professional snowmobile rider and a firefighter. Sheaff is neither a professional snowmobile rider nor a wildland firefighter. He neither races, competes, received compensation, health or other benefits normally associated with the term professional. He is a structural fire fighter assigned to his department's training bureau. His use of chainsaws are confined to cutting into and accessing structures that are on fire. (Response at p. 6)*
- *To summarize, while it is clear that anyone with knowledge of how to operate a chainsaw could have cut down trees, the fact remains that neither Sheaff nor Mountain Addiction had any reason, motive or rationale to do so to "improve" snowmobile access. (Response at p. 10) (See additional assertions on page 11.)*

Corrections/Clarifications: Sheaff admits that he is an avid snowmobile rider. His background and experience with search and rescue, firefighting and outdoorsmanship makes him more apt to be comfortable cutting trees, even if this does not rise to the level of an expertise. Sheaff admitted that anyone with a chainsaw can cut the trees. Sheaff argues that he does not have expertise, and later states that there is no expertise needed to fell the trees as anyone with a chainsaw could come onto the property and cut the trees. Therefore, under his own logic he is admitting to being capable of cutting the trees.

The purpose was to create access for the snowcat to access the bike path for the grooming that is admitted to take place in winter. No other purpose is reasonably conceivable. UTVs do not fit the tracks, are not as wide as a snowcat and have much higher maneuverability. Moreover, the trees were not cut in areas where trees were 18-25 ft. apart. They were cut to connect more open areas for a continuous open path of 19+ ft. Without the cuts, the snowcat would not be able to transverse the property, because the pockets of wider areas were blocked by the trees and shrubs removed. But for the removal of the trees the snowcat access to the bike path would be prohibited.

- *Neither Sheaff nor Mountain Addiction use any trails on the property during the winter other than the existing hiking path trail and the bike trail which Sheaff has groomed for snowshoeing and cross country skiing activities. (Response at p. 7) (See additional assertions on page 11.)*

Corrections/Clarifications: Sheaff admits that he maintains the trails and bike path for winter use for cross-country skiers and snowshoers, which is unauthorized. It is irrelevant if the snowmobilers use the trails. The snowcat is a grooming machine. Sheaff admits to grooming the bike path. The snowcat can now reach the bike path via the winter access path created by removing trees and shrubs that were inhibiting a direct path from the lodge to the bike path.

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Tahoe City Public Utilities Sewer Line Repair Permit, 3328 & 3320 Edgewater Drive, Placer County, APNs 093-094-041, -0042; TRPA File No. ERSP2019-0514; TRPA Appeal File No. ADMIN2020-0001

Requested Action:

To consider and act upon an appeal filed by Joshua Floum and Margaret O'Donnell ("Floum/O'Donnell") of a Hearings Officer-issued permit to the Tahoe City Public Utilities District ("TCPUD") to repair and replace a portion of sewer line lakeward of their property.

Staff Recommendation:

Staff recommends that the Governing Board deny the appeal and affirm the decision of the Hearings Officer to issue the repair permit as it meets all requirements by the TRPA Code of Ordinances.

Motion:

1. A motion to grant the appeal, which motion should fail to affirm the Hearings Officer's determination.

In order to deny the appeal, the Governing Board should vote "no." The motion to grant the appeal will fail unless it receives five affirmative votes from California and nine overall.

Background:

TCPUD owns and operates a sewer collection pipeline that runs offshore of lakefront parcels in the Dollar Point subdivision, including in front of a lakefront parcel owned by Floum/O'Donnell. Significant wave action from winter 2019 storms exposed a buried sewer collector pipe and loosened joints to pose an immediate threat of significant discharge to Lake Tahoe (some discharge did occur). On January 31, 2019, TRPA staff received an application from TCPUD to perform emergency repairs on an in-lake sewer line offshore of the Dollar Hill Subdivision, in particular lakeward of the Floum/O'Donnell parcel. (TCPUD holds a utility easement for the pipeline where it crosses the Floum/O'Donnell parcel.) On February 6, 2019, TRPA issued TCPUD an emergency permit to repair the affected section by replacing and reburying the loosened pipe pieces. As a condition of the emergency permit, TRPA required TCPUD to apply for an after-the-fact permit.

TCPUD performed the repair work beginning January 30, 2019 and lasting until March 15, 2019. On April 2, 2019, TCPUD applied to TRPA for an after-the-fact permit to retroactively authorize the emergency repair and to authorize additional repairs to the sewer line, which has not yet occurred and is not

relevant to this appeal. The project required an after-the-fact approval from the TRPA Hearings Officer. Notification for the Hearings Officer meeting for both the emergency repair and the proposed repair was sent to neighbors within a 300-foot radius of the project area on December 5, 2019. The appellants were included in this notification and appeared at the hearing through a representative. The Hearings Officer issued the after-the-fact permit on December 19, 2019. See Attachment A.

After TCPUD conducted the repairs, storm related wave action partly uncovered portions of the replaced pipe offshore of the Floum/O'Donnell parcel. Unhappy with that condition and TCPUD/TRPA response to their complaints, Floum/O'Donnell timely appealed the after-the-fact permit. On February 7, 2020, Floum/O'Donnell submitted their Statement of Appeal (Attachment B hereto). Floum/O'Donnell contend TRPA improperly issued the after-the-fact permit because (1) TCPUD lacked the necessary interest in the underlying parcel to be an applicant for the repair work, (2) present condition of the partially unburied pipe violates scenic regulations and presents an unacceptable risk of damage and subsequent sewer discharge, (3) relevant facts were misstated or omitted, (4) project findings regarding size of the pipe, special use, and shorezone were not supported, and finally, (5) TCPUD's actions constituted a trespass, nuisance, or taking. On March 18, 2020, TCPUD submitted a Response to Statement of Appeal, appended as Attachment C hereto, contesting certain factual allegations and addressing Floum/O'Donnell's arguments. Recently, Floum/O'Donnell filed a reply, Attachment D, to TCPUD's response, arguing (1) that the agencies' permits presupposed or required TCPUD to refill and cover the trench to mimic the pre-repair condition, and (2) TCPUD should repair the backshore slope allegedly damaged by TCPUD's pipeline repair work.

Discussion:

1. TCPUD's Utility Easement Provides the Necessary Property Interest

Floum/O'Donnell contend that TRPA should not have issued the emergency repair permit because TCPUD is not the underlying landowner. Statement of Appeal at 4. While TCPUD does not own the underlying fee parcel, its ownership of a utility easement provides it with sufficient interest to make the necessary application to repair the sewer line. See TCPUD's Response to Appeal at 2. TRPA has consistently accepted such an interest as adequate to allow utility work around the basin without the underlying fee owner's consent to the application.

2. Current Status of Pipeline Provides No Grounds to Overturn Permit

Next, Floum/O'Donnell argue that the permit should be overturned because some of the repair pipeline became visible from their property after TCPUD conducted the repairs including completely burying of the pipeline. Statement of Appeal at 4-5. The permit, however, authorized backfilling the replaced pipeline, it did not authorize the subsequent exposure as a result of wave action and erosion. See TCPUD Response to Appeal at 3. Thus, TRPA's permit was properly issued. TRPA and TCPUD have been working collaboratively to resolve the current status of the pipeline without causing additional soil discharge to Lake Tahoe.

3. TRPA Did Not Rely on Any Erroneous Facts

Floum/O'Donnell assert that TRPA's staff report contains misstated or omitted facts, including whether a storm caused the initial pipe failure, whether TRPA "recognized" them as the owners of the property, and whether TRPA ignored the scenic impacts of the exposed portion of the pipeline. Statement of Appeal at 5-7. None of these contentions are relevant to a challenge to issuance of the permit. For

example, the permit's authorization to repair the pipeline and rebury it is not tied to any particular cause of the initial failure. Second, as discussed above, TRPA disagrees with Floum/O'Donnell that their ownership of the underlying parcel was relevant to the issuance of the permit to TCPUD – TRPA did provide Floum/O'Donnell notice of consideration of the after-the fact permit. Third, as discussed above, the permit did not authorize TCPUD to leave the pipeline exposed. Therefore, TRPA did not ignore the scenic impacts of the exposed pipeline.

4. TRPA's Findings were Supported by Substantial Evidence

Floum/O'Donnell next argue that the current condition of the partially exposed pipeline renders invalid TRPA's permit findings. Statement of Appeal at 7-8. TRPA's permit, as explained above and as Appellants themselves admit, did not authorize an exposed pipeline, and therefore did not make any findings based on that condition. See Statement of Appeal at 8. Floum/O'Donnell thus do not challenge the permit as issued but rather assert that implementation was somehow insufficient as subsequent storm events exposed portions of the pipeline and provide no grounds to overturn the original authorization.

5. TRPA's Permit Does Not Cause a Trespass, Nuisance, or Takings

Finally, Floum/O'Donnell contend the exposed pipeline constitutes a violation of TCPUD's utility easement and therefore results in a trespass, nuisance, and taking of their property. Statement of Appeal at 8. TRPA will not opine on whether the current condition of the sewer line violates TCPUD's obligations under the easement. TRPA's permit, however, did not authorize the pipeline to be visible, therefore, TRPA did not cause any of the alleged violations, if they in fact exist, and therefore no grounds exist to annul the permit for work that has already been completed.

Conclusion:

Floum/O'Donnell present no grounds to overturn the after-the-fact permit TRPA issued to TCPUD to conduct the emergency repair. TRPA will continue to work with TCPUD and Floum/O'Donnell to explore options to resolve the current conditions of the pipeline consistent with TRPA's code. Staff therefore recommends that the Governing Board deny the appeal.

Contact Information:

For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.org, or Tiffany Good, Principal Planner, at (775) 589-5283 or tgood@trpa.org.

Attachments:

- A. December 19, 2019 TCPUD Emergency Sewer Repair Permit #ERSP2019-0514 and Hearings Officer Staff Report
- B. February 7, 2020 Floum/O'Donnell Statement of Appeal and Attachments
- C. March 18, 2020, TCPUD Response to Statement of Appeal and Attachments
- D. August 14, 2020 Floum/O'Donnell Reply to TCPUD Response

Attachment A

December 19, 2019 TCPUD Emergency Sewer Repair Permit #ERS2019-0514 and Hearings Officer Staff
Report



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.org

Lydia Altick
Auerbach Engineering
P.O. Box 5399
Tahoe City, CA 96145

**TCPUD EMERGENCY SEWER REPAIR, 3328 & 3320 EDGEWATER DRIVE, PLACER COUNTY, CA,
ASSESSOR'S PARCEL NUMBER (APN) 530-301-00 , TRPA FILE # ERS2019-0514**

Dear Applicant:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the Permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit approval may be appealed within twenty-one (21) days of the date of this correspondence, (January 9, 2020).

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

Sincerely,

Tiffany Good
Principal Planner
Planning Department

Cc: Tahoe City Public Utility District
P.O. Box 5249
Tahoe City, CA 96145



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.org

Conditional Permit

PROJECT DESCRIPTION: Maintenance Dredging for Emergency Repair **APN:** 093-094-041 & -042 (530-301-00)
PERMITTEE: Tahoe City Public Utility District **FILE #:** ERSP2019-0514
COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **December 19th, 2019**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **December 19th, 2022**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of beginning the dredging activity and does not include installation of temporary BMPs. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

Mary Good

 TRPA Executive Director/Designee 12/19/19
 Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____
 (PERMIT CONTINUED ON NEXT PAGE)

APNs 093-094-041 & 093-094-042 (530-301-00)
FILE NO. ERSP2019-0514

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

Security Administrative Fee (3): Amount \$ 200 Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3 E., below.
- (2) \$200

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 retroactively authorizes a dredging operation to address a ruptured Tahoe City Public Utility District (TCPUD) sewer main located lakeward of the single family residences located at 3328 and 3320 Edgewater Drive. Approximately 78 feet of pipe was impacted. Specifically, TRPA approved dredging to initially stabilize the sewer pipe and prevent further sewer discharge into the lake during February and March of 2019. Immediate work to remediate the dislodged pipe included stabilizing the area of work with a turbidity curtain, constructing a 6-inch diameter vacuum suction line to connect the TCPUD vacator truck to vacuum bypassing flow from the sewer manhole. Approximately nine cubic yards of lake bottom were dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Materials from the excavation were placed parallel and adjacent to the trench between the shoreline and the trench. Pipe support pilings were driven to a depth of four feet to provide adequate support to the repair design. TRPA approved the removal of the turbidity curtain and the placement of 20 feet of sheet piling around the sewer manhole due to continuing storm events and rising lake levels during the course of repair work. The sheet pile wall was damaged due to prolonged storm events and removed, and ten large boulders were brought into the site to dissipate the ongoing wave energy.

Once the weather stabilized, the turbidity curtain was re-established, the trench line re-dredged, and ten pipe support piles were driven to an approximate depth of four feet. The replacement pipe was connected and sealed, placed in position, and attached to the pipe support piles. The project is located at an approximate lake bottom elevation of 6,224. Construction methods for the emergency repair utilized aquatic equipment which included a LARK amphibious vehicle, a barge, and an excavator positioned on the barge. No construction staging occurred in the backshore.

A similar methodology will be used to replace an adjoining 60 feet of 8-inch diameter ductile iron sewer pipe west (downstream) of the emergency repair. As part of this proposed project,

divers will secure seven steel pile anchors; and secure three manta ray anchors to the pipe to prevent the possibility of another breakage. This portion of the project proposes to use the same construction methodology as the emergency repair. Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off-site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

No new land coverage shall be created nor is any approved as a result of this permit. No modification or expansion of any Shorezone structure or additional disturbance outside of the scope of this permit is approved. Any change to the dredging work may require further review and approval by TRPA.

2. The standard conditions of approval listed in Attachment S shall apply to this permit.
3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.
 - A. The permittee shall revise the site plan to include:
 - (1) Indicate the limits of all construction-related activities including; dredging footprint, amount to be dredged, where dredged spoils will be stored during the project, and the limits for where the LARK and the barge will access and stage. Where appropriate, indicate the locations for installation of temporary turbidity curtains, temporary sheet pile wall, or boulders for the use of wave dissipation similar to the methodology employed for the emergency repair.
 - (2) Notes indicating where the dredged material will be temporarily stored during pipe repair/replacement, and that the dredged material will be placed in the original location once pipe repair/replacement has been completed.
 - (3) The location of all temporary BMPs, including erosion control and vegetation protection fencing surrounding any and all materials stockpiles, construction staging area, and construction access points (where applicable).
 - (4) A note indicating: "All areas disturbed by dredging (including truck and equipment staging, truck loading, etc.), activity shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."
 - (5) The site plan shall indicate the limits of dredging, including the maximum depth of dredging (excluding the pile driving), the outer limits of dredging, and total cubic volume to be disturbed.
 - B. The permittee shall submit a projected dredging completion schedule to TRPA prior to acknowledgment for dredging that will occur as part of the repair/replacement of 60-feet of sewer pipe not associated with the emergency work completed in early 2019. Said schedule shall include but not be limited to completion dates for each item of the following: installation of all temporary erosion control structures and turbidity screens; the date on which dredging will commence; when dredged material will be removed;

when the dredging activity will be concluded with all activity demonstrating completion outside of the spawning season, which is May 1 through September 30. Prior to the proposed dredging operation, the applicant shall schedule a TRPA pre-grade inspection.

- C. A water quality monitoring plan shall be submitted to TRPA for review and approval prior to commencing dredging operations as well as daily during dredging operations. Suspended material in excess of 10 NTUs shall not be permitted to enter the water of Lake Tahoe. If the test results indicate suspended material in excess of 10 NTUs, all dredging related activities shall cease. Dredging activity may only resume upon approval by TRPA Compliance Inspector.

The monitoring program shall, at a minimum, consist of the following:

- (1) Pre-dredged substrate analysis: This analysis shall consist of soil samples that shall include, but not be limited to, turbidity.

Constituents	Maximum Concentrations
Turbidity	10 NTU
TPH	1.0mg/L

If TPH is identified in the pre-dredging substrate analysis and they exceed the limits allowed, all dredging material shall be removed and permanently disposed of at a hazardous waste facility approved by TRPA. The permittee shall provide written documentation to TRPA indicating that the dredging material has been received by the approved facility.

- (2) Dredging Monitoring: Monitoring shall consist of water turbidity samples taken three times daily, between 8:00 a.m. and 10:00 a.m., between 12:00 p.m. and 2:00 p.m., and between 3:00 p.m. and 5:00 p.m. Samples shall be taken from locations marked on the TRPA approved site plan. One sample shall be taken at the outside edge of the turbidity curtain, within ten (10) feet of the curtain, while the others taken at a reasonable distance outside the curtain and downwind, if appropriate, approximately 50 feet. Samples shall be collected both at the surface and near the bottom of Lake Tahoe. A total of six samples shall be collected per day for this monitoring requirement. Additional samples may be required from the permittee, at the TRPA Compliance Inspector’s discretion. The constituents to be tested for are:

Constituents	Maximum Concentrations
Turbidity	10 NTU

A daily log of the samples taken, location, and time shall be kept on site. A qualified person approved by TRPA shall take all samples. Samples shall be analyzed through an engineering or accredited lab approved by TRPA. These samples shall be taken in conformance with Standard Methods, For the Examination of Water and Wastewaters, 1989, 17th Edition. The analytical method used shall be appropriate to measure concentrations at the above levels. The permittee shall be required to submit lab results every two weeks to TRPA. As part of the pre-dredging conditions of approval, the permittee will be

required to submit a written description of the sampling methodology for TRPA review and approval. The sampling shall take place when the dredging occurs and continue until turbidity landward of the turbidity curtains measures less than **3 NTU** and a TRPA compliance inspector has approved a stop to sampling.

- (3) **Nutrient Sampling:** This analysis shall consist of nutrient samples taken daily. These samples shall be collected at the discretion of the TRPA Compliance Inspector, and at 50 percent project completion, and if the turbidity readings taken at 10 feet outside the curtain exceed 10 NTU. The constituents to be tested are:

Constituents	Maximum Concentrations
Total Nitrogen as N	0.5 mg/l
Total Phosphorus as P	0.1 mg/l
Total Iron	0.5 mg/l
Turbidity	10 NTU

If the results of the turbidity sampling exceed 10 NTUs, the permittee is required to submit the nutrient sampling data to the TRPA Compliance Inspector within 24 hours.

- D. The permittee shall submit a discharge mitigation plan detailing the methodology for mitigating a discharge of more than 10 NTUs(outside of the turbidity curtain) at any point of the dredging operation or in the event that sediment does not settle inside the turbidity curtains within 30 calendar days of the last day of dredging.
- E. The security required in accordance with Section 5.9 of the TRPA Code of Ordinances required under Standard Condition A.3 of the Attachment S shall be \$10,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- F. The Permittee shall pay an additional inspection fee for review of the water quality monitoring plan (Special Condition 3.C.). The Permittee will request an 'other' inspection at www.trpa.org and pay the inspection fee. Reports and photos should be emailed directly to the TRPA Inspector. Review of the water quality monitoring plan may include field inspections and administrative costs related to monitoring and may be charge multiple times throughout the dredging operation.
- G. The permittee shall provide (3) three sets of the final 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, its Planning Commission, 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 any 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, 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. 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. This permit is for a single dredging operation. This permit shall expire upon completion of the dredging. Completion of the dredging shall be defined as dredged material placed back over the repaired pipe and turbidity levels returned to background measurements (pre-dredging sampling numbers) or less than 10 NTUs, whichever is less.
6. Dredging shall be the minimum necessary to expose and remove the pipe to be repaired and/or replaced.
7. This project may be subject to the permitting requirements from other local, state, or federal agencies with jurisdiction over the proposed project, including but not limited to the U.S. Army Corps of Engineers, California State Lands Commission, California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board, and Placer County.
8. Any and all temporary sand/material stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.
9. Any and all unused excavated material shall be hauled away from the site to a TRPA approved location. No fills or re-contouring shall be allowed outside of the dredging operations.
10. All employee temporary work vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.
11. 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.
12. No container of fuel, paint, or other hazardous materials may be stored in the backshore area.
13. The use of any wood preservatives or tributyltins is strictly prohibited.
14. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the waters of the Lake Tahoe Basin is prohibited. Any surplus dredging waste materials shall be removed from the project and deposited in a TRPA approved sites.
15. Disturbance to lakebed materials shall be kept to the minimum necessary. The removal of rock material from Lake Tahoe is prohibited.
16. Gravel, cobble, or small boulders shall not be disturbed or removed outside the dredging limits of this

project.

17. 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.
18. Any normal dredging 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



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.org

STAFF REPORT

Date: December 12, 2019

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Dredging for Emergency/Maintenance Sewer Repair, 3328 & 3320 Edgewater Road, Placer County, California; Assessor's Parcel No: 093-094-041 & 093-094-042 (APN Associated with project 530-301-00); TRPA File No: ERSP2019-0514

Requested Action:

Hearings Officer action on the proposed project, and related findings based on this Staff Summary and the Draft Permit (Attachment B).

Staff Recommendation:

Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit. A portion of the work described in this staff summary was the result of an emergency approval granted by TRPA staff and has already been completed. Staff granted emergency approval based on the threat to water quality and public health and safety posed by a Tahoe City Public Utility District (TCPUD) sewer main which became dislodged within Lake Tahoe. TRPA reserves the right to review work done as a result of an emergency approval and mitigate against unforeseen impacts as needed as a part of the normal permit process. The project was completed in compliance with all of the conditions that are described in the post-completion permit.

Project Description:

A gravity sewer main became dislodged during the winter of 2019. Excessive wave action and the high water conditions during the winter of 2019 contributed to significant erosion, scouring and impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged from the existing coupling connections. Water quality data after the initial event indicate that raw sewage was filtering into Lake Tahoe from the 17 homes located upstream of the spill site.

The work described below was to initially stabilize the site and prevent further sewer discharge into the lake. Immediate work to remediate the dislodged pipe included stabilizing the area of work with a turbidity curtain, constructing a 6-inch diameter vacuum suction line to connect the TCPUD vacor truck to vacuum bypassing flow from the sewer manhole. Approximately nine cubic yards of lake bottom were dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Material from the excavation were placed parallel and adjacent to the trench between the shoreline and the trench. Pipe support pilings were driven to a depth of four feet to provide adequate support to the repair design. TRPA approved the removal of the turbidity curtain and the placement of 20 feet of sheet piling around the sewer manhole due to continuing storm events and rising lake levels during the course

of repair work. The sheet pile wall was damaged due to prolonged storm events and removed, and ten large boulders were brought into the site to dissipate the ongoing wave energy.

Once the weather stabilized, the turbidity curtain was re-established, the trench line re-dredged, and ten pipe support piles were driven to an approximate depth of four feet. The replacement pipe was connected and sealed, placed in position, and attached to the pipe support piles. The project is located between lake bottom elevations 6,220 and 6,224. Construction methods for the emergency repair utilized aquatic equipment which included a LARK amphibious vehicle, a barge, and an excavator positioned on the barge. No construction staging occurred in the backshore.

A similar methodology will be used to replace an adjoining 60 feet of 8-inch diameter ductile iron sewer pipe west (downstream) of the emergency repair. As part of this proposed project, divers will secure seven steel pile anchors; and secure three manta ray anchors to the pipe to prevent the possibility of another breakage. This portion of the project proposes to use the same construction methodology as the emergency repair. Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off-site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

Site Description:

The location of the sewer pipe repair is along the shoreline of the Dollar Point community in Tahoe City, California. The area of work began in the shorezone lakeward of the residence located 3328 Edgewater Drive (APN 093-094-041) and extended west to the shorezone lakeward of 3320 Edgewater Drive (APN 093-094-042). The properties immediately landward of the area of pipe repair are private parcels with single family dwellings. There are 17 homes in the Dollar Point area served by the sewer pipe. TCPUD owns a parcel with lake access/boat ramp to the east (APN 093-094-014); otherwise the surrounding properties in the immediate vicinity are primarily private parcels with single-family dwellings. The project site is located within the Tahoe Basin Area Plan, Dollar Point Subdistrict. Pipelines and transmission lines are allowed, special use.

A geotechnical investigation conducted by NV5 as part of the emergency repair project recognized beach deposits consisting of very dense fine to course grained sand.

Issues:

The primary issues associated with the project are:

1. Land Use: The proposed project is located within the Dollar Point Subdistrict of the Tahoe Basin Area Plan. Local public health and safety facilities are an allowed, special use anywhere landward of the High Water Line. However, this project is located in the shorezone in Tolerance District 4 where public health and safety facilities are not listed as an allowed primary use. This means that the existing facility is non-conforming and may only be repaired and maintained. The approval of this project requires Special Use findings and Hearings Officer review and approval per subparagraph 2.2.2.F.2.a of the TRPA Code of Ordinances.
2. Scenic Quality and Landscaping: This parcel and project area is visible from Scenic Shoreline Unit 16 – Lake Forest, which is not in attainment with scenic thresholds. This parcel and project area is also visible from Scenic Roadway Unit 16 – Lake Forest, which is in attainment with scenic thresholds. Large rocks and boulders were brought in and placed within the lake to stabilize the area and protect it from wave action during the emergency repair work. These rocks and

boulders have since been removed, upon completion of the emergency repair. Other than this temporary impact, no other scenic impacts resulted from the project. The same methodology will be used for the proposed portion of repair work.

3. Littoral Drift Impacts: The work occurred in the lakezone between lake bottom elevations 6,220 and 6,224. Per an Environmental Assessment for the replacement of the Lake Forest Boat Ramp and Maintenance Dredging (TRPA file number ERSP2013-0845), the substrate in this vicinity is primarily made up of sand and silt. The primary transport mechanism that moves materials within the littoral zone is wave activity driven by predominantly southwesterly winds which results in a dominant offshore-onshore movement of materials. The substrate make-up and the wave action at this part of the lake contributed to the compromise of the existing sewer pipe. The proposed project will have no significant impact on the transport of materials within the littoral zone.

Staff Analysis:

A. Environmental Documentation:

The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No unmitigated significant environmental impacts were identified, and staff has concluded that the project will not have a significant adverse effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at the TRPA Offices.

B. Land Use:

The proposed project is located within the Dollar Point Subdistrict of the Tahoe Basin Area Plan. The surrounding land uses are primarily private, littoral parcels with single family dwellings. TCPUD owns and maintains control over a nearby site (APN 093-094-014) containing a public access boat ramp.

C. Plan Area Statement:

The project is located in the Dollar Point Subdistrict of the Tahoe Basin Area Plan. Local public health and safety facilities are an allowed, special use anywhere landward of the High Water Line. However, this project is located in the shorezone in Tolerance District 4 where public health and safety facilities are not listed as an allowed primary use. This means that the existing facility is non-conforming and may only be repaired and maintained. The approval of this project requires Special Use findings and Hearings Officer review and approval per subparagraph 2.2.2.F.2.a of the TRPA Code of Ordinances.

D. Shorezone Tolerance District:

The subject parcel is located in Shorezone Tolerance District 4. Tolerance District 4 is characterized as volcanic rock shorelines with moderate potential for erosion. The potential increases where colluvium of volcanic debris is present and stony, sandy loams lie on 15 to 30 percent slopes; on moranic debris shorezones with high erosion potential above the shoreline; and alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion problems. This Tolerance District requires that projects install and maintain vegetation to stabilized backshore areas and protect existing cliffs from accelerated erosion, and

that projects will not likely require mechanical stabilization or that the project will not accelerate cliff crumbling, beach loss, or erosion.

E. Construction Access:

Construction access for both the emergency repair and the adjacent repair project utilized aquatic equipment which included a LARK, barge, and an excavator positioned on a barge. No construction staging or access occurred in or from the backshore. Temporary BMPs will be implemented to delineate the construction access and staging areas.

F. Scenic Quality and Landscaping:

This parcel and project area is visible from Scenic Shoreline Unit 16 – Lake Forest, which is not in attainment with scenic thresholds. This parcel and project area is also visible from Scenic Roadway Unit 16 – Lake Forest, which is in attainment with scenic thresholds. Large rocks and boulders were brought in and placed within the lake to stabilize the area and protect it from wave action during the emergency repair work. These rocks and boulders have since been removed, upon completion of the emergency repair. Other than this temporary impact, no other scenic impacts resulted from the project. The same methodology will be used for the proposed portion of repair work.

Required Actions:

Staff recommends that the Hearings Officer:

- 1) Approve the findings contained in this staff summary and a mitigated finding of no significant environmental effect.
- 2) Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft Permit.

Attachments:

- A. Required Findings
- B. Draft Permit
- C. Proposed Site Plan
- D. Initial Environmental Checklist (IEC)

Attachment A

Required Findings

Required Findings:

The following is a list of the required findings as set forth in Chapters 4, 21, 80, 81, 84, and 85 of the TRPA Code. 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.

There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, or Implementation sub-elements of the Regional Plan. This project is intended to promote environmental improvements to water quality and to improve scenic elements of the site. The project as conditioned conforms with, and will promote implementation of, all applicable elements of the Regional Plan.

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

TRPA staff has completed the “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Section 4.4.2 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 Initial Environmental Checklist (IEC). No unmitigated 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 checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.

- (c) Wherever federal, state, or local air and water quality standards apply for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V (d) of the TPRA Compact.

The project as conditioned, will comply with all applicable air and water quality standards for the region. The emergency repair project was necessary due to a failed sewer connection and was addressed immediately to mitigate against additional impacts to water quality. The proposed repair project will be done to prevent a potential failure and impact to water quality.

2. Chapters 21 and 81 – Special Use Findings.

- (a) The project, and the related use, is of such a nature, scale, density, intensity and type to be appropriate for the project area, and the surrounding area.

Based on the analysis contained in the administrative record and the IEC, the proposed project is an appropriate use for the project area. The sewer line is not listed as an

allowed use in the shorezone; however the sewer line serves 17 private upland residences and therefore serves as a related use of appropriate nature, scale, density, and intensity to be appropriate for the project area. No increase in capacity is proposed as a part of either the emergency or proposed repair.

- (b) The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.

The emergency repair was necessary to protect the health, safety, environmental quality, enjoyment of the property, and general welfare of the residents of the neighborhood. The proposed repair will achieve the same objective; protecting water quality and public health and safety by repairing the aging infrastructure.

- (c) The project, and the related use, will not change the character of the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

The emergency repair and the proposed repair will be done on existing infrastructure serving the existing upland residences. Continuing the existing use will not change the character of the neighborhood, nor detrimentally affect or alter the purpose of the Tahoe Basin Area Plan – Dollar Point Subdistrict. By making the special use findings, the existing use will be recognized as existing, non-conforming, and may be maintained and repaired.

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.

The existing sewer lateral sits approximately one and a half feet beneath the lake bottom substrate. The eight-inch ductile iron pipe is held in place by anchors and steel piles driven three to four feet deeper into the lake substrate. Temporary impacts to littoral processes and fish spawning habitat occurred during the emergency repair and will also occur during the proposed repair. However once the repair is completed, the substrate conditions will be returned to their existing state and no further impacts to littoral processes or fish spawning habitat will be experienced. Additionally, the proposed work will be done outside of the spawning season.

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

The existing sewer lateral is an accessory use to the primary uses on the 17 upland parcels, which are residential.

- (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 sewer lateral serves 17 littoral parcels, primarily with existing residential uses. Public health and safety facilities are not listed as an allowed use within the Dollar Point Subdistrict of the Tahoe Basin Area Plan (TBAP), shorezone tolerance district four. However, the project is to conduct maintenance and repairs on the existing sewer lateral and an expansion of a non-conforming use will not occur as a result of the project. The repair and maintenance of the existing infrastructure is compatible with the littoral parcel primary uses which it serves.

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

The sewer line has been in place since 1967 and was constructed when the water levels were low, below the natural rim of 6,223, and was buried between two and five feet beneath the substrate. The proposed work includes repairing and maintaining the existing infrastructure to avoid a breakage like what was experienced on the emergency repaired segment earlier in the year. Because this project was repair and maintenance of an existing structure within the lakezone, it is a water-dependent use.

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

TRPA prohibits spray painting and the use of tributyltin. A condition of approval is the prohibition of the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe. All surplus construction waste materials are required to be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint or other hazardous materials shall be stored within the backshore or the project area.

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

The project area is located entirely within the lakezone. As such, construction access will occur entirely from the lake. A turbidity curtain, sheet pile wall, and boulders were used to mitigate against the temporary impacts of dredging the lake bottom to access the pipe. Once the emergency repair portion of the project was complete, all temporary turbidity controls (including the boulders) were removed and the area restored to the existing condition. The construction methodology used aquatic equipment including an amphibious LARK, barge, and an excavator positioned on a barge. No construction staging activity occurred in the backshore. The portion of the project that has not been completed will use the same construction access and methodology plan.

- (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 existing sewer lateral sits beneath the lake substrate, in other words it's buried. Therefore, the project does not adversely impact navigation or create a threat to public health and safety as determined by those agencies with jurisdiction over a lake's

navigable waters. Since the pipe sits landward of the low water line of 6,223 it is outside of California State Lands Commission's jurisdiction.

- (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 regarding the public access easement were made by CSLC and regarding fish habitat and water quality by Lahontan. As a condition of final approval, the applicant will comply with requirements of applicable agencies having jurisdiction over the project. Lahontan Regional Water Quality Control Board (LRWQC), the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers (USACE), and the Environmental Protection Agency (EPA) were all consulted when the rupture occurred and approved the emergency repair work.

4. Chapter 84 – Filling and Dredging:

- (a) There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.

In order to move forward with the emergency sewer repair, large boulders were brought into the project area to add turbidity controls to a temporary sheet pile wall that was put into place when turbidity curtains continually failed. The sheet pile wall failed as well, which was when the boulders were brought in to dissipate severe wave energy. These boulders, otherwise considered fill, were temporary measures installed to protect the jeopardized sewer manhole and immediate area of work. The placement of boulders was a measure to mitigate against wave action that may have jeopardized the emergency repair and threatened water quality and clarity. The same methodology may be used for repair of the adjacent section of pipe, should weather and wave action threaten water quality and clarity. If this same methodology is to be used, the boulders would be removed from the project area and the area restored.

- (b) Maintenance dredging shall be allowed according to the following provisions:

The maintenance dredging is located in a facility that has been previously dredged.

The area where the pipe sits had to be dredged originally when the pipe was placed. Therefore, the dredging needed to occur to access the pipe for repair would not be considered new dredging.

The applicant demonstrates that dredging is necessary to maintain an existing use.

In order to access and repair the existing pipe, dredging must occur as the pipe is buried beneath the lake substrate.

The maintenance dredging is limited to the previously dredged footprint.

The dredging which occurred as a part of the emergency repair and that will occur as a part of the repair to the adjacent section of pipe will be the minimum necessary to achieve access to and repair of the pipe. The dredging will remain within the previously dredged footprint.

Attachment B

Draft Permit

Conditional Permit

PROJECT DESCRIPTION: Maintenance Dredging for Emergency Repair

APN: 093-094-041 & -042
(530-301-00)

PERMITTEE: Tahoe City Public Utility District

FILE #: ERSP2019-0514

COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **December 19th, 2019**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **December 19th, 2022**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

_____ Date _____
 TRPA Executive Director/Designee

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APNs 093-094-041 & 093-094-042 (530-301-00)
FILE NO. ERSP2019-0514

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

Security Administrative Fee (3): Amount \$ 200 Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3 E., below.
- (2) \$200

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 retroactively authorizes a dredging operation to address a ruptured Tahoe City Public Utility District (TCPUD) sewer main located lakeward of the single family residences located at 3328 and 3320 Edgewater Drive. Approximately 78 feet of pipe was impacted. Specifically, TRPA approved dredging to initially stabilize the sewer pipe and prevent further sewer discharge into the lake during February and March of 2019. Immediate work to remediate the dislodged pipe included stabilizing the area of work with a turbidity curtain, constructing a 6-inch diameter vacuum suction line to connect the TCPUD vacor truck to vacuum bypassing flow from the sewer manhole. Approximately nine cubic yards of lake bottom were dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Materials from the excavation were placed parallel and adjacent to the trench between the shoreline and the trench. Pipe support pilings were driven to a depth of four feet to provide adequate support to the repair design. TRPA approved the removal of the turbidity curtain and the placement of 20 feet of sheet piling around the sewer manhole due to continuing storm events and rising lake levels during the course of repair work. The sheet pile wall was damaged due to prolonged storm events and removed, and ten large boulders were brought into the site to dissipate the ongoing wave energy.

Once the weather stabilized, the turbidity curtain was re-established, the trench line re-dredged, and ten pipe support piles were driven to an approximate depth of four feet. The replacement pipe was connected and sealed, placed in position, and attached to the pipe support piles. The project is located at an approximate lake bottom elevation of 6,224. Construction methods for the emergency repair utilized aquatic equipment which included a LARK amphibious vehicle, a barge, and an excavator positioned on the barge. No construction staging occurred in the backshore.

A similar methodology will be used to replace an adjoining 60 feet of 8-inch diameter ductile iron sewer pipe west (downstream) of the emergency repair. As part of this proposed project, divers will secure seven steel pile anchors; and secure three manta ray anchors to the pipe to prevent the possibility of another breakage. This portion of the project proposes to use the same construction methodology as the emergency repair. Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off-site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

No new land coverage shall be created nor is any approved as a result of this permit. No modification or expansion of any Shorezone structure or additional disturbance outside of the scope of this permit is approved. Any change to the dredging work may require further review and approval by TRPA.

2. The standard conditions of approval listed in Attachment S shall apply to this permit.
3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.
 - A. The permittee shall revise the site plan to include:
 - (1) Indicate the limits of all construction-related activities including; dredging footprint, amount to be dredged, where dredged spoils will be stored during the project, and the limits for where the LARK and the barge will access and stage. Where appropriate, indicate the locations for installation of temporary turbidity curtains, temporary sheet pile wall, or boulders for the use of wave dissipation similar to the methodology employed for the emergency repair.
 - (2) Notes indicating where the dredged material will be temporarily stored during pipe repair/replacement, and that the dredged material will be placed in the original location once pipe repair/replacement has been completed.
 - (3) The location of all temporary BMPs, including erosion control and vegetation protection fencing surrounding any and all materials stockpiles, construction staging area, and construction access points (where applicable).
 - (4) A note indicating: "All areas disturbed by dredging (including truck and equipment staging, truck loading, etc.), activity shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."
 - (5) The site plan shall indicate the limits of dredging, including the maximum depth of dredging (excluding the pile driving), the outer limits of dredging, and total cubic volume to be disturbed.
 - B. The permittee shall submit a projected dredging completion schedule to TRPA prior to acknowledgment for dredging that will occur as part of the repair/replacement of 60-foot of sewer pipe not associated with the emergency work completed in early 2019. Said schedule shall include but not be limited to completion dates for each item of the

following: installation of all temporary erosion control structures and turbidity screens; the date on which dredging will commence; when dredged material will be removed; when the dredging activity will be concluded with all activity demonstrating completion by Oct 15th of the current construction season. Prior to the proposed dredging operation, the applicant shall schedule a TRPA pre-grade inspection.

- C. A water quality monitoring plan shall be submitted to TRPA for review and approval prior to commencing dredging operations as well as daily during dredging operations. Suspended material in excess of **10** NTUs shall not be permitted to enter the water of Lake Tahoe. If the test results indicate suspended material in excess of **10** NTUs, all dredging related activities shall cease. Dredging activity may only resume upon approval by TRPA Compliance Inspector.

The monitoring program shall, at a minimum, consist of the following:

- (1) Pre-dredged substrate analysis: This analysis shall consist of soil samples that shall include, but not be limited to, turbidity.

Constituents	Maximum Concentrations
Turbidity	10 NTU
TPH	1.0mg/L

If TPH is identified in the pre-dredging substrate analysis and they exceed the limits allowed, all dredging material shall be removed and permanently disposed of at a hazardous waste facility approved by TRPA. The permittee shall provide written documentation to TRPA indicating that the dredging material has been received by the approved facility.

- (2) Dredging Monitoring: Monitoring shall consist of water turbidity samples taken three times daily, between 8:00 a.m. and 10:00 a.m., between 12:00 p.m. and 2:00 p.m., and between 3:00 p.m. and 5:00 p.m. Samples shall be taken from locations marked on the TRPA approved site plan. One sample shall be taken at the outside edge of the turbidity curtain, within ten (10) feet of the curtain, while the others taken at a reasonable distance outside the curtain and downwind, if appropriate, approximately 50 feet. Samples shall be collected both at the surface and near the bottom of Lake Tahoe. A total of six samples shall be collected per day for this monitoring requirement. Additional samples may be required from the permittee, at the TRPA Compliance Inspector’s discretion. The constituents to be tested for are:

Constituents	Maximum Concentrations
Turbidity	10 NTU

A daily log of the samples taken, location, and time shall be kept on site. A qualified person approved by TRPA shall take all samples. Samples shall be analyzed through an engineering or accredited lab approved by TRPA. These samples shall be taken in conformance with Standard Methods, For the Examination of Water and Wastewaters, 1989, 17th Edition. The analytical method used shall be appropriate to measure concentrations at the above

levels. The permittee shall be required to submit lab results every two weeks to TRPA. As part of the pre-dredging conditions of approval, the permittee will be required to submit a written description of the sampling methodology for TRPA review and approval. The sampling shall take place when the dredging occurs and continue until turbidity landward of the turbidity curtains measures less than **3 NTU** and a TRPA compliance inspector has approved a stop to sampling.

- (3) Nutrient Sampling: This analysis shall consist of nutrient samples taken daily. These samples shall be collected at the discretion of the TRPA Compliance Inspector, and at 50 percent project completion, and if the turbidity readings taken at 10 feet outside the curtain exceed 10 NTU. The constituents to be tested are:

Constituents	Maximum Concentrations
Total Nitrogen as N	0.5 mg/l
Total Phosphorus as P	0.1 mg/l
Total Iron	0.5 mg/l
Turbidity	10 NTU

If the results of the turbidity sampling exceed 10 NTUs, the permittee is required to submit the nutrient sampling data to the TRPA Compliance Inspector within 24 hours.

- D. The permittee shall submit a discharge mitigation plan detailing the methodology for mitigating a discharge of more than 10 NTUs(outside of the turbidity curtain) at any point of the dredging operation or in the event that sediment does not settle inside the turbidity curtains within 30 calendar days of the last day of dredging.
- E. The security required in accordance with Section 5.9 of the TRPA Code of Ordinances required under Standard Condition A.3 of the Attachment S shall be \$10,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- F. The Permittee shall pay an additional inspection fee for review of the water quality monitoring plan (Special Condition 3.C.). The Permittee will request an ‘other’ inspection at www.trpa.org and pay the inspection fee. Reports and photos should be emailed directly to the TRPA Inspector. Review of the water quality monitoring plan may include field inspections and administrative costs related to monitoring and may be charge multiple times throughout the dredging operation.
- G. The permittee shall provide (3) three sets of the final 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, its Planning Commission, 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 any 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, 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. 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. This permit is for a single dredging operation. This permit shall expire upon completion of the dredging. Completion of the dredging shall be defined as dredged material placed back over the repaired pipe and turbidity levels returned to background measurements (pre-dredging sampling numbers) or less than 10 NTUs, whichever is less.
6. Dredging shall be the minimum necessary to expose and remove the pipe to be repaired and/or replaced.
7. This project may be subject to the permitting requirements from other local, state, or federal agencies with jurisdiction over the proposed project, including but not limited to the U.S. Army Corps of Engineers, California State Lands Commission, California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board, and Placer County.
8. Any and all temporary sand/material stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.
9. Any and all unused excavated material shall be hauled away from the site to a TRPA approved location. No fills or re-contouring shall be allowed outside of the dredging operations.
10. All employee temporary work vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.
11. 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.
12. No container of fuel, paint, or other hazardous materials may be stored in the backshore area.
13. The use of any wood preservatives or tributyltins is strictly prohibited.
14. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the waters of the Lake Tahoe Basin is prohibited. Any surplus dredging waste materials shall be removed from the project and deposited in a TRPA approved sites.
15. Disturbance to lakebed materials shall be kept to the minimum necessary. The removal of rock material from Lake Tahoe is prohibited.

16. Gravel, cobble, or small boulders shall not be disturbed or removed outside the dredging limits of this project.
17. 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.
18. Any normal dredging 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

Proposed Site Plan

Attachment D

Initial Environmental Checklist (IEC)



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Mon. Wed. Thurs. Fri
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New Applications Until 3:00 pm

Print Form

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

093-094-041, and 093-094-042

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

Project Name: 2019 TCPUD Dollar Point/Edgewater Drive Sewer Repair
County/City: Placer

Brief Description of Project:

A gravity sewer main became dislodged in Lake Tahoe on January 5, 2019. This was reported to TCPUD on January 23. On January 30, TCPUD began marine construction operations in order to replace 78 feet of 8-inch sewer pipe and install ten (10) 4-inch steel anchor support piles to harness the pipe. This was completed over time as weather permitted. Work was completed on March 15, 2019. During that time, a sewer bypass system was in operation 24/7 on Edgewater Drive. Construction took place via aquatic equipment which included a LARK, barge, and excavator (positioned on barge). Turbidity curtains were installed during times of construction. Taylor Currier from TRPA provided an inspection of the site on March 14, 2019 (no. CODE2019-0009), which resulted in a pass.

This application is for the work that was completed as stated above; for work to replace boulders that were placed to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair; and also for work proposed for Fall 2019.

The work to replace boulders will require aquatic equipment, with includes a LARK, barge, and excavator (positioned on barge). The boulders will be replaced to their previous location utilizing this equipment with the help of scuba divers with turbidity curtains in place.

The TCPUD would like to complete similar work for the adjoining 60 feet of sewer main west (downstream) of the previous emergency work. This is an area that is similar in nature to the where previous work occurred in that it lies within a sandy unprotected zone. Much of the sewer main is underlain by volcanoclastic rocks of Skylandia consisting of welded basaltic ash and cinders which provide high uplift resistance for the piles, assuming the piles can be driven into the ash material (NV5 Geotechnical Field Report No. 210). When most of the sewer main was installed in the late 1960s, the volcanoclastic rocks had to be trenched through, but it provided a natural barrier to wave action. The area of proposed work is where the sewer main is underlain by the volcanoclastic rock, but covered in sand where it is more exposed and susceptible to damage from high water and wave action.

The proposed work will utilize the same construction methodology and aquatic equipment access. The work is to commence late September after spawning season and when there is a 5-day calm forecast. Turbidity curtains will be installed from the edge of water to surround the construction area.

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-yearflood 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?

The turbidity curtains and barge placement have/will alleviate substantial disturbance of surface waters during dredging and anchor pile placement.

- 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?

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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)?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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)?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

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

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

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

- Yes
- No
- No, With Mitigation
- 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?

- Yes
- No
- No, With Mitigation
- 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?

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

Number of Existing Dwelling Units: 0

Number of Proposed Dwelling Units: 0

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?

- 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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.)

- Yes No
 No, With Mitigation 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?)

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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.)

India Altus
Person Preparing Application

At Placer Date: 5/1/2019
County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

FOR OFFICE USE ONLY

Date Received: _____ By: _____

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: _____

Title of Evaluator

Attachment B

February 7, 2020 Floum/O'Donnell Statement of Appeal and Attachments

**TAHOE REGIONAL PLANNING AGENCY
STATEMENT OF APPEAL**

PERMITTEE: Tahoe City Public Utility District

COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

APN: 093-094-041, 093-094-042 (530-301-00)

TRPA FILE # ERSP2019-0514

APPELLANTS: Joshua Floum and Margaret O'Donnell
3328 Edgewater Drive, Tahoe City CA
APN: 093-094-041

DATE: February 7, 2020

I. INTRODUCTION

This appeal pertains to the Conditional Permit issued by the Tahoe Regional Planning Agency (“TRPA”) issued on December 19, 2019 both retroactively authorizing previous emergency sewer repairs and prospectively authorizing future maintenance repairs to be conducted by the Tahoe City Public Utilities District (“TCPUD”) along the Dollar Point-Edgewater sewer line running through Appellants’ and neighboring private properties (the “Conditional Permit”).

Appellants appeal the issuance of the Conditional Permit as improper on the grounds, that, among other things described below: 1) Appellants are the owners of the subject property and neither signed the application as required nor had knowledge of the submittal of any permit application on their private property; 2) the Conditional Permit, allows significant dredging and removal of material from the lake bottom but does not require the restoration of the lake bottom to its original state in violation of both the TCPUD easement terms as well as TRPA Regional Plan and its Goals and Policies; 3) the Conditional Permit allows the TCPUD to leave a new, larger and exposed sewer pipe visible within the shorezone lake bottom in violation of the TRPA Code of Ordinances; 4) the Conditional Permit was based upon misstatements of fact and insufficiently supported required findings; and 5) the Conditional Permit authorizes the creation of a trespass and nuisance resulting in an inverse condemnation.

II. BACKGROUND

Appellants have owned the property located at 3328 Edgewater, Tahoe City, California since March 2012. As reflected in the attached documents, Appellants’ property line extends all the way to the low water line of Lake Tahoe. (See Exhibit A - Grant Deed and Exhibit B - Recorded Map) Thus, the Conditional Permit relates to work performed or to be performed directly upon Appellants private property. In 1967, the TCPUD (then the Tahoe Public Utility

District) was granted an easement over Appellants' property for sewer purposes. (See Easement Exhibit C). Although this easement grants the TCPUD the right to repair, maintain and replace its sewer lines, the TCPUD as Grantee also expressly covenanted and agreed to "replace or cause to be replaced the easement area . . . ***in as near its condition prior to undertaking any work as is reasonably practicable.*** . ." (Emphasis added).

On or about December 17, 2019 Appellants received a notice by regular mail that a hearing was to be held on December 19, 2019 to consider granting the Conditional Permit. Appellants never signed, received or have even seen a copy of any permit application for this work and Appellants never had an opportunity to provide input to TRPA staff prior to their recommendation in the Staff Report dated December 12, 2019 (the "Staff Report"). Due to short notice, Appellants were not able to attend the permit hearing on December 19, 2019, but sent their representative, Gary Furumoto of Sagan Design Group to represent their interests. At the hearing Mr. Furumoto expressed Appellants' position but apparently their concerns were not considered in any serious way and the Conditional Permit was issued without amendment.

Appellants do not oppose necessary repairs to the aging and neglected sewer line. However, the recent emergency repairs have resulted in the installation of a new, apparently larger sewer line being left bare and visibly exposed above the lake bottom, in place of the previously completely buried pipe. In addition, a manhole access has been significantly raised over its prior height. The documents state that approximately 9 cubic yards of material were removed from the lake bottom but not replaced. This is an enormous amount of material and has lowered the lake bottom significantly which is apparent both from the fact that the sewer line is now completely exposed along the length of the property but also that the bottom step of Appellants' beach/water access has gone from approximately 4 inches to over 1 foot in height.

After discussions with the TCPUD as well as TRPA staff, it remains unclear exactly what the Conditional Permit requires or allows with regard to the positioning and burying of the new sewer pipe. TCPUD staff recently stated that they are willing to bury the pipe but claim that the Conditional Permit prohibits them from doing so. (See Email Exhibit D) Therefore, by this Appeal, Appellants seek clarity and assurance that the replaced sewer line as well as any new sewer line installed pursuant to the Conditional Permit will be properly and completely re-buried in accordance with the express terms of the TCPUD easement as well as for safety, aesthetic and functional reasons – as it has been since its original installation in or about 1967.

III. FACTS

At the time Appellants bought their property, Lake Tahoe was at a very low level. Although Appellants had seen a manhole cover in the sand below a drainage swale on the east side of the property, there was never any sewer pipe visible or detectable across the property. Indeed, Appellants had absolutely no idea that a public sewer line actually ran through their property and within the bounds of Lake Tahoe. Such an idea seemed unimaginable. For years, Appellants routinely used the area above where the pipe was buried as a beach where they and their guests regularly walked and sat. (See Pictures of the property as it appeared prior to January 2019 are included with this Statement as Exhibits E1, E2, E3) In 2017 after major winter storms,

the lake level rose above the high water line where it has remained ever since. Despite many major storms and wind episodes over the years, the sewer pipe remained completely buried.

On January 21, 2019, Appellants for the first time saw several lengths of pipe in lying in the water below their house in Lake Tahoe. It was not immediately clear exactly what those pipes were because Appellants had never seen any sewer line or other visible pipes in either the sand or lake on their property. On January 23, 2019, Appellant, Josh Floum, telephoned the TCPUD to report the existence of the pipes in the lake. After hearing nothing back nor seeing any action being taken regarding the pipes, Mr. Floum called the TCPUD again on January 25, 2019 to see what action was being taken. (Copies of phone records reflecting these calls are attached as Exhibit F) Notwithstanding both of those alerts to the TCPUD, **no one came to investigate the broken sewer pipes until a full week later on January 30, 2019** during which time, many thousands of gallons of raw sewage continued to flow over Appellants property and into Lake Tahoe.

Commencing in February 2019, emergency work began to repair the broken sewer line and continued through March 18, 2019. During that entire time Appellants home had no water or sewer service rendering the home virtually unusable. As part of the repairs, the TCPUD and its contractors raised the manhole cover significantly above lake level and apparently brought in a number of boulders to shore up their work. In addition, however, they also improperly removed large boulders from Appellants' shore zone revetment/retaining wall which they appropriated for their own use, causing significant subsidence and collapse of Appellants' retaining wall. Although the TCPUD initially denied this fact, it was subsequently proven to them by photographic evidence.

At all times throughout the emergency work, Appellants communicated their concerns to the TCPUD about the impact of the project on their property. On March 19, 2019, Kim Boyd, Senior Management Analyst at the TCPUD sent Appellant, Josh Floum, an email informing him that the repair had been completed but further noting that "we did want you to be aware that we were not able to completely backfill material over the entire length of the pipe. As discussed last week, we will let the lake and wave action settle and stabilize the material in the shore zone around the pipe, and in the coming months we will further assess the pipe's exposure." (See Email, Exhibit G) In June 2019, Appellants returned to their home to find that the manhole cover remained elevated many feet above lake level, that there were numerous new rocks, boulders and bright orange bags of concrete strewn about on the lake bottom, that boulders had been removed from their retaining wall, and that the new sewer pipe was no longer buried but instead was completely exposed and visible from above the lake. (See Photos, Exhibits H1, H2)

Appellants then reached out to the TCPUD which returned to the site with contractors, lowered the manhole (although not to its original level), removed the boulders, rocks and other debris left over from the project and replaced at least one of the rocks wrongfully pilfered from the retaining wall. The new sewer pipe, however, remained completely unburied and visible. Despite Appellants' continued insistence that the pipe be reburied and the easement area be returned to its original condition, the TCPUD refused any further remediation. It should be noted that the original sewer pipe was a 6" ACP (Asbestos Cement Pipe) and the new pipe is now an

8" apparently iron pipe. It is not clear that the pipe is, in fact, at the same elevation/location as the previous pipe but without question an enormous amount of lake bottom material has been removed and not replaced – thereby exposing the entire length and girth of the new larger pipe to this day. (See Photo January 20, 2020 Exhibit I)

IV. ARGUMENT

A. The Permit Application Was Improper Because Appellants Are The Legal Owners Of The Subject Property.

The TRPA Rules of Procedure (“TRPA Rules”) §5.2 requires that “(a)n application shall be on a TRPA form prescribed by the Executive Director and shall be executed by a person having sufficient legal interest to make application.” The Rules further require an application to set forth a “description and verification of the applicant’s legal interest, and any legal interests held by others, in the real property upon which the project is proposed to be constructed or conducted.” (TRPA Rules §5.2.3) In addition, an application must include:

A dated signature, by or on behalf of the applicant, attesting under penalty of perjury to the truth, completeness, and accuracy of the contents of the application. If the application is to be signed by a representative of the applicant, the applicant shall either complete and sign the portion of the application form relating to authorization or the application shall be accompanied by a power of attorney as evidence of the representative’s authority to act on behalf of, and bind, the applicant in all matters concerning the application. (TRPA Rules §5.2.4)

The TRPA application form prescribed by the Executive director specifically requires a the signator of the application to declare under penalty of perjury that : “I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property.”

In this case, Appellants not only never signed the application but were given no notice of it, nor have they ever seen it or the representations made in connection with it. As discussed above, Appellants are the owners of the subject property because their lot continues all the way to the low water line. (See Grant Deed and Recorded Map, Exhibits A and B) Therefore, it appears that whoever signed the application did so improperly and the Conditional Permit was improperly granted and must be either rescinded or modified to consider the issues as requested by Appellants who actually own the subject property.

B. The TCPUD Easement, The TRPA Goals And Policies, The Regional Plan, And The Code of Ordinances All Prohibit The Allowance Of An Exposed Sewer Pipe Within The Shorezone.

As discussed above, the TCPUD sewer line easement expressly requires that after any installation or work on its facilities it must “replace or cause to be replaced the easement area . . .

in as near its condition prior to undertaking any work as is reasonably practicable.” (Easement, Exhibit C) As acknowledged in the Staff Report itself, the original pipe, installed in 1967 “was buried between two and five feet beneath the substrate.” (Staff Report, Attachment A) Therefore, the application and Conditional Permit should have included a plan to return dredged materials or bring in new material to safely bury the new sewer pipe and return the lake bottom to as close to its original condition as possible. This is not only common sense, but it is required by the TRPA Goals and Policies, the TRPA Regional Plan, and the TRPA Code of Ordinances (the “TRPA Code”).

The first goal stated in the Scenic Subelement, Conservation Element of the Goals and Policies (TRPA, 1986) is to “Maintain and restore the scenic qualities of the natural appearing landscape.” To that end the TRPA Regional Plan prioritizes restoration and rehabilitation to maintain the Shorezone for natural and scenic purposes.¹ And the EIS for Lake Tahoe shorezone Amendments expressly recognizes that “views of the lake form sensitive and important parts of the viewer experience.” Indeed, the TRPA Code § 80.3.3(B) expressly requires that shorezone “project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region.” Allowing an exposed sewer pipe within the shorezone not only presents an obvious injury to the Appellants’ and their neighbors’ enjoyment of their property but in fact, presents an ongoing health, safety and environmental quality threat because an exposed pipe creates a far greater hazard of being damaged and breaking than does a buried one.

C. Approval of the Conditional Permit Appear To Have Been Based Upon Misstatements Or Omissions Of Fact.

Although Appellants have not seen the permit application, the Staff Report contains both erroneous facts and/or omissions which are presumably based upon representations made by the TCPUD or its representatives in their improper application and supporting documentation.

1. It Is Doubtful That The Pipe Was Broken Due To Weather Conditions.

First, in its Project Description the Staff Report states that “excessive wave action and the high water conditions during the winter of 2019 contributed to significant erosion, scouring and

¹ See e.g. TRPA Regional Plan Sections LU-2.6 USES OF THE BODIES OF WATER WITHIN THE REGION SHALL BE LIMITED TO OUTDOOR WATER-DEPENDENT USES REQUIRED TO SATISFY THE GOALS AND POLICIES OF THIS PLAN. This policy is intended to promote the use of waters of the Region for water dependent outdoor recreation and to protect the scenic and natural qualities of such waters. Plan Area Statements or conforming Area Plans shall detail the specific policies. LU-2.7 RESTORATION AND REHABILITATION SHALL BE A HIGH PRIORITY FOR IMPROVING ENVIRONMENTAL QUALITY AND COMMUNITY CHARACTER OF AREAS DESIGNATED FOR REDIRECTION BUT NOT INCLUDED IN A REDEVELOPMENT PLAN. The Regional Plan calls for improvement of environmental quality and community character in redirection areas through restoration and rehabilitation. Implementation of rehabilitation and restoration strategies shall be by ordinance. LU-2.11(F). Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed

impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged from the existing coupling connections.” The Staff Report references no evidence supporting this statement and Appellants believe that it is inaccurate.

Although the TCPUD has claimed that a storm on January 5, 2019 caused erosion of the lake bottom and that wave action from that storm caused the pipe to dislodge, the evidence does not support this interpretation of events. First of all, the sewer main has been in place for over fifty years and has remained safely buried throughout periods of high and low water as well as many storms and windy days. Furthermore, Appellants were present during the weeks after January 5 and no pipes were visible in the bottom of the lake. It was not until January 21, 2019 after a prolonged period of calm and sunny days that the broken pipes suddenly appeared on the lake bottom. (See Summary of Tahoe Weather January 2019, Exhibit J).

Appellants believe it is far more likely that the Asbestos Cement Pipe that was beyond the end of its fifty year lifespan failed due to deterioration and began to float because of its extremely light weight. (See Paper - Asbestos Cement Pipe: What If It Needs To Be Replaced?, G. Eric Williams, P.E. Professional Associate/Vice President, HDR Engineering, Inc., Sunset Beach, NC and Kent Von Aspern, P.E. Senior Project Manager, HDR Engineering, Inc., Walnut Creek, California attached as Exhibit K). In fact, the TCPUC appears to have been working on plans to replace the pipe but dragging its feet for many years prior to the pipe’s failure. Even if one accepts the TCPUC argument that exposure due to wave action on January 5 by itself caused the pipe failure, it makes it even more imperative that any new pipe be completely and safely buried to prevent any new failure in the future.

2. The Staff Report Fails To Recognize Appellants As Owners Of The Subject Property.

In describing the Site Description, the Staff Report states as follows: “The area of work began in the shorezone lakeward of the residence located 3328 Edgewater Drive (APN 093-094-041) and extended west to the shorezone lakeward of 3320 Edgewater Drive (APN 093-094-042). The properties immediately landward of the area of pipe repair are private parcels with single family dwellings.” To state that the work was being done lakeward of the properties is incorrect because, as discussed above, both of the referenced parcels extend to the low water line of the lake and therefore, are not private parcels “landward” of the area of pipe repair but are, in fact, private parcels directly upon which the pipe repair did and will occur.

3. The Staff Report Fails To Acknowledge The Scenic Impact Of The Project.

In its analysis of the Scenic Quality and Impact of the Project, the Staff Report states as follows: “Large rocks and boulders were brought in and placed within the lake to stabilize the area and protect it from wave action during the emergency repair work. These rocks and boulders have since been removed, upon completion of the emergency repair. Other than this temporary impact, no other scenic impacts resulted from the project.” In making this statement the Staff Report completely ignores the obvious scenic impact of an exposed sewer pipe in the bottom of Lake Tahoe which is plainly visible from all homes and the street above as well as from the lake surface itself. Had the Staff Report recognized the scenic impact, it seems any permit would

have to require that the pipe be reburied at least one to two feet underneath the lake bottom as it was previously and, as discussed above, should be required by the TRPA Goals and Policies, the TRPA Regional Plan and the TRPA Code.

D. The Required Findings Were Not Based On Sufficient Facts.

The TRPA Code Chapters 4, 21, 80, 81, 84, and 85 set forth certain required findings which must be based upon sufficient evidence to approve this shorezone project. Although the Staff Report purports to make the requisite findings, certain required findings are not supported by the evidence and therefore cannot be made in support of the Conditional Permit.

1. Chapter 4 Required Finding

TRPA Code § 4.4.1 (A) requires for a finding for all projects that “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.” In making its erroneous finding that the project as conditioned “conforms with” and “will promote” all elements of the Regional Plan the Staff Report states as follows:

“There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, or Implementation sub-elements of the Regional Plan. This project is intended to promote environmental improvements to water quality and to improve scenic elements of the site.” (Staff Report, Attachment A)

This finding states that there is no evidence in the file showing an adverse impact and indeed it is possible that neither the TCPUD nor its representative disclosed that the new sewer pipe would be both larger and/or be fully exposed and visible in the lake – clearly a fact that should have been included in the application file.

As discussed above, allowing an exposed sewer pipe does not comport with the Regional Plan or any of the TRPA goals for that matter. Rather, such a pipe plainly will have a significantly negative impact on the Land Use, Conservation, Recreation, Scenic Quality and Implementation of the Regional Plan and therefore, without a condition that requires the pipe to be buried, the required finding in support of the Conditional Permit cannot be made.

2. Chapters 21 and 81 – Special Use Findings.

TRPA Code § 21.2.2 (A) requires a Special Use Finding that: “The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.”

In support of its affirmative Special Use finding the Staff Report correctly states that “the emergency repair was necessary to protect the health, safety, environmental quality, enjoyment of the property, and general welfare of the residents of the neighborhood” and that “the proposed

repair will achieve the same objective; protecting water quality and public health and safety by repairing the aging infrastructure.” However, pointing out the benefits of the project, does not constitute the required finding that despite those benefits, the project “**will not** injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.” (Emphasis added.)

Appellants do not dispute the need for the sewer repairs and agree that the emergency repairs were necessary and that the proposed repairs will achieve the same objective. Rather, Appellants position is that the failure of the Conditional Permit to require that the dredged area be restored and the new sewer pipe be completely and safely buried **does** injure the safety, environmental quality, and enjoyment of property for not only Appellants but other persons and properties in the neighborhood and the required finding is erroneous.

3. Chapter 80 – Shorezone Findings

TRPA Code § 80.3.2 (A) requires a finding that the project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas. In making this finding, the Staff Report incorrectly states that “once the repair is completed, the substrate conditions will be returned to their existing state and no further impacts to littoral processes or fish spawning habitat will be experienced.” While Appellants have no information on the project impacts as described, the Staff report statement that the lake bottom will be returned to its “existing state” is incorrect and therefore, there does not appear to be sufficient facts upon which to base this finding.

TRPA Code § 80.3.2 (G) requires a finding that the project will not adversely impact navigation and safety. In making this finding the Staff report states that “**the existing sewer lateral sits beneath the lake substrate, in other words it’s buried**. Therefore, the project does not adversely impact navigation or create a threat to public health and safety” (Emphasis added.) While that statement may be true with regard to the pipe installed in 1967, it is a **completely false statement** of the conditions as they exist today and apparently of the conditions that will remain after completion of the project and therefore cannot provide a factual basis for the required finding.

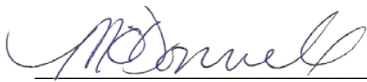
E. The Conditional Permit Allows a Trespass, Creates A Nuisance Will Result In An Inverse Condemnation of Appellants’ Property.

As discussed in detail above, the TCPUD easement requires the natural lake bottom be restored as closely as possible to its prior condition after any work by the TCPUD. Failure of the Conditional Permit to require the restoration of the lake bottom and the burial of the sewer pipe – which the TRPA itself acknowledges was previously buried at least two to five feet below the substrate – not only violates everything the TRPA seeks to achieve for Lake Tahoe but also creates a number of other burdens on Appellants including the creation of a trespass and a nuisance which will deprive Appellants and their neighbors of the enjoyment of their properties and diminish the value of their properties resulting in an inverse condemnation.

V. CONCLUSION

For the reasons set forth above, Appellants contend that the Conditional Permit was improperly approved by the TRPA. Appellants are not opposed to repairing the sewer line, and believe that the problematic aspects of the permit discussed in this Statement of Appeal can be rectified by including a condition which requires the TCPUD to bury its sewer line and allows the lake bottom substrate to be returned to its prior condition.

Respectfully submitted,



Margaret R. O'Donnell
On Behalf of Appellants



PLACER, County Recorder
 JIM MCCAULEY
 DOC- 2012-0023707-00

RECORDING REQUESTED BY:
 Fidelity National Title Company of California
 Escrow No.: 12-1101059-RE
 Locate No.: CAFNT0931-0931-0003-0001101059
 Title No.: 12-1101059-JV

FIDELITY TITLE
 FRIDAY, MAR 16, 2012 14:30:00
 MIC \$3.00 | AUT \$2.00 | SBS \$1.00
 ERD \$1.00 | RED \$1.00 | REC \$10.00
 ADD \$0.00 | UNI \$3,245.00

When Recorded Mail Document and Tax Statement To:
 Joshua R. Floum and Margaret R. O'Donnell
 323 Seymour Lane
 Mill Valley, CA 94941

Ttl Pd \$3,263.00 Rcpt # 02180114
 clk46mlfj1/SM/1-2

APN: 093-094-041

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)
Documentary transfer tax is \$3,245.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, M. Phillip Arth Jr. and Gretchen V. Arth, Trustees of the 1988 M. Phillip Arth Jr. and Gretchen V. Arth Revocable Living Trust Agreement dated June 21, 1988

hereby GRANT(S) to Joshua R. Floum and Margaret R. O'Donnell, husband and wife as community property with right of survivorship

the following described real property in the County of Placer, State of California:
 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: March 13, 2012

State of California)
 County of Contra Costa)
 On 3-14-2012 before me,
James A. Kretsch, Notary Public
 (here insert name and title of the officer), personally appeared
M. Phillip Arth Jr
Gretchen V. Arth

M. Phillip Arth Jr. and Gretchen V. Arth, Trustees of the 1988 M. Phillip Arth Jr. and Gretchen V. Arth Revocable Living Trust Agreement dated June 21, 1988

By: M Phillip Arth Jr
 M. Phillip Arth Jr, Trustee

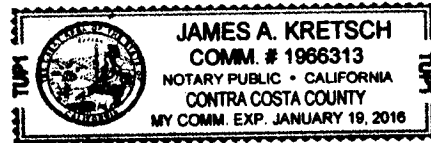
By: Gretchen V. Arth
 Gretchen V. Arth, Trustee

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature James A. Kretsch (Seal)



MAIL TAX STATEMENTS AS DIRECTED ABOVE

FD-213 (Rev 12/07)
 (grant) (10-03) (Rev. 07-11)

GRANT DEED

Escrow No.: 12-1101059-RE
Locate No.: CAFNT0931-0931-0003-0001101059
Title No.: 12-1101059-JV

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 43 as shown on the Map entitled "Dollar Point Unit No. 1" filed in Book "F" of Maps, Page 73, Placer County Records, and a portion of Section 33, Township 16 North, Range 17 East, M.D.B. & M., described as follows:

Beginning at the Northeast corner of said Lot 43; thence from said point of beginning South 2° 32' 00" West 188.37 feet to the Southeast corner of said Lot 43; thence on the Southerly extension of the Easterly line of said Lot 43 South 2° 32' West to the low water line of Lake Tahoe; thence Westerly along said low water line of Lake Tahoe to the point of intersection with the Southerly extension of the Westerly line of said Lot 43; thence North 2° 32' 00" East along said Southerly extension of the Westerly line of said Lot 43 to the Southeast corner of said Lot 43; thence North 2° 32' 00" East 187.58 feet to the Northwest corner of said Lot 43; thence South 87° 20' 00" East 80.00 feet to the point of beginning.

Said land is shown on Resolution to Approve Minor Boundary Line Adjustment recorded July 11, 1990, Instrument No. 90-044227, Official Records.

APN: 093-094-041

2/

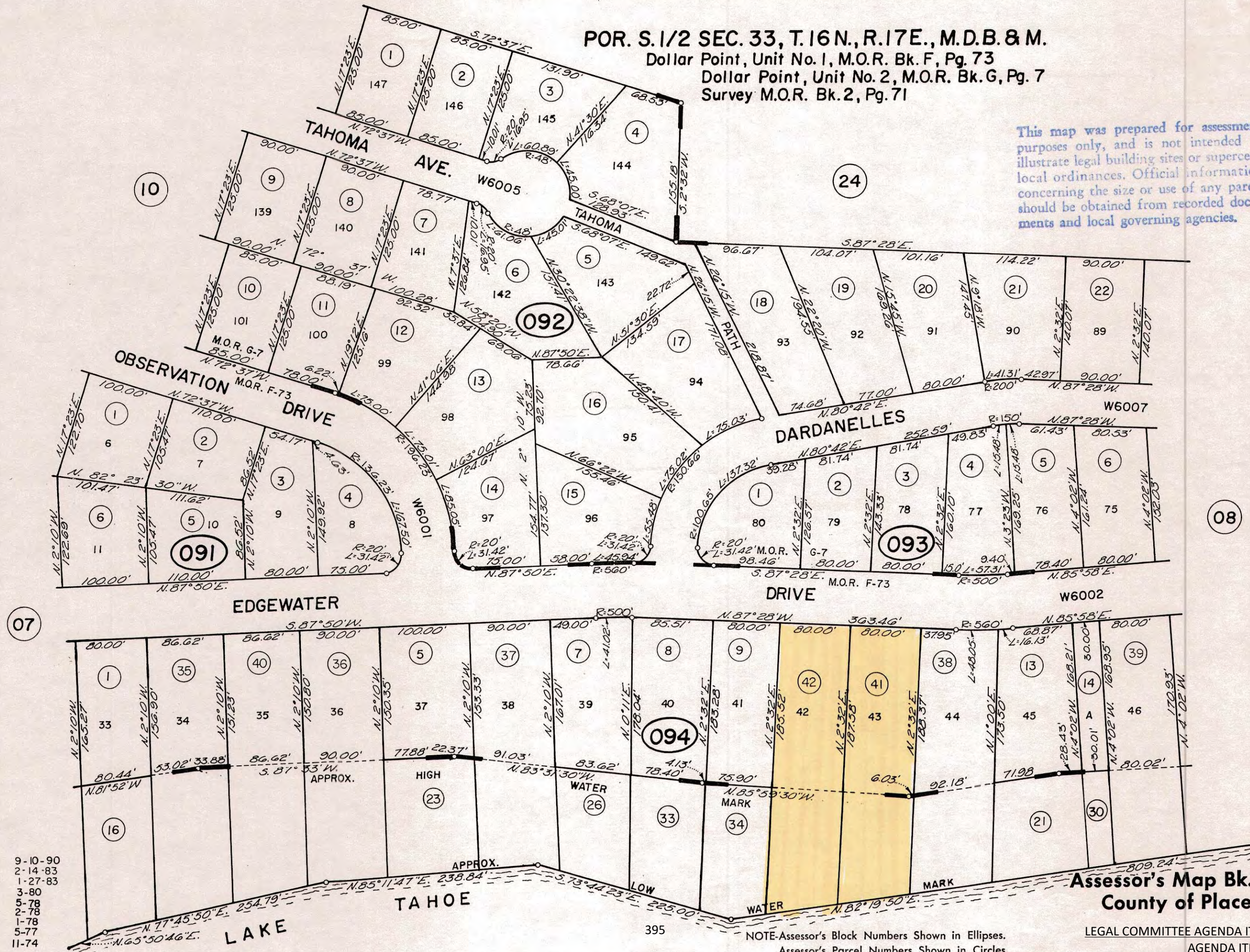
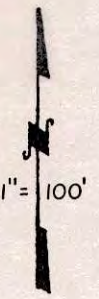
POR. S.1/2 SEC. 33, T.16N.,R.17E., M.D.B. & M.

Dollar Point, Unit No. 1, M.O.R. Bk. F, Pg. 73

Dollar Point, Unit No. 2, M.O.R. Bk. G, Pg. 7

Survey M.O.R. Bk. 2, Pg. 71

This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or supercede local ordinances. Official information concerning the size or use of any parcel should be obtained from recorded documents and local governing agencies.



- 9-10-90
- 2-14-83
- 1-27-83
- 3-80
- 5-78
- 2-78
- 1-78
- 5-77
- 11-74

Assessor's Map Bk.93-Pg.09
County of Placer, Calif.

NOTE-Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

LEGAL COMMITTEE AGENDA ITEM NO. 3 &
AGENDA ITEM NO. VII.A

402
pd 9/26/67
284

EASEMENT

VICTOR & AUDREY FELLOWS as GRANTOR(S), in consideration of value paid by TAHOE PUBLIC UTILITY DISTRICT, a body politic, as GRANTEE, receipt of which is hereby acknowledged, hereby GRANT(S) to GRANTEE an EASEMENT for the purposes of installing, constructing, completing, repairing, maintaining, operating, replacing, and reconstructing a SEWER line or lines and related facilities and appurtenances, together with a right of way therefore, within, along, under, and upon the following described real property situated in the COUNTY OF PLACER, STATE OF CALIFORNIA, and described as follows:

All that portion of Lot 43 of Dollar Point Unit No. 1, per map filed in the office of the County Recorder of Placer County, California in Book F of Maps on Page 73, described as follows:

Beginning at the Southwest corner of said Lot 43; thence North 2°32' East 10.0 feet; thence North 89°31'15" East 80.1 feet more or less to the East line of said Lot 43; thence South 2°32' West 15.0 feet; thence South 81°54'30" West 6.03 feet; thence North 85°59'30" West 74.09 feet to the point of beginning.

TOGETHER WITH a temporary working easement for construction described as follows:

A temporary right of way and easement 10 feet in width contiguous to and North of the Northerly line of the above described easement.

Said temporary working easement shall automatically terminate upon the date of acceptance of said SEWER line by DISTRICT as being complete and operable, or on December 31st, 1969, whichever shall first occur.

GRANTOR(S) further grants to GRANTEE: The perpetual right of ingress to and egress from said EASEMENT for the purpose of exercising, performing, and protecting GRANTEE'S rights and privileges hereunder: PROVIDED such rights of ingress and egress shall be executed so as to cause the least practicable damage and inconvenience to GRANTOR(S).

GRANTEE covenants and agrees with GRANTOR(S): (1) To replace or cause to be replaced the easement area and the temporary easement area heretofore described in as near its condition prior to undertaking any work as is reasonably practicable; (2) to indemnify GRANTOR(S) against loss or damage caused by any wrongful or negligent act or omission of GRANTEE or of its agents or employees in the course of their employment as may be provided for in the CALIFORNIA PUBLIC ENTITY TORT CLAIMS ACT.

GRANTOR(S) reserved the right to use said strip for purposes which will not interfere with GRANTEE'S full enjoyment of the rights and privileges herein granted: PROVIDED HOWEVER, the GRANTOR(S) shall not erect, construct, or maintain any building or structure, nor make any excavation within or drill or operate any well, nor add to the ground level within or upon said strip without first obtaining written consent of GRANTEE so to do.

The provisions hereof shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto, and covenants shall run with the land.

IN WITNESS WHEREOF, GRANTOR(S) have executed these presents this _____ day of _____, 19_____.

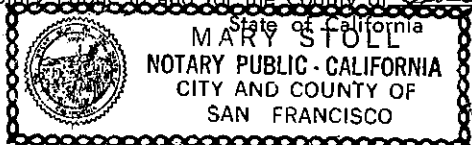
FOR NOTARIES USE ONLY

STATE OF CALIFORNIA
County of San Francisco } ss.
Aug 29th 1967, before me the undersigned
a Notary Public in and for the County of San Francisco
personally appeared Victor Fellows & Audrey Fellows
known to me to be the person S whose name subscribed to the
within instrument, and did duly acknowledged to me
that the X executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

My commission expires April 11, 1971

Mary Stoll (MARY STOLL)
Notary Public in and for the County of San Francisco



OFFICIAL RECORDS
PLACER COUNTY-CALIF.
RECORD REQUESTED BY

Grantee

SEP 29 10 44 AM 1967

CLAYTON J. GOODPASTOR
COUNTY RECORDER

16029 NO FEE REQUIRED

Victor Fellows
Audrey Fellows
(GRANTOR(S))

REC-01113A

Maggie O'Donnell

From: Matt Homolka <mhomolka@tcpud.org>
Sent: Wednesday, February 05, 2020 4:00 PM
To: Josh Floum; Maggie O'Donnell
Cc: Sean Barclay; Steve Gross (gross@portersimon.com)
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell and Mr. Floum,

The TCPUD is not permitted, at this time, to place any fill material in Lake Tahoe. As I expressed to you by phone, if we were permitted to do so, we would be willing to place materials over the pipe. It is in our interest to do so for the protection and security of the pipeline itself.

Sincerely,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342
www.tcpud.org



The mission of the TCPUD is to serve the people, our community, and its environment. It is our responsibility to provide safe and reliable water service, sewer service for the protection of public health, and parks and recreation services to enhance quality of life.

RECIPIENT OF THE DISTRICT TRANSPARENCY CERTIFICATE OF EXCELLENCE – since 2016

This electronic message contains information from the Tahoe City Public Utility District, which is intended to be sent to the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you receive this electronic transmission in error, please notify me by email.

From: Josh Floum [mailto:joshfloum@gmail.com]
Sent: Tuesday, February 4, 2020 12:00 PM
To: Maggie O'Donnell <maggieod@comcast.net>
Cc: Matt Homolka <mhomolka@tcpud.org>; Sean Barclay <sbarclay@tcpud.org>; Charley Miller <cmiller@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: Re: TCPUD Conditional Permit Appeal 3328 Edgewater

Hello all,

To be clear, we have a claim against TCPUD because I called in the pipe break over a WEEK before anyone came out to the site. During that time thousands of gallons of raw sewage unnecessarily spilled into the lake right in front of our house. We intend to litigate that claim for damages unless we reach an agreement on suitable remediation.

We are trying to be as reasonable as possible. All we are asking is for the pipe and other hardware to be sustainably buried out of sight. Your assurances to this effect will shortcut any need for acrimony.

Thanks and regards,

Josh Floum

Sent from my iPhone

On Feb 4, 2020, at 11:25 AM, Maggie O'Donnell <maggieod@comcast.net> wrote:

Thanks Matt. I'm also looping my husband Josh Floum into the group as he should be part of our correspondence. Our statement of appeal will be filed this week with TRPA. What is the position of TCPUD regarding burying the pipe? Are you willing to do so or opposed to doing so?

Best,

Maggie O'Donnell

From: Matt Homolka [<mailto:mhomolka@tcpud.org>]
Sent: Wednesday, January 29, 2020 3:22 PM
To: Maggie O'Donnell
Cc: Sean Barclay; Charley Miller; Tony Lalotis
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell,

This email is a follow up to our telephone conversation last week, Tuesday, January 21st. Thank for you time and your frankness. It is helpful for us to understand fully your concerns. I am happy to continue our conversation if you would like to schedule another call or a meeting.

During our call, you requested a document that was referred to in our January 10, 2018 Sewer & Water Committee agenda. In response to that request, we are providing the attached DRAFT Technical Memorandum - Condition Assessment and Pipe Testing Summary for Dollar Edge (sic) Collection System dated December 15, 2017 prepared by HDR, which is the document that was reviewed at that January Committee meeting. This document is a draft and has not been commented on by District staff nor has it been finalized. Also attached are the full lab results for Samples 1 and 10 (the two associated with the Edgewater Sewer Line)

Please let me know if you have any questions or would like to discuss anything further.

Sincerely,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342
www.tcpud.org

<image001.png>

From: Maggie O'Donnell [<mailto:maggieod@comcast.net>]
Sent: Tuesday, January 21, 2020 9:04 AM

To: Matt Homolka <mhomolka@tcpud.org>
Cc: Sean Barclay <sbarclay@tcpud.org>; Charley Miller <cmiller@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Matt,

I'm sorry I missed your emails on Friday. They went to my spam folder for some reason and I'm just finding them now. I am available now and will try to give you a call.

Best,

Maggie O'Donnell

From: Matt Homolka [<mailto:mhomolka@tcpud.org>]
Sent: Friday, January 17, 2020 3:44 PM
To: Maggie O'Donnell
Cc: Sean Barclay; Charley Miller; Tony Laliotis
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell, I am sorry that we could not connect today. I am available on Tuesday, Jan. 21 any time between 8am-4pm, excepting 10-11 and 1-2. I am available on Wednesday Jan. 22 between 1-4pm. If those do not work I also have availability on Thursday and Friday. Thanks and have a nice weekend,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342
www.tcpud.org

<image002.png>

From: Matt Homolka
Sent: Friday, January 17, 2020 11:50 AM
To: Maggie O'Donnell <maggieod@comcast.net>
Cc: Sean Barclay <sbarclay@tcpud.org>; Charley Miller <CMiller@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Ms. O'Donnell,

We are indeed the right people to talk to. I am available by phone today from 1 to 3 pm. Otherwise we can arrange a meeting next week.

Thanks,

Matt Homolka, P.E.
Assistant General Manager/District Engineer
Tahoe City Public Utility District
530.580.6042 Direct
530.583.3796 Main Office ext. 342

www.tcpud.org

<image002.png>

From: Maggie O'Donnell [<mailto:maggieod@comcast.net>]
Sent: Friday, January 17, 2020 11:14 AM
To: Tony Laliotis <tlaliotis@tcpud.org>
Cc: Matt Homolka <mhomolka@tcpud.org>; Sean Barclay <sbarclay@tcpud.org>; Charley Miller <cmiller@tcpud.org>
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Tony,

Not sure Engineering is the right contact for what I want to discuss but maybe it is. I am on a deadline to file our Statement of Appeal and I will be forced to put in all kinds of evidence and make arguments that I'd rather discuss with you guys first so as not to unduly escalate matters. So the sooner we connect the better for all I think.

Thanks much,

Maggie O'Donnell
415-250-2567

From: Tony Laliotis [<mailto:tlaliotis@tcpud.org>]
Sent: Friday, January 17, 2020 11:02 AM
To: Maggie O'Donnell
Cc: Matt Homolka; Sean Barclay; Charley Miller
Subject: RE: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Maggie,

Our Engineering Department will be following up with you on this project. Hope you guys had a nice holiday and are enjoying all the great snow!

Tony Laliotis
Director of Utilities
Tahoe City Public Utility District
530.580.6053 Direct
530.583.3796 Main Office ext. 353
www.tcpud.org

<image003.jpg>

From: Maggie O'Donnell [<mailto:maggieod@comcast.net>]
Sent: Thursday, January 16, 2020 2:05 PM
To: Tony Laliotis <tlaliotis@tcpud.org>
Subject: TCPUD Conditional Permit Appeal 3328 Edgewater

Hi Tony,

Happy New Year! You likely already heard, but I'm reaching out to let you know that we have filed an appeal to the TRPA permit application that was heard on December 19, 2019. As you know, we are very

concerned about having the sewer pipe re-buried. I am currently preparing our Statement of Appeal and before I submit anything in writing to TRPA, I would like to discuss the situation with you. It seems that really, this matter is primarily between us and the TCPUD although if we were forced to file a lawsuit we would wind up naming both parties.

Is there a time that we could chat by phone? My number is 415-250-2567. Feel free to give me a call at your convenience. I'm around the rest of this afternoon or tomorrow. Or, if you like we can set a mutually convenient time by email.

Thank you,

Maggie O'Donnell







[Back to usage](#)

Data, text & talk logs

[Print](#) |

[Download](#)

Device: Billing period:

MARGARET O'DONNELL | 415.706.9790

Previously Billed Usage

Jan 06, 2019 - Feb 05, 2019

View details by:

Talk

Show:



Nicknames



Numbers

[Nickname a number](#)

[Manage contacts](#)

Search by:

Date

Date ▼

Ex: mm/dd/yyyy



<u>Date / Time</u>	<u>Contact</u>	<u>Location</u>	<u>Call Type</u>	<u>Minutes</u>	<u>Charge (\$)</u>
01/15/2019 09:17AM	Maggie	San Rafael, CA	SDDV	1	0.00
01/15/2019 09:22AM	Den Satake	San Rafael, CA	SDDV	3	0.00
01/15/2019 10:01AM	Den Satake	Incoming, CL	SDDV	2	0.00
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01/17/2019 02:17PM	888.800.3400	Toll Free, CL	SDDV	10	0.00
01/18/2019 09:51AM	Danny	Snfc Cntrl, CA	SDDV	4	0.00
01/18/2019 10:58AM	Maggie	San Rafael, CA	SDDV	1	0.00
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01/18/2019 03:49PM	Ferris	Incoming, CL	SDDV	4	0.00
01/18/2019 05:17PM	Dr. Belknap	Incoming, CL	SDDV	2	0.00
01/19/2019 10:11AM	Ferris	Reno, NV	SDDV	3	0.00
01/19/2019 11:54AM	Ferris	Incoming, CL	SDDV	2	0.00

<u>Date / Time</u>	<u>Contact</u>	<u>Location</u>	<u>Call Type</u>	<u>Minutes</u>	<u>Charge (\$)</u>
01/19/2019 12:14PM	Ferris	Reno, NV	SDDV	1	0.00
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01/20/2019 12:07PM	Aegis	Incoming, CL	SDDV	5	0.00
01/21/2019 10:30AM	Jess	San Rafael, CA	SDDV	1	0.00
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01/23/2019 04:00PM	Phillips	Incoming, CL	SDDV	43	0.00
01/25/2019 08:58AM	Jess	Incoming, CL	SDDV	4	0.00
01/25/2019 10:03AM	Meislin	Snfc Cntrl, CA	SDDV	1	0.00
01/25/2019 11:48AM	Meislin	Incoming, CL	SDDV	2	0.00
01/25/2019 11:54AM	530.583.3796	Ntah They, CA	SDDV	2	0.00
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02/03/2019 02:12PM	Paul	Incoming, CL	SDDV	6	0.00
02/04/2019 09:46AM	775.842.9377	Reno, NV	SDDV	2	0.00
02/04/2019 09:48AM	530.583.3796	Ntah They, CA	SDDV	29	0.00
02/04/2019 10:51AM	775.842.9377	Incoming, CL	SDDV	22	0.00
02/04/2019 11:19AM	Aegis	Cortmadera, CA	SDDV	1	0.00
02/04/2019 04:00PM	510.859.9120	Okld Bkly, CA	SDDV	36	0.00
02/04/2019 04:39PM	Danny	Snfc Cntrl, CA	SDDV	19	0.00

Totals for this billing period:

112 calls

603 minutes

\$0.00

SDDV = Shared Minutes

Incoming Call Outgoing Call

Totals for this billing period:

112 calls

603 minutes

\$0.00

SDDV = Shared Minutes

Incoming Call Outgoing Call

Maggie O'Donnell

From: Josh Floum <joshfloum@gmail.com>
Sent: Saturday, June 15, 2019 11:52 AM
To: Tony Laliotis
Cc: Kim Boyd; Sean Barclay; Maggie O'Donnell
Subject: Re: Edgewater Sewer Repair - Follow up

Tony we just got to tahoe. My wife for the first time since winter. She is livid

I have tried to be patient, complementary and understanding through the sewer leak crisis and repair. Now it is time for you to fix our beach and stairs and conceal immediately. It is unuseable and we have guests on the way

Please get back to me asap

Thanks,

Josh

Sent from my iPhone

On Mar 20, 2019, at 4:07 PM, Tony Laliotis <tlaliotis@tcpud.org> wrote:

Josh,

As you can see from the attached photo, backfilling the pipe was a blind operation and we were being overly cautious about being too aggressive. With the impending storms, we had to remove the silt curtain by yesterday morning and the turbidity needed all of the two plus days we gave it to settle out. We were not allowed to remove the curtain by Lahontan until the turbidity inside and outside the curtain were within 10% of each other. That did not occur until yesterday morning.

We have had some good wind and wave action since then and we are hopeful that mother nature does a better job of evenly distributing the disturbed material. We will revisit the site when things calm down to see how it looks.

Tony Laliotis

Director of Utilities

Tahoe City Public Utility District
530.580.6053 Direct
530.583.3796 Main Office ext. 353
www.tcpud.org

<image001.jpg>

From: Kim Boyd
Sent: Tuesday, March 19, 2019 8:28 AM
To: Josh Floum <joshfloum@gmail.com>
Cc: Sean Barclay <sbarclay@tcpud.org>; Tony Laliotis <tlaliotis@tcpud.org>
Subject: RE: Edgewater Sewer Repair - Follow up

It has to do with the existing shore zone elevation and necessary grade of the pipe's alignment. I will defer to Tony for a more detailed explanation.

Kim Boyd
Senior Management Analyst
Tahoe City Public Utility District
530.580.6286 Direct
530.583.3796 Main Office ext. 386
www.tcpud.org

<image001.jpg>

From: Josh Floum [<mailto:joshfloum@gmail.com>]
Sent: Tuesday, March 19, 2019 8:12 AM
To: Kim Boyd <kboyd@tcpud.org>
Cc: Sean Barclay <sbarclay@tcpud.org>
Subject: Re: Edgewater Sewer Repair - Follow up

Why werent you able to backfill over the pipe? Yes I will be there next week and would like to meet

Sent from my iPhone

On Mar 19, 2019, at 8:02 AM, Kim Boyd <kboyd@tcpud.org> wrote:

Good morning Josh,
Thank you for your time last week to discuss the progress of our sewer line repair and associated impacts to your property. As you are likely already aware, the sewer line repair work was completed over the weekend, and the by-pass has been dismantled. However, we did want you to be aware that we were not able to completely backfill material over the entire length of the pipe. As discussed last week, we will let the lake and wave action settle and stabilize the material in the shore zone around the pipe, and in the coming months we will further assess the pipe's exposure. We understand you are planning to come up soon, please let me know if you would like to meet with Tony at your property.

Thank you,

Kim Boyd
Senior Management Analyst
Tahoe City Public Utility District
530.580.6286 Direct
530.583.3796 Main Office ext. 386
www.tcpud.org

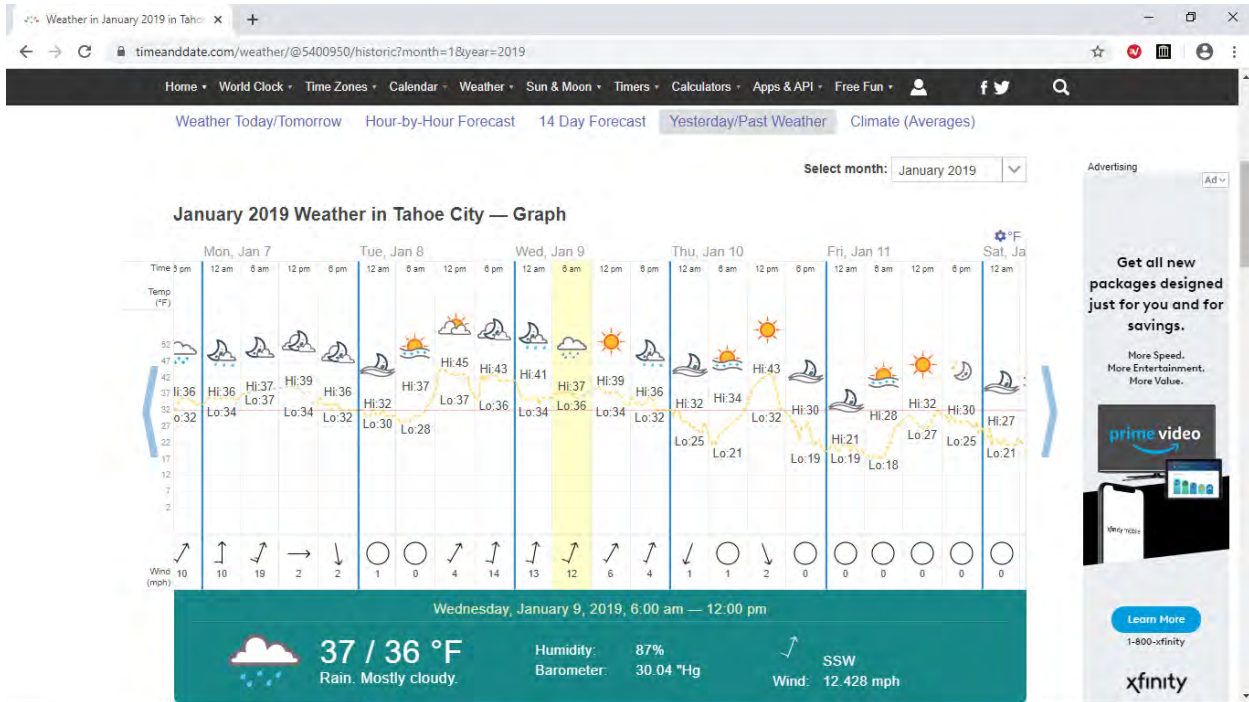
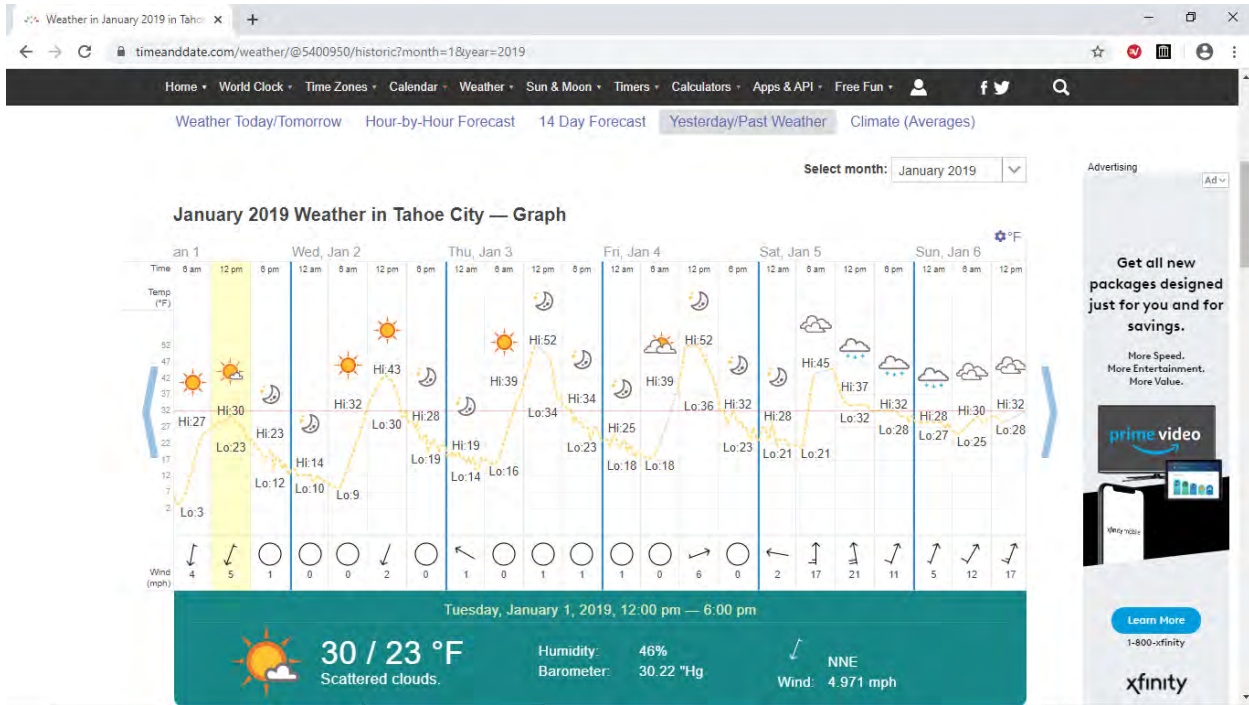
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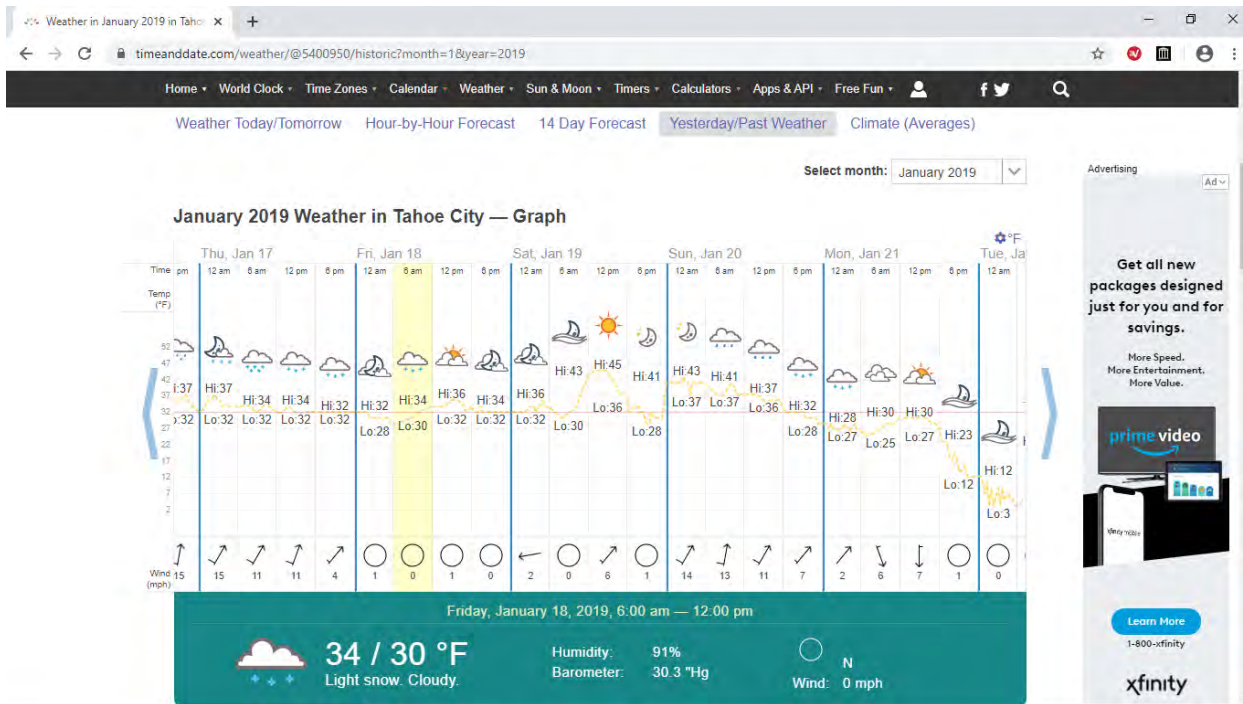
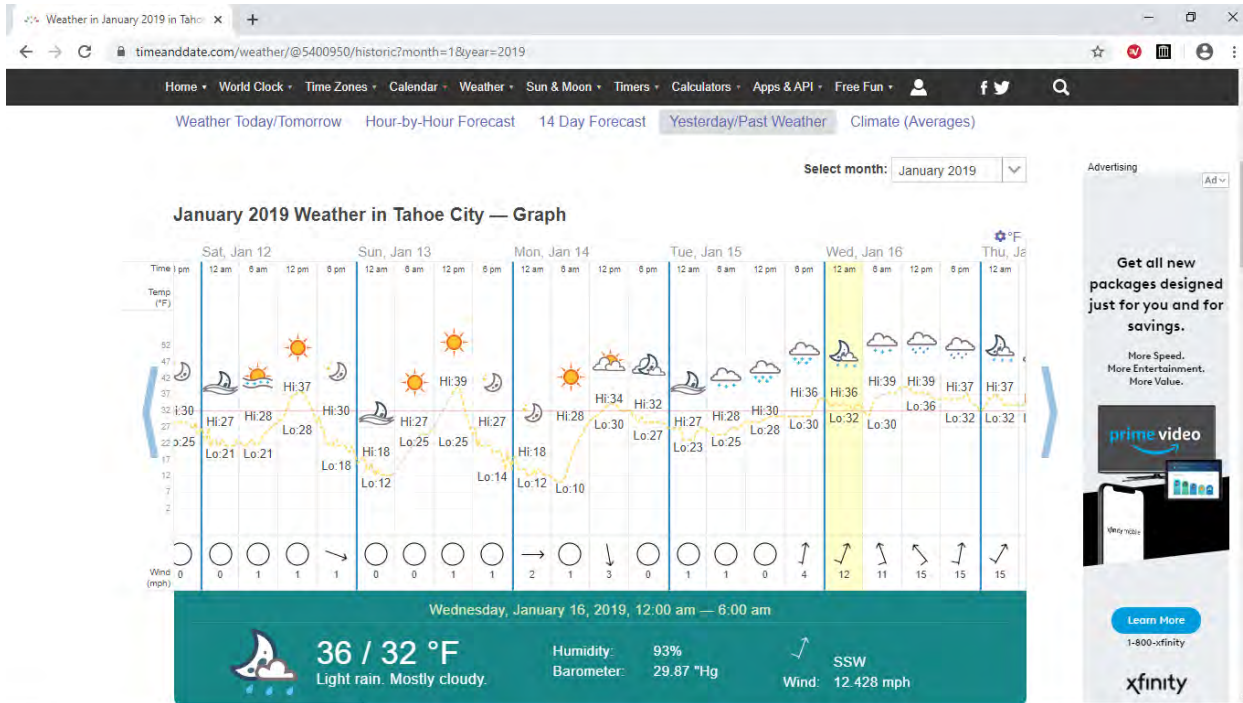
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ASBESTOS CEMENT PIPE: WHAT IF IT NEEDS TO BE REPLACED?

G. Eric Williams, P.E.
Professional Associate/Vice President, HDR Engineering, Inc., Sunset Beach, NC
Kent Von Aspern, P.E.
Senior Project Manager, HDR Engineering, Inc., Walnut Creek, California

ABSTRACT: Asbestos cement (AC) pipe, also known as “transite,” was a popular choice of engineers for potable water, sanitary sewer, and storm drain pipelines during the 1940s, 1950s, and 1960s. AC pipe was touted for its light weight and ease of handling, low coefficient of friction (Manning’s “n” = 0.010), and corrosion resistant properties. An estimated 600,000 miles of AC pipe were installed in the U.S. and Canada.

Due to health concerns associated with the manufacturing process, production of AC pipe ceased in the United States in the early 1970s. The U.S. Environmental Protection Agency (EPA) issued a complete ban on all asbestos-containing products in 1979, but was defeated in the U.S. Fifth Circuit Court of Appeals and the ban was lifted. The Court did, however, reinforce the EPA’s responsibility to regulate asbestos.

Hundreds of thousands of miles of AC pipe are beyond or are approaching the end of their 50-year design lives. Two very effective technologies for replacing AC pipe are pipe bursting and pipe reaming. However, existing regulations limit the use of these trenchless construction methods.

Many public agency officials and engineers are not familiar with the regulations restricting pipe bursting and pipe reaming of AC pipe. Regulatory application is not consistent from one state to the next, or even within the same state in many instances. Enforcement is occurring much more frequently; however, and it is important for those in our industry to clearly understand the restrictions. This paper will examine the regulations on AC pipe rehabilitation and replacement, evaluate the impacts of the restrictions, and discuss the current position of the regulators.

INTRODUCTION

Asbestos cement (AC) pipe became a viable option for water, wastewater, and storm drainage systems beginning in the mid-1940s. The materials used to fabricate AC pipe included Portland cement, up to 12 percent asbestos fibers, water, and silica or silica-containing materials. The pipe was formed under pressure and heat cured in an autoclave. The presence of the asbestos fibers in lieu of reinforcing steel provided adequate strength with lower weight. In addition to its light unit weight, AC pipe was marketed as having very good resistance to the effects of hydrogen sulfide corrosion and soils that were aggressive to steel, and low operating costs because the smooth walls of the pipe provided low friction factors. The major U.S. manufacturers of AC pipe are shown in Table 1.

Table 1. Manufacturers of Asbestos Cement Pipe

Company Name	Headquarters Location
Cement-Asbestos Product Company	Woodward, Alabama
Certain-teed Products, Company	Ambler, Pennsylvania
Flintkote Company (Orangeburg Mfr. Div.)	Orangeburg, New York
Johns-Manville Company	New York, New York

AC pipe was manufactured in four different classes, for various applications. Each type of pipe was manufactured to specific ASTM standards. The individual characteristics for each material are shown in Table 2. Each section of pipe and each fitting were marked with the size and pipe class, manufacturer’s

name or trademark, and date of manufacture. Each rubber gasket was also marked with the manufacturer's trademark and date of manufacture.

Table 2. Characteristics of Asbestos Cement Pipe

Type of Pipe	Typical Use	ASTM Standard	Size Range (in.)	Crush Strength (lb/ft)	Pressure Class (psi)
Nonpressure	Sanitary sewers	C 428	4–42	1,500–7,000	--
Pressure	Local water mains, sewer force mains	C 296	4–18	4,100–17,400	100, 150, 200
Storm Drain	Storm drains	C 663	4–42	1,500–3,750	--
Transmission	Water mains	C 668	6–42	2,000–42,000	300–900

Due to its light unit weight, relatively low installation cost, superior corrosion resistance, and low friction factor (Manning's "n" = 0.010), AC pipe was very popular during the 1950s, 1960s, and early 1970s. Vitrified clay pipe provided a competitive alternative for use in sanitary sewer systems, but AC pipe soon became the pipe of choice for water and storm drainage systems. A survey conducted by the American Water Works Association (AWWA) in 2004 found that, on average, AC pipes constitute approximately 15–18 percent of the nation's water distribution and transmission systems. In North Carolina, AC pipe comprises nearly 5,000 miles of pipeline or approximately 6.5 percent of all water mains installed. The amount of AC pipe installed in various entities within North Carolina ranges from zero to ninety-eight (98) percent. This illustrates that there is a substantial quantity of AC pipe installed in North Carolina and is quite prevalent in some communities.

Communities that experienced significant growth during the 1950s and 1960s, however, constructed their infrastructure systems when the use of AC pipe was prevalent. These cities have percentages of AC pipe that are much higher than the national average, especially if one or more AC pipe manufacturing facilities were located nearby. Through our research, we found that AC pipes comprised from 50-80% of typical storm drain systems in the western U. S. and Canada; water systems included 40-75% AC pipes; sewer systems included 10-25% AC pipe (mostly in force mains). Usage rates as found through our literature search for the various systems are shown in Figure 1. As a comparison, the AWWA survey of 50 responding communities (mainly large municipalities in the eastern U. S.) reported that 15% of infrastructure systems are comprised of AC pipe as a national average. Overall, it is estimated that more than 600,000 miles of AC pipe are in use throughout the U.S and Canada.

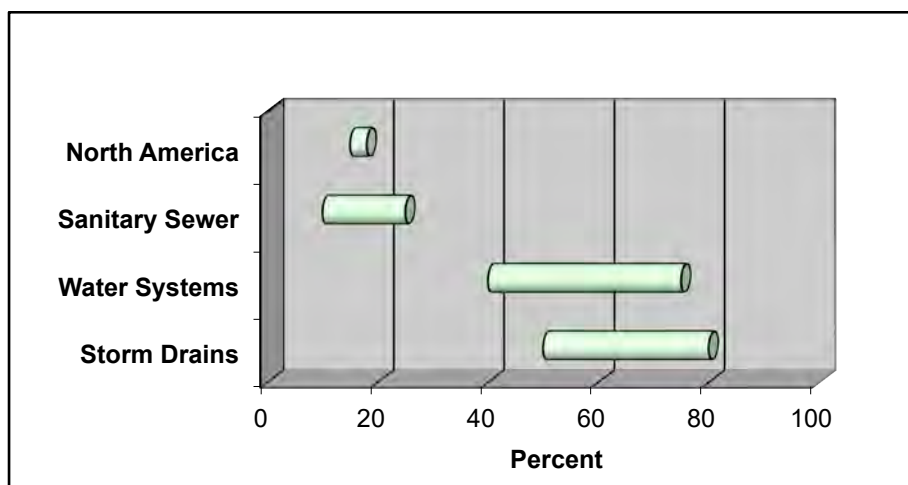


Figure 1. Asbestos cement pipe was used extensively in water and storm drainage systems built between 1950 and 1969

Under certain conditions, AC pipe has experienced failures at rates that are similar to other pipe types during their 50-year design lives. However, many public agencies have reported significantly higher failure rates for AC pipe than for other pipe materials. Ironically, the major factor in predicting failures of AC pipe appears to be aggressive soils—one of the conditions that AC pipe was supposed to protect against. Overall, however, studies have shown that the failure rate for AC pipe increases dramatically with age. After 50 years of use, AC pipe failure rates are about one per year per mile of pipe.

THE HISTORY OF ASBESTOS REGULATION

In 1973 the National Emissions Standards for Hazardous Air Pollutants (NESHAP) was implemented by the United States Environmental Protection Agency (EPA) when it was determined that asbestos was a leading contributor to asbestosis and certain forms of cancer. Through NESHAP, the EPA sought to protect the public by controlling exposure to asbestos during the milling, manufacture, common use, spraying, renovation, demolition, and disposal of more than 3,000 asbestos-containing products.

Effectively regulating such a large class of diverse products proved to be a daunting task. In 1979 the EPA announced its intent to ban all asbestos-containing materials. By 1986 the EPA proposed a rule to ban asbestos. The EPA's Asbestos Ban and Phaseout Rule was published in the Federal Register¹ in 1989, proposing to eliminate all asbestos-containing materials in three stages between 1990 and 1997.

The Asbestos Information Administration and the Asbestos Institute (with major funding from the government of Canada) conducted significant lobbying efforts against the Asbestos Ban and Phaseout Rule. One large manufacturer of asbestos-containing products, Corrosion-Proof Fittings, successfully sued the EPA to block implementation of the ban. The U.S. Fifth Circuit Court of Appeals ruled that the EPA had failed to present a compelling case for banning all asbestos-containing materials. The Court did, however, reinforce the EPA's responsibility to regulate asbestos, and new products containing asbestos were banned.

The impact on the asbestos pipe industry was uncertainty and fear. After 1973, the asbestos fiber content in AC pipe was reduced from 12 percent to less than 0.2 percent. By the 1980s the popularity of AC pipe had waned dramatically due to fears of liability and the availability of PVC pipe. Manufacturers stopped producing AC pipe in the United States; however, the machines were moved to other countries (including Mexico and Saudi Arabia), and AC pipe is still produced and available today.

ASTM Subcommittee C17.03 remains active and tasked with maintaining a series of ASTM specifications related to the manufacture, installation, and testing of AC pipe. Table 3 lists the ASTM specifications for AC pipe.

Table 3. Asbestos Cement Pipe ASTM Specifications

Specification Number	Subject
C296	Pressure Pipe
C428	Non-pressure Sewer Pipe
C458	Organic Fiber Content
C500	Test Methods for AC Pipe
C663	Storm Drain Pipe
C668	Transmission Pipe
C966	Installing AC Non-pressure Pipe
D1869	Rubber Rings for AC Pipe

Table 4 shows the AC pipe standards promulgated by the American Water Works Association (AWWA). In November 2008, the AWWA withdrew its AC pipe standards.

Table 4. Asbestos Cement Pipe AWWA Specifications

Specification Number	Subject
C400	Pressure Pipe, 4"-16"
C401	AC Pipe Selection, 4"-16"
C402	Pressure Pipe, 18"-42"
C403	AC Pipe Selection, 18"-42"

REGULATIONS FOR AC PIPE

In most states, public agencies are *not* required to remove and replace AC pipe. Studies have indicated that, in normal use, AC pipe does not pose a threat to public health; however, certain activities—including tapping, cutting, crushing/removing, and disposing—are regulated.

Contrary to common belief, in many states specially licensed contractors are not required when working with AC pipe. Many states have developed programs to train individual employees in safe practices involving the regulated AC pipe practices. These training programs provide an employer exemption for registration requirements. In addition, guidelines have been established for licensing of course providers in order to extend the available training resources while maintaining consistency in content and message.

The EPA has addressed replacement of AC pipe using the pipe bursting method. In a letter issued July 17, 1991, the EPA stated its position that “the crushing of asbestos cement pipe with mechanical equipment would cause this material to become ‘regulated asbestos containing material’ (RACM)” and “. . . the crushed asbestos cement pipe in place would cause these locations to be considered active waste disposal sites and therefore, subject to the requirements of §61.154 (NESHAP).” Furthermore, in this same letter, the EPA goes on to advise that “In order to avoid the creation of a waste disposal site which is subject to the Asbestos NESHAP, the owners or operators of the pipe may want to consider other options for dealing with the abandoned pipe.” Since the EPA’s letter did not specifically identify pipe bursting, interpretation of the intent was inconsistent throughout the industry.

260-foot Exclusion: NESHAP includes an important exclusion for pipeline replacements. This exclusion allows single renovations of up to 260 linear feet or within a calendar year for nonscheduled operations. Although the exclusion was likely intended to allow some flexibility for small replacement projects, the exclusion also provides us with the opportunity to pilot test rehabilitation methods for AC pipe and test the impacts of construction.

CURRENT EPA ACTIVITIES

Key EPA staff members continue to survey the industry to learn about pipe bursting, pipe reaming, and AC pipe. They are trying to gain an in-depth understanding of the rehabilitation techniques in order to determine the extent to which pipe bursting or pipe reaming of AC pipes constitutes a threat to public health. They are also trying to determine whether existing restrictions are reasonable (either too much or too little).

Currently, the EPA staff has expressed a preference for pipe reaming over pipe bursting because reaming can remove a portion of the asbestos pipe fragments through the downstream receiving pit. Pipe bursting, on the other hand, leaves all of the broken pieces of pipe entombed in the soil surrounding the new pipe. Concerns seem to be centered on possible exposures during future excavations.

A pair of Florida contractors have recently (separately) approached the EPA in Washington D.C. to request issuance of a perpetual notification determination that would allow pipe bursting of AC pipe in the

State of Florida. EPA, through their lawyers and biologists, wanted to know what studies had been done to guarantee that the asbestos fibers wouldn't migrate up through the soil, groundwater and pavement to become airborne. Based on the meetings to date, EPA is willing to allow pipe bursting on a case-by-case basis, but it will not issue a unilateral exemption from notification of the potential impacts inherent to this type of project.

Independently, organizations such as the Government Regulations Subcommittee of the International Pipe Bursters Association (IPBA) are trying to develop a science-based argument with which to approach the EPA. The goal is to convince the EPA to modify the AC pipe regulations to specifically address the public health impacts of replacement by pipe bursting or pipe reaming. In the meantime, the EPA and local air quality boards are aggressively enforcing current restrictions.

SPECIFIC STATE REGULATIONS

The EPA has delegated administration and enforcement of asbestos regulations to many of the individual states. Program administration often falls to a statewide department that enforces many environmental policies. In North Carolina, enforcement of the NESHAP regulations is managed by the Health Hazards Control Unit of the Division of Public Health of the North Carolina Department of Health and Human Services. There are also three local programs in the State of North Carolina responsible for enforcing the NESHAP regulations within their jurisdiction. These three programs are the WNC Regional Air Pollution Control Agency of Buncombe County, the Environmental Affairs Department of Forsyth County, and the Department of Environmental Protection of Mecklenburg County.

As the title of this paper poses, if a segment of asbestos cement pipe needs to be replaced, what are the requirements? Under the North Carolina rules, individual asbestos removals where 160 square feet, 260 linear feet, or 35 cubic feet or greater of RACM is to be demolished or renovated, a permit application is required.

Policies in other states are different. In South Carolina, a project license for the work to be performed must be obtained before beginning work and any person or contractor engaged in this activity must be RACM licensed. In Arizona and New Mexico, AC pipes can be replaced by pipe bursting or pipe reaming following filing of a notice of intent. In Oregon, specially licensed abatement contractors are required to remove and dispose of AC pipe. Oregon is also the only state that requires all AC pipe to be removed if it is exposed for any reason. In Nevada, New Jersey, and New York, specially licensed contractors are required for any work (including taps) performed on AC pipe.

PIPE BURSTING VS. PIPE REAMING FOR AC PIPE

Pipe bursting is a construction method that allows an existing pipe to be replaced with a new pipe of the same or larger diameter with limited excavation. Several different types of equipment, including static, pneumatic, or hydraulic equipment, are available to break the host pipe and pull or push a new pipe into the open cavity. As recently as 2010, the EPA cited pipe bursting as an effective means for rehabilitating force mains² and wastewater collection systems³.

Pipe reaming is similar to pipe bursting in that it is a process to replace an existing pipe with a new pipe of the same or larger diameter; however, the equipment used to create the cavity involves modified horizontal directional drilling equipment. Whereas in pipe bursting, the host pipe is broken into fragments and pushed into the surrounding soil, in pipe reaming, the host pipe is ground into smaller fragments.

During pipe reaming, drilling fluid is pumped into the borehole to flush pipe fragments and soil to the downstream receiving pit. The mixture of mud, soil, and pipe fragments can be collected for disposal. When the host pipe is AC, the collected mixture must be containerized and disposed of at an appropriate landfill site. This ability to contain and appropriately dispose of the AC pipe fragments is the primary reason that the EPA favors pipe reaming. To date, no studies have been done to quantify how much of the pipe is recovered during reaming, but an EPA staff member was quoted in offering an opinion that up to 90% of the pipe fragments may be removed.

Whereas pipe reaming is a patented process, the patent on pipe bursting has expired. There are far more contractors who are experienced pipe bursters. The number of projects completed by pipe bursting is much greater than pipe reaming. Only a few projects resulting in installation of pipes over 18 inches have been performed by pipe reaming. Pipe bursting can be used to install pipe up to 48 inches in diameter. The unit cost of pipe bursting is less than pipe reaming.

Certain EPA staff members are of the opinion that matters such as number of contractors, installation size range, and cost are market driven. If there is more demand for pipe reaming, then more contractors will become licensed and experienced, resulting in a wider installation range and more competition (leading to lower costs).

THE FUTURE OF AC PIPE REPLACEMENT

Hundreds of thousands of miles of AC pipe are reaching the end of their 50-year useful lives and will need to be replaced soon. Each engineer, contractor, and public official responsible for replacing AC pipe should be aware of the policies in place in the area where they work.

Since the EPA is soliciting input from the industry prior to revising existing regulations regarding replacement of AC pipe, now is an excellent time to contact the EPA to offer the benefit of your knowledge and to voice your opinions. These revisions are critical to our industry and it is important that the EPA have all of the available information in order to make prudent decisions.

The Water Research Foundation is currently leading a study to establish tools to predict the long term performance of AC pipes. Additional research is underway to develop bentonite lubricants that solidify after pipe installation to form a conglomerate with the pipe fragments, similar to a controlled low-strength material used for backfill. Such a product could substantially reduce the risk of future exposure to friable material.

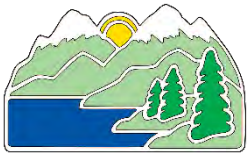
Administrative procedures need to be developed to ensure that AC pipes replaced by either pipe bursting or pipe reaming are adequately marked so that maintenance activities can be properly planned and safely performed. Using the 260-foot exclusion, testing should be conducted to definitely determine the condition of pipe fragments remaining in the soil and the extent of pipe fragment removal accomplished.

REFERENCES

1. Federal Register, Volume 59, pg 41027, August 10, 1994.
2. State of Technology Report for Force Main Rehabilitation United States Environmental Protection Agency, Office of Research and Development, EPA/600/R-10/044, March 2010.
3. State of Technology for Rehabilitation of Wastewater Collection Systems, United States Environmental Protection Agency, Office of Research and Development, EPA/600/R-10/078, July 2010.

Attachment C

March 18, 2020, TCPUD Response to Statement of Appeal and Attachments



TAHOE CITY PUBLIC UTILITY DISTRICT

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March 18, 2020

Ms. Tiffany Good
Senior Planner
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89410

Subject: TRPA FILE # ERSP2019-0514 – TCPUD Response to Statement of Appeal from Joshua Floum and Margaret O’Donnell – 3328 Edgewater Drive – APN 093-094-041

Dear Tiffany,

The Tahoe City Public Utility District (TCPUD) has received and reviewed the Statement of Appeal (Appeal) submitted to TRPA on February 7, 2020 by Joshua Floum and Margaret O’Donnell (Appellants). The Appeal is related to TCPUD’s Permit ERSP2019-0514 (TRPA Permit), which was issued on December 19, 2019 by TRPA. This letter serves as the TCPUD’s response to the Appeal (Response).

This Response is limited to matters in the Appeal related to TRPA’s regulations and TRPA’s responsibilities in issuing a permit for the emergency work already completed and the work proposed and does not address the various legal matters between the TCPUD and Appellants contained in the Appeal.

In the Appeal, Appellants make several erroneous statements, state matters as fact when they are not, and appear to misunderstand and misrepresent the mechanisms of shorezone dynamics and pipe failure mechanics.

Interactions/Communications between TCPUD and Appellant

During the period between January and April 2019, the TCPUD was in regular direct contact with the Appellants regarding disruptions to their sewer and water service, bypassing plans and associated impacts, weather impacts and associated delays, repair activities and impacts, and the Appellants’ schedule for occupying their residence. After the repair was completed, they were contacted to let them know the pipe was repaired and back in service and to coordinate cleanup activities planned for that coming summer.

Shortly before and since the Appeal was submitted, the TCPUD has had a number of communications with the Appellants to answer their questions, explain various misunderstandings, and to attempt to resolve the matter. The TCPUD has replied to all emails answering any questions of the Appellants and has provided all documents that have been requested, including all applications, permits, and permit closeout documents.

In these communications, the Appellants have been clear that their goal is to have the pipe covered with beach sand so that it is not visible to them or otherwise impacting their beach or the pipe is removed entirely. TCPUD staff have discussed the realities of this desire with the Appellants and explained that placing fill within Lake Tahoe is not allowed by the multiple emergency permits and that new permitting

would be required to do so, which permitting could be very difficult to obtain. Further, the placement of beach sand would not be a permanent solution as it would continue to erode and within some amount of time the pipe would become exposed again. The TCPUD has communicated to the Appellants that it would be willing to place such materials if allowed, including that permits from multiple agencies would be required, but would not guarantee the material would remain. Further, The TCPUD has communicated that its interests would be in the construction of a dynamic revetment over the pipe which would remain in place and protect and cover the pipe. The Appellants responded that they would not allow this type of facility and would fight any attempts to implement a revetment project.

While, resolution of this matter between the TCPUD and Appellants appears difficult, the TCPUD is continuing its efforts to address the risks surrounding this particular segment of pipe and the broader risks associated with the entire Dollar-Edgewater Sewer Line of which this segment is a part. The TCPUD is:

- Proceeding with final design and full permitting of the additional 60-foot repair immediately downstream of the emergency repair area, which work is included in the TRPA Permit. It should be noted that this additional repair is not located on Appellants' property.
- Reevaluating the preliminary design work completed to date on the overall Dollar-Edgewater Sewer Line in light of lessons learned from the pipe failure.
- Developing a scope of work for design and permitting of a shoreline revetment/beach replenishment project that could potentially be developed to cover the pipe.

TCPUD Signature on Application / Property Ownership

The TCPUD is the owner of a sewer line easement (Easement) across the Appellants' property (Exhibit C of Appeal). This Easement is a real property interest in the underlying real property of the Appellants and the TCPUD signed the TRPA Application and Permit as the owner of the Easement and the related sewer line. All work already completed and proposed under the TRPA Permit is allowed by the TCPUD's Easement and is located within the Easement.

Replacement Pipe is Same Size as the Previously Existing Pipe

Throughout the Appeal, Appellants claim that the replacement pipe is larger than the pipe that existed prior to the failure. For example, at the end of Page 3 of the Appeal, Appellants state "It should be noted that the original sewer pipe was a 6" ACP (Asbestos Cement Pipe) and the new pipe is now an 8" apparently iron pipe." These claims are erroneous and not supported with evidence. More importantly, the claims are irrelevant.

They are irrelevant because neither TRPA Code nor TCPUD's Easement preclude the changing of pipe diameter if such action is necessary for the public service the TCPUD provides.

They are erroneous because the existing pipe that failed and the existing pipe that is proposed for future replacement was/is 8" asbestos-cement (AC) pipe with AC pipe couplings. The existing AC pipe has an outside diameter of 9.22 inches. The replacement pipe is 8" ductile iron (DI) pipe with flanged joints. The DI pipe has an outside diameter of 9.05 inches.

While it is possible that, in the hundreds of pages of documents related to this facility, there is a misstatement that the pipe is 6-inch nominal diameter, it is an easily documented fact that the existing AC pipe in the area is and was 8-inch. This is shown on the TCPUD's record drawings (SAD-4 - Sheet 20) and was verified by field measurement during the emergency repair.

Replacement Pipe is at the Same Elevation/Location as the Previously Existing Pipe

The Appellants state on Page 4 of the Appeal that “It is not clear that the pipe is, in fact, at the same elevation/location as the previous pipe...” This statement is erroneous, and no evidence is supplied to support the statement.

The sewer system in question is a gravity sewer system, which is therefore grade (elevation) dependent in order to continue to flow. The replacement pipe connects at either end to existing pipes at the elevation of those connection points and is laid on a straight sloped grade between those two points; approximately 0.35% in this location. The fact that the pipe continues to flow freely (based on television inspection), is evidence that the pipe was replaced along the same vertical profile (elevation) as the previous pipe. A similar straight-line argument is evidence that the pipe was also replaced along the same horizontal alignment (location) as the previous pipe.

No Lake Bottom Material was Removed from the Project Area

Throughout the Appeal, Appellants claim that lakebed (or lake bottom) material was removed from the Project Area. For example, at the top of Page 3, Appellants state “...but without question an enormous amount of lake bottom material has been removed and not replaced – thereby exposing the entire length and girth of the new larger pipe to this day.” and on Page 2, Appellants state “The documents state that approximately 9 cubic yards of material were removed from the lake bottom but not replaced.” They cite only the visibility of the pipe to them as evidence for these claims.

These claims are erroneous and false and a better explanation for the exposure of the pipeline is provided below.

The TCPUD’s TRPA Permit Application actually states (at page 48 of Application package) “That project [the emergency repair] included a temporary disturbance of approximately 9 cubic yards (CY) of lake bottom. The same material was used to backfill the pipe trench.”

Neither the TCPUD, nor any of its agents, removed any lakebed material from the Project Area. As stated in the TRPA Permit application, all dredged material was placed on the shoreward side of the excavated trench and within the turbidity curtain. All material was returned to the trench. In support of this, the following is offered:

- Removal of lakebed material and/or importing of fill material within the high water bounds of Lake Tahoe is illegal and is not allowed by any of the multiple permits required for the proposed repair and completed emergency repair work. This would be a violation of law and our permit obligations. Claims that the TCPUD would do so willfully or unwittingly are unsubstantiated and require much greater evidence than provided.
- It is not in the interest of the TCPUD to remove lakebed material as it would result in an unnecessary cost to the emergency repair work and would further expose the pipe.
- There was never any equipment (bins, containers, etc.) on site that could accommodate the removal of dredged lakebed material nor are there any records of transport of material from the lake or any charges or invoices for such work.

The lake bottom elevation within Lake Tahoe is subject to temporal variations due to typical coastal processes including erosion and deposition. Wave activity, driven by predominant southwesterly winds, cause a continuous transport (offshore, onshore, and drift) of lakebed materials resulting in constant, often imperceptible, variations in lake bottom elevation. TCPUD contends that, in the Project Area, which is south-facing, the lake bottom elevation has been decreasing in the last few years as a result of erosion due to increased lake water levels. During the winter of 2018/19, intense winter storms and associated wave action caused enough lakebed material to be removed from over the pipe

to cause it to become uncovered and lose its confinement. This resulted in an acute failure of the piping system through dislodgment; essentially the pipe joints worked themselves free from back and forth movement of the pipeline. This is evidenced by the intact nature of the pipe pieces discovered lying on the lakebed after the storms.

The TCPUD returned the lake bottom (utilizing the material excavated from the trench) to as near as practical the elevation across the Project Area and within the turbidity curtain as existed at the time of commencing the emergency repair work. This elevation appeared to be very near to the top of the pipe elevation as shown in the attached photo (Attachment A) taken after completion of the repair work and immediately before removal of the turbidity curtain (March 19, 2019, 8:33 AM). This conclusion is consistent with the likely cause of the initial failure - an uncovering of the pipe due to coastal erosion.

The TCPUD complied with law and permit conditions in not removing material nor importing material to the Project Area and returned the lake bottom to its existing condition at the beginning of the emergency repair work. The Easement matter raised by the Appellants related to the TCPUD's responsibility to restore the Easement area is not a TRPA matter nor within its jurisdiction.

A Manhole Rim Elevation was Temporarily Raised above the High-Water Elevation

The Appellants correctly note, in a couple of locations in the Appeal, that a sewer manhole rim elevation was raised during the emergency repair. This was explained in the TCPUD's TRPA Permit application documents. This was done to protect the manhole, emergency bypass operations, and TCPUD personnel from inundation and wave damage. In June 2019, the manhole risers were removed and the manhole rim was restored to its existing elevation.

Boulders were Moved and Imported/Removed for the Emergency Repair

The Appellants correctly note, in a couple of locations in the Appeal, that boulders were moved within the Project Area and additional boulders were imported during the emergency repair. This was explained in the TCPUD's TRPA Permit application documents. This was done to create wave breaks to protect the manhole, emergency bypass operations, and TCPUD personnel from inundation and wave damage. In June 2019, all imported boulders were removed from the lake and all boulders that were moved within the project area were returned to their original positions to the best of our abilities.

The Appellants also correctly note that, during the emergency repair work, a large boulder from the area of the Appellants' shoreline revetment was improperly relocated by construction personnel on-site at the time. This was a mistake and contrary to direction that had been provided by the TCPUD. The TCPUD has already returned the boulder to its original location under the supervision of the Appellants. To the degree this action, the emergency repair work, or lakebed and shoreline erosion has caused damage or did not cause damage to the Appellants' shoreline revetment structure is a personal property matter between the TCPUD and Appellants.

Navigation and Safety Impacts

In their Appeal, Appellants dispute the TRPA shorezone finding that, "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."

In its application, the TCPUD indicated that there would be no impact to navigation, primarily because the pipe was mostly below the adjacent lake bottom surface after completion of the emergency repair and it was hoped overtime it would become fully covered. However, that appears unlikely based on the above discussions. Regardless, the conclusion is the same, the pipe will not adversely impact navigation or safety.

The pipe sits slightly landward of the ordinary low water line and projects above the plane of the adjoining lake bottom to varying degrees depending on the constantly changing lake bottom. The top of the pipe, which is approximately at elevation 6223 feet Lake Tahoe Datum (LTD) within the project area did not change from what had been existing previously. The emergency repair did not change the existing conditions relative to the pipe being an obstruction. Further, navigation within the project area is heavily affected by boulders of varying size and jetties which extend above the pipe top elevation.

Scenic Impacts

In their Appeal, Appellants state that the staff report and the permit itself fail to address the scenic impact of the exposed pipe.

In its application, the TCPUD indicated that the project would not have an impact on scenic resources based on TRPA's scenic thresholds, which were established by TRPA for specific areas that are accessible to the public, as follows:

- 1) Roadway travel routes (scenic resources that are visible from the primary roadways)
- 2) Shoreline (scenic resources that are visible from the Lake, typically, looking from a point 300 feet offshore towards the shoreline)
- 3) Public recreation areas (scenic resources looking in all directions from within those areas)

The TRPA staff report for the project identified that the project site is within Scenic Roadway Unit 16, however, the project is not visible from Scenic Roadway Unit 16, so there is no threshold impact. Further, the staff report identified that the project is within Scenic Shoreline Unit 16, however, since the project is not visible when looking from the Lake at a distance of 300 feet, there is no threshold impact. There is no nearby public recreation area from which the project would be visible, so there is no threshold impact in that category.

It is in the Interest of the TCPUD to Cover the Pipe

In various locations in the Appeal, the Appellants subtly misrepresent communications between the TCPUD and Appellants as it relates to covering the exposed pipe. For example, in the fourth paragraph of Page 2, Appellants state, "TCPUD staff recently stated that they are willing to bury the pipe but claim that the Conditional Permit prohibits them from doing so. (See Email Exhibit D)"

It should be noted that Mr. Homolka's email does not use the word "bury" as the pipe has been buried to the current lake bottom profile. It instead refers to "fill" within the lake and "covering" the pipe. As discussed above, the TCPUD contends that it has returned the Project Area to its original elevation/condition prior to commencing the emergency repair work. To add material over the pipe would require importing of fill material or the dredging of lakebed material from elsewhere within the lake and placing it over the pipe. These actions are prohibited by all the permits for the emergency repair. The TCPUD has explained this to Appellants and has explained that if it were allowed to do so, the TCPUD would, but that, in all likelihood, it would subsequently erode away as the beach has progressively done over many years.

Staff have been clear that it is in the TCPUD's interest to actually place a revetment over the pipe consisting of larger materials that would not move due to wave action or other shorezone processes. Appellants have stated that they would be opposed to that and would fight it strongly.

Please let us know if you need any further information or have any questions regarding this Response or any related matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Homolka".

Matt Homolka, P.E.
Assistant General Manager/District Engineer

Enclosures – Attachment A

C: Sean Barclay/General Manager-TCPUD
Steve Gross/General Counsel-TCPUD

Attachment A



March 19, 2019 8:33 am

Attachment D

August 14, 2020 Floum/O'Donnell Reply to TCPUD Response

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**TAHOE REGIONAL PLANNING AGENCY
APPELLANTS REPLY MEMORANDUM**

PERMITTEE: Tahoe City Public Utility District

COUNTY/LOCATION: Placer, 3328 & 3320 Edgewater Drive

APN: 093-094-041, 093-094-042 (530-301-00)

TRPA FILE # ERSP2019-0514

APPELLANTS: Joshua R. Floum and Margaret R. O'Donnell
3328 Edgewater Drive, Tahoe City CA
APN: 093-094-041

DATE: August 14, 2020

I. INTRODUCTION

Appellant property owners, Joshua R. Floum and Margaret R. O'Donnell ("Appellants") submit this Reply Memorandum in order to address a number of misstatements contained in the TCPUD's Response to Appellants' Statement of Appeal, to present new information previously not available to them and to apprise the TRPA of current conditions on Appellants' property.

Specifically, because TCPUD failed to inform or even properly identify Appellants as the property owners on any of its permit applications, Appellants did not have access to the TCPUD permitting documents at the time they filed their Statement of Appeal in this matter.¹ Having

¹ This failure also put the TRPA Staff at a disadvantage because they were not given complete information regarding the true condition of the TCPUD repairs, among other things, before issuing their findings and recommendations issued on December 19, 2019 (the "Staff Report").

now obtained most of the relevant TCPUD applications and permits, Appellants have learned that all of these documents actually required the TCPUD to restore the lakebed and bury the replacement sewer pipe – neither of which it has done. In addition, Appellants now are experiencing a substantial collapse of their revetment creating an emergency situation due to the TCPUD’s wrongful misappropriation of supporting boulders from Appellants retaining wall during the repair as well as its failure to restore the 13.5 tons (9 cubic meters) of material dredged from the lakebed as required by its own plans and permit applications.

Despite the TCPUD’s attempt to portray its response to the pipe breakage and its communications with Appellants as diligent and thorough, the truth of the matter is that the TCPUD was negligent in many respects including:

1. Failing to respond to either of Appellants’ initial or follow-up reports of the broken TCPUD sewer pipe for over a week, leading to the needless spilling of thousands of gallons of raw sewage onto Appellants property and into Lake Tahoe and consequently delaying the repair of the sewer pipe due to winter storms;
2. Cutting off water and sewer service to Appellants’ home for six weeks during the heart of ski season in contravention of TCPUD’s assurances to the Army Corps of Engineers and the California Department of Fish and Wildlife that “All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work;”
3. Wrongfully misappropriating huge keystone and other important boulders from Appellants revetment/retaining wall resulting in a significant collapse of that revetment, denying it before admitting it, and then failing to properly perform the repair work on the wall which has resulted in an ongoing failure of that wall which has created a current dangerous condition on Appellants’ property; and
4. Failing to complete its sewer line repairs in conformance with its own plans as submitted to the TRPA, and as approved by the US Army Corps of Engineers (“ACOE”), California Department of Fish and Wildlife (“CDFW”) and the Lahontan Regional Water Quality Board (“LRWQCB”).

As a result of these failings and the TCPUD’s insistence that it either has no obligation or no authority to rebury the sewer pipe, Appellants have filed this appeal in order to seek assurance that the replaced sewer line as well as any new sewer line installed under the Conditional Permit will be properly and completely re-buried in accordance with the TCPUD plans, its government permits and its sewer line easement, all of which require that the lakebed be restored.

II. TCPUD DID NOT PERFORM THE SEWER REPLACEMENT IN ACCORDANCE WITH ITS OWN PLANS OR PERMITS

A. The TCPUD Permit Applications and Government Permits All Require That The Lakebed Be Restored And The Replacement Pipe Buried

In March 2019, after they had already filed their original Statement of Appeal, Appellants finally received copies of the various permit applications and/or permits submitted or received by TCPUD – including the permit application submitted to the TRPA. These newly received documents make clear that TCPUD was required to restore the lakebed and bury the new pipe.

For example, both the TCPUD’s ACOE Permit Application submitted on 2/5/2019, and their California Department of Fish and Wildlife Lake Or Streambed Alteration Program Notification Of Emergency Work submitted on 2/6/2019 state that: “Materials displaced for trench excavation of the pipe will be temporarily stored on the lake bed adjacent to the trench and within the sediment curtain. . . . ***The excavated material will be used to restore the trench and will be feathered/smoothed to match the adjacent lake bed.***” See Exhibits A and B attached hereto (emphasis added). Although Appellants never received the TCPUD’s LRWQCB permit application, the actual LRWQCB permit expressly requires that: “***Excavated lakebed material will be used to fill in the trench and smoothed to match surrounding lakebed contours.***” See Exhibit C attached hereto (emphasis added).

Moreover, the TCPUD’s ACOE Notice of Intent, (attached hereto as Exhibit D) its permit application to the TRPA (attached hereto as Exhibit E), and its CDFW permit application all include plans and cross-sections prepared by Auerbach Engineering Corporation which show the replacement pipe buried under the lakebed. See Exhibits A, B, D and E. Plan Sheet C1, Profile and Sheet CD1 Construction Detail, Detail 1 and Detail 2 all show the replacement pipe located well below the lakebed for both the 78 feet of the sewer pipe crossing Appellants’ property and the same for the additional 60 feet to be replaced to the west. These plans were also attached as Exhibit C to the December 19, 2019 TRPA Staff report recommending approval of the Conditional Permit. This explains why the TRPA Staff was operating under the mistaken understanding that the area was restored to its prior condition and that the “**sewer lateral sits beneath the lake substrate, in other words it’s buried.**” TRPA Staff Report Special Findings (g) and (h).

Additionally, for some reason, unlike the permits issued by the ACOE, the CDFW and the LRWQCB, the TRPA’s Conditional Permit appears to require restoration of the lakebed in connection with the prospective work on Appellants’ neighboring property but does not appear to include language requiring restoration of the lakebed in connection with the retroactive permitting of the work on Appellants’ property. Perhaps this is because the TRPA was under the impression that the new pipe was, in fact, buried. However, because this is not the true condition of the replaced sewer pipe, the Conditional Permit should be amended to require that TCPUD complete its work in accordance with the plans submitted in support of its TRPA permit application, which shows the new sewer pipe buried well below a restored lakebed.

B. TCPUD Failed To Restore The Lakebed And Bury The New Sewer Pipe

In its Response, TCPUD disingenuously contends that it “has returned the Project Area to its original elevation/condition prior to commencing the emergency repair work” (Response p. 5). However, by its own arguments, among other things, the TCPUD demonstrates that it **did not** return the Project Area to its original elevation/condition.

For example, in its Response, TCPUD emphatically argues that the iron replacement pipe is exactly the same size and was installed at precisely the same height as the prior ACP sewer pipe. Assuming those statements to be true, however, they only serve to demonstrate the obvious fact that the TCPUD failed to restore the lakebed as required because prior to its repair the ACP pipe was completely buried and invisible while now, as is apparent from the photograph below taken shortly after completion of the repairs, the new sewer pipe is almost completely exposed

above the lakebed and visible from Appellants' entire property including their home which sits at street level, as well as from Appellants' neighbors' homes and from the lake itself.



Appellants' Beach on 11/5/2015 Showing Sewer Pipe Completely Buried



Exposed Replacement Pipe Photographed on 3/31/2019 – Twelve Days After Completion

In its Response, the TCPUD tries to claim that it “returned the lake bottom (utilizing the material excavated from the trench) to as near as practical the elevation across the Project Area and within the turbidity curtain as existed at the time of commencing the emergency repair work.” This elevation appeared to be very near to the top of the pipe elevation as shown in the attached photo (Attachment A) taken after completion of the repair work and immediately before removal of the turbidity curtain (March 19, 2019, 8:33 AM).” (Response, p. 6, Attachment A).

However, this claim is false and the narrow view photo attached to the Response is misleading as it shows only a slice of the far westerly side of the pipe on Appellants’ property toward the easterly side of Appellants’ neighboring property where the upcoming repairs have yet to be undertaken. This fact is evidenced by the rocks visible in the lake behind the pipe and can be seen in the photo below taken in June 2019 which shows the same small buried area only on the far right with the majority of the pipe exposed in the lakebed. This can be seen in photo below taken in June 2019 which shows the pipe partially buried only on the far right side.



Moreover, the TCPUD itself already has admitted to Appellants that it failed to cover the trench or the pipe as required. As set forth in Appellants’ opening papers, on March 19, 2019 Kim Boyd, Senior Management Analyst for TCPUD sent an email to Appellant Joshua Floum upon the completion of the work. She states:

“As you are likely already aware, the sewer line repair work was completed over the weekend, and the by-pass has been dismantled. However, we did want you to be aware that *we were not able to completely backfill material over the entire length of the pipe.* As

discussed last week, we will let the lake and wave action settle and stabilize the material in the shore zone around the pipe, and in the coming months we will further assess the pipe's exposure."

See Appellants' Statement of Appeal dated 2/7/2020 Exhibit G (emphasis added).

When Mr. Floum then inquired why the pipe had not been covered, Ms. Boyd deferred the response to Tony Laliotis, Director of Utilities, who on March 20, 2019 states that "backfilling the pipe was a blind operation" and said they could not work due to an impending storm. He further replied: "We have had some good wind and wave action since then and we are hopeful that mother nature does a better job of evenly distributing the disturbed material. We will revisit the site when things calm down to see how it looks." *Id.* However, despite filing an inaccurate Notice of Completion to the Army Corps of Engineers signed under penalty of law on 3/25/2019, (the "NOC") and attached hereto as Exhibit F, the TCPUD did nothing more about the matter until June 2019 when Appellants returned to their property to discover that area was in exactly the same unfinished condition as it was left in March.

To be perfectly clear, although the TCPUD now tries to claim otherwise, the 9 cubic yards or **13.5 tons** of excavated trench material obviously was not used to restore the trench or feathered/smoothed to match the adjacent lakebed as represented to and required by the ACOE, the CDFW, the LRWQCB and the plans submitted to the TRPA. This fact can be plainly seen from a photo included in the TCPUD's Notice of Completion. In the photo identified as Figure 13 on Page 9 of the NOC, as shown below, one can see the pipe plainly sitting in the excavated trench well below the existing lake level and yet, in the photo on page 5 above, taken by Appellants on March 31, 2019, the entire pipe can be seen exposed sitting above the lake bed. Similarly in the photo below taken on 1/20/2020, the pipe remains fully exposed with the lakebed now essentially at the bottom of the trench.



Figure 13, TCPUD NOC to Army Corps of Engineers – Replacement Pipe in Trench



Exposed Sewer Pipe 1/20/2020

Further, as is evident from their own written communications, both Ms. Boyd and Mr. Laliotis understood that the plans required the new pipe to be covered. TCPUD's contractor demobilized and left the site due to the weather and although the representation was made that TCPUD would return to address the specific issue of covering over the pipe, no one did. They then sought to obtain a retroactive permit for this incomplete work without even notifying Appellants or identifying them as the owners of the property on which the work was performed.

By neglecting to restore the lakebed and bury the pipe, the TCPUD did not complete the project in accordance with its Army Corps of Engineers, California Department of Fish and Wildlife and Lahontan Regional Water Quality Control Board permits nor in accordance with the plans the TCPUD itself submitted in support of its TRPA permit application which is the subject of this appeal.

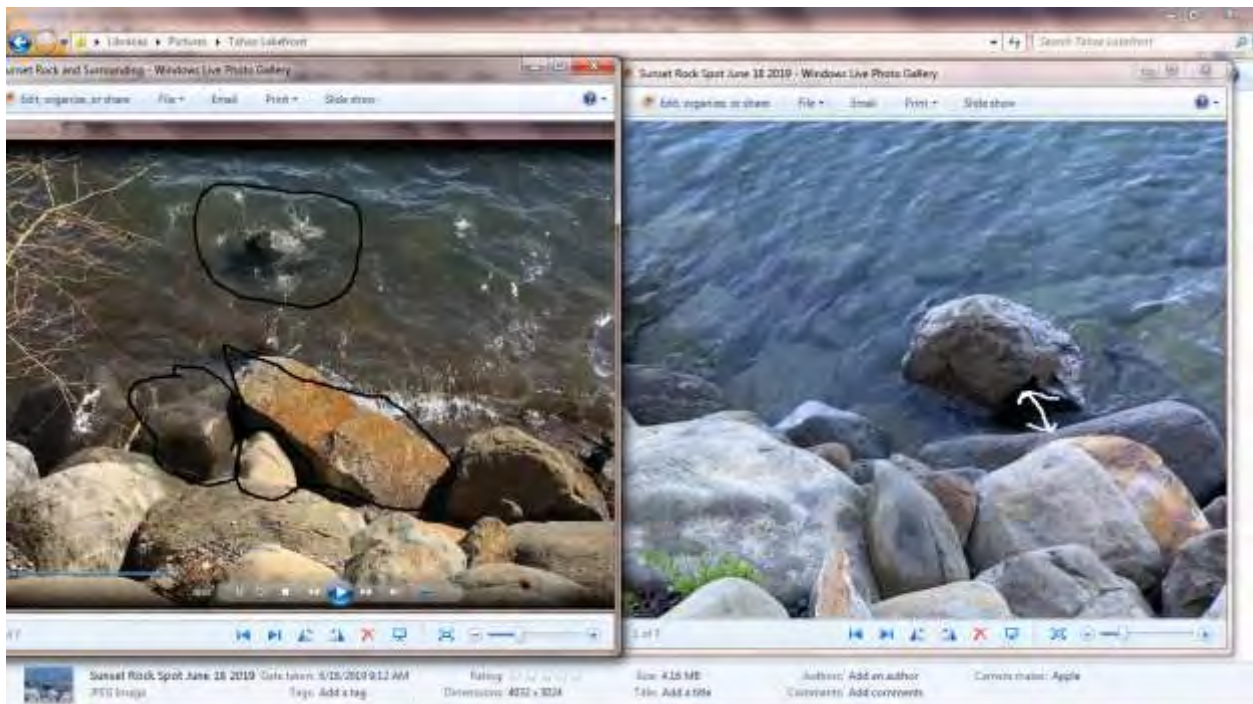
III. TCPUD DAMAGED APPELLANTS' REVETMENT

In the same way that TCPUD refused to acknowledge that Appellants had notified TCPUD of the damaged sewer pipe and no action was taken by TCPUD for a week while sewage entered Lake Tahoe, TCPUD also initially refused to acknowledge that during the work its contractor had removed rocks from Appellants' rock retaining wall and steps at the edge of

the lake. In its Response, TCPUD admits that rocks were wrongfully removed from Appellants' wall but argues that the "damage to the Appellants' shoreline revetment structure is a personal property matter between the TCPUD and Appellants." (Response, p. 4).

This is not entirely true. While TCPUD's action certainly give rise to civil claim for trespass and the like, the movement of material within the lake is absolutely governed by the TRPA Conditional Permit. For example, Paragraphs 15 and 16 of the Conditional Permit prohibit the removal of rock, boulders and other material outside the dredging limits of the project. (Conditional Permit, pp. 6-7). Therefore, the TCPUD's removal of boulders from Appellants' retaining wall violates the terms of the Conditional Permit and the TRPA has the authority to "rescind (its) approval or take any other appropriate action." (Conditional Permit, p. 7, Special Condition 17). In this case, it is perfectly appropriate for the TRPA to include reconstruction of this retaining wall in the Conditional Permit.

As can be seen in the side by side comparison of a screen grab from a video taken on 4/18/17 and a photo of the rocks taken on June 18, 2019, four circled rocks (including the large rectangular keystone boulder Appellants referred to as "sunset rock") were moved and the notched rock has collapsed significantly away from the rest of the wall.



Despite initially denying it, TCPUD now admits that its contractor wrongfully removed these boulders from Appellants' revetment. In June 2019, TCPUD, presumably under authority of its emergency permit, arranged for remediation of Appellants' revetment and steps including the return of an enormous rectangular rock to Appellants' property. Unfortunately the TCPUD contractor did an inadequate job in bolstering the revetment and that, along with TCPUD's failure to restore the lakebed to its prior condition, have caused Appellants' revetment and steps to suffer additional damage from collapse. The situation has, in fact, become extremely dangerous and recently a giant boulder located above the keystone fell from the wall and would

have severely injured someone had it not been stopped by a light fixture where it hangs precariously to this day.

Appellants simply ask that their property be restored to its condition prior to the TCPUD sewer repair. Therefore, in addition to expressly requiring TCPUD to restore the lake bottom, Appellants additionally request that the permit include an authorization and requirement that Appellants revetment also be restored. This issue should have been addressed in connection with the TCPUD sewer pipe work and is certainly required by the terms of the Easement.

IV. TCPUD STATES NO REASON WHY IT SHOULD NOT BE REQUIRED TO RESTORE THE LAKEBED AND REBURY THE SEWER PIPE

TCPUD's argument that burying the pipe and restoring the lakebed is somehow prohibited by its permits because it would require further dredging does not make sense. All the permits issued by the ACOE, CDFW, the LRWCB and even the TRPA Conditional Permit in its present form allow for dredging in connection with both the retroactive sewer work as well as the proposed continued sewer work. The TRPA Conditional Permit expressly states that:

*“This permit shall expire upon completion of the dredging. **Completion of the dredging shall be defined as dredged material placed back over the repaired pipe . . .**”* (Conditional Permit, paragraph 5, page 6, emphasis added).

Since obviously TCPUD did not place the dredged material over the repaired pipe on Appellants' property, the completion of dredging as defined under the Conditional Permit has not yet occurred and for the work to be undertaken on the neighboring property, the commencement of dredging has not yet even occurred.²

The ACOE, CDFW and LRWCB permits likewise *require* the restoration of the lakebed and the return of dredged material over the pipe. TCPUD did not give Appellants copies of any permit applications to those entities for dredging on the neighboring property but presumably it intends to obtain them. To the extent that TCPUD feels there is any ambiguity regarding its ability to use newly dredged materials to recover the materials not previously restored and rebury the exposed pipe on Appellants' property it can simply file supplemental applications.

² While it appears that TCPUD did return some dredged materials over part of the pipe on the western portion of Appellants' property, the bulk of the dredged material seems likely to have been washed away when the turbidity curtain was removed on or about February 7 due to bad weather. At that time, TCPUD already had dredged the trench for the first time and stored that dredged material shoreward of that removed curtain. Due to continued bad weather, work did not recommence for over a month until approximately March 13, 2019 when the turbidity curtain was reinstalled and the area was retrenched. Undoubtedly at that point all previously dredged materials had been washed away by the storms. Under these circumstances additional dredging in order to recover lost material in order to properly restore the lakebed would be appropriate.

V. RELIEF REQUESTED

Based on the foregoing and for all of the reasons set out in the Statement of Appeal, this Reply Memorandum and the supporting exhibits, Appellants respectfully request that the TRPA amend the permit to the extent necessary to make clear that TCPUD is required to follow the plans and to restore the lakebed and bury the pipe. Additionally, Appellants request that the permit authorize and require the restoration of Appellants' revetment and steps at the lake's edge which are collapsing and currently present a dangerous condition on their property.

It is important to note that there will be no separate contractor mobilization costs incurred by TCPUD to correct their prior work so that it conforms to the permit, since similar work is contemplated by the permit for the additional 60 foot segment immediately to the west and the same TCPUD contractor with the same equipment can perform both scopes of work.

Dated: August 14, 2020

ROGERS JOSEPH O'DONNELL



ALAN J. WILHELMY
JON-ERIK W. MAGNUS
Attorneys for Appellants
Joshua Floum
Margaret O'Donnell

U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
 33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -
 OMB No. 0710-0003
 Expires: 01-08-2018*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Sean Middle - Christop Last - Barclay Company - Tahoe City Public Utility District - General Manager E-mail Address - sbarclay@tcpud.org			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Tony Middle - Constant Last - Laliotis Company - Tahoe City Public Utility District - Dir. of Utilities E-mail Address - tlaliotis@tcpud.org		
6. APPLICANT'S ADDRESS: Address- 221 Fairway Drive City - Tahoe City State - Ca Zip - 96145 Country - USA			9. AGENT'S ADDRESS: Address- 221 Fairway Drive City - Tahoe City State - Ca Zip - 96145 Country - USA		
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 775-223-8757 530-580-6051 530-583-1475			10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 530-550-1886 530-580-6053 530-583-1475		

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Tony Laliotis to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.



 SIGNATURE OF APPLICANT 2/5/19

 DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Dollar Point - Edgewater Emergency Sewer Repair	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Lake Tahoe	14. PROJECT STREET ADDRESS (if applicable) Address 3328 Edgewater Drive City - Tahoe City State- Ca Zip- 96145
15. LOCATION OF PROJECT Latitude: °N 39deg, 11' 06" Longitude: °W 120deg, 05'56"	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID near Apn:093-094-41/42 Municipality Placer County / Tahoe City Public Utility District Section - S1/2, 33 Township - 16N Range - 17E	

17. DIRECTIONS TO THE SITE

From Tahoe City -

Head 2.9 miles Northeast on State Hwy 28 (E/N Lake Blvd), turn right onto Dollar Drive, turn right onto Observation Drive (194 ft.), turn left onto Edgewater Drive (0.6 mi.), turn left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr.

From Kings Beach (Intersection of Hwy 267/28)-

Head 6.3 miles West on State Hwy 28 (W/N Lake Blvd), turn left onto Dollar Drive, turn right onto Observation Drive (194 ft.), turn left onto Edgewater Drive (0.6 mi.), turn left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr.

18. Nature of Activity (Description of project, include all features)

See attached Block 18 Description

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The Tahoe City Public Utility District (TCPUD) must immediately commence emergency repairs/replacement of approximately 40 to 60 feet of 8-inch plastic lined ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe.

On January 30, 2019, TCPUD staff discovered a failure in the Dollar – Edgewater sewer collection main running along the shoreline below Edgewater Drive in the Dollar Point community of Lake Tahoe. Staff witnessed four separated lengths of 8-inch ACP pipe lying exposed on the lake bed below approximately 4 feet of water. Upon further investigation staff witnessed the adjacent upstream sewer manhole contained standing water that had equalized with the surrounding Lake Tahoe water surface. Construction activities are anticipated to begin Wed, Feb. 6, 2019 and be complete Friday, Feb. 15, 2019 (weather permitting), and sediment curtain to remain in place until cleared (est. 1 week)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

no removal of material is anticipated for the repair.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres Surface area of Lake Tahoe is estimated to be 122,200 acres (USGS Website - 191 sq. miles)

or

Linear Feet 75 miles shoreline (USGS Website)

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Repair work will include a sediment curtain around the work area and be maintained after completion of work until such time as the water within the work area has been cleared for removal. No compensatory mitigation should be required due to the nature of the utility failure resulting from a severe storm event and the proposed protection and containment of the work area described.

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

The existing system has been manually isolated and by-passed. (as of Feb. 1, 2019)

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Please see attached sheet

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-


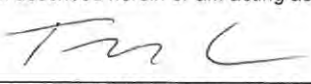
City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
TRPA	Expedited Review		1/31/2019		
Lahontan	NOI		2/5/2019		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

BLOCK 18
NATURE OF ACTIVITY

Description of Project:

The existing sanitary sewer has been isolated, sealed, and by-passed. The by-pass is currently manned by TCPUD staff 24 hours a day, seven days a week, and will be maintained as such until the replacement sewer pipe has been tested and approved for use. The by-pass is located along the drainage easement adjacent to the eastern property line of 3328 Edgewater Drive and will be discharged into the Districts' sanitary sewer collection main along Edgewater Drive. All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work. The District also has backup equipment including vehicle Vactor's onsite should the by-pass pumps and backup pumps fail, and has contacted member utility agencies in North and South Lake Tahoe for mutual assistance backup if needed.

The dislodged section of sewer pipe will be replaced along the same horizontal and vertical alignment and of the same pipe diameter. The replacement pipe will be 8-inch ductile iron pipe rather than the original ACP pipe material, and will be joined with mechanical or restrained fittings. The replacement pipe will be anchored in place by steel pipe pile-driven beneath the sewer pipe and fastened (saddle and bolts).

Site access for the contractor (Ginsburg and Sons, Inc.) will be primarily lake (water) access using a floating barge, LARK, and additional water craft (as needed). This equipment is currently very near the project site working on a separate unaffiliated permitted project. Additional foot access to the area will be along the drainage swale located along the eastern property line of 3328 Edgewater Drive. This drainage easement is not accessible to vehicle (tracked or wheeled) equipment.

Prior to any construction activities, the contractor will install a sediment curtain that will surround and contain the work area. The curtain is 150 LF in length and 5 ft. in depth. The base of the curtain contains an integrated anchor chain sleeved throughout its length (1lb/ft) that will rest on and follow the contours of the lake bed. The District owns several turbidity meters and regularly measures turbidity as part of its ongoing operations and will monitor turbidity throughout the construction and after until such time as the work area has been approved for removal of the sediment curtain. Samples for turbidity testing will be taken immediately outside of the turbidity curtain and 100-ft up-wind (background sample) of the worksite. The District understands that the water quality objective for turbidity is not to cause an increase of over 10% of the background sampling and will strive and adjust protections as needed to maintain this objective.

Upon completion of the installation of the sediment curtain, 4-inch steel pipe (7 ft in length) will be pile driven into the lake bed directly below the flowline of the sewer pipe. Flat steel plates will be welded to the top of the 4-inch pipe prior to installation. Fabrication of the piles and steel plates will be performed offsite at the contractor's facility. Any additional onsite modifications required for installation will be performed and contained on and within the floating barge used for this construction.

The replacement ductile iron pipe will be fitted/joined together above the water surface on the contractor's barge and then lowered into place. Saddles will be installed along the replacement pipe and fastened onto the pre-fabricated welded bolts of the steel plates. Saddles will also straddle

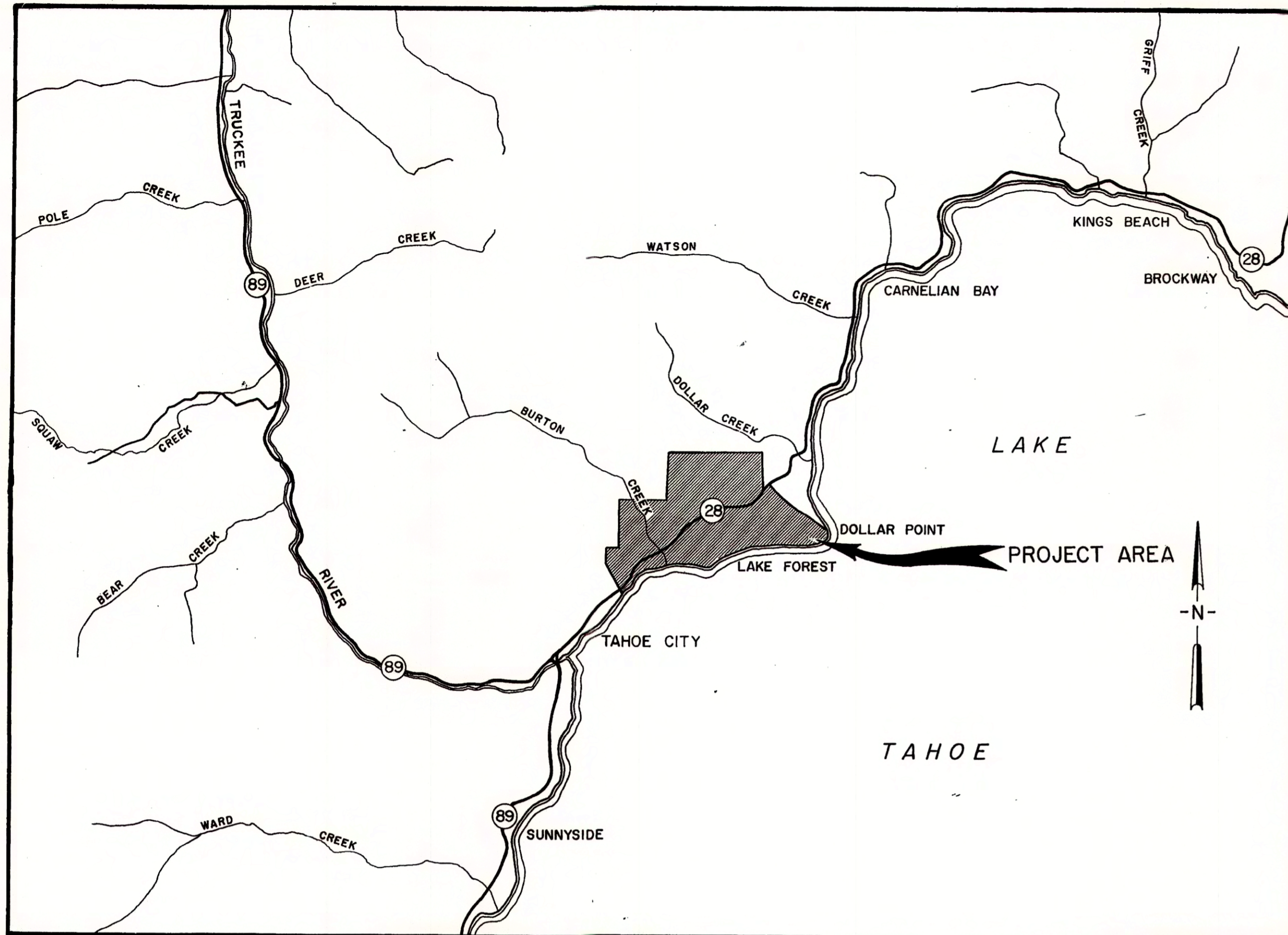
the connection points to the existing intact ACP sewer to provide additional support and restraint. Following installation and fastening of the replacement pipe, it will be pressure tested per code requirements and confirmed that it is completely sealed.

Materials displaced for trench excavation of the pipe will be temporarily stored on the lake bed adjacent to the trench and within the sediment curtain. Trench excavation will be to the original alignment and is estimated to range in depth from 12-30 inches. The trench limits is estimated to be 60-ft in length and 18-24 inches in width. The excavated material will be used to restore the trench and will be feathered/smoothed to match the adjacent lake bed. There is no import or export proposed or anticipated for this work.

The attached original cover sheet and plan and profile shows the site location, area of the sewer failure, and the horizontal and vertical alignment. A cross-section of the proposed anchoring system is also included.

Block 25

APN	Street Address	Name	Mailing Address	City	State	Zip
093-094-007	3290 EDGEWATER DR	LAURENCE & KIM AKIN	32 HESKETH DRIVE	MENLO PARK	CA	94025
093-094-008	3300 EDGEWATER DR	JOHN WARD	122 WOODLAND ROAD	KENTFIELD	CA	94904
093-094-009	3310 EDGEWATER DR	ROBERT ERNST	4500 VIEJO RD	CARMEL	CA	93923-9437
093-094-013	3338 EDGEWATER DR	LATTA 1990 FAMILY TRUST	1270 COUNTRY CLUBE DR	LOS ALTOS	CA	94024
093-094-037	3280 EDGEWATER DR	JAMES & KIMBERLY RICHARDSON	1525 ESCONDIDO WAY	BELMONT	CA	94002
093-094-038	3334 EDGEWATER DR	MARC & DEBORAH METCALF	PO BOX 6855	TAHOE CITY	CA	96145-6588
093-094-039	3340 EDGEWATER DR	LAURA & THOMAS ROSCH	255 E FOSTER PLACE	LAKE FOREST	IL	60045
093-094-041	3328 EDGEWATER DR	JOSHUA FLOUM MARGARET O'DONNELL	323 SEYMOUR LANE	MILL VALLEY	CA	94941
093-094-042	3320 EDGEWATER DR	PAUL FULTON	5739 149TH AVENUE	BELLEVUE	WA	98006



LOCATION MAP
SCALE IN MILES
0 1 2

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR
SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

WENDELL RUSSELL	PRESIDENT
WILLIAM F. BECHDOLT	DIRECTOR
DAN HAUSERMAN	DIRECTOR
MARTIN H. SPITSEN	DIRECTOR
ROBERT POMIN	DIRECTOR
WM. B. LAYTON, JR.	TREAS.-MGR.

SUBMITTED: Stanley J. Spalding
STANLEY J. SPALDING, C.E. #14,928

APPROVED: W. B. Layton, Jr.
WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: _____
JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL
SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA.

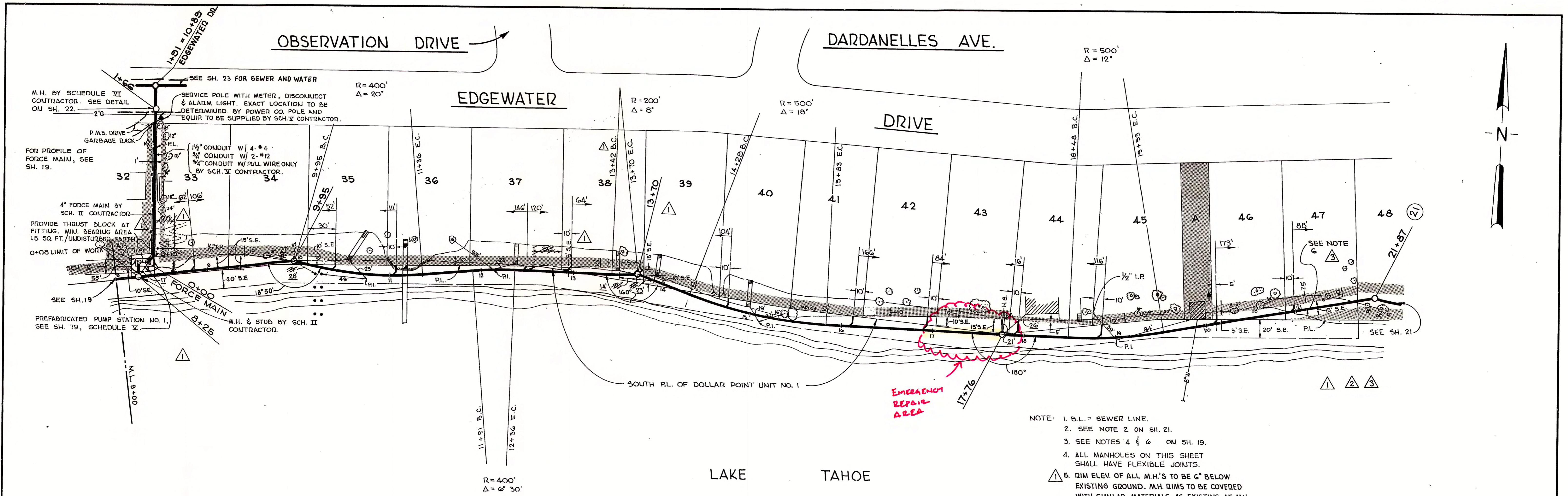
REVISION	DATE	DESCRIPTION	BY	APPD.

SUBMITTED
Stanley J. Spalding
APPROVED

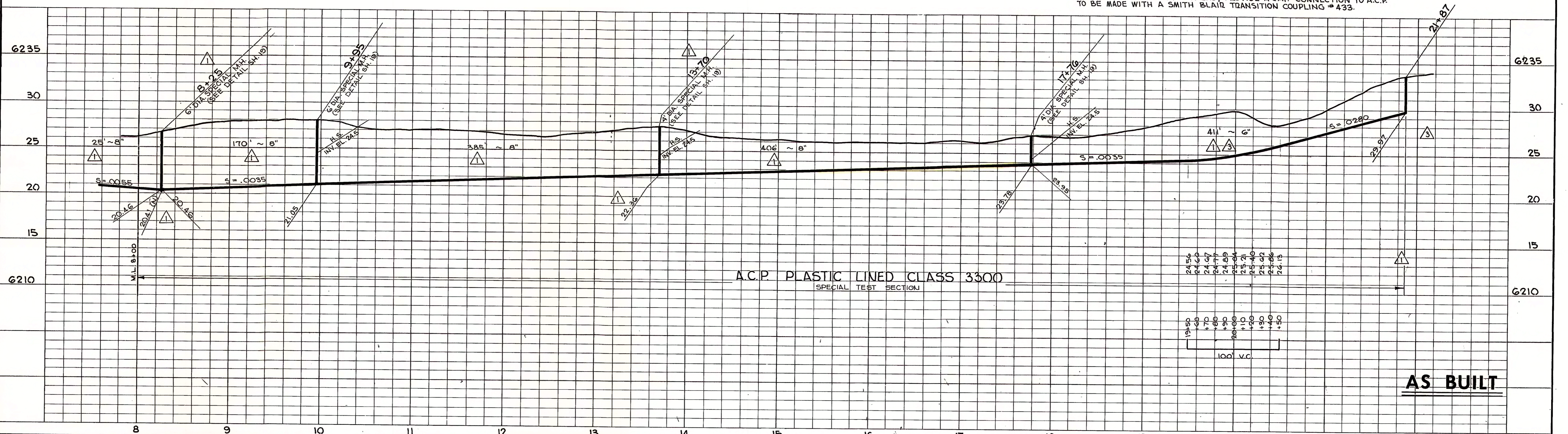
TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
INDEX AND LOCATION MAP

DATE: MAY 1967	SHEET NO. 1
CHKD: S.J.S.	DRWN: R.N.E.
OF 79	

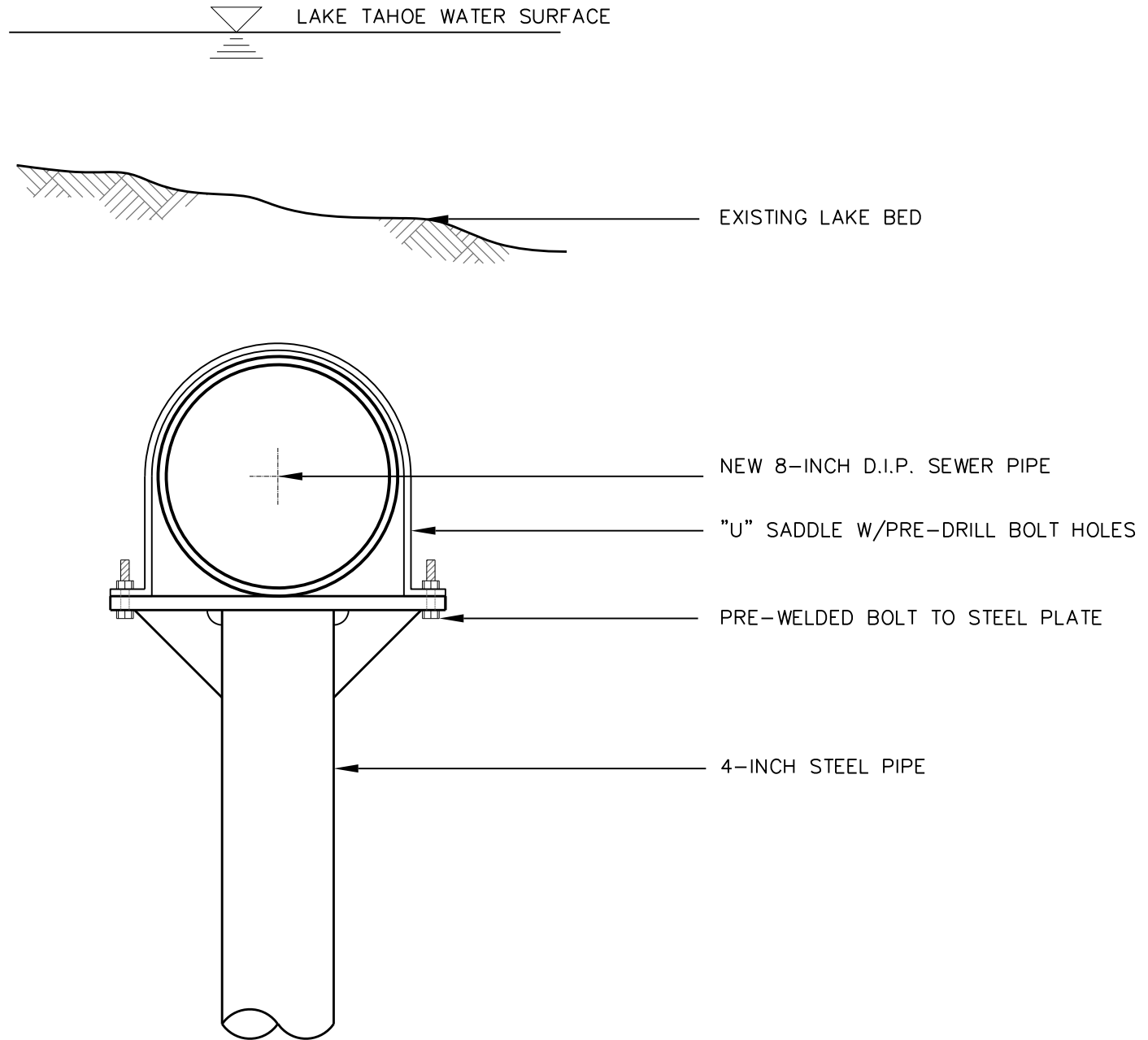
U4-1



SCH. II & V



4-20-68	ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+00. NOTE C ADDED.	D.C.L.	S.J.S.
10-9-67	ALIGNMENT CHANGE BETWEEN STA. 19+97 & 21+00.	R.C.L.	S.J.S.
8-			



PROPOSED SEWER REPLACEMENT CROSS SECTION

FOR DEPARTMENT USE ONLY	
Date Received	Notification Number



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
LAKE OR STREAMBED ALTERATION PROGRAM
NOTIFICATION OF EMERGENCY WORK



Complete EACH field and attach additional pages if necessary.

1. PERSON, BUSINESS, OR AGENCY RESPONSIBLE FOR EMERGENCY WORK

<i>If the emergency work is being conducted by a business, agency, or utility, please include the name of your designated representative.</i>			
Name	Tony Laliotis / Jon LeRoy		
Business/Agency	Tahoe City Public Utility District		
Street Address	221 Fairway Drive		
City, State, Zip	Tahoe City, Calif. 96145		
Telephone	530-580-6053 Tony/ 580-6336 Jon	Fax	530-583-1475
Email	tlaliotis@tcpud.org / jleroy@tcpud.org		

2. LOCATION OF EMERGENCY WORK

<i>Address or description of project location. (Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)</i>				
<p>From Tahoe City - Head 2.9 miles Northeast on State Hwy 28 (E/N Lake Blvd), turn right onto Dollar Drive, turn right onto Observation Drive (194 ft.), turn left onto Edgewater Drive (0.6 mi.), turn left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr. From Kings Beach (Intersection of Hwy 267/28)-Head 6.3 miles West on State Hwy 28 (WIN Lake Blvd), turn left onto Dollar Drive, turn right onto Observation Drive (194 ft.), turn left onto Edgewater Drive (0.6 mi.), turn left onto Edgewater Drive (486 ft.), project is on the shoreline below 3328/3320 Edgewater Dr.</p>				
<input type="checkbox"/> Continued on additional page(s)				
River, stream, or lake affected by project	Lake Tahoe (North Shore)			
What water body is the river, stream, or lake tributary to?	Truckee River			
Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
	<input type="checkbox"/> Unknown			
County	Placer County			
USGS 7.5 Minute Quad Map Name	Township	Range	Section	Section
Kings Beach Quadrangle (CA/NV)	T.16N	R.17E	33	Por. S.1/2 Sec.33
<input type="checkbox"/> Continued on additional page(s)				
Meridian (check one)	<input type="checkbox"/> Humboldt <input checked="" type="checkbox"/> Mt. Diablo <input type="checkbox"/> San Bernardino			

NOTIFICATION OF EMERGENCY WORK

2. LOCATION OF EMERGENCY WORK continued

Assessor's Parcel Number(s)			
Shoreline adjacent to APN's: 093-094-041 & 093-094-042			
<input type="checkbox"/> Continued on additional page(s)			
Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes.)			
Latitude/Longitude	Latitude: 39-deg 11' 06" North	Longitude: 120-deg 05' 56" West	
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds	<input type="checkbox"/> Decimal Degrees	<input type="checkbox"/> Decimal Minutes
UTM	Easting:	Northing:	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27	<input checked="" type="checkbox"/> NAD 83 or WGS 84

3. NATURE OF EMERGENCY WORK

Date emergency began or was first discovered	January 30, 2019
Date emergency work began	January 30, 2019 (Sewer by-pass installed)
Date emergency work was or will be completed	Est. February 15, 2019 (Weather permitting)
Briefly describe the type of emergency (e.g., flooding or earth movement).	
The Tahoe City Public Utility District (TCPUD) must immediately commence emergency repairs/replacement of approximately 40 to 60 feet of 8-inch plastic lined ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe.	
Identify the type of property affected by the emergency by marking the appropriate boxes below.	
<input type="checkbox"/> Bridge, culvert, or other water crossing <input type="checkbox"/> Dwelling or other building <input type="checkbox"/> Levee or other bank protection <input type="checkbox"/> Road <input type="checkbox"/> Farmland <input checked="" type="checkbox"/> Utility <input type="checkbox"/> Other (describe): _____	
Describe the emergency work.	
<p>On January 30, 2019, TCPUD staff discovered a failure in the Dollar – Edgewater sewer collection main running along the shoreline below Edgewater Drive in the Dollar Point community of Lake Tahoe. Staff witnessed four separated lengths of 8-inch ACP pipe lying exposed on the lake bed below approximately 4 feet of water. Upon further investigation staff witnessed the adjacent upstream sewer manhole contained standing water that had equalized with the surrounding Lake Tahoe water surface.</p> <p>Based on downstream sewer pump station data, TCPUD staff estimates that the failure occurred on Jan. 5th during a storm event. The cause of the failure is unknown but we believe that it was likely caused by storm wave action. No alarms were received from the downstream sewer pump station. Upon discovery and investigation of the failure, District staff found the remaining exposed ends of the intact sewer pipes were plugged with lakebed sediment. This self-plugging likely allowed the sewer pump station to continue pumping without reaching high level alarm status. Actual sanitary sewer discharge quantities are not know at this time.</p> <p>Following discovery TCPUD staff manually sealed/plugged the in-place sewer system and began a temporary (pumped) by-pass. The temporary by-pass began operating at approximately 11 pm on Jan. 30, 2019.</p>	
<input checked="" type="checkbox"/> Continued on additional page(s)	

NOTIFICATION OF EMERGENCY WORK

3. NATURE OF EMERGENCY WORK continued

Briefly describe the dimensions (e.g., length and width) of the area or areas affected by the emergency and the work area.

Please see attached description

Continued on additional page(s)

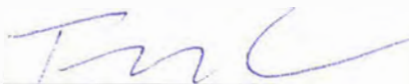
Describe any work you intend to complete after the emergency to restore the affected area.

Please see attached description

Continued on additional page(s)

4. SIGNATURE

I hereby certify that to the best of my knowledge the information in this emergency notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the person, business, or agency responsible for the emergency work. *I understand that if the Department does not receive this emergency notification within 14 days after the emergency work begins, or the work did not constitute emergency work, I and/or the person, business, or agency responsible for the emergency work may be subject to criminal or civil prosecution.*



Signature of Applicant or Applicant's Authorized Representative

2-6-19

Date

Tony Laliotis

Print Name

STATE OF CALIFORNIA – DEPARTMENT OF FISH AND WILDLIFE

LAKE OR STREAMBED ALTERATION PROGRAM

NOTIFICATION OF EMERGENCY WORK

DESCRIPTION

Tahoe City Public Utility District – Emergency Sewer Repair

February 6, 2019

The existing sanitary sewer has been isolated, sealed, and by-passed. The by-pass is currently manned by District staff 24 hours a day, seven days a week, and will be maintained as such until the replacement sewer pipe has been tested and approved for use. The by-pass is located along the drainage easement adjacent to the eastern property line of 3328 Edgewater Drive and will be discharged into the Districts' sanitary sewer collection main along Edgewater Drive. All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work. The District also has backup equipment including vehicle Vactor's onsite should the by-pass pumps and backup pumps fail, and has contacted member utility agencies in North and South Lake Tahoe for mutual assistance backup if needed.

The dislodged section of sewer pipe will be replaced along the same horizontal and vertical alignment and of the same pipe diameter. The replacement pipe will be 8-inch ductile iron pipe rather than the original ACP pipe material, and will be joined with mechanical or restrained fittings. The replacement pipe will be anchored in place by steel pipe pile-driven beneath the sewer pipe and fastened (saddle and bolts).

Site access for the contractor (Ginsburg and Sons, Inc.) will be primarily lake (water) access using a floating barge, LARK, and additional water craft (as needed). This equipment is currently very near the project site working on a separate unaffiliated permitted project. Additional foot access to the area will be along the drainage swale located along the eastern property line of 3328 Edgewater Drive. This drainage easement is not accessible to vehicle (tracked or wheeled) equipment.

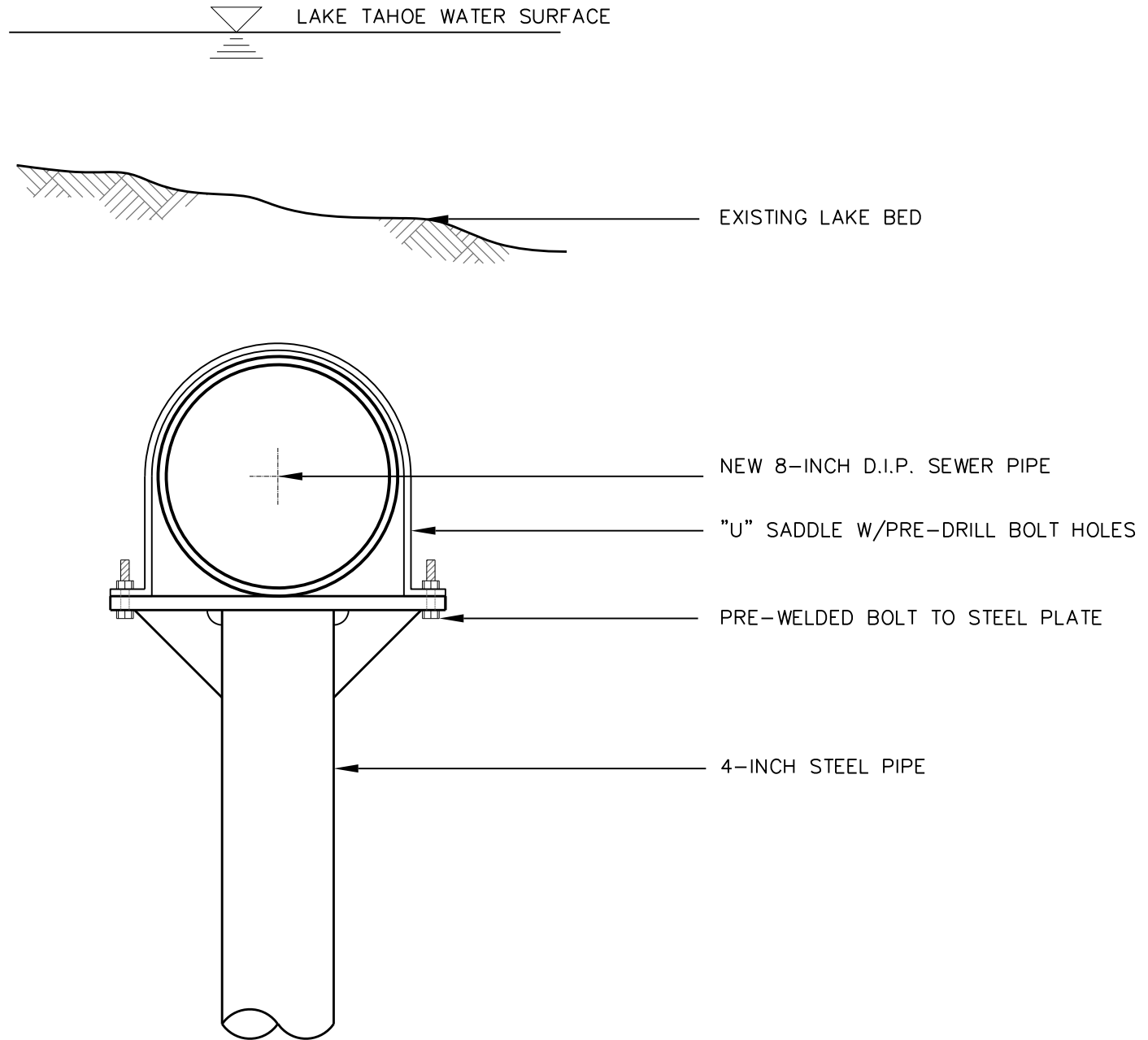
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Upon completion of the installation of the sediment curtain, 4-inch steel pipe (7 ft in length) will be pile driven into the lake bed directly below the flowline of the sewer pipe. Flat steel plates will be welded to the top of the 4-inch pipe prior to installation. Fabrication of the piles and steel plates will be performed offsite at the contractor's facility. Any additional onsite modifications required for installation will be performed and contained on and within the floating barge used for this construction.

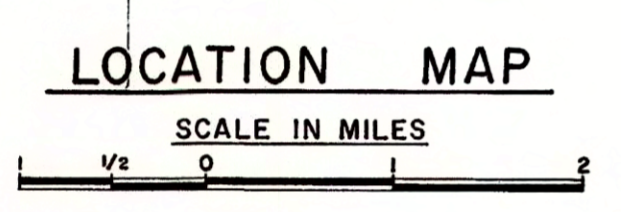
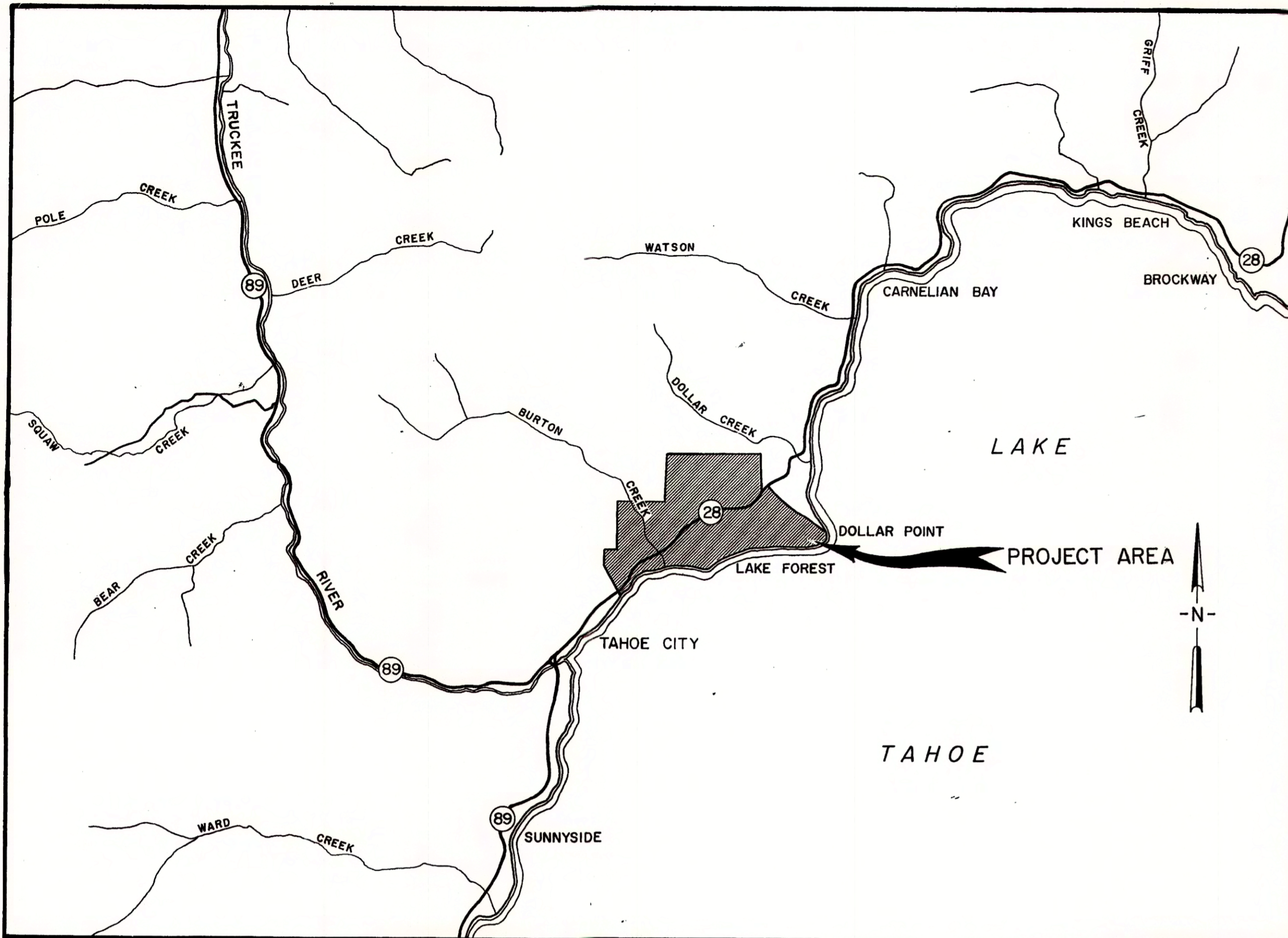
The replacement ductile iron pipe will be fitted/joined together above the water surface on the contractor's barge and then lowered into place. Saddles will be installed along the replacement pipe and fastened onto the pre-fabricated welded bolts of the steel plates. Saddles will also straddle the connection points to the existing intact ACP sewer to provide additional support and restraint. Following installation and fastening of the replacement pipe, it will be pressure tested per code requirements and confirmed that it is completely sealed.

Materials displaced for trench excavation of the pipe will be temporarily stored on the lake bed adjacent to the trench and within the sediment curtain. Trench excavation will be to the original alignment and is estimated to range in depth from 12-30 inches. The trench limits is estimated to be 60-ft in length and 18-24 inches in width. The excavated material will be used to restore the trench and will be feathered/smoothed to match the adjacent lake bed. There is no import or export proposed or anticipated for this work.

The attached original cover sheet and plan and profile shows the site location, area of the sewer failure, and the horizontal and vertical alignment. A cross-section of the proposed anchoring system is also included.



PROPOSED SEWER REPLACEMENT CROSS SECTION



TAHOE CITY PUBLIC UTILITY DISTRICT
 TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR

SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

WENDELL RUSSELL	PRESIDENT
WILLIAM F. BECHDOLT	DIRECTOR
DAN HAUSERMAN	DIRECTOR
MARTIN H. SPITSEN	DIRECTOR
ROBERT POMIN	DIRECTOR
WM. B. LAYTON, JR.	TREAS.-MGR.

SUBMITTED: Stanley J. Spalding
 STANLEY J. SPALDING, C.E. #14,928

APPROVED: W. B. Layton, Jr.
 WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: _____
 JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL
 SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA.

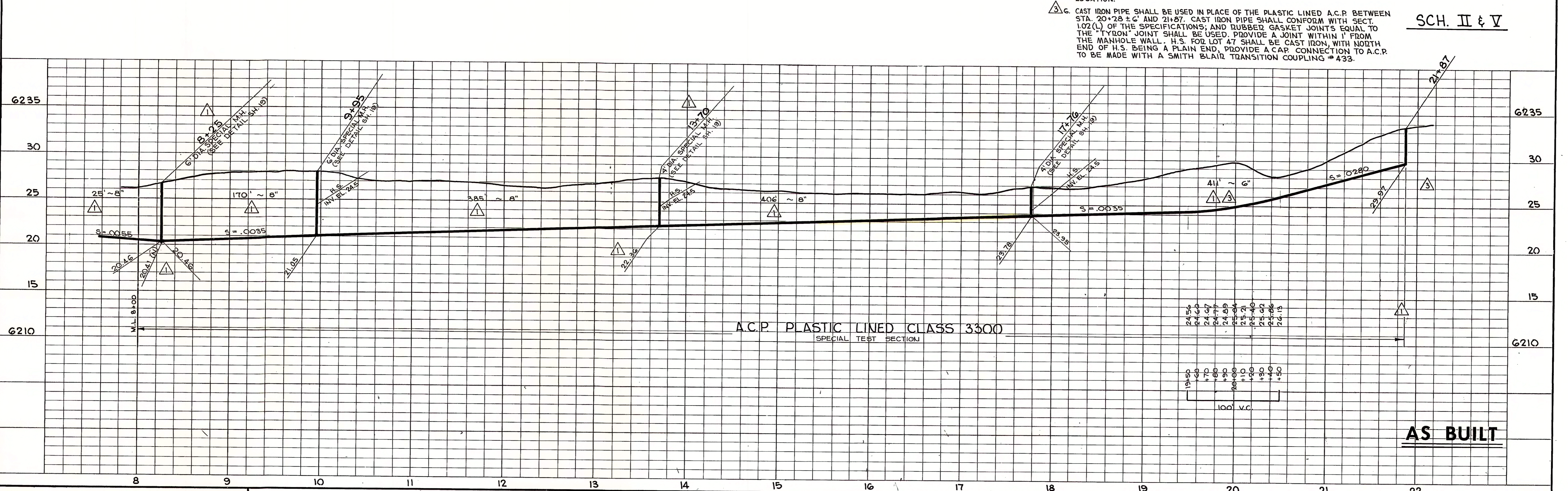
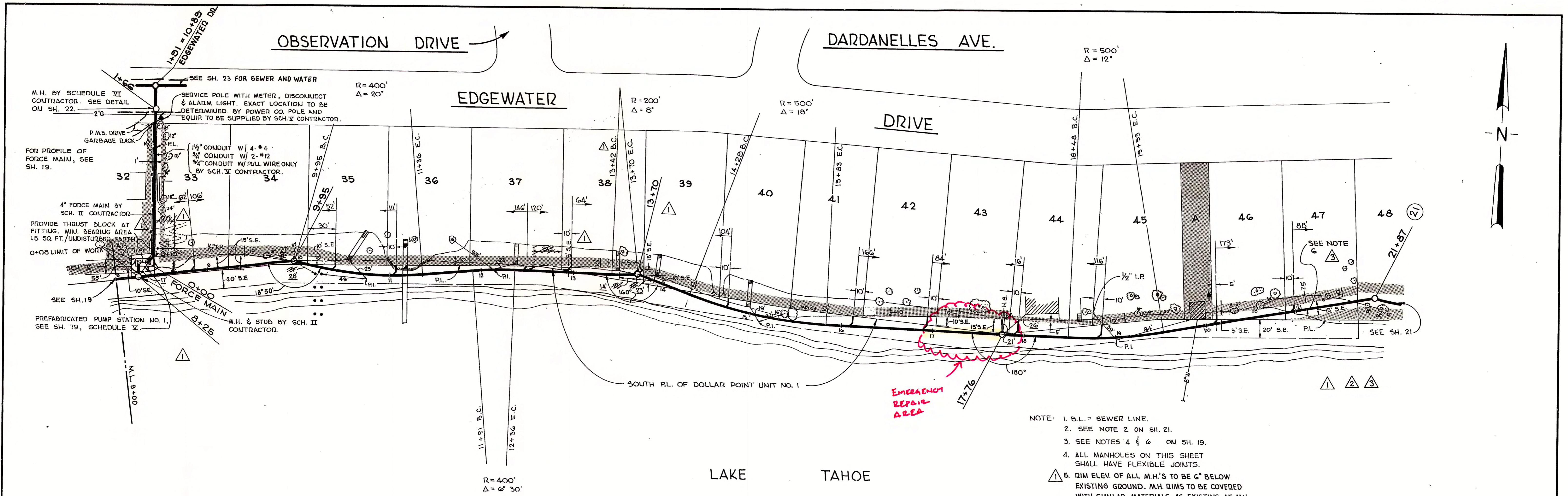
REVISION	DATE	DESCRIPTION	BY	APPD.

SUBMITTED
Stanley J. Spalding
 APPROVED

TAHOE CITY PUBLIC UTILITY DISTRICT
 TAHOE CITY, CALIFORNIA
 SEWER ASSESSMENT DISTRICT NO. 4
 INDEX AND LOCATION MAP

DATE: MAY 1967	SHEET NO. 1
CHKD: S.J.S.	DRWN: R.N.E.
OF 79	

U4-1



REVISION	DATE	DESCRIPTION	BY	APPD.
4-20-68		ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+00. NOTE C ADDED.	D.C.L.	S.J.S.
10-9-67		ALIGNMENT CHANGE BETWEEN STA. 19+97 & 21+00. PUMP STATION & FORCE MAIN MOVED.	R.C.L.	S.J.S.
8-2-67		ALIGNMENT CHANGE AT STA. 13+70 & BETWEEN STA. 20+20 & 21+00.	R.J.A.	S.J.S.

DEWANTE AND STOWELL
 SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA

DATE: MAY 1967

SCALE: HORIZONTAL 1" = 50', VERTICAL 1" = 5'

DRAWN: R.D.G.
 CHECKED: S.J.S.

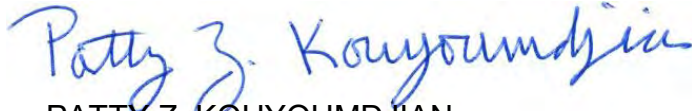
SUBMITTED: *Stanley J. Spalding*
 APPROVED:

TAHOE CITY PUBLIC UTILITY DISTRICT
 TAHOE CITY, CALIFORNIA
 SEWER ASSESSMENT DISTRICT NO. 4
LATERAL A

SHEET NO. 20 OF 79

Lahontan Regional Water Quality Control Board

TO: Water Board Members


FROM: PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: February 28, 2019

**SUBJECT: EXEMPTION TO WASTE DISCHARGE PROHIBITION FOR
DISCHARGE OF WASTE TO SURFACE WATERS OF THE LAKE
TAHOE HYDROLOGIC UNIT FOR EMERGENCY SEWER REPAIR
PROJECT, PLACER COUNTY**

I have signed the enclosed Notice of Applicability granting an exemption to the above-cited waste discharge prohibition specified in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The exemption will allow the project proponent, Tahoe City Public Utility District, to replace a dislodged sewer pipe below the bed of Lake Tahoe. The project meets the requirements for an exemption to the discharge prohibition. Due to the emergency nature of the project, a public notice soliciting comments on the proposed project will not be posted on the Water Board's website.

Please contact me at (530) 542-5414 (Patty.Kouyoumdjian@waterboards.ca.gov), or Liz van Diepen, Engineering Geologist, at (530) 542-5492 (Elizabeth.vanDiepen@waterboards.ca.gov), if you have any questions or comments regarding this matter.

Enclosure: Notice of Applicability

cc: Tony Laliotis, Tahoe City Public Utility District
Jon LeRoy, Tahoe City Public Utility District
Matt Miller, Tahoe Regional Planning Agency
Shannon Friedman, Tahoe Regional Planning Agency
Joe Morgan, US EPA
Elizabeth Payne, State Water Board
Jennifer Thomason, United States Army Corps of Engineers
Patrick Moeszinger, California Department of Fish and Wildlife
Liz van Diepen, Lahontan Water Board

EvD/ma/T: Board Notice_Emergency Sewer Repair
File Under: ECM / 6A311902001

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

Lahontan Regional Water Quality Control Board

February 28, 2019

WDID 6A311902001

Tony Laliotis, Director of Utilities
Tahoe City Public Utility District
221 Fairway Drive
Tahoe City, CA 96145

Notice of Applicability: Water Quality Order No. 2018-0025-EXEC Clean Water Act Section 401 Water Quality Certification and Order for the Tahoe City Public Utility District Emergency Sewer Repair Project, Placer County

On February 5, 2019, the Tahoe City Public Utility District (Applicant), filed a Notice of Intent (NOI) with \$1,638 filing fee requesting coverage for the Emergency Sewer Project (Project) from the Lahontan Regional Water Quality Control Board (Lahontan Water Board) under the October 9, 2018, State Water Resources Control Board (State Water Board) Water Quality Order No. 2018-0025-EXEC Clean Water Act Section 401 Water Quality Certification and Order. This State Water Board Order certifies the United States Army Corps of Engineers (USACE) Regional General Permit 8 for Repair and Protection Activities in Emergency Situations (General Certification Order).

The purpose of the Project is to repair and replace approximately 60 feet of sanitary sewer collection pipe that has failed and become dislodged from the bed of Lake Tahoe. Although a sewer bypass has been established to halt flow into Lake Tahoe, a permanent solution is necessary to reduce the risk of further discharge. The Lahontan Water Board will be granting an exemption to applicable waste discharge prohibitions and waiving the 10-day public notice requirement due to the emergency nature of the Project. After review of the NOI and the supplemental material submitted by the Applicant, the Lahontan Water Board has determined that the Project qualifies for enrollment under the General Certification Order.

The Lahontan Water Board is issuing this Project Notice of Applicability for USACE Regional General Permit 8, Repair and Protection Activities in Emergency Situations, subject to the conditions and the requirements described in the General Certification Order. This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

PROJECT LOCATION

The Project is located at 3328 Edgewater Drive in Tahoe City. Latitude: 39.1850, Longitude: -120.0989

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

APPROXIMATE TIMEFRAME OF PROJECT IMPLEMENTATION

Project implementation is planned to take three to four days, starting on February 6, 2019.

PROJECT DESCRIPTION

The dislodged 60-foot section of eight-inch asbestos-cement sewer pipe will be replaced along its previous alignment with eight-inch ductile iron pipe. All work within surface waters will be conducted from a floating barge and other watercraft. Prior to construction activities, a turbidity curtain will be installed to prevent suspended sediment from leaving the work area. Anchors will be pile driven into the lakebed to secure the replacement sewer pipe. Impacts to the bed of Lake Tahoe involve excavating down to the depth of the original alignment and pile driving anchors. Anticipated trenching will be 12 to 30 inches deep, 18 to 24 inches wide, and 60 feet long. Excavated lakebed material will be used to fill in the trench and smoothed to match surrounding lakebed contours. The Project will not involve the import of fill nor export of lakebed material.

CEQA COMPLIANCE

The Lahontan Water Board has determined that this Project is exempt from the California Environmental Quality Act (CEQA; Public Resources Code sections 21000, et seq.). In accordance with Section 15269, the basis for CEQA exemption is "Emergency Projects." A Notice of Exemption (enclosed) will be filed with the State Clearinghouse concurrently with issuing this Notice of Applicability.

Lahontan Water Board staff concurs with the Applicant that replacement of the damaged and dislodged pipe is time sensitive, and emergency response is necessary to maintain essential services.

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITIONS

The Lahontan Water Board has adopted a Water Quality Control Plan (Basin Plan), which, in Chapter 5.2, specifies the following waste discharge prohibition:

- 1. The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited.*

Project-related activities involve the discharge of sediment to land below the highwater rim of Lake Tahoe.

EXEMPTION CRITERIA AND FINDINGS

The Water Board recognizes that emergency projects may require the discharge of waste to water as part of actions to address the emergency. Due to the exigencies of the emergency situation, normal (10-day) public noticing and Water Board action on granting prohibition exemptions may not be possible. For waste discharged as a result of emergency projects, exemptions to all prohibitions contained in this Basin Plan may

be granted by the Water Board's Executive Officer for emergency repairs to publicly or privately-owned service facilities necessary to maintain service essential to public health, safety or welfare. Exemptions to all waste discharge prohibitions for emergency projects may be granted when the Executive Officer finds that a specific project meets all of the following criteria:

- a. *There is no feasible alternative to the project that would comply with the Basin Plan prohibitions.*

Replacement of the damaged sewer pipe is the only feasible alternative that eliminates the current threat of further discharge and maintains essential sewer services.

- b. *All applicable control and mitigation measures that are practicable have been incorporated to minimize potential adverse impacts to water quality and beneficial uses.*

Potential adverse impacts to water quality will be temporary and limited in duration and extent. There will be no net fill nor export of material. Temporary impacts will be mitigated through the installation of a turbidity curtain to contain any suspended sediment resulting from trenching activities.

EXEMPTION GRANTED

Resolution No. R6T-2015-0038 delegates to the Executive Officer the authority to grant an exemption to Basin Plan waste discharge prohibitions when the Basin Plan exemption conditions are met. As demonstrated, above, the Project meets the conditions in the Basin Plan for granting an exemption. There will be no 10-day public notice required due to the findings regarding the emergency nature of the Project. The Project is hereby granted an exemption to the above-referenced waste discharge prohibition.

GENERAL INFORMATION

1. The General Certification Order can be found on the State Water Resources Control Board's website at:
https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf
2. The Project must proceed in accordance with the information provided in the Notice of Intent submitted by the Applicant, and the requirements contained in this Notice of Applicability and General Certification Order. Coverage under the General Certification Order is no longer valid if the Project is modified.

The Water Board has an electronic filing system. **Please send all future communications regarding your project to Lahontan@waterboards.ca.gov, and include the Project/Facility Name, General Certification Order and Waste Discharge Identification (WDID) numbers in the transmittal email subject line.** Your General Certification Order and WDID numbers are noted above in the subject line.

We look forward to working with you in your efforts to protect water quality. Please contact me at (530) 542-5414 (Patty.Kouyoumdjian@waterboards.ca.gov), Liz van Diepen, Engineering Geologist, at (530) 542-5492 (Elizabeth.vanDiepen@waterboards.ca.gov), or Rob Tucker, Senior Water Resource Control Engineer, at (530) 542-5467 (Robert.Tucker@waterboards.ca.gov), if you have any questions or comments regarding this permit.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: CEQA Notice of Exemption

cc: Jon LeRoy, Tahoe City Public Utility District
Matt Miller, Tahoe Regional Planning Agency
Shannon Friedman, Tahoe Regional Planning Agency
Joe Morgan, United States Environmental Protection Agency
Elizabeth Payne, State Water Board, Division of Water Quality
Jennifer Thomason, United States Army Corps of Engineers
Patrick Moeszinger, California Department of Fish and Wildlife
Trevor Miller, Lahontan Water Board
Liz van Diepen, Lahontan Water Board

EvD/ma/T: 2018-0025-EXEC_Emergency Sewer Repair Project NOA_WDID No 6A311902001
File Under: ECM / 6A311902001

Notice of Exemption

To: Office of Planning and Research
PO Box 3044
1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Project Title: Emergency Sewer Repair Project

Project Location - Specific: 3328 Edgewater Drive

Project Location – City: Tahoe City **Project Location - County:** Placer

Description of Project: Replacement of a dislodged sewer pipe

Name of Public Agency Approving Project: Lahontan Regional Water Quality Control Board,

Name of Person or Agency Carrying Out Project: Tahoe City Public Utility District

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 15269(b));
- Categorical Exemption.
- Statutory Exemptions.

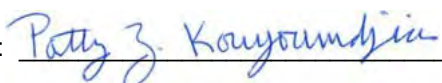
Reasons why project is exempt:

The RWQCB, Lahontan Region finds that this project, as permitted, will not have a significant effect on the environment and shall, therefore, be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15269(b), Emergency Project.

Responsible Agency Contact Person: Liz van Diepen **Area Code/Telephone/Extension:** (530) 542-5492

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 02-28-2019 Title: Executive Officer, Lahontan Region

- Signed by Responsible Agency
- Signed by Applicant

Date received for filing at
OPR: _____

**NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

PROPERTY OWNER		
Name: Tahoe City Public Utility District	Phone Number: 530-583-3796	
Mailing Address: 221 Fairway Drive (or P.O. Box 5249)		
City: Tahoe City	State: Ca	ZIP Code: 96145
Contact Person: Tony Laliotis / Jon LeRoy	E-Mail: tlaliotis@tcpud.org / jleroy@tcpud.org	
PROSPECTIVE ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any): 3328 Edgewater Drive		
Nearest Cross Street(s): Observation Drive or Dardanelles Ave		
County: Placer County	Total size of project site (acres): 120 SF	
Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)		
DMS: N. Latitude	Deg. <u>39</u>	Min. <u>11</u> Sec. <u>06</u>
W. Longitude	Deg. <u>120</u>	Min. <u>05</u> Sec. <u>56</u>
DD: N. Latitude	_____	
W. Longitude	_____	
Map Attached:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Photos Attached:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

DISCHARGE INFORMATION	
Names of Receiving Water(s):	
Lake Tahoe	
Receiving Water Types:	
<input checked="" type="checkbox"/> Lake/Reservoir	<input type="checkbox"/> Riparian Area
<input type="checkbox"/> Ocean/Estuary/Bay	<input type="checkbox"/> Vernal Pool
<input type="checkbox"/> River/Streambed	<input type="checkbox"/> Wetland
Emergency Project Description:	
Emergency repair/replacement of approximately 40 to 60 feet of 8-inch ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe. The system has been manually plugged and a temporary by-pass has been installed. The temporary system and by-pass creates risk of discharge through the winter.	

**NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

Proposed Solution to Emergency:
Please see attached description
Erosion and Sediment Control Measures Proposed:
A sediment curtain will surround the work area and remain in place until turbidity levels have reached required levels and authorization to remove has been given.
Description of how Emergency Definition is Satisfied: (i.e., unexpected; potential loss of life or property)
The existing pipe failed as a result of a severe weather event. Repairs will restore the active sewer facility and protect exposure to sanitary sewer.
Which of these criteria does the project satisfy? (Check all that apply)
<input type="checkbox"/> Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code. <input checked="" type="checkbox"/> Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. <input type="checkbox"/> Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term. <input type="checkbox"/> Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide. <input type="checkbox"/> Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.

**NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the estimated discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	Temporary Impact			Permanent Impact		
	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Lake/Reservoir	120 sf	8-9 CY	60 LF			
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 8 will be complied with."

Signature of Discharger 	Title TCPUD - Director of Utilities
Printed or Typed Name Tony Laliotis	Date 2-5-19

NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

Tahoe City Public Utility District – Emergency Sewer Repair

February 5, 2019

Proposed Solution to Emergency:

The existing sanitary sewer has been isolated, sealed, and by-passed. The by-pass is currently manned by District staff 24 hours a day, seven days a week, and will be maintained as such until the replacement sewer pipe has been tested and approved for use. The by-pass is located along the drainage easement adjacent to the eastern property line of 3328 Edgewater Drive and will be discharged into the Districts' sanitary sewer collection main along Edgewater Drive. All properties affected by the sewer repair are and will remain in service via the by-pass until completion of the work. The District also has backup equipment including vehicle Vactor's onsite should the by-pass pumps and backup pumps fail, and has contacted member utility agencies in North and South Lake Tahoe for mutual assistance backup if needed.

The dislodged section of sewer pipe will be replaced along the same horizontal and vertical alignment and of the same pipe diameter. The replacement pipe will be 8-inch ductile iron pipe rather than the original ACP pipe material, and will be joined with mechanical or restrained fittings. The replacement pipe will be anchored in place by steel pipe pile-driven beneath the sewer pipe and fastened (saddle and bolts).

Site access for the contractor (Ginsburg and Sons, Inc.) will be primarily lake (water) access using a floating barge, LARK, and additional water craft (as needed). This equipment is currently very near the project site working on a separate unaffiliated permitted project. Additional foot access to the area will be along the drainage swale located along the eastern property line of 3328 Edgewater Drive. This drainage easement is not accessible to vehicle (tracked or wheeled) equipment.

Prior to any construction activities, the contractor will install a sediment curtain that will surround and contain the work area. The curtain is 150 LF in length and 5 ft. in depth. The base of the curtain contains an integrated anchor chain sleeved throughout its length (1lb/ft.) that will follow the contours of the lake bed. The District owns several turbidity meters and regularly measures turbidity as part of its ongoing operations and will monitor turbidity throughout the construction and after until such time as the work area has been approved for removal of the sediment curtain. Samples for turbidity testing will be taken immediately outside of the turbidity curtain and 100-ft up-wind (background sample) of the worksite. The District understands that the water quality objective for turbidity is not to cause an increase of over 10% of the background sampling and will strive and adjust protections as needed to maintain this objective.

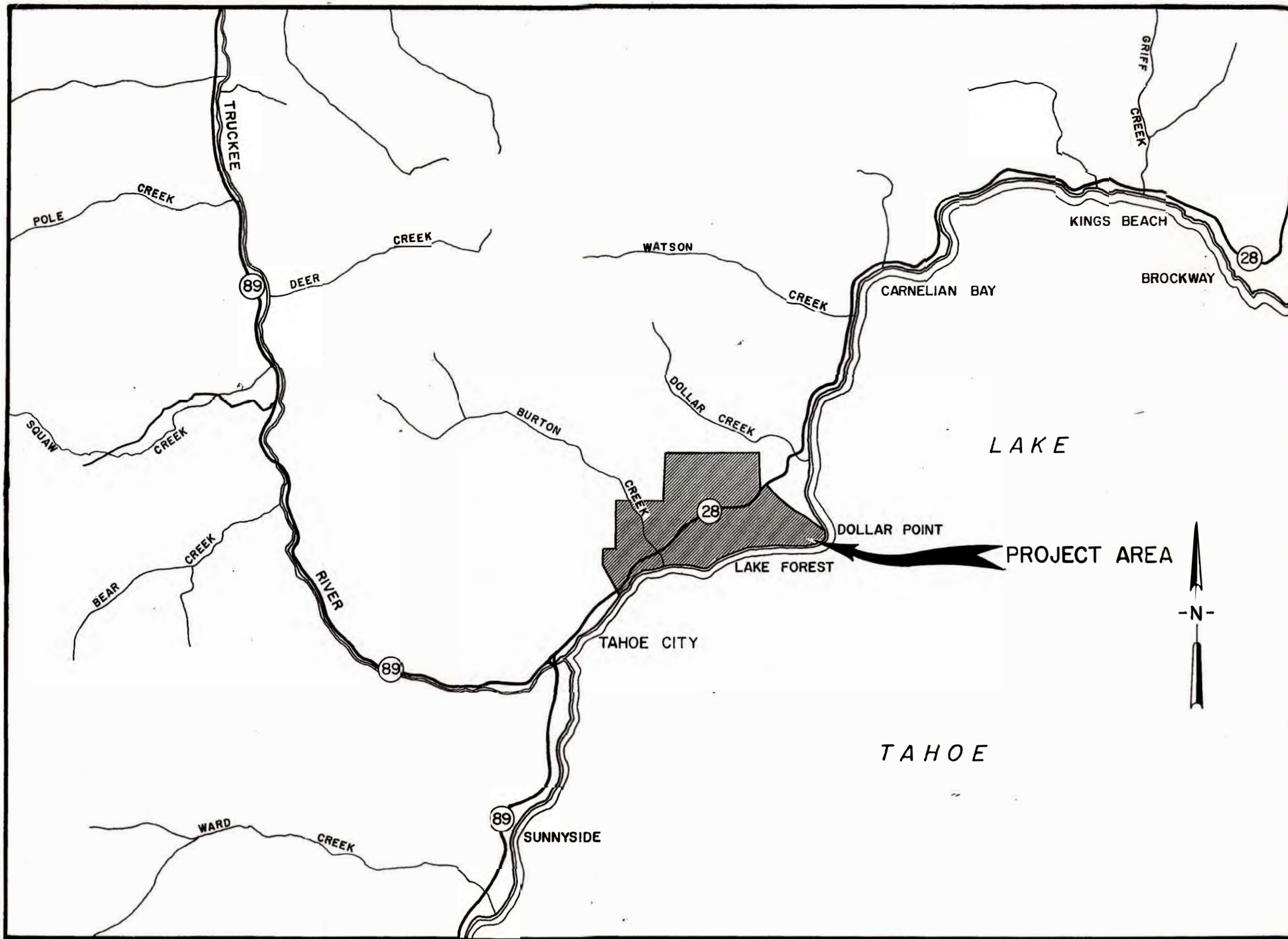
Upon completion of the installation of the sediment curtain, 4-inch steel pipe (7 ft in length) will be pile driven into the lake bed directly below the flowline of the sewer pipe. Flat steel plates will be welded to the top of the 4-inch pipe prior to installation. Fabrication of the piles and steel plates will be performed offsite at the contractor's facility. Any additional onsite modifications required for installation will be performed and contained on and within the floating barge used for this construction.

The replacement ductile iron pipe will be fitted/joined together above the water surface on the contractor's barge and then lowered into place. Saddles will be installed along the replacement pipe and fastened onto the pre-fabricated welded bolts of the steel plates. Saddles will also straddle

the connection points to the existing intact ACP sewer to provide additional support and restraint. Following installation and fastening of the replacement pipe, it will be pressure tested per code requirements and confirmed that it is completely sealed.

Materials displaced for trench excavation of the pipe will be temporarily stored on the lake bed adjacent to the trench and within the sediment curtain. Trench excavation will be to the original alignment and is estimated to range in depth from 12-30 inches. The trench limits is estimated to be 60-ft in length and 18-24 inches in width. The excavated material will be used to restore the trench and will be feathered/smoothed to match the adjacent lake bed. There is no import or export proposed or anticipated for this work.

The attached original cover sheet and plan and profile shows the site location, area of the sewer failure, and the horizontal and vertical alignment. A cross-section of the proposed anchoring system is also included.



LOCATION MAP
SCALE IN MILES
0 1 2

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR
SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

- | | |
|---------------------|-------------|
| WENDELL RUSSELL | PRESIDENT |
| WILLIAM F. BECHDOLT | DIRECTOR |
| DAN HAUSERMAN | DIRECTOR |
| MARTIN H. SPITSEN | DIRECTOR |
| ROBERT POMIN | DIRECTOR |
| WM. B. LAYTON, JR. | TREAS.-MGR. |

SUBMITTED: Stanley J. Spalding
STANLEY J. SPALDING, P.E. #14,928

APPROVED: W. B. Layton, Jr.
WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: _____
JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

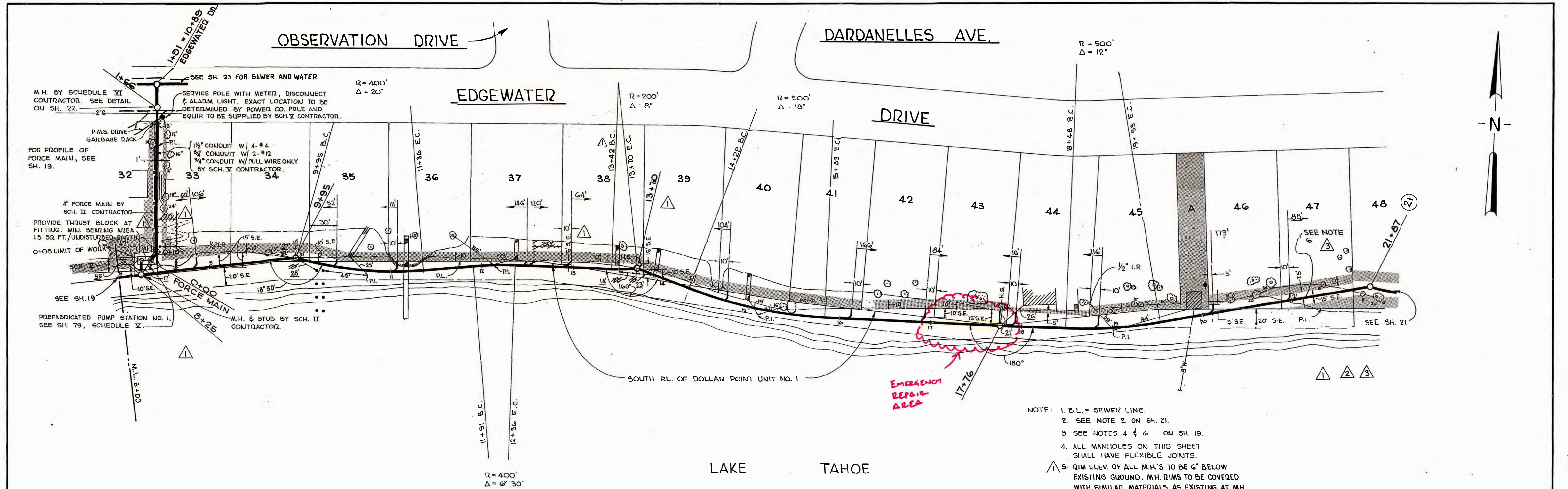
DEWANTE AND STOWELL
SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA.

REVISION	DATE	DESCRIPTION	BY	APPD.
SUBMITTED <u>Stanley J. Spalding</u> APPROVED				

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA
SEWER ASSESSMENT DISTRICT NO. 4
INDEX AND LOCATION MAP

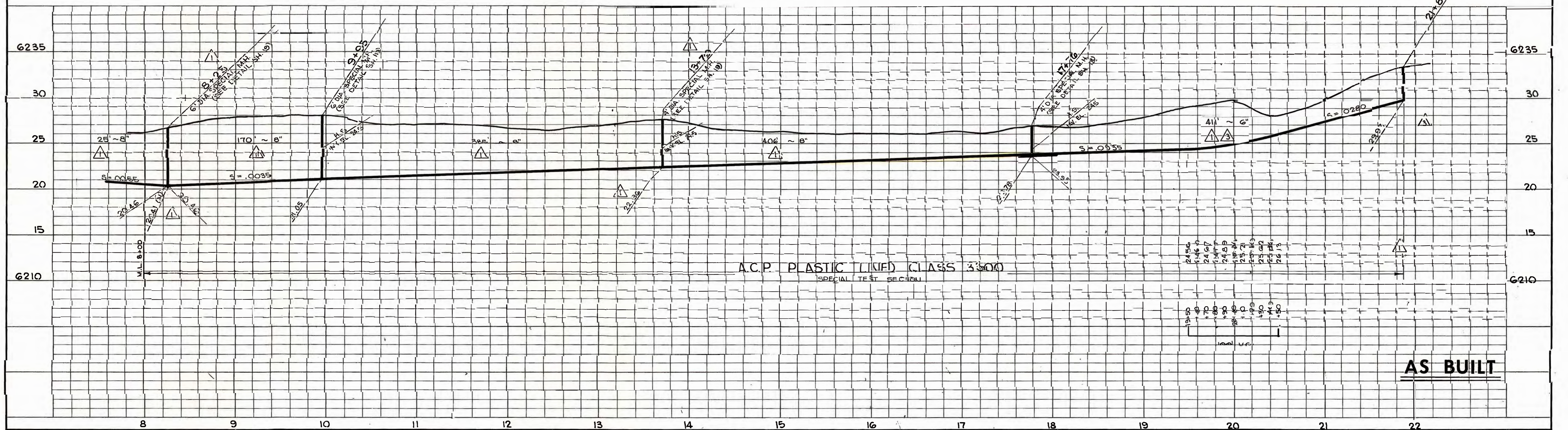
DATE: MAY 1967	SHEET NO: 1
CHKD: S.J.S.	DRWN: R.N.E.
OF 79	

U4-1



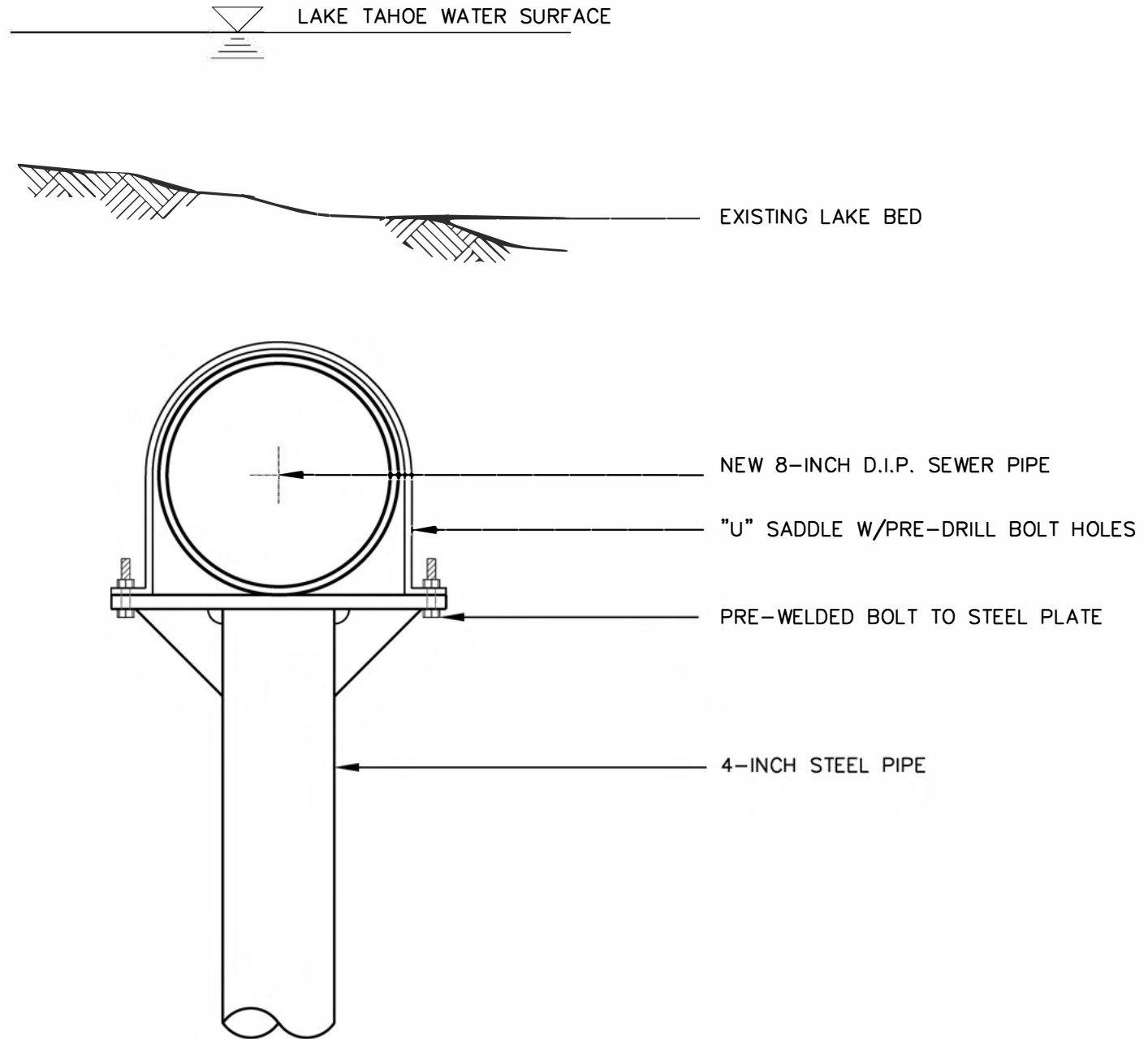
- NOTE:
1. B.L. = SEWER LINE.
 2. SEE NOTE 2 ON SH. 21.
 3. SEE NOTES 4 & 6 ON SH. 19.
 4. ALL MANHOLES ON THIS SHEET SHALL HAVE FLEXIBLE JOINTS.
 5. RIM ELEV. OF ALL M.H.'S TO BE 6" BELOW EXISTING GROUND. M.H. RIMS TO BE COVERED WITH SIMILAR MATERIALS AS EXISTING AT M.H. LOCATION.
 6. CAST IRON PIPE SHALL BE USED IN PLACE OF THE PLASTIC LINED A.C.P. BETWEEN STA. 20+28 ± 6" AND 21+87. CAST IRON PIPE SHALL CONFORM WITH SECT. 102(L) OF THE SPECIFICATIONS; AND RUBBER GASKET JOINTS EQUAL TO THE "TYRON" JOINT SHALL BE USED. PROVIDE A JOINT WITHIN 1' FROM THE MANHOLE WALL. H.S. FOR LOT 47 SHALL BE CAST IRON, WITH NORTH END OF H.S. BEING A PLAIN END, PROVIDE A CAP CONNECTION TO A.C.P. TO BE MADE WITH A SMITH BLAIR TRANSITION COUPLING #433.

SCH. II & V



AS BUILT

<table border="1"> <tr> <th>REVISION</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>APPD.</th> </tr> <tr> <td>③</td> <td>4-20-68</td> <td>ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+66. NOTE G ADDED.</td> <td>R.C.L.</td> <td>S.J.S.</td> </tr> <tr> <td>②</td> <td>10-9-67</td> <td>ALIGNMENT CHANGE BETWEEN STA. 18+97 & 21+66.</td> <td>R.C.L.</td> <td>S.J.S.</td> </tr> <tr> <td>①</td> <td>8-2-67</td> <td>PUMP STATION & FORCE MAIN MOVED. ALIGNMENT CHANGE AT STA. 13+70 & BETWEEN STA. 20+20 & 21+66.</td> <td>R.J.A.</td> <td>S.J.S.</td> </tr> </table>	REVISION	DATE	DESCRIPTION	BY	APPD.	③	4-20-68	ALIGNMENT CHANGE BETWEEN STA. 20+20 & 21+66. NOTE G ADDED.	R.C.L.	S.J.S.	②	10-9-67	ALIGNMENT CHANGE BETWEEN STA. 18+97 & 21+66.	R.C.L.	S.J.S.	①	8-2-67	PUMP STATION & FORCE MAIN MOVED. ALIGNMENT CHANGE AT STA. 13+70 & BETWEEN STA. 20+20 & 21+66.	R.J.A.	S.J.S.	<p>DEWANTE AND STOWELL SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA</p> <p>DRAWN: R.D.G. SUBMITTED: <i>Stanley J. Spalding</i> CHECKED: S.J.S. APPROVED: _____</p>	<p>DATE: MAY 1967</p> <p>SCALE: HORIZONTAL 1" = 50' VERTICAL 1" = 5'</p>	<p>TAHOE CITY PUBLIC UTILITY DISTRICT TAHOE CITY, CALIFORNIA SEWER ASSESSMENT DISTRICT NO. 4 LATERAL A</p>	<p>SHEET NO. 20 OF 79</p>
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PROPOSED SEWER REPLACEMENT CROSS SECTION



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.org

SHOREZONE PROJECT APPLICATION

- | | | | |
|---|--|---------------------------------------|---|
| <input type="checkbox"/> New Pier | <input type="checkbox"/> Water Intake Line | <input type="checkbox"/> Boat Ramp | <input type="checkbox"/> Shoreline Protective Structure |
| <input type="checkbox"/> Pier Modification | <input type="checkbox"/> Concessions | <input type="checkbox"/> Beach Raking | <input checked="" type="checkbox"/> Filling & Dredging |
| <input type="checkbox"/> Floating Platforms | <input type="checkbox"/> Banking | <input type="checkbox"/> Transfer | <input type="checkbox"/> Other |

Applicant Tahoe City Public Utility District

Mailing Address PO Box 5249 City Tahoe City State CA
 Zip Code 96145 Email jleroy@tcpud.org Phone 530-580-6336

Representative or Agent Auerbach Engineering Corp., Lydia Altick

Mailing Address PO Box 5399 City Tahoe City State CA
 Zip Code 96145 Email laltick@auerbachengineering.com Phone 530-581-1116 ext.10

Owner _____ **Same as Applicant**

Mailing Address _____ City _____ State _____
 Zip Code _____ Email _____ Phone _____

Project Location/Assessor's Parcel Number (APN) In Lake Tahoe south of parcels 093-094-041, and 042

Street Address 3328 & 3320 Edgewater Drive, Tahoe City

County: Placer **Previous APN(s)** N/A

Local Plan: Placer County Tahoe Basin Area Plan, Dollar Point Subdistrict

Property Restrictions/Easements *(List any deed restrictions, easements or other restrictions below in the space provided.)*

None 2- sewer easements: 1) 1162/OR/040 (Lot 42), and 2) 1170/OR/097 (Lot 43)

I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed. **Initial here:** _____

Is the property owner a member of a homeowners' or similar association or club? Yes No N/A

If so, name of homeowner's association or similar association: _____

APPLICATION SIGNATURES

DECLARATION:

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project.

Signature:

_____ At Placer Date: _____
Owner or Person Preparing Application County

AUTHORIZATION FOR REPRESENTATION:

Complete this section only if an agent or consultant is submitting this application on behalf of the property owner.

The following person(s) own the subject property (**Assessor’s Parcel Number(s)** 093-094-041, and 042) or have sufficient interest therein (such as a power of attorney) to make application to TRPA:

Print Owner(s) Name(s):

I/We authorize Auerbach Engineering Corp. to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative, to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s):

_____ Date: _____
_____ Date: _____

FOR OFFICE USE ONLY

File Number: _____
Date Received: _____ Received By: _____
Filing Fee: \$ _____ Receipt No.: _____

- Existing and proposed lake bottom elevations and topography
- Water Quality Mitigation Plan**
- Color photographs of existing conditions from Scenic Corridor, taken 300' lakeward of highwater**
- Color photographs of existing shorezone structures and areas directly adjacent, taken 300' lakeward of highwater**
- Baseline scenic analysis, demonstrating contrast rating score of 21**
- Scenic analysis of proposed project, demonstrating a minimum resulting contrast rating score of 25**
- Noticing materials for notification of adjacent properties for Governing Board approval**
 - List of names, addresses, and APNs of property owners within 300 feet of the perimeter of the project area
 - Stamped, addressed envelopes to the same (mailing addresses) with no return address
 - 8 ½" x 11' plan reductions of site plan, elevations, and floor plans
- Construction Methodology Plan and schedule (including but not limited to proposed methods of demolition, construction access, staging locations, method and location of spoil material disposal, and temporary best management practices)**
- Tahoe Yellow Cress survey. If Tahoe Yellow Cress is present, a mitigation and avoidance plan is required**
- Fish habitat mitigation plan, if project is located in feed and cover or spawning habitat**
- Material and color samples**
- [Initial Environmental Checklist](#)
- [Applicable findings explanation and rationale](#)

FILLING AND DREDGING

- Completed and signed application form**
- [Application fee](#)
- Detailed project description**
- Evidence that dredging has previously been approved in the proposed location**
- One (1) copy of the existing and proposed site plan (24" x 36") showing the following:**
 - All property lines and distance from the property lines to the proposed project
 - Map scale & north arrow
 - Assessor Parcel Number (APN), property address, owner name
 - Parcel size in square feet
 - Topographic contour lines at 2' intervals
 - Verified land capability districts and backshore boundary
 - High and low water lines
 - Elevation 6,219' Lake Tahoe Datum
 - Location and extent of area to be dredged
 - Amount of material to be dredged
 - Proposed dredging depth
 - Geologic features below elevation 6,229 (large boulders, etc.)

- Temporary and permanent BMPs
- Staging areas & construction access points
- ☒ **Construction methodology plan, including but not limited to, proposed methods of construction, construction access, staging locations, and temporary best management practices, and plan for disposal of dredged materials.**
- ☒ **Fish habitat mitigation plan, if project is located in feed and cover or spawning habitat** Map enclosed.
- ☒ [Initial Environmental Checklist](#)
- ☒ [Applicable findings explanation and rationale](#)

FLOATING PLATFORMS

- ☐ **Completed and signed application form**
- ☐ [Application fee](#)
- ☐ **Detailed project description**
- ☐ **Proof of TRPA-approved mooring buoy to be exchanged for platform**
- ☐ **One (1) copy of the existing and proposed site plan (24" x 36") showing the following:**
 - All property lines and distance from the property lines to the proposed project
 - Map scale & north arrow
 - Assessor Parcel Number (APN), property address, owner name
 - Parcel size in square feet
 - Topographic contour lines at 2' intervals
 - Verified land capability districts and backshore boundary
 - High and low water lines
 - Setback lines, projected perpendicular to the tangent of shoreline from the highwater line
 - TRPA pier headline
 - Elevation 6,219 Lake Tahoe Datum
 - Location, dimension of, and distance to adjacent shorezone structures (piers, jetties, buoys, etc.)
 - Location and dimensions of existing and proposed coverage
 - Location and dimensions of existing and proposed shorezone structures
 - Setbacks, including 20 feet from adjacent littoral parcel projection line boundaries and 50 feet from another mooring buoy
 - Verified, allowable, existing, and proposed coverage for each land capability district including backshore
 - Geologic features below elevation 6,229 (large boulders, etc.)
 - Temporary and permanent BMPs
 - Staging areas & construction access points
- ☐ **Elevation drawings including the following:**
 - Highwater line and the lake bottom elevation at the end of the structure
 - Lake bottom elevation relative to the proposed structure
 - Platform elevation and dimensions
- ☐ **Cross- Sections, showing:**
 - High and low water elevations

Project Description

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042

OVERVIEW

This project is for the work that was completed as part of an emergency repair for a sewer pipe (CODE2019-0009); work to replace boulders that were placed to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair; and also for similar work proposed for the adjoining 60 feet of sewer pipe west (downstream) of the previous emergency repair. The following description of emergency and repairs describes the work completed. The proposed work will utilize the same construction methodology and aquatic equipment access. The work is to commence late September after spawning season and when there is a 5 to 7-day calm forecast.

LOCATION

The location of the prior sewer pipe repair is along the shore line of Dollar Point community in Tahoe City, CA. beginning near the residence located at 3328 Edgewater Drive APN 093-094-041 and extending west to the residence at 3320 Edgewater Drive APN:093-094-042. Coordinates for the approximate location per Google Earth are 39°11'06" North and 120°05'56" West.

DESCRIPTION OF EMERGENCY AND REPAIRSA gravity sewer main ID 10157 became dislodged just after 1200 hours on January 5, 2019. This date and time correlate very well with a significant storm/wind event that affected the region. A wind summary for that date at the Truckee-Tahoe Airport shows significant peak gusts around mid-day on January 5, 2019. Excessive wave action and the specific lake elevation on that date contributed to significant erosion, scouring and impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged at the existing coupling locations. Lake water and debris quickly filled into the gravity main downstream of this location as well as into the manhole located along this section (MH1006). The gravel and debris in MH1006 acted as a filter for raw sewage debris, however it is evident by the water quality data that raw sewage was filtering into Lake Tahoe from the 17 homes located upstream of the spill site.

On January 23, 2019 at approximately 0920 hours, the Tahoe City PUD received a phone call from the property owner at 3228 Edgewater Drive regarding some sewer pipe in the water that appeared to be cut up and left in the water below his house. A work order was immediately generated. However, due to internal miscommunication, it was not followed up immediately due to internal miscommunication.

On January 30th at 1500 hours, MH1006 was unsealed and unbolted and appeared to be surcharged to Lake Level indicating the likelihood of an active sanitary sewer overflow. The immediate cause was identified as the dislodging of a section of sewer main (ID 10152) downstream from MH1006. Tony Laliotis, TCPUD Director of Utilities, notified Lahontan Regional Water Quality Control Board at approximately 1600 hrs. CAL OES was notified at approximately 1620 hours and was the incident was assigned control # 19-0710.

The same day, TCPUD Crews immediately responded and began constructing a 6-inch diameter vacuum suction line to connect to the TCPUD Vactor truck to begin vacuum bypassing flow from MH1006. While

Project Description

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042

the suction lift and distance from MH1006 to the road elevation is significant (between 50-60 feet of lift and 190-200 feet of run), TCPUD has employed this same setup successfully in annually cleaning and maintaining the wet well of the sanitary sewer lift station that collects the sewage from that area. An attempt was made to bypass MH1006 at approximately 1850 hours with the Vactor. Unfortunately, due to the outlet of MH1006 being essentially open and submerged under lake level by about 14 inches, the Vactor suction could not keep up with the constant inflow of the lake. A second Vactor truck was brought on site and resulted in the same performance restrictions. Due to significant rocks and sand in the manhole, a plug could not be inserted into the outlet of the manhole to seal off the lake. Bypass pumping equipment was installed and directed to a manhole on Edgewater Drive. Pumping commenced at approximately 2245 hours and debris was removed to allow a plug to be successfully inserted in the outlet of MH1006 at approximately 2300 hours on January 30, 2019. This effectively stopped the spill. Very little if any sewage related debris was found outside of the manhole. All debris from within the manhole was removed and returned to the sanitary sewer system.

February 6th a marine excavator contractor was mobilized to the site via aquatic equipment which included a LARK, barge, and excavator (positioned on barge) to install turbidity curtain.



Initial mobilization and installation of turbidity curtain.



Initial pile driving for pipe anchor supports.

Project Description

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042

February 7th the contractor dredged along the existing alignment of the dislodged sewer pipe to re-establish the trench. Material from the excavation were placed parallel and adjacent to the trench between the shoreline and trench. The contractor and TCPUD crews also installed temporary manhole riser rings onto adjacent submerged manhole lid to provide additional protection to the sewer bypass pumping and worker's safety. In addition, the contractor initiated driving the pipe support pilings. During construction activity TCPUD engineering and geotechnical consultant NV5 visited the site to confirm soils properties. Based on conversations with consultant, pipe support piles driven to a depth of 4-ft are estimated to provide adequate uplift resistance to the repair design.



Placing and adjusting temporary manhole risers.

On February 8th strong winds and wave action preceding a severe weather event necessitated demobilization of the Contractors' equipment. TCPUD staff contacted the Lahontan Regional Water Quality Control Board and TRPA to discuss demobilization and a decision was made to remove the turbidity curtain along with the equipment. A summary of this decision and Report Type-4 for the Violation of Compliance with Water Quality Standards Report dated February 13, 2019 is included in the attachments.

Between February 9th and February 22nd no remobilization of construction equipment or repair attempts other than fortifying the manhole risers and by-pass pumping system (Fig. 4 & 5 above) was made during this period due to prolonged weather events. TCPUD operated and maintained sewer bypass pumping 24/7.

Project Description

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042

On February 23rd in an effort to improve protections for worker safety and by-pass system operations from continuing storm activity and rising lake levels, the TCPUD directed the Contractor to install approximately 20-ft of sheet piling around the sewer manhole (Sta:17+65). The TCPUD notified



Sheet piling installed near sewer manhole.

Lahontan and TRPA of this activity on Thursday, February 21st, hoping to mobilize the next day. However, weather prevented mobilization until Saturday, February 23rd. Installation of the sheet piles was completed at approximately 2:00 pm on that Saturday.

Between February 24th and March 3rd, no remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events.

On March 4th, severe wave action from a prolonged storm event damaged bent and loosened the installed sheet piling. The District instructed the contractor to remobilize and remove all sheet piling previously installed as it no longer provided any additional protection. During the removal, of the sheet piling, the contractor was further instructed to rearrange the existing boulders adjacent to the manhole and add additional temporary boulders at this location to dissipate the ongoing wave energy.

Between March 5th and March 12, no remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events. The TCPUD and pumping contractor maintained by-pass operations. No incidence of sewer discharge occurred.

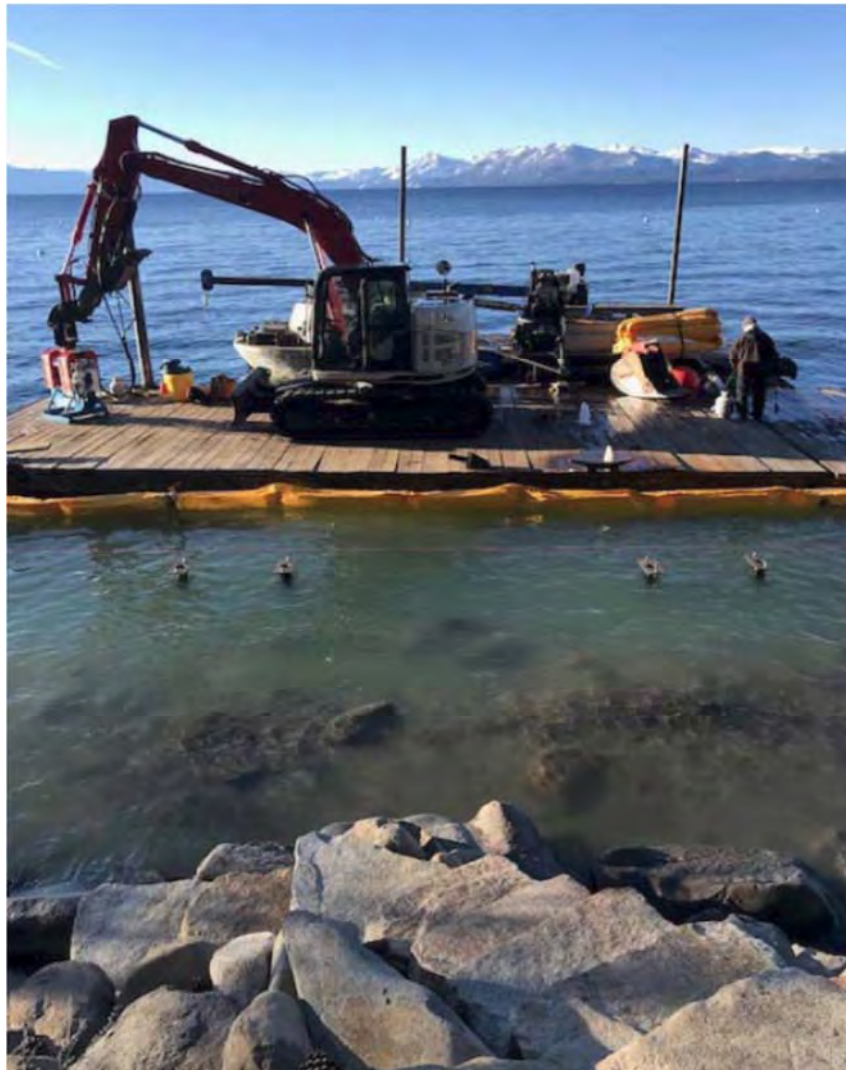
Project Description

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042

March 13th through the 15th calm weather prevailed and the contractor re-installed the turbidity curtain and commenced repairs. During this time, the trench line was re-dredged, and all 10 pipe anchor support piles were driven to an estimated depth of 4 feet. The replacement pipe was connected and sealed, maneuvered into position, and attached to the anchor support piles. On March 15th, the sewer bypass system that was initiated on January 31, was terminated.



Trench dredged and pipe anchor support piles partially driven.

Project Description

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042



Maneuvering pipe into position.

On March 16th the contractor hand sorted large rocks from the dredged material that was placed adjacent to the trench alignment and pulled/dragged the remaining material to backfilled the pipe trench.



Pipe in place.

Project Description

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042

March 19th the TCPUD notified Lahontan and TRPA that turbidity levels had reached 10% of the background levels and proceeded with removal and demobilization from project site.

The manhole risers and the temporary boulders will be removed as part of the proposed sewer pipe repair project. They were left in place to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair.

PERMITS

Upon discovery (January 30th), TCPUD staff immediately notified CAL OES and the Lahontan Regional Water Quality Control Board. The following morning, TCPUD notified the US Army Corps of Engineers, Tahoe Regional Planning Agency, CA State Water Board, U.S. Fish and Wildlife Service, Ca. Dept. of Fish and Wildlife, Nevada FWS, National Marine and Fisheries Service, and the USEPA (via ACOE). The following list provides the applications requested:

Tahoe Regional Planning Agency (TRPA)	Petition for Expedited Review, and Shorezone Permit Application for Filling and Dredging
United State Army Corp of Engineers	RPG 8, and Form 4345, Authorization to proceed with emergency repair
California Department of Fish and Wildlife	Notification of emergency work
Lahontan Regional Water Quality Control Board (Lahontan)	NOI

DECLARATION:

I DECLARE under penalty of perjury that this petition and all information submitted as part of this petition is true and accurate, to the best of my knowledge. Should any information or representation submitted in connection with this petition be incorrect or untrue, TRPA may rescind any approval or take appropriate action. I further understand that additional information may be required by TRPA to review this request.

Signature: (Original signature required.)

[Signature] At PLACER On 1/31/19
Owner or Person Preparing Application County Date

FOR OFFICE USE ONLY

Date Received: 1/31/19 By: M. Miller Fee: \$ None

RESPONSE TO PETITION FOR EXPEDITED REVIEW
(To be completed by TRPA Staff)

To: Jon LeRoy

[Signature] DETERMINATION 2/6/19
EXECUTIVE DIRECTOR / DESIGNEE DATE
TAHOE REGIONAL PLANNING AGENCY

RECEIVED
JAN 31 2019
TAHOE REGIONAL PLANNING AGENCY

Applicant: TCPWD

APN/County: Placer County

DETERMINATION

- The petition for expedited review submitted on 1/31/19 is granted.
- The petition for expedited review submitted on _____ is not granted. The application will be reviewed in date order from the date the application is determined "complete" (Section 5.3, TRPA Rules of Procedure).

Comments: An emergency permit for repair to the sanitary sewer in Lake Tahoe has been issued by TRPA. A retroactive permit application is required from the applicant. All conditions of attachment 5 shall apply.

By: Matt Miller Title: Environmental Specialist Date: 2/6/19



TAHOE CITY PUBLIC UTILITY DISTRICT

MEMORANDUM

TO: Jennifer C. Thomason
(ACOE) **DATE:** January 31, 2019

C:

FROM: Jon LeRoy
Senior Civil Engineer **SUBJ:** U.S. Army Corps of Engineers – Request for
Authorization to proceed with Emergency Repair
of Sanitary Sewer Pipe.

Description of Emergency:

The Tahoe City Public Utility District (TCPUD) is requesting immediate authorization to commence emergency repairs/replacement of approximately 40 to 60 feet of 8-inch plastic lined ACP sanitary sewer collection pipe that has failed, become dislodged and separated, and is located below the current water surface elevation of Lake Tahoe.

On January 30, 2019, TCPUD staff discovered a failure in the Dollar – Edgewater sewer collection main running along the shoreline below Edgewater Drive in the Dollar Point community of Lake Tahoe. Staff witnessed four separated lengths of 8-inch ACP pipe lying exposed on the lake bed below approximately 4 feet of water. Upon further investigation staff witnessed the adjacent upstream sewer manhole contained standing water that had equalized with the surrounding Lake Tahoe water surface.

Based on downstream sewer pump station data, TCPUD staff estimates that the failure occurred on Jan. 5th during a storm event. The cause of the failure is unknown but we believe that it was likely caused by storm wave action. No alarms were received from the downstream sewer pump station. Upon discovery and investigation of the failure, District staff found the remaining exposed ends of the intact sewer pipes were plugged with lakebed sediment. This self-plugging likely allowed the sewer pump station to continue pumping without reaching high level alarm status. Actual sanitary sewer discharge quantities are not know at this time.

Following discovery TCPUD staff manually sealed/plugged the in-place sewer system and began a temporary (pumped) by-pass. The temporary by-pass began operating at approximately 11 pm on Jan. 30, 2019.

Specific Location:

The location of the failure is along the shore line of Dollar Point community in Tahoe City, Ca. beginning near the residence located at 3328 Edgewater Drive (APN 093-094-041) and extending west to the residence at 3320 Edgewater Drive (APN:093-094-042).

Coordinates for the approximate location per Google Earth are 39°11'06" North and 120°05'56" West.

The location is further identified on the attached plan sheet beginning at sewer manhole (Sta: 17+76) to approximate Sta: 17+00 downstream to the west.

Anticipated Repair Work:

The TCPUD has scheduled an emergency Board of Directors meeting for Friday, February 1st to request emergency contracting consistent with California Public Contracting Code. Additionally, the TCPUD has contacted several nearby contractors that work regularly within and around the shoreline of Lake Tahoe who are competent, qualified, and able to perform the work.

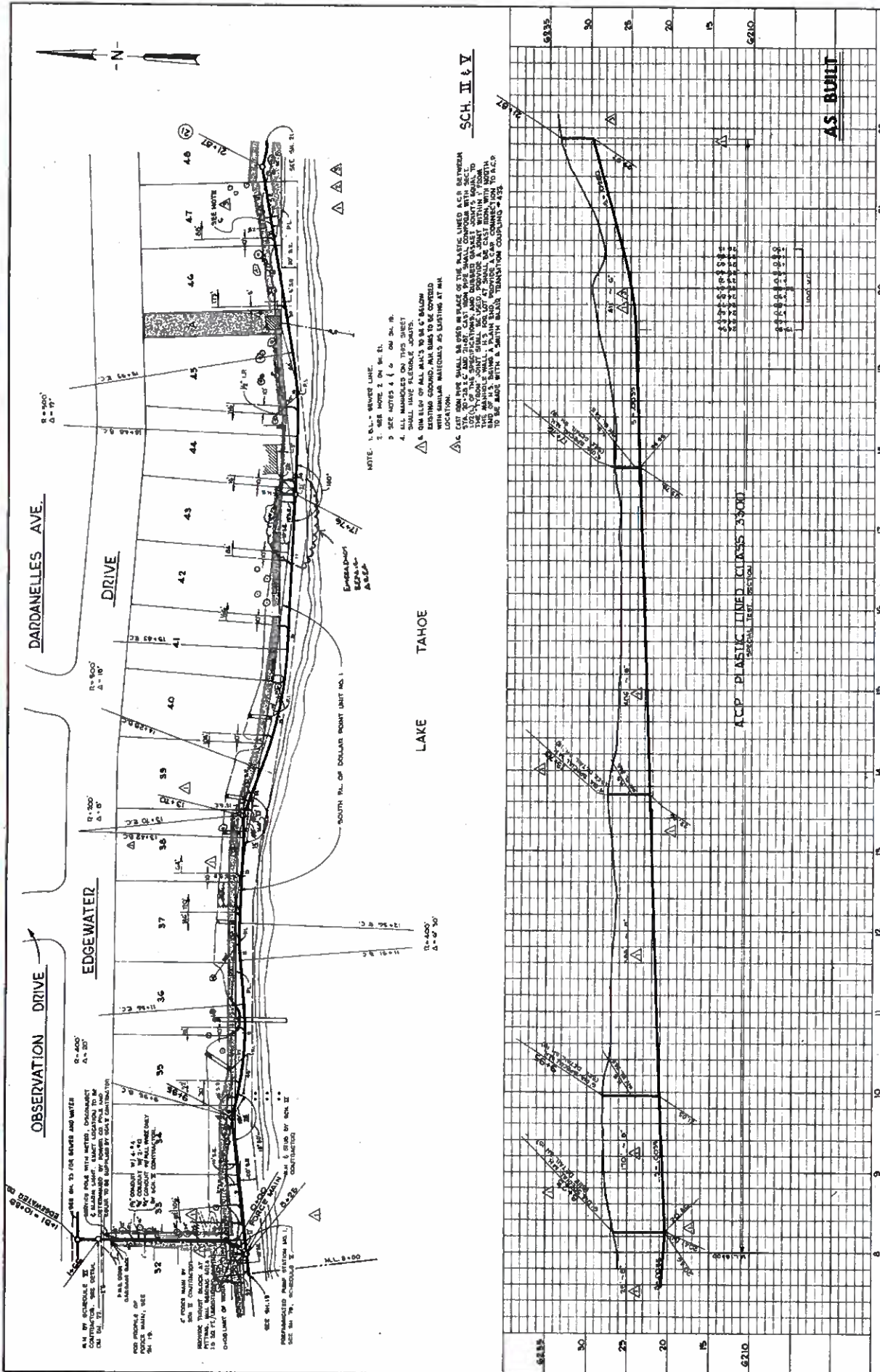
Specific details of the repair and reconnection of the sewer system are currently being vetted by staff engineers, however, the TCPUD anticipates that the work will likely involve replacement of the dislodged pipes with 8-inch ductile iron pipes combined with anchoring the replacement pipe in-place by either pile driving 4-inch steel pipe, excavation and placement of concrete anchor blocking, rock revetment placed over the top of pipe, or some combination thereof. Staff has requested that the contractor immediately explore attainable pile driving depths so that a comprehensive repair can be determined. If the contractor can attain pile driving to an acceptable depth (below the sewer alignment) without shallow bedrock refusal, the District will proceed with pile driving as the preferred method for anchoring the pipe against lateral and buoyant forces.

A sediment curtain has been ordered, is currently being transported, and expected to be deployed and isolate the repair area prior to any activity.

Additionally, we are aware of a substantial storm event that is approaching the Lake Tahoe area expected to begin Friday, February 1st and extend through the weekend. Depending on progress made until that time, staff may switch focus solely to storm protection with continuous monitoring and maintenance of the temporary by-pass system.

ATTACHMENTS:

- Tahoe City Public Utility District - Sewer Assessment District No. 4 - Lateral A
 - Cover Sheet
 - Plan/Profile sheet (repair area highlighted)



NOTE: 1. ALL SWEPT LINES.
 2. SEE NOTE 2 ON SHEET 1.
 3. SEE NOTES 4 & 6 ON SHEET 1.
 4. ALL MANHOLES ON THIS SHEET SHALL HAVE FLEXIBLE JOINTS.
 5. DIMENSIONS OF ALL MAINS TO BE 6" BELOW FINISHED GRADE UNLESS OTHERWISE NOTED WITH SIMILAR MATERIALS AS LISTED AT 1/4" LOCATION.
 6. ALL CUTS SHALL BE MADE IN PLACE OF THE EXISTING LINES A.C.P. BETWEEN THE LINES OF THE STRUCTURES AND CARRIED OVER JOINTS EQUAL TO THE LENGTH OF THE STRUCTURE. THE MANHOLE SHALL BE LOCATED AT SMALL ANGLE WITH NORTH TO BE MADE WITH A SMOOTH BULB TRANSITION TO A.C.P. TO BE MADE WITH A SMOOTH BULB TRANSITION TO A.C.P. TO BE MADE WITH A SMOOTH BULB TRANSITION TO A.C.P. TO BE MADE WITH A SMOOTH BULB TRANSITION TO A.C.P.

TANHOE CITY PUBLIC UTILITY DISTRICT
 TANHOE CITY, CALIFORNIA
 SEWER ASSESSMENT DISTRICT NO. 4
LATERAL A

DATE: MAY 1987
 DRAWN: HORNELL
 CHECKED: FERRIS

DEWANTE AND STOWELL
 SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA
 SUBMITTED: *Stacy J. Spaulding*
 APPROVED: _____

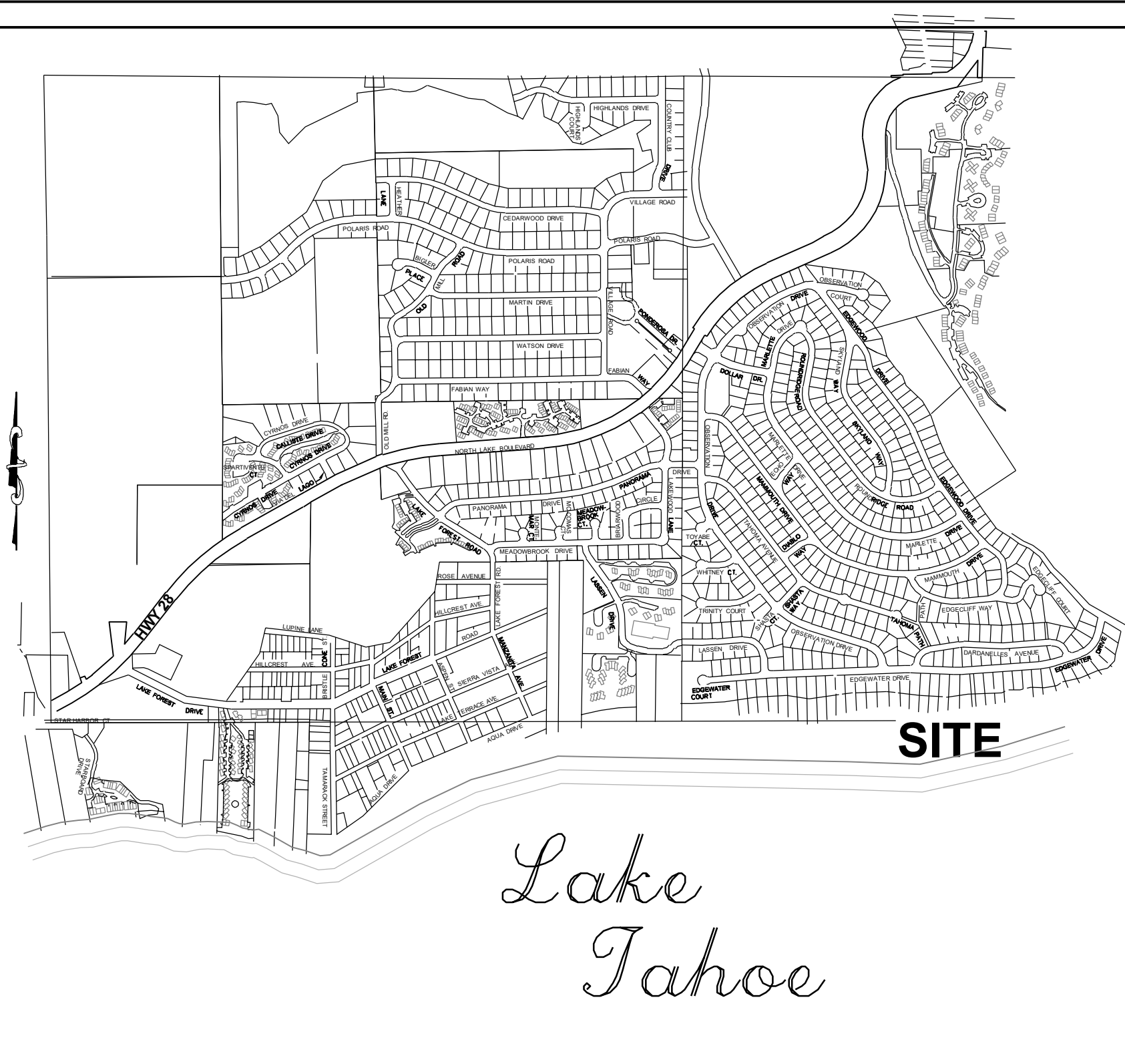
SCALE: 1" = 30'
 1" = 2'

BY: _____
 DATE: _____

REVISION	DATE	DESCRIPTION	BY	APP'D.
1	5-20-87	ALIGNMENT CHANGE BETWEEN 32 & 33	_____	_____
2	5-20-87	REVISION TO MANHOLE 32	_____	_____
3	5-20-87	REVISION TO MANHOLE 33	_____	_____
4	5-20-87	REVISION TO MANHOLE 34	_____	_____
5	5-20-87	REVISION TO MANHOLE 35	_____	_____
6	5-20-87	REVISION TO MANHOLE 36	_____	_____
7	5-20-87	REVISION TO MANHOLE 37	_____	_____
8	5-20-87	REVISION TO MANHOLE 38	_____	_____
9	5-20-87	REVISION TO MANHOLE 39	_____	_____
10	5-20-87	REVISION TO MANHOLE 40	_____	_____
11	5-20-87	REVISION TO MANHOLE 41	_____	_____
12	5-20-87	REVISION TO MANHOLE 42	_____	_____
13	5-20-87	REVISION TO MANHOLE 43	_____	_____
14	5-20-87	REVISION TO MANHOLE 44	_____	_____
15	5-20-87	REVISION TO MANHOLE 45	_____	_____
16	5-20-87	REVISION TO MANHOLE 46	_____	_____
17	5-20-87	REVISION TO MANHOLE 47	_____	_____
18	5-20-87	REVISION TO MANHOLE 48	_____	_____

U4-1

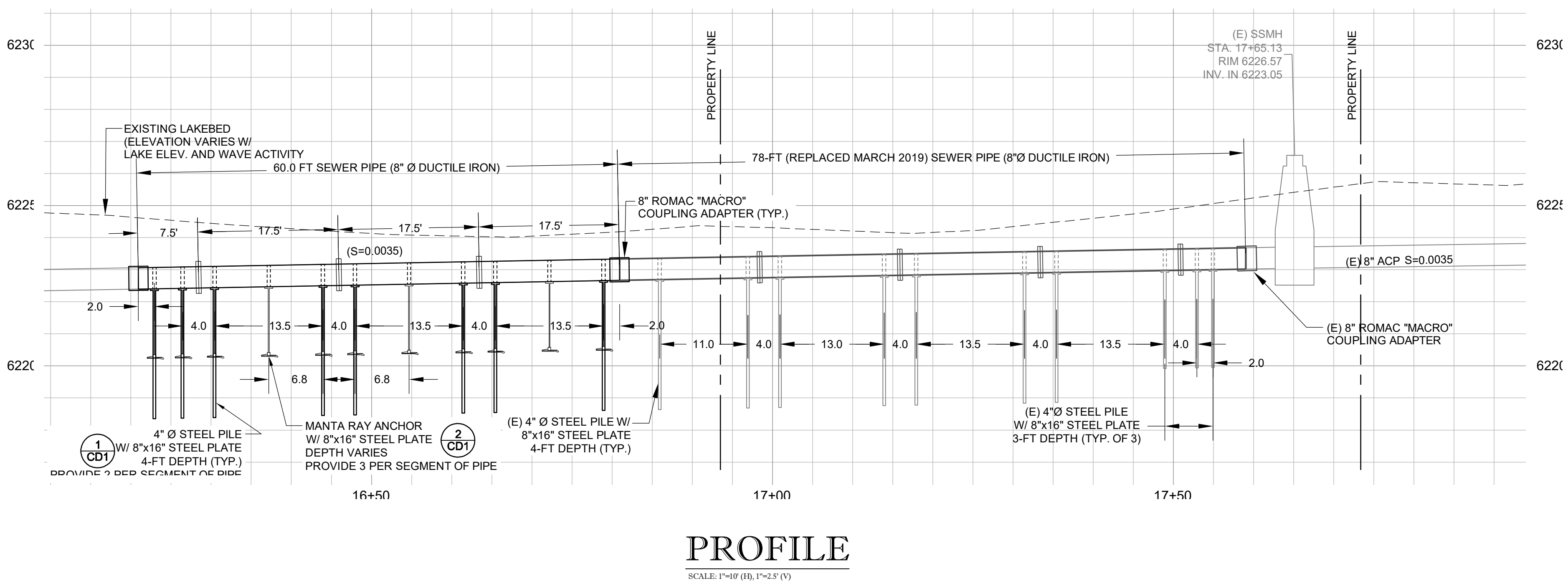
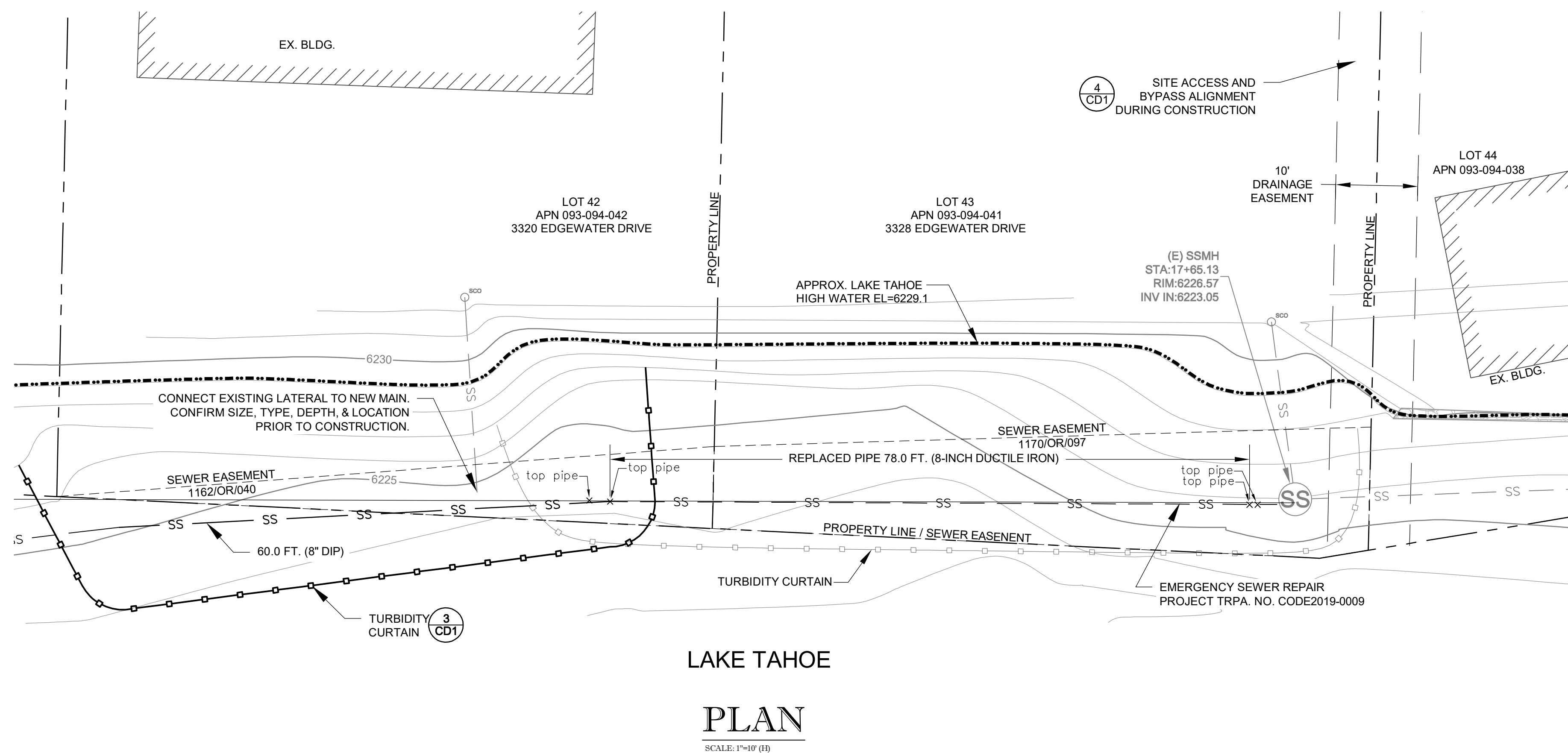
VICINITY MAP



IMPROVEMENT PLANS FOR 2019 TCPUD - DOLLAR PT. / EDGEWATER DR. SEWER REPAIR

TAHOE CITY, PLACER COUNTY, CALIFORNIA

APN: 093-094-041 & 093-094-042



LEGEND

EXISTING

- INDEX CONTOUR W/ ELEV.
- INTERMEDIATE CONTOUR W/ ELEV.
- EDGE OF PAVEMENT
- TP-1 ELEV
- CONTROL/TRVERSE POINT
- PROPERTY LINE
- EASEMENT LINE
- ROCK RIPRAP
- ROCKERY WALL
- TURBIDITY CURTAIN
- SEWER

PROPOSED

- TURBIDITY CURTAIN
- SEWER

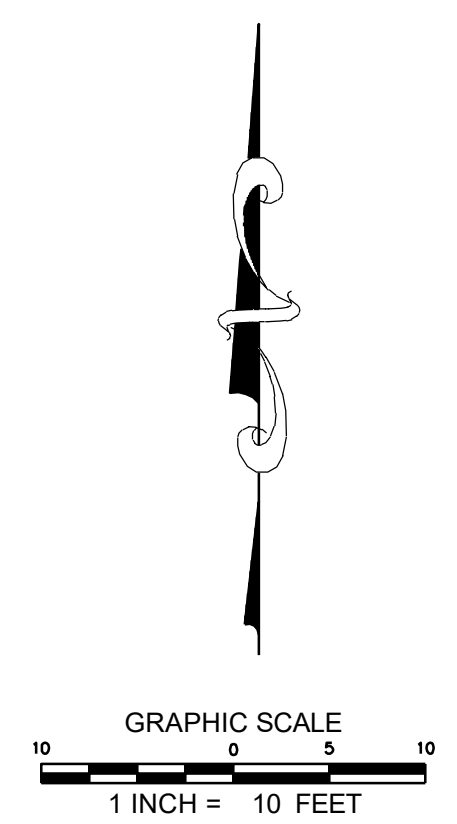
SHEET INDEX

SHEET NO.	SHEET NAME
1	C1 PLAN AND PROFILE
2	CD1 CIVIL DETAILS

DATUM INFO

HORIZONTAL DATUM
HORIZONTAL DATUM IS CALIFORNIA STATE PLANE COORDINATE SYSTEM ZONE II NAD83 (1991.35). DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MEAN COMBINATION FACTOR (CF): 0.99962 TO CONVERT GROUND TO GRID ... MULTIPLY BY CF

VERTICAL DATUM
THE ELEVATIONS FOR THIS PROJECT ARE BASED UPON NGVD 29 DATUM, DEFINED BY BENCHMARK D 491 (PID KS0312), ELEV = 6477.51, LOCATED 2.5 MILES NORTHEAST ALONG STATE HIGHWAY 28 FROM THE POST OFFICE AT TAHOE CITY, AT THE T JUNCTION OF FABIAN WAY LEADING WEST, IN THE TOP OF AN 8' x 12' LAVA OUTCROP WHICH PROJECTS ABOUT 3 FEET ABOVE THE GROUND, 216 FEET NORTHWEST OF THE CENTER LINE OF HIGHWAY 28, 91 FEET SOUTHWEST OF AND ACROSS THE ROAD FROM POWER LINE POLE 2210, 38 FEET SOUTH OF THE CENTERLINE OF THE ROAD, 21 FEET WEST OF A 36 INCH PINE TREE, AND ABOUT 4 FEET HIGHER THAN THE ROAD.



REV. DATE	REVISIONS	BY

RECORD DRAWING

DATE: _____ ENGINEER INITIAL: _____

AUERBACH ENGINEERING CORP.
CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL PLANNING

P.O. BOX 5399 • 645 W. LAKE BLVD. • TAHOE CITY, CALIFORNIA 96145
VOICE (530) 561-1116 • FAX (530) 561-3162
WWW.AUERBACHENGINEERING.COM

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TCPUD

DOLLAR PT. / EDGEWATER DR.

SEWER REPAIR

PLAN AND PROFILE

TAHOE CITY PLACER COUNTY CALIFORNIA

BAR IS ONE INCH ON ORIGINAL DRAWING

PROJECT NUMBER:	22.77E
SURVEY BY:	AEC
SURVEY DATE:	2/2019
DESIGN BY:	NC
DRAFTING BY:	AH
CHECKED BY:	NC
DATE:	MAY 1, 2019

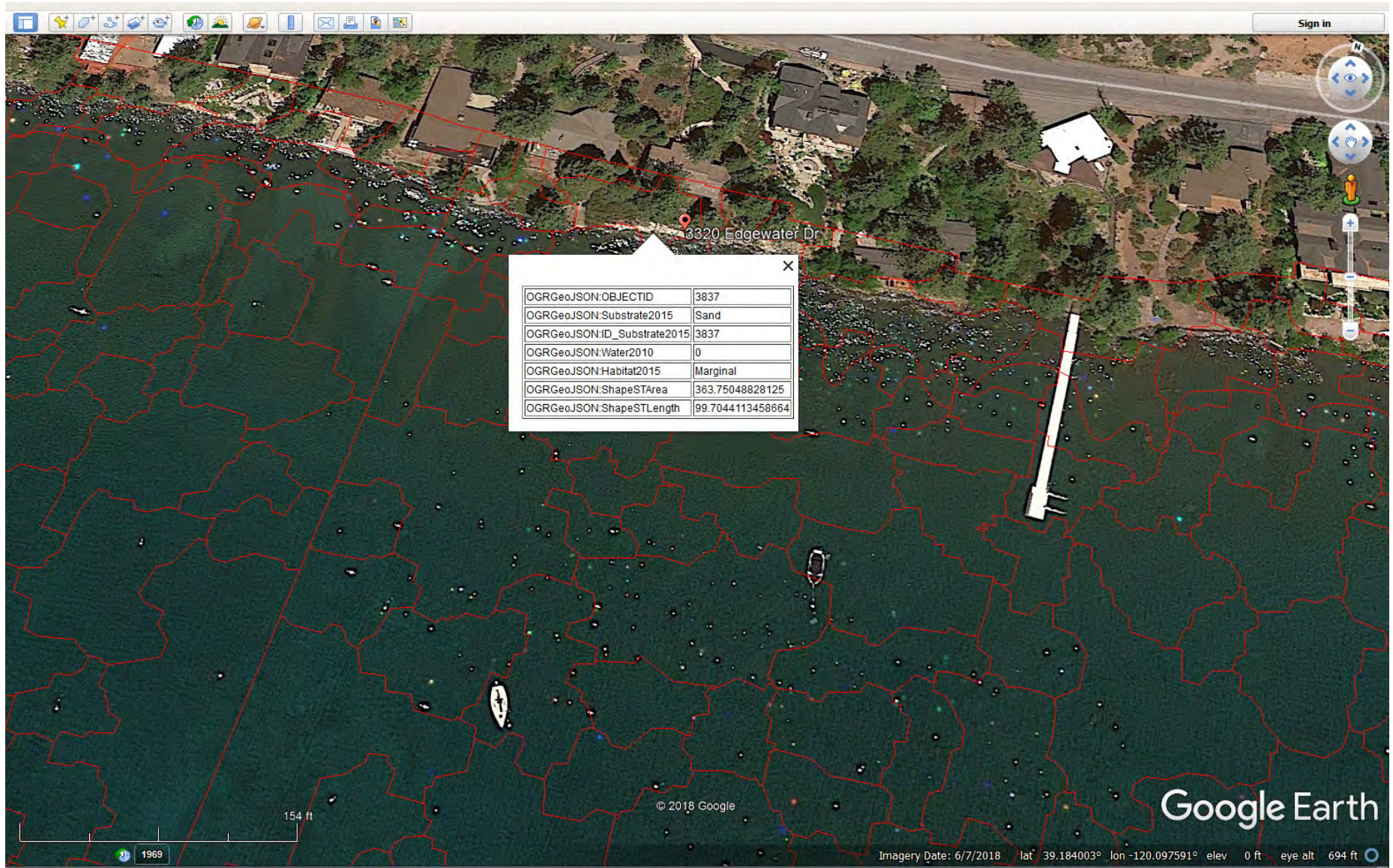
SCALES:
HORIZONTAL AS SHOWN
VERTICAL AS SHOWN

C1

SHEET: 1 of 2

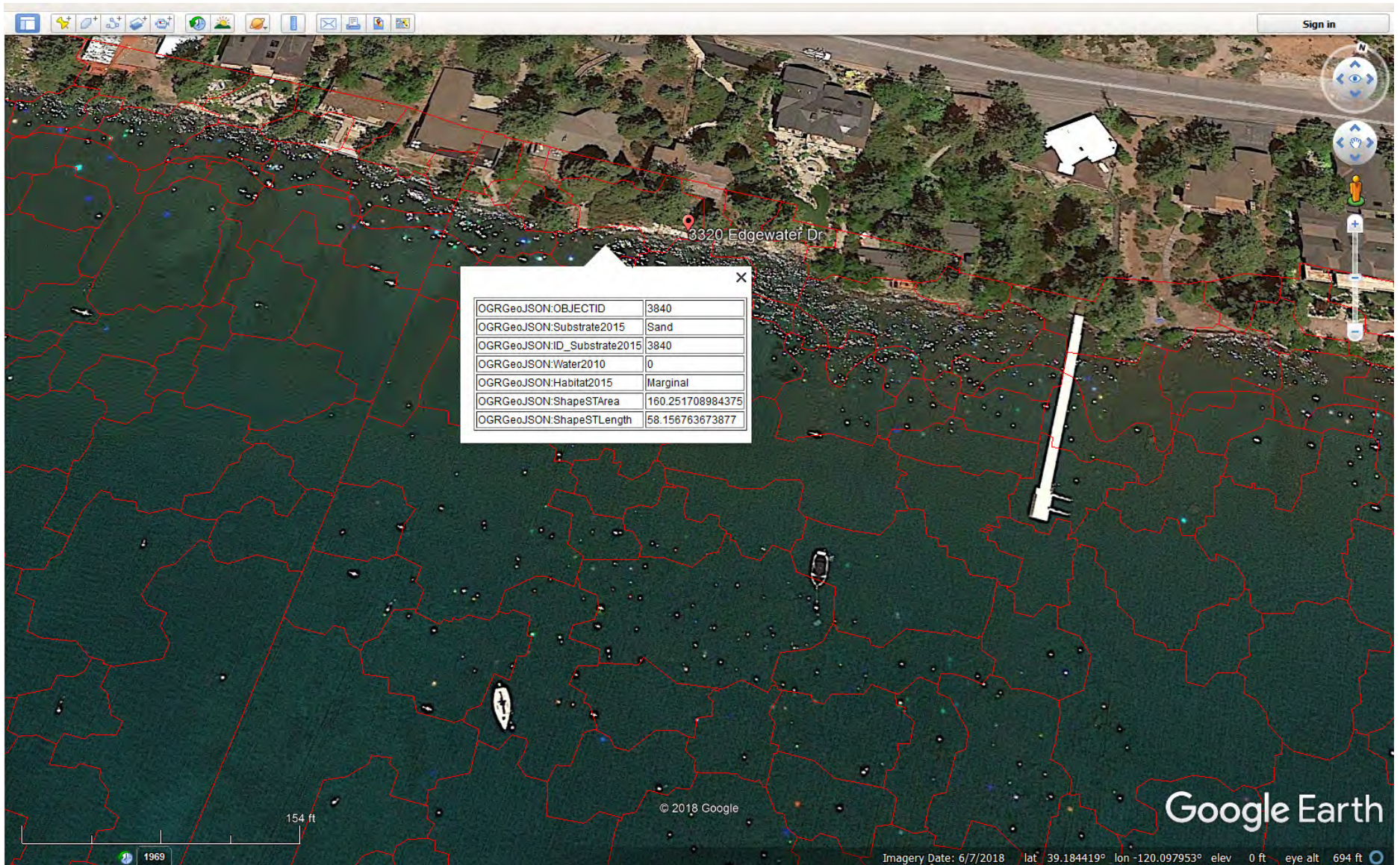
J:\22.77E\dwg\Final Sheets\22.77E_C1.dwg

TRPA Fish Habitat: OBJECTID 3837



2019 TCPUD - Dollar Pt./Edgewater Dr. Sewer Repair

TRPA Fish Habitat: OBJECTID 3840



2019 TCPUD - Dollar Pt./Edgewater Dr. Sewer Repair

Print Form

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

093-094-041, and 093-094-042

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

Project Name 2019 TCPUD Dollar Point/Edgewater Drive Sewer Repair **County/City** Placer

Brief Description of Project:

A gravity sewer main became dislodged in Lake Tahoe on January 5, 2019. This was reported to TCPUD on January 23. On January 30, TCPUD began marine construction operations in order to replace 78 feet of 8-inch sewer pipe and install ten (10) 4-inch steel anchor support piles to harness the pipe. This was completed over time as weather permitted. Work was completed on March 15, 2019. During that time, a sewer bypass system was in operation 24/7 on Edgewater Drive. Construction took place via aquatic equipment which included a LARK, barge, and excavator (positioned on barge). Turbidity curtains were installed during times of construction. Taylor Currier from TRPA provided an inspection of the site on March 14, 2019 (no. CODE2019-0009), which resulted in a pass.

This application is for the work that was completed as stated above; for work to replace boulders that were placed to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair; and also for work proposed for Fall 2019.

The work to replace boulders will require aquatic equipment, with includes a LARK, barge, and excavator (positioned on barge). The boulders will be replaced to their previous location utilizing this equipment with the help of scuba divers with turbidity curtains in place.

The TCPUD would like to complete similar work for the adjoining 60 feet of sewer main west (downstream) of the previous emergency work. This is an area that is similar in nature to the where previous work occurred in that it lies within a sandy unprotected zone. Much of the sewer main is underlain by volcanoclastic rocks of Skylandia consisting of welded basaltic ash and cinders which provide high uplift resistance for the piles, assuming the piles can be driven into the ash material (NV5 Geotechnical Field Report No. 210). When most of the sewer main was installed in the late 1960s, the volcanoclastic rocks had to be trenched through, but it provided a natural barrier to wave action. The area of proposed work is where the sewer main is underlain by the volcanoclastic rock, but covered in sand where it is more exposed and susceptible to damage from high water and wave action.

The proposed work will utilize the same construction methodology and aquatic equipment access. The work is to commence late September after spawning season and when there is a 5-day calm forecast. Turbidity curtains will be installed from the edge of water to surround the construction area.

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-yearflood 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?

The turbidity curtains and barge placement have/will alleviate substantial disturbance of surface waters during dredging and anchor pile placement.

- 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?

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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)?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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)?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: 0

Number of Proposed Dwelling Units: 0

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?

- 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation 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.)

- Yes No
 No, With Mitigation 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?)

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation 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.)**

_____ At Placer Date: 5/1/2019
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

FOR OFFICE USE ONLY

Date Received: _____ By: _____

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: _____

Title of Evaluator

ADDENDUM FOR TRANSFERS/CONVERSIONS OF USE

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any development right transfer pursuant to Chapter 34 of the Code of Ordinances or Conversion of Use pursuant to Chapter 33 of the Code of Ordinances. Any question answered in the affirmative will require written documentation showing that the impacts will be mitigated to a less than significant level. Otherwise, an environmental impact statement will be required.

The asterisk (*) notes threshold subjects.

a) Land*

Does the proposal result in any additional land coverage?

- Yes No
 No, With Mitigation Data Insufficient

b) Air Quality*

Does the proposal result in any additional emission?

- Yes No
 No, With Mitigation Data Insufficient

c) Water*

Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

- Yes No
 No, With Mitigation Data Insufficient

d) Does the proposal result in an increase in the volume of discharge?

- Yes No
 No, With Mitigation Data Insufficient

e) Noise*

Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

- Yes No
 No, With Mitigation Data Insufficient

f) Aesthetics

Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

- Yes No
 No, With Mitigation Data Insufficient

g) Recreation*

Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

- Yes No
 No, With Mitigation Data Insufficient

h) Land Use

Does the converted or transferred use result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

- Yes No
 No, With Mitigation Data Insufficient

i) Population

Does the proposal result in an increase in the existing or planned population of the Region?

- Yes No
 No, With Mitigation Data Insufficient

j) Housing

Does the proposal result in the loss of affordable housing?

- Yes No
 No, With Mitigation Data Insufficient

k) Transportation

Does the proposal result in the increase of 100 Daily Vehicle Trip Ends (DVTE)?

- Yes No
 No, With Mitigation Data Insufficient

l) Does the proposal result in a project that does not meet the parking standards?

- Yes No
 No, With Mitigation Data Insufficient

m) Utilities

Does the proposal result in additional water use?

- Yes No
 No, With Mitigation Data Insufficient

n) Does the proposal result in the need for additional sewer treatment?

- Yes No
 No, With Mitigation Data Insufficient

o) Historical

Does the proposal result in the modification or elimination of a historic structure or site?

- Yes No
 No, With Mitigation 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.)**

_____ At _____ Date: _____
Person Preparing Application County

Applicant Written Comments: (Attach additional sheets if necessary)

Print Form

Required Findings

Tahoe City Public Utility District

2019 TCPUD – Dollar Pt./Edgewater Dr. Emergency Sewer Repair

APNs 093-094-041, and 042

The required findings below are in bold and follow TRPA Applicable findings with TRPA Code of Ordinance.

Chapter 4: REQUIRED FINDINGS

4.4.1. Findings Necessary to Approve Any Project

To approve any project TRPA shall find, in accordance with Sections 4.2 and 4.3, that:

A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan

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;

The project is located within the Tahoe Basin Area Plan within the Dollar Point Subdistrict. Pipelines and transmission lines are allowed uses that are considered under the provisions for a Conditional Use Permit.

Chapter 80: Review of Projects in the Shorezone & Lakezone

Chapter 80.3. REQUIRED FINDINGS

80.3.1. Findings Required for Lakezone, Shorezone, and Lagoon Projects.

No project or activity within the lakezone, shorezone, or lagoon of lakes in the Region, shall be approved unless TRPA makes all the applicable findings listed below.

80.3.2. Findings for All Projects.

A. General Environmental Findings. TRPA must analyze and make the required environmental findings pursuant to Chapter 3, Environmental Documentation. In addition, such environmental findings must demonstrate that the project will not adversely impact:

1. Littoral processes;

The project includes an emergency repair of an existing sewer line within Lake Tahoe in March 2019. A trench was dredged to replace pipe that became dislodged due to high lake water, unprotected exposure, and severe wave action. The project also included securing ten (10) steel pile anchors to the pipe. That project included a temporary disturbance of approximately 9 cubic yards (CY) of lake bottom. The same material was used to backfill the pipe trench. In addition, approximately 10 large boulders were moved to dissipate ongoing wave energy around the manhole (MH 1006). As part of this proposed project, divers will replace the boulders where they originated; replace approximately 60 feet of 8-inch diameter ductile iron pipe (DIP) adjacent to the sewer pipe replaced in the emergency repair; secure seven (7) steel pile anchors; and secure three (3) manta ray anchors to the pipe to prevent the possibility of another breakage.

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The replacement and proposed replacement of the existing pipe will have no significant impact on the transport of materials within the littoral zone. The primary transport mechanism that moves materials within the littoral zone, wave activity driven by predominant southwesterly winds, results in a dominant offshore-onshore movement of materials, primarily sand and silt at this location (Environmental Assessment Associated with the Replacement of the Lake Forest Boat Ramp and Maintenance Dredging, 8/2/2013, Stanford L. Loeb, Ph.D, page 27 (TRPA File No. ERSP2013-0845)).

2. Fish spawning;

The area is similar in nature to the where previous work occurred in that it lies within a sandy unprotected zone in the foreshore and nearshore (between elevations 6,220 – 6,224 feet). The Geotechnical Report completed by NV5 as part of the emergency repair project recognized beach deposits consisting of very dense fine to coarse grained sand west of MH 1006. This is further substantiated by viewing the TRPA Fish Habitat (OGRGeoJSON: OBJECTID #3837, and #3840), revealing a sand substrate with marginal habitat.

Repairs are to commence late September after spawning season and when there is a 5-7-day calm forecast. Turbidity curtains will be installed from the edge of water to surround the construction area. Ambient water quality thresholds and standards applicable in the littoral zone shall be applied and enforced at a reasonable distance from the construction activity.

3. Backshore Stability;

As stated above, under section 2 Fish spawning, the project is located between elevations 6,220 – 6,224 feet. Construction methods for the emergency repair project utilized aquatic equipment which included a LARK, barge, and excavator (positioned on barge). No construction staging occurred in the backshore. The project proposes to use the same construction methodology as the prior project.

4. On-shore wildlife habitat, including wildfowl nesting areas;

This project proposes work to be completed in Lake Tahoe. No disturbance to on-shore wildlife including wildfowl nesting areas is anticipated.

80.3.2.C TRPA must find that 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 littoral parcels associated with the project area lie within the Dollar Point Subdistrict of the Placer County Tahoe Basin Area Plan. Pipelines and Power Transmission are**

Required Findings

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permissible uses requiring a Conditional Use Permit (Placer County Tahoe Basin Area Plan Implementing Regulations, January 2017, page 37).

80.3.2.E TRPA must find that measures will be taken to prevent spill or discharges of hazardous materials.

Construction methodology will ensure that all fuel for the bypass pump will be stored securely in fuel containment systems. Welding will be conducted off site. The barge is equipped with a protective covering where the excavator sits to prevent discharges of oil or fuel to the lake.

80.3.2.F Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

For the prior emergency repair project, the contractor mobilized to the site via aquatic equipment, as stated above. Workers/inspectors accessed the site via an established foot path and drainage easement from Edgewater Drive. The project proposes to use the same construction methodology as the prior project.

80.3.2.G TRPA must find that the project will not adversely impact navigation or create a threat to public safety pursuant to the determination of agencies with jurisdiction over the navigable waters in the Basin.

The existing sewer pipe is within a sewer easement. Both the previously replaced pipe and the proposed pipe replacement are in-kind replacements. There is no change in location or capacity which would create an adverse impact to navigation.

80.3.3 Additional Findings for Special Use Projects

80.3.3.A The project, and the related use, is of such a nature, scale, density, intensity, and type to be appropriate for the project area, and the surrounding area.

The projects are maintenance and repair of an existing structure, as well as an allowed use.

80.3.3.B The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region.

The project proposes to prevent the possibility of a future sewer pipe dislodgement. The proposed manta ray anchors are pre-fabricated with ½ inch steel plates welded to the top. A hold-down strap bolts to the plate and the pile to hold the pipe. The anchors will provide high uplift resistance when driven into the rock mass consisting of volcanoclastic ash deposits (NV5 Geotechnical Field Report, 2/7/19).

Required Findings

Tahoe City Public Utility District

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80.3.3.C The project, and the related use, will not change the character or the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

The projects are maintenance and repair of an existing structure, as well as an allowed use.

80.3.5 Additional Findings for Public Service facilities

80.3.4.A The project is necessary for public health, safety, or environmental protection.

The project is necessary to avoid a future dislodgement of the sewer pipe.

80.3.4.B There is no reasonable alternative that avoids or reduces the amount of land coverage or disturbance in the backshore.

Relocation of the sewer pipe would require removal of the existing pipe, which would require an increase in disturbance in the foreshore, nearshore, and backshore due to construction activities related to dredging and trenching for removal of approximately 3,320 linear feet of sewer pipe and 13 manholes. The proposed project is currently the only reasonable alternative for maintenance of the existing sewer line.

Chapter 83: Shorezone Tolerance Districts and Development Standards

83.9 Shorezone Tolerance Districts 4 & 5 – Development Standards

83.8.2.B 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.

Workers/inspectors will access the site via an established foot path from Edgewater Drive.

Chapter 84: Development Standards Lakeward of High Water in the Shorezone and Lakezone

84.9 Filling & Dredging

84.9.2.A There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.

Excavated/dredged materials were placed adjacent and parallel to the trench between the trench and shoreline during the emergency repair project. The same construction methodology will occur as part of the proposed sewer line replacement project. No additional or outside fill is required for the projects.

84.9.2.B New dredging shall be permitted in association with the following facilities only where previous approved uses exist, provided all environmental impacts shall be mitigated:

2. Essential public health and safety facility; and

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The projects are maintenance and repair of an existing essential public health and safety facility.

84.9.2.C Maintenance dredging shall be allowed according to the following provisions:

1. The maintenance dredging is located in a facility that has been previously dredged;
2. The applicant demonstrates that dredging is necessary to maintain an existing use; and
3. The maintenance dredging is limited to the previously dredged footprint.

Dredging of the existing sewer line is required to provide maintenance and repair to maintain an existing use and is limited to the previously dredged footprint.

Chapter 85: Development Standards in the Backshore

85.5.2 Public Service

Land coverage and land disturbance may be permitted in the backshore for public service facilities if TRPA finds that:

- A. The project is necessary for public health, safety, or environmental protection;
- B. There is no reasonable alternative which avoids or reduces the amount of land coverage or disturbance in the backshore; and
- C. The impacts of coverage and disturbance are mitigated in the manner prescribed in subsection 85.5.1.E.

Construction methods for the emergency repair project utilized aquatic equipment which included a LARK, barge, and excavator (positioned on barge). No construction staging occurred in the backshore. The project proposes to use the same construction methodology as the prior project. Workers/inspectors will access the site via an established foot path from Edgewater Drive. Therefore, no permanent impacts or disturbance to the backshore are anticipated.

Street Add	Street Name	APN	First	Last (Or Second)					
3305	EDGEWATER DR	093-093-001	GLASCO	SINGLETON	PO BOX 890	LOS GATOS	CA	95031-0890	
3315	EDGEWATER DR	093-093-002	STEPHEN	PADDOCK	21 REDCOACH LANE	ORINDA	CA	94563	
3325	EDGEWATER DR	093-093-003		AM WALLACE & ASSOCIATES LLC	135 ESTATES DRIVE	DANVILLE	CA	94526	
3335	EDGEWATER DR	093-093-004	CARLO MORMORUM	ELIZABETH GOFEL	520 CAPITAL MALL #380	SACRAMENTO	CA	95814	
3355	EDGEWATER DR	093-093-005	WALTER	YOUNGMAN JR.	24 CRAGMONT COURT	WALNUT CREEK	CA	94598	
3290	EDGEWATER DR	093-094-007	LAURENCE & KIM	AKIN	32 HESKETH DRIVE	MENLO PARK	CA	94025	
3300	EDGEWATER DR	093-094-008	JOHN	WARD	122 WOODLAND ROAD	KENTFIELD	CA	94904	
3310	EDGEWATER DR	093-094-009	ROBERT	ERNST	4500 VIEJO RD	CARMEL	CA	93923-9437	
3338	EDGEWATER DR	093-094-013	LATTA 1990 FAMILY	KURT LATTA	1270 COUNTRY CLUBE DR	LOS ALTOS	CA	94024	
		093-094-014		TCPUD	PO BOX 5249	TAHOE CITY	CA	96145	
3334	EDGEWATER DR	093-094-038	MARC & DEBORAH	METCALF	PO BOX 6855	TAHOE CITY	CA	96145-6588	
3340	EDGEWATER DR	093-094-039	LAURA & THOMAS	ROSCH	255 E FOSTER PLACE	LAKE FOREST	IL	60045	
3328	EDGEWATER DR	093-094-041	JOSHUA FLOUM	MARGARET O'DONNELL	323 SEYMOUR LANE	MILL VALLEY	CA	94941	
3320	EDGEWATER DR	093-094-042	PAUL NP	FULTON	5739 149TH AVENUE	BELLEVUE	WA	98006	

**NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

PROPERTY OWNER		
Name: Tahoe City Public Utility District	Phone Number: 530-583-3796	
Mailing Address: 221 Fairway Drive (or P.O. Box 5249)		
City: Tahoe City	State: Ca	ZIP Code: 96145
Contact Person: Tony Laliotis / Jon LeRoy	E-Mail: tlaliotis@tcpud.org / jleroy@tcpud.org	
BILLING ADDRESS		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any): 3328 Edgewater Drive		
Nearest Cross Street(s): Observation Driver and/or Dardanelles Ave.		
County: Placer County	Total size of project site (acres): 120 SF	
Photos Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)		
DMS: N. Latitude	Deg. <u>39</u>	Min. <u>11</u> Sec. <u>06</u>
W. Longitude	Deg. <u>120</u>	Min. <u>05</u> Sec. <u>56</u>
DD: N. Latitude	_____	
W. Longitude	_____	
Attach a map of at least 1:24000 (1" = 2000') detail of the impact site(s).		
Indicate the map format used (listed in order of preference):		
<input type="checkbox"/> GIS shapefiles. The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.		
<input type="checkbox"/> Google KML files saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project areas and extent/type of aquatic resources		

**NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

impacted.*

Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.

*** If using Google Maps: My Maps or similar, provide URL(s) of maps.**

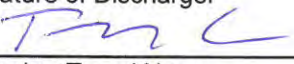
DISCHARGE INFORMATION	
Project Start Date: Jan. 30, 2019	Project Completion Date: Mar. 19, 2019
Names of Receiving Water(s):	
Lake Tahoe	
Receiving Water Types:	
<input checked="" type="checkbox"/> Lake/Reservoir <input type="checkbox"/> Ocean/Estuary/Bay <input type="checkbox"/> River/Streambed	<input type="checkbox"/> Riparian Area <input type="checkbox"/> Vernal Pool <input type="checkbox"/> Wetland
Regulatory Agencies with Jurisdiction Over Project and Associated Permits/Agreements:	
ACOE, USEPA, USFWS, NMFS, CDFW, SHPO, Ca. State WRCB, RWQCB-Lahontan, TRPA, Placer Co. Env. Health	
Emergency Project Description: (e.g. discharge of riprap; discharge of fill; excavation for a utility line)	
See attached Project Description	
Purpose of the Entire Project Activity: (e.g. stream-bank erosion control; maintain, repair, or restore damaged property)	
Emergency repair to public owned sewer facility necessary to maintain service essential to public health and safety.	
Erosion and Sediment Control Measures Implemented:	
All construction activity performed and contained within turbidity curtain, foot traffic primarily on snow covered land.	
Pollution Prevention Measures Implemented:	
Redundant sewer by-pass system installed and operated, all construction work by barge and within turbidity curtain.	

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the actual discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.						
Aquatic Resource Type	Temporary Impact			Permanent Impact		
	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Lake/Reservoir	160 SF	9 CY	80 LF			
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

**NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

COMPENSATORY MITIGATION	
Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Photos Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Compensatory Mitigation Description (include aquatic resource type and acres and linear feet):	
MITIGATION SITE LOCATION	
Street (include address, if any):	
Nearest Cross Street(s):	
County:	
Latitude/Longitude (Center of Mitigation Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)	
DMS: N. Latitude Deg. _____ Min. _____ Sec. _____	
W. Longitude Deg. _____ Min. _____ Sec. _____	
DD: N. Latitude _____	
W. Longitude _____	
Attach a map of at least 1:24000 (1" = 2000') detail of the mitigation site.	
Indicate the map format used (listed in order of preference):	
<input type="checkbox"/> GIS shapefiles. The shapefiles must depict the boundaries of all project(s) and extent of aquatic resources. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.	
<input type="checkbox"/> Google KML files saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project(s) and extent/type of aquatic resources.*	
<input type="checkbox"/> Aquatic resource maps marked on paper USGS 7.5 minute topographic maps or DOQQ printouts. Maps must show the boundaries of all project(s) and extent/type of aquatic resources.	
* If using Google Maps: My Maps or similar, provide URL(s) of maps.	

**NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS**

CERTIFICATION	
<p>"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 8 will be complied with."</p>	
Signature of Discharger 	Title TCPUD - Director of Utilities
Printed or Typed Name Tony Laliotis	Date 3-25-19

NOTICE OF COMPLETION (NOC) SUMMARY FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

WATER QUALITY ORDER No. 2018-0025-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION and ORDER FOR THE TAHOE CITY PUBLIC UTILITY DISTRICT EMERGENCY SEWER REPAIR PROJECT, PLACER COUNTY (WDID 6A311902001)

March 19, 2019

Description of Emergency:

Please see the attached "[Technical Report for Sewer Spill – 3328 Edgewater Drive, Tahoe City Ca](#)" by the Tahoe City Public Utility District, dated March 14, 2019 (Attachment A).

Specific Location:

The location of the failure is along the shore line of Dollar Point community in Tahoe City, Ca. beginning near the residence located at 3328 Edgewater Drive APN 093-094-041 and extending west to the residence at 3320 Edgewater Drive APN:093-094-042 (Attachment B).

Coordinates for the approximate location per Google Earth are 39°11'06" North and 120°05'56" West.

See Attachment F for As-Built Plan/Profile.

Permit Applications:

Upon discovery (January 30th), TCPUD staff immediately notified CAL OES and the Lahontan Regional Water Quality Control Board. The following morning, TCPUD notified the US Army Corps of Engineers, Tahoe Regional Planning Agency, CA State Water Board, U.S. Fish and Wildlife Service, Ca. Dept. of Fish and Wildlife, Nevada FWS, National Marine and Fisheries Service, and the USEPA (via ACOE). The following list the submittal dates of the applications requested:

1. ACOE (RPG 8) – Request for authorization to proceed with Emergency Repair of Sanitary Sewer Pipe – January 31, 2019
2. ACOE Form 4345 – February 5, 2019
3. State Water Resources Control Board (Lahontan) NOI – February 5, 2019
4. CDFW Notification of Emergency Work – February 6, 2019
5. Tahoe Regional Planning Agency Petition for Expedited Review – January 31, 2019.

Construction and Repair Summary:

Concurrent to conversations with ACOE, Lahontan, CDFW, and TRPA, the TCPUD Board of Directors passed TCPUD Resolution *No. 19-04 Declaring the Dollar Edgewater Sewer Main Failure and Emergency and Dispensing with Competitive Bidding for Repairs* at a special Board of Directors meeting on February 1, 2019. The TCPUD then contracted Gensberg and Sons Inc. of Tahoe City (Contractor) to provide construction services for the pipe repair.

Wednesday, February 6th. The Contractor mobilized to the site via aquatic equipment which included a LARK, barge, and excavator (positioned on barge) and installed the turbidity curtain (Fig. 1)



Fig. 1 - Initial mobilization and installation of turbidity curtain.

Thursday, February 7th. The contractor excavated/dredged along the existing alignment of the dislodge sewer pipe to re-establish the trench. Materials from the excavation were placed parallel and adjacent to the trench between the shoreline and trench (see Attachment E for turbidity logs). The Contractor and TCPUD crews also installed temporary manhole riser rings onto the adjacent submerged manhole lid (Sta: 17+65) to provide additional protection to the sewer by-pass pumping and workers safety (Fig. 2-5).



Fig. 2 - Placing temporary manhole risers.



Fig. 3 – Adjusting manhole risers (Feb. 8th).



Fig. 4 – Fastening risers in place (Feb. 12th).



Fig. 5 – Complete temp. riser installation (Feb. 12th).

Thursday, February 7th cont. The Contractor initiated driving the pipe support pilings (Fig. 6). During the construction activity TCPUD engineering and geotechnical consultant NV5 visited the site to confirm soils properties (Attachment C). Based on conversations with consultant, pipe support piles driven to a depth of 4-ft are estimated to provide adequate uplift resistance to the repair design.



Fig. 6 – Initial pile driving for pipe anchor/supports.

Friday, February 8th. Strong winds and wave action preceding a severe weather event necessitated demobilization of the Contractors' equipment. TCPUD staff contacted the Lahontan Regional Water Quality Control Board and TRPA to discuss demobilization and a decision was made to remove the turbidity curtain along with the equipment. A summary of this decision and Report Type-4 for the Violation of Compliance with Water Quality Standards Report dated February 13, 2019 is included in the attachments (Attachment D).

February 9th thru February 22nd. No remobilization of construction equipment or repair attempts other than fortifying the manhole risers and by-pass pumping system (Fig. 4 & 5 above) was made during this period due to prolonged weather events. TCPUD operated and maintained sewer by-pass pumping 24/7. On **Wednesday, February 20th**, during sewage by-pass operation, a plug was purposely relieved to allow liquid and solids to be removed from a surcharged section of pipe. A submersible pump as well as suction from the TCPUD's Vactor were simultaneously running to be prepared for the anticipated slug of flow. When the solids came through, a significant amount of liquid overwhelmed both pumping systems causing the manhole to fill and briefly overtop and discharge. Spill quantity was estimated to be 1 gallon or less. The active pumping operations mitigated the active spill within seconds. The SSO event (ID 856329) was filed on the CIWQS on March 5, 2019.

Saturday, February 23rd. In an effort to improve protections for worker safety and by-pass system operations from continuing storm activity and rising lake levels, the TCPUD directed the Contractor to install approximately 20-ft of sheet piling around the sewer manhole (Sta:17+65). The TCPUD notified Lahontan and TRPA of this activity on Thursday, February 21st, hoping to mobilize the next day, however, weather prevented mobilization until Saturday, February 23rd. Installation of the sheet piles was completed at approximately 2:00 pm on that Saturday (Fig. 7).



Fig. 7 – Sheet piling installed near sewer manhole Sta: 17+65.

Sunday, February 24th to Sunday March 3rd. No remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events. The TCPUD operated and maintained sewer by-pass pumping 24/7 and contracted with Munson Pump Systems

to take over monitoring of the by-pass system to relieve TCPUD crews. The pumping contractor began observation, maintenance, and operations on Wednesday, February 27th. No incidence of sewer discharge occurred.

Monday, March 4th. Severe wave action from a prolonged storm event damaged bent and loosened the installed sheet piling. The District instructed the contractor to remobilize and remove all sheet piling previously installed as it no longer provided any additional protection. During the removal, of the sheet piling, the contractor was further instructed to rearrange the existing boulders adjacent to the manhole and add additional temporary boulders at this location to dissipate the ongoing wave energy.

Tuesday, March 5th to Tuesday March 12th. No remobilization of construction equipment or repair attempts were made during this period due to prolonged weather events. The TCPUD and pumping contractor maintained by-pass operations. No incidence of sewer discharge occurred.

Wednesday, March 13th. Reasonably calm weather was predictable for at least 5 consecutive days, and the Contractor was instructed to remobilize, re-install the turbidity curtain, and commence repairs. By the end of day, the contractor had re-excavated the trench line, and partially driven all 10 pipe anchor/support piers. Excavated material was again placed adjacent and parallel to the trench between the trench and shoreline (Fig. 8 & 9).

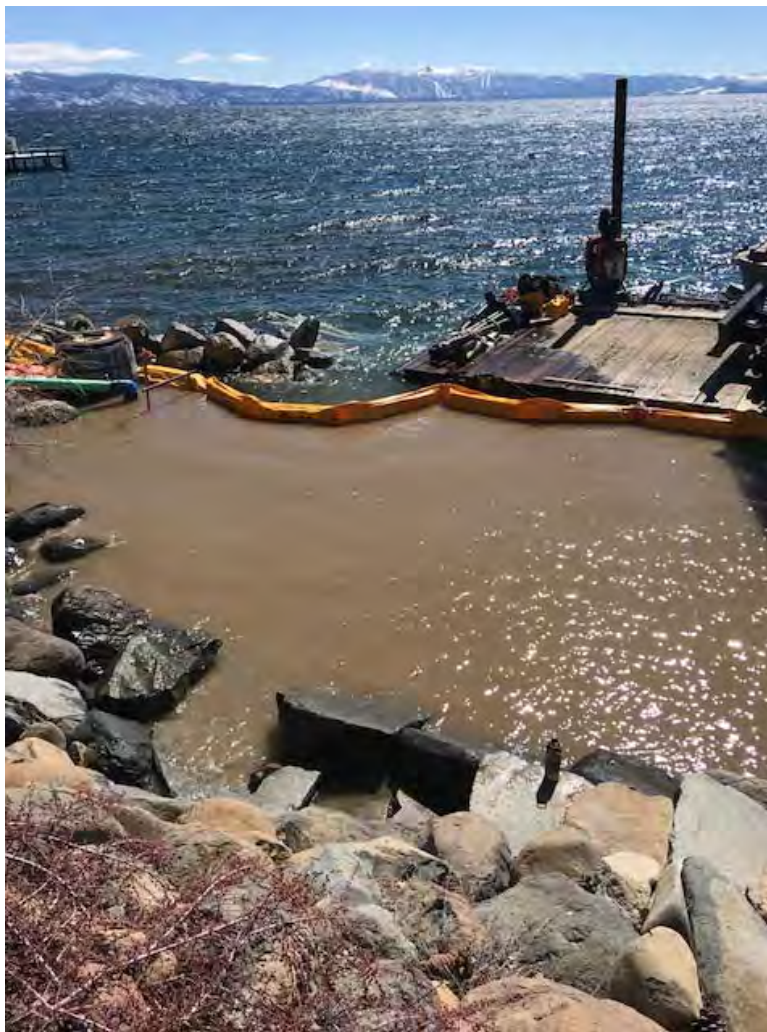


Fig. 8 – during re-excavation of trench.

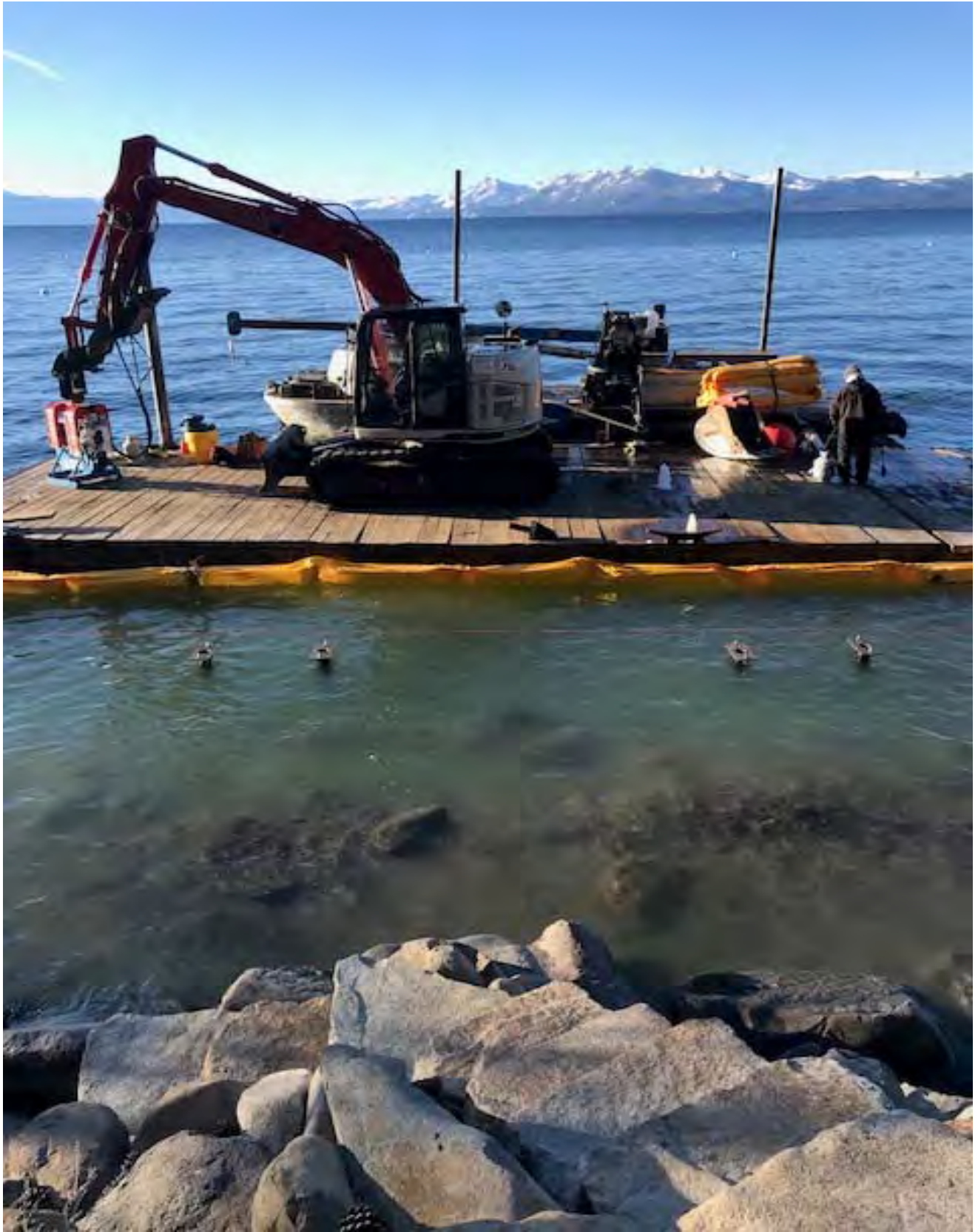


Fig. 9 – Trench excavated and anchor/support piles partially driven (photo taken Mar. 14, 2019 am)

Thursday, March 14th. The anchor/support piles were driven to final grade and prepared for pipe placement. Additionally, the flanged sections of 8-inch ductile iron pipe were pre-assembled on the barge. (Fig. 10 & 11)

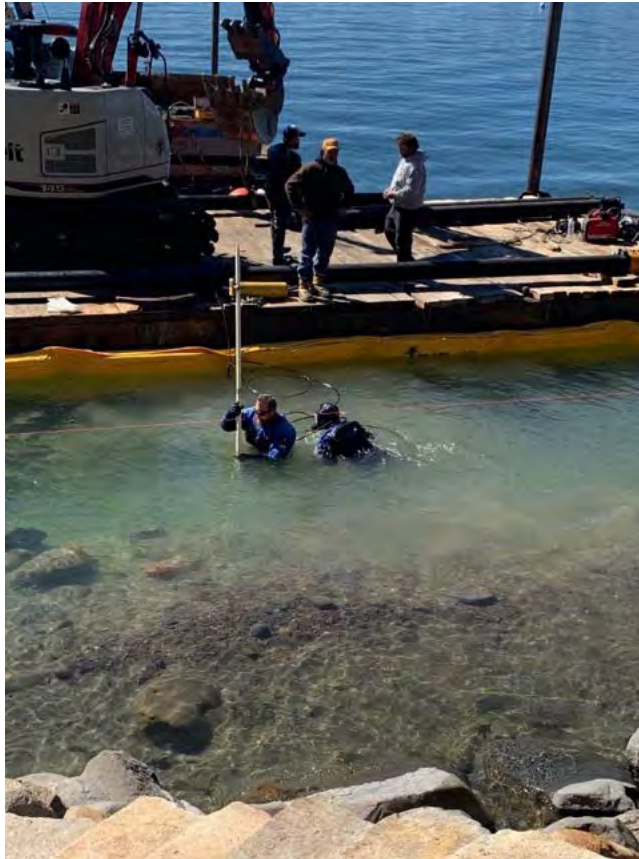


Fig. 10 (above) verifying anchor/support grades & Fig. 11 (below) pile driving completed.

Friday, March 15th. The replacement pipe was maneuvered into position, connected and sealed, and attached to the anchor/support piles. Additionally, TCPUD crews cleaned the by-passed section of sewer main of all obstructions and recommissioned the pipe. By-pass operations were terminated at 5:30 pm. (Fig. 12 & 13).



Fig. 12 – D.I.P. installation.



Fig. 13 – Completed pipe installation.

Saturday, March 16th. The Contractor hand sorted large rocks from the excavated material that was placed adjacent to the trench alignment and pulled/dragged the remaining material to backfilled the pipe trench. The work was completed by mid-day Saturday. (See Attachment E for turbidity logs during construction activity).

Sunday, March 17th and Monday, March 18th. TCPUD staff monitored the turbidity curtain. No discharge or issues were observed and no adjustment required.

Tuesday, March 19th. The Contractor prepared to remove the turbidity curtain. TCPUD notified Lahontan and TRPA that turbidity levels had reached 10% of the background levels and proceeded with removal and demobilization from project site (Fig. 14). (See Attachment F – As-Builts)



Fig. 14 – Removal of turbidity curtain. (March 19th, 10:30 am)

Note: The manhole risers and the temporary boulders will be removed in May 2019. They are left in place to provide protections to TCPUD staff for access, observation, and monitoring of the completed repair.

Attachment A

Technical Report for Sewer Spill

3228 Edgewater Drive, Tahoe City, Ca.

Tahoe City Public Utility District

March 14, 2019

Technical Report for Sewer Spill
3228 Edgewater Drive, Tahoe City, CA
Tahoe City Public Utility District
March 14, 2019



**Tahoe City
Public Utility District**



Prepared by:
Tony Laliotis
Director of Utilities

1. Background and Spill Response Activities

January 23, 2019

On January 23, 2019 at approximately 0920 hours, the Tahoe City PUD received a phone call from the property owner at 3228 Edgewater Drive regarding some sewer pipe in the water that appeared to be cut up and left in the water below his house. A work order was immediately generated, however, it was not followed up on until January 25, 2019. There was a miscommunication between internal staff regarding the location of the pipe and field staff believed the pipe was up on the road. Therefore, based on other priorities staff did not immediately respond. A map of the spill location and general area is included as **Attachment 1**.

January 25, 2019

Dan Lewis, TCPUD Utilities Superintendent arrived on site at approximately 1258 hours on January 25, 2019 and located the reported pipe in the lake and not on land as had been incorrectly communicated. Dan Lewis witnessed asbestos cement pipe in four distinct and fairly intact sections laying out in the water of Lake Tahoe in an area of approximately 10 feet off shore to 50-60 feet off shore. It was assumed that the pipe was left over from construction work from either a possible recent lake front project or from work TCPUD had performed approximately 20 years ago in the spring of 2000. At approximately 1308 hours, Dan Lewis texted a photo of two pipe sections to TCPUD Director of Utilities, Tony Laliotis, who was out of the office that day. Tony Laliotis could not recall with certainty that all pipe sections had been removed when work was performed in the spring of 2000. That work replaced approximately 40' of damaged pipe immediately adjacent to the location of the strewn pipes. Dan was directed to inquire with TCPUD Technical Services department to see if any recent lake shore or lake front development projects involved replacing asbestos cement pipe.

January 30, 2019

On January 30, 2019 Tony Laliotis reviewed some photos of the work done in the spring of the year 2000 and it appears that all of the pipe was removed following that repair. Tony Laliotis notified Dan Lewis of this and directed him to immediately inspect the gravity sewer main below 3228 Edgewater Drive. Manhole Number 1006 (MH1006) was unsealed and unbolted at approximately 1500 hours and appeared to be surcharged to Lake Level indicating the likelihood of an active sanitary sewer overflow. The immediate cause was identified as the dislodging of a section of sewer main (ID 10152) downstream from MH1006.

Tony Laliotis notified Lahontan Regional Water Quality Control Board at approximately 1600 hrs. CAL OES was notified at approximately 1620 hours and the incident was assigned control # 19-0710.

TCPUD Crews immediately responded and began constructing a 6-inch diameter vacuum suction line to connect to the TCPUD Vactor truck to begin vacuum bypassing flow from MH1006. While the suction lift and distance from MH1006 to the road elevation is significant (between 50-60 feet of lift and 190-200 feet of run), TCPUD has employed this same setup successfully in annually cleaning and maintaining the

wet well of the sanitary sewer lift station that collects the sewage from that area. An attempt was made to bypass MH1006 at approximately 1850 hours with the Vactor. Unfortunately due the outlet of MH1006 being essentially open and submerged under lake level by about 14 inches, the Vactor suction could not keep up with the constant inflow of the lake. A second Vactor truck was brought on site and resulted in the same performance restrictions. Unfortunately due to significant rocks and sand in the manhole a plug could not be inserted into the outlet of the manhole to seal off the lake. Bypass pumping equipment was installed and directed to a manhole on Edgewater Drive. Pumping commenced at approximately 2245 hours and debris was removed to allow a plug to be successfully inserted in the outlet of MH1006 at approximately 2300 hours on January 30, 2019. This effectively stopped the spill.

Very little if any sewage related debris was found outside of the manhole. All debris from within the manhole was removed and returned to the sanitary sewer system.

January 31, 2019 to March 12, 2019

Due to primarily weather restrictions as well as construction complexity of the repair, the District has spent the majority of this time period bypassing sewage from the damaged section. A marine contractor was retained and mobilized in early February to begin repairs. However, record February snowfall followed by consistent precipitation and storms in the first part of March 2019 has kept the contractor from being able to perform repairs. The complexity of the repair requires several straight days of calm wind and weather to allow the equipment and environmental controls necessary for the repair to be positioned in the lake. As well, restrictions on turbidity levels and lake water quality have limited the time that the necessary turbidity containment device could stay in place without risking damage, water quality violations, and worker safety. As of March 13, 2019, the contractor has re-mobilized and the repair is ongoing while the weather remains calm.

2. Spill Volume Estimation:

TCPUD has reviewed various records and data to attempt to reconstruct when the sewer main may have become dislodged. The Dollar 1 Edgewater Sewer Pump Station (SPS) is located downstream of the location of the dislodged pipe and collects and pumps sewage from **38** homes located on Edgewater Drive. The number of homes located upstream of the location of the dislodged pipe is **17**. Records of the wet well level have been analyzed and indicate that just after noon on **January 5, 2019**, the SPS experienced a rapid increase in wet well level which activated both the lead and lag pumps due to the rapid rise. Both pumps were able to overcome the rapid inflow and successfully pumped down the wet well prior to any high level alarms being triggered. A graph of the SPS wet well data is included in **Attachment 3**. The inflow rapidly decreased as rock and debris quickly sealed off the end of the pipe due to the rapid movement of water mobilizing lake sediment toward the open pipe. While some inflow into the station remained, the overall flow volume was not out of the ordinary for the January holiday periods as shown below. Therefore, weekly routine inspection of the SPS did not alert the operators to a potential problem.

Dollar 1 Edgewater Sewer Pump Station Flow Comparison

Date Range	Total SPS Inflow for Period (gallons)	Average Inflow Rate for Period (gallons/min)
1/3/2017 to 1/30/2017	141,600	2.9
1/2/2018 to 1/29/2018	159,600	3.4
12/31/2018 to 1/28/19	143,700	3.0

A detailed analysis of water meter readings for the 17 upstream homes is included as **Attachment 2**. Based on the methodology described in the attachment, the spill volume is estimated at 16,372 gallons.

3. Spill Cause:

As described above, it appears gravity sewer main ID 10157 became dislodged just after 1200 hours on January 5, 2019. This date and time correlate very well with a significant storm/wind event that impacted the region. A wind summary for that date at the Truckee-Tahoe Airport is included as **Attachment 3** and shows significant peak gusts around mid-day on January 5, 2019. It is presumed that excessive wave action and the specific lake elevation on that date contributed to significant erosion, scouring and impact force on and around the gravity sewer main in the lake bed causing it to float and become dislodged at the existing coupling locations. Lake water and debris quickly filled into the gravity main downstream of this location as well as into MH1006. The gravel and debris in MH1006 acted as a filter for raw sewage debris, however it is evident by the water quality data that raw sewage was filtering into Lake Tahoe from the 17 homes located upstream of the spill site.

4. Public Notification and Reporting:

On January 31, 2019 a public notice was sent by email to several entities in the local community including the local homeowners associations, Placer County CEO's office, North Tahoe PUD, South Tahoe PUD and the North Lake Tahoe Resort Association. In addition, a running public notification has been posted on the District website homepage and the link is to an active running document with frequent status updates. The notice and current web page and link are included as **Attachment 6**. Sanitary Sewer Overflow (SSO) reporting was initiated on 2/3/19 through the California Integrated Water Quality System and was assigned Spill Event ID 855840. An initial draft was submitted on 2/4/19 and was certified on 2/14/19. An amended report was submitted on 3/14/19 which included upload of this report and the reduction of the spill volume estimate based on the findings as included in **Attachment 2**.

5. Water Quality Monitoring:

Water quality testing was performed on January 30, 2019, during the active spill, and again on February 5, 2019. Both sets of samples were analyzed for Total Coliform and E. Coli. Sample analyses for the January 30, 2019 samples was conducted by the Tahoe Truckee Sanitation Agency, an ELAP certified laboratory (ELAP# 1144). Sample analyses for the February 5, 2019 samples was conducted by the Western Environmental Testing, an ELAP certified laboratory (ELAP# 2523).

Sample locations consisted of 3 sites all in Lake Tahoe:

- Site 1 - At the spill site (MH1006) – “Spill Site”
- Site 2 - 100’ east of the spill site “Upstream or U”
- Site 3 - 100’ west of the spill site “Downstream or D”

These locations are shown on **Attachment 1**. The results are presented below and the Lab Analyses Sheets are attached as **Attachment 4**.

Water Quality Monitoring Results

Sample Site	Location Description	Date Sampled	Time Sampled	Total Coliform (MPN/100 ml)	E.Coli (MPN/100 ml)
Site 1	Spill Site	1/30/19	1840	>1600	>1600
Site 2	Upstream	1/30/19	1830	110	20
Site 3	Downstream	1/30/19	1835	7.8	2.0
Site 1	Spill Site	2/5/19	1210	4.1	<1
Site 2	Upstream	2/5/19	1205	3.1	<1
Site 3	Downstream	2/5/19	1200	2.0	<1

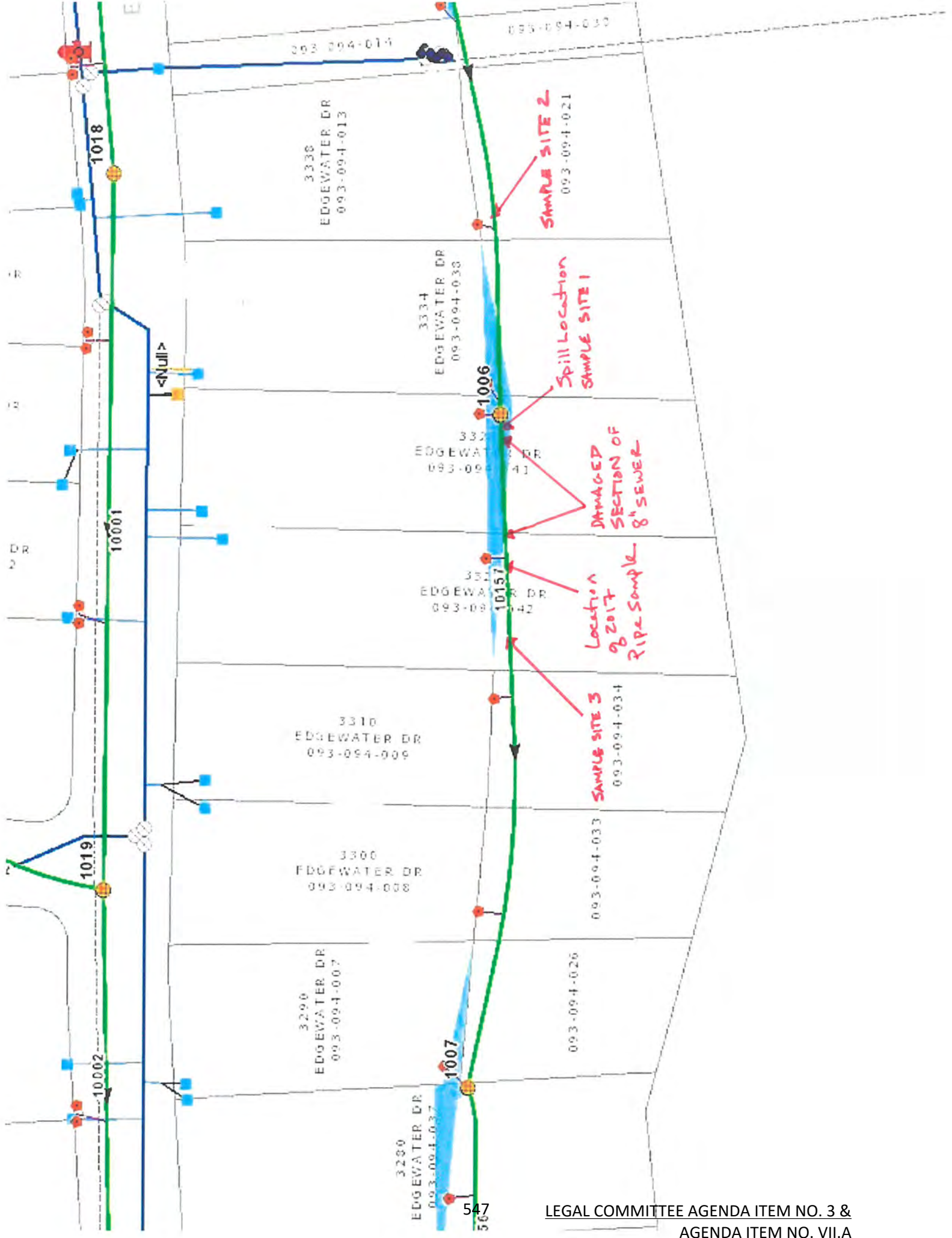
6. Preventative Maintenance Records:

The spill manhole and sewer lines upstream and downstream of this location were inspected by routine scheduled closed circuit television on October 7, 2015. The line was last cleaned on May 11, 2018. The television records do not indicate any deficiencies. The inspection record from 2015 and cleaning record from 2018 are included as **Attachment 5**. In addition, due to concerns over the age of the ACP pipe, in 2017, an 18” section of pipe approximately 80’ downstream of MH 1006 was removed to undergo destructive and non-destructive testing. The testing revealed the pipe was in good condition and exceeded the original design strength. A copy of this report is provided in **Attachment 5**. It should be noted that the location of the removed pipe section was downstream of the area damaged by the wave action mentioned above and did not contribute to the failure.

7. Corrective Actions Completed and/or Planned:

1. Completed: Bypassing all upstream sewer services until full repair complete
2. Planned: Complete repair of damaged pipe section with anchored pipe
3. Planned: Operational changes to SPS to alert operator of lag pump operation
4. Planned: Monitoring device in manhole to alert of potential surcharge

Attachment 1
Spill Location and Sample
Site Location Map



093-094-014

093-094-030

1018

3336
EDGEWATER DR
093-094-013

SAMPLE SITE 2
093-094-021

3334
EDGEWATER DR
093-094-038

**Spill Location
SAMPLE SITE 1**

1006

3332
EDGEWATER DR
093-094-041

**DAMAGED
SECTION OF
8" SEWER**

10001

3331
EDGEWATER DR
093-094-042

**Location
9/2017
RIPE Sample**

10157

3310
EDGEWATER DR
093-094-009

SAMPLE SITE 3
093-094-034

1019

3300
EDGEWATER DR
093-094-008

093-094-033

10002

3290
EDGEWATER DR
093-094-007

093-094-026

1007

3280
EDGEWATER DR
093-094-037

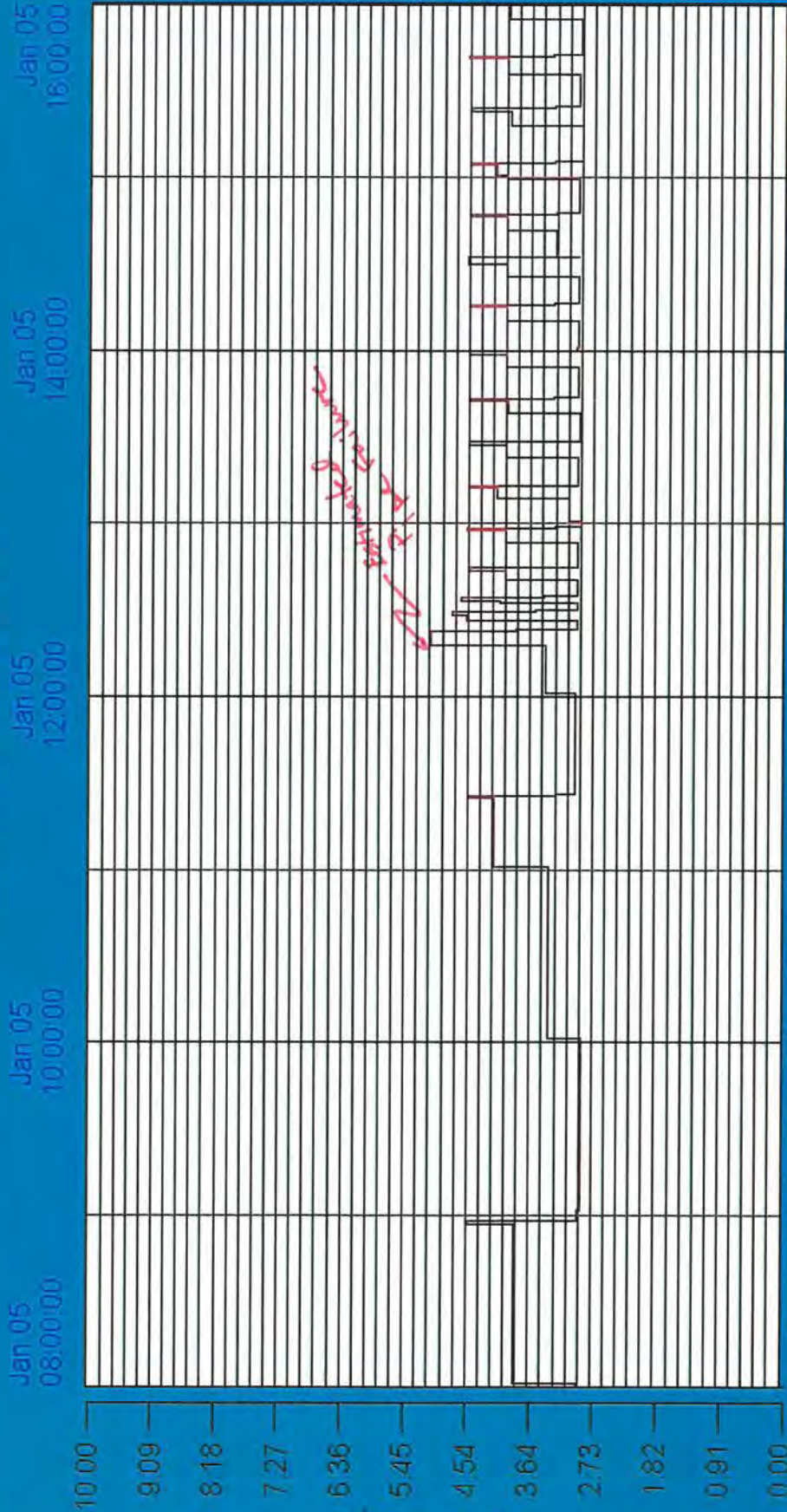
547

56

Attachment 2
Wet Well Level and Wind Speed Data

Dollar 1 Edgewater Sewer Pump Station Wetwell Data.

Historical Trend



Print

Update to Now

Return

08:00:00

16:00:00



We're curious: Are you a windsurfer or a kiter? I'm a windsurfer. I'm a kiter. I do both!

Classic iWindsurf is here to stay. Our new Wind & Weather tools are also available to you. More info

Hi guest · Get your free membership now · Log In · Enter city or US zip

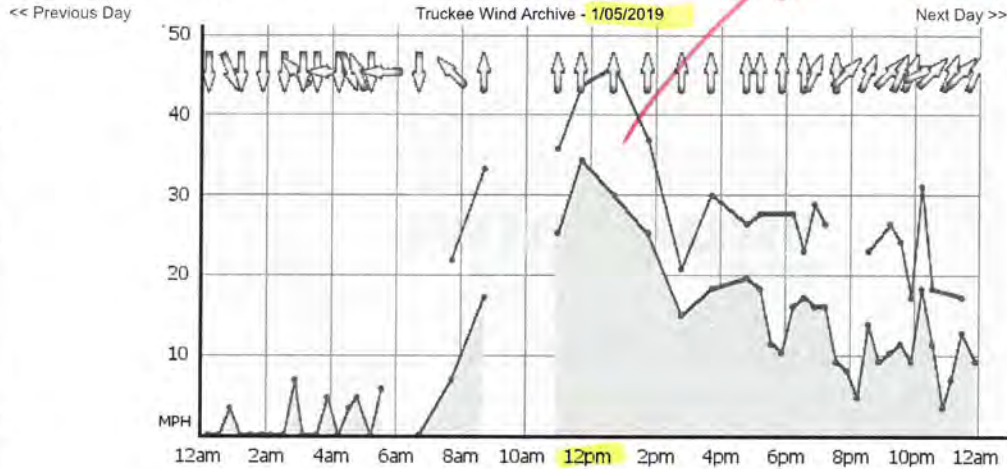
Home : xt_USA : xt_California : CA- eastern : Truckee : Wind Yesterday

New iWindsurf: Select your region for wind observations & forecasts:
North America | Europe | South America | Australia & Oceania | Asia | Africa

Archive Search

Truckee, CA Jan 2019 Go

Truckee ☆ Rate Survey!



- Truckee
- > Current Wind Graph
- > Meteogram
- > Onsite Report
- > Wind Yesterday
- > Last 7 Days
- > Wind Archive
- > Local Info
- > Sensor Notes
- > Wind Alert
- Switch Site

CA- eastern

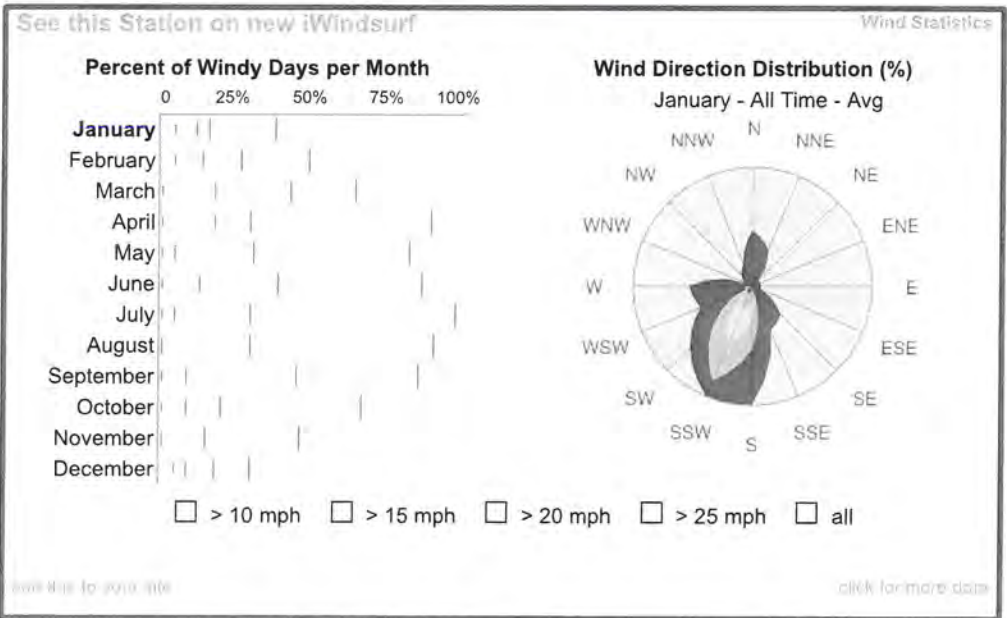
- Real-Time Data
- > Dynamic Map
- > Wind Obs Map
- > Radar + Satellite Map
- > Wind Obs Summary

- Computer Forecasts
- > Model Tables
- > Wind Vector Fx Map
- > Wind FlowViz Fx Map

More Maps 4

Other Resources 4

- Watches/Warnings
- > Coastal/Lakeshore
- Hazard Messages
- > Winter Weather
- Watch/Warning/Advisory



iWindsurf Forum Start a New Topic View all Topics		Author	Latest Post
	Where We Sailed Today	geohaye	29 Jan 2019 8:17 PM SPQR →
	OB KC 2.0 is up and running and it is spectacular !	Riptide	30 Jan 2019 2:12 PM rswabsin →
	inflatable SUP	volley1961	25 Jan 2019 3:42 PM isobars →

Attachment 3
Spill Volume Estimation

consumption versus the average daily non-holiday consumption. The analysis assumed the following peak water consumption days:

- Christmas/New Years = 12/22/18 (Saturday) to 1/6/19 (Sunday) = 16 days
- Martin Luther King Jr. Day = 1/19/19 to 1/21/19 = 3 days

A non-peak average daily water demand (ADD) was calculated from the non-holiday consumption period of January 22 – 31, 2019, as shown below.

Meter Date Range	Number of Days in Period	Peak Water Consumption Days in Period	Total Water Consumption (gallons)	Total Water Consumption less 3374 Edgewater (gallons)	Average Daily Demand (ADD) less 3374 Edgewater (gallon/day)
1/31/19 - 1/22/19	9	--	9,085	4,636	515
1/22/19 - 12/20/18	33	19	63,167	47,348	1,435

Using the non-peak ADD of 515 gallons/day, the assumed number of peak holiday days, and the known total consumption volume over the period, a peaking factor of 4.1 was derived for holiday water consumption.

The ADD and peaking factor were then used to calculate water consumption during the spill period, as detailed below.

Spill Date Range	Number of Spill Days	Peak Water Consumption Days in Spill Period	ADD less 3374 Edgewater (gallons/day)	Peaking Factor	Calculated Water Consumption less 3374 Edgewater (gallons)
1/5/19 - 1/30/19	25	4	515	4.1	19,261

Using an 85% water to wastewater generation rate results in the estimated volume of sewer spilled, below.

Spill Date Range	Water Consumption less 3374 Edgewater (gallons)	Water to Wastewater Generation Rate	Calculated Sewer Spill Volume (gallons)
1/5/19 - 1/30/19	19,261	85%	16,372

Table A
Water Meter Consumption Data
Dollar Edgewater Sewer Line Failure
Tahoe City Public Utility District
January 2019

Edgewater Address	APN	Consumption Over Meter Period (gallons)		Total Consumption (gallons)
		1/22/19 - 1/31/19	12/20/18 - 1/22/19	
3328	093-094-041	103	2,218	2,321
3334	093-094-038	43	179	222
3338	093-094-013	286	6,778	7,064
3340	093-083-039	222	6,223	6,445
3344	093-083-039	379	1,107	1,486
3350	093-083-040	29	11,489	11,518
3356	093-083-041	237	2,877	3,114
3360	093-083-042	274	1,250	1,524
3370	093-083-005	155	1,542	1,697
3374 ¹	093-083-043	4,449	15,819	20,268
3380	093-083-038	0	2,522	2,522
3384	093-083-008	1,512	2,788	4,300
3390	093-083-009	0	825	825
3410	093-083-011	300	5,470	5,770
3420	093-083-012	1,096	748	1,844
No Acct ²	093-083-013	--	--	
3436	093-083-014	0	1,332	1,332
3440	093-083-015	0	0	0
Total Consumption (gallons) =		9,085	63,167	72,252

Notes:

1. 3374 Edgewater (APN 093-083-043) flagged for a potential water leak due to meter running continuously over a 24-hour period. Consumption data omitted from spill calculation, per memorandum.
2. No customer account associated with APN.

Attachment 4
Water Quality Lab Reports

2/9/2019

Tahoe City Public Utility District
211 Fairway Dr. (P.O Box 5249)
Tahoe City, CA 96145
Attn: Dan Lewis

OrderID: 19020079

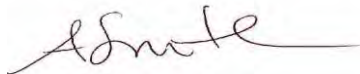
Dear: Dan Lewis

This is to transmit the attached analytical report. The analytical data and information contained therein was generated using specified or selected methods contained in references, such as Standard Methods for the Examination of Water and Wastewater, online edition, Methods for Determination of Organic Compounds in Drinking Water, EPA-600/4-79-020, and Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods (SW846) Third Edition.

The samples were received by WETLAB-Western Environmental Testing Laboratory in good condition on 2/5/2019. Additional comments are located on page 2 of this report.

If you should have any questions or comments regarding this report, please do not hesitate to call.

Sincerely,



Andy Smith
QA Manager

SPARKS

475 E. Greg Street, Suite 119
Sparks, Nevada 89431
tel (775) 355-0202
fax (775) 355-0817
EPA LAB ID: NV00925 - ELAP No: 2523

ELKO

1084 Lamoille Hwy
Elko, Nevada 89801
tel (775) 777-9933
fax (775) 777-9933
EPA LAB ID: NV00924

LAS VEGAS

3230 Polaris Ave. Suite 4
Las Vegas, Nevada 89102
tel (702) 475-8899
fax (702) 622-2868

Western Environmental Testing Laboratory

Report Comments

Tahoe City Public Utility District - 19020079

Specific Report Comments

None

Report Legend

- B -- Blank contamination; Analyte detected above the method reporting limit in an associated blank
- D -- Due to the sample matrix dilution was required in order to properly detect and report the analyte. The reporting limit has been adjusted accordingly.
- HT -- Sample analyzed beyond the accepted holding time
- J -- The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit
- M -- The matrix spike/matrix spike duplicate (MS/MSD) values for the analysis of this parameter were outside acceptance criteria due to probable matrix interference. The reported result should be considered an estimate.
- N -- There was insufficient sample available to perform a spike and/or duplicate on this analytical batch.
- NC -- Not calculated due to matrix interference
- QD -- The sample duplicate or matrix spike duplicate analysis demonstrated sample imprecision. The reported result should be considered an estimate.
- QL -- The result for the laboratory control sample (LCS) was outside WETLAB acceptance criteria and reanalysis was not possible. The reported data should be considered an estimate.
- S -- Surrogate recovery was outside of laboratory acceptance limits due to matrix interference. The associated blank and LCS surrogate recovery was within acceptance limits
- SC -- Spike recovery not calculated. Sample concentration >4X the spike amount; therefore, the spike could not be adequately recovered
- U -- The analyte was analyzed for, but was not detected above the level of the reported sample reporting/quantitation limit

General Lab Comments

Per method recommendation (section 4.4), Samples analyzed by methods EPA 300.0 and EPA 300.1 have been filtered prior to analysis.

The following is an interpretation of the results from EPA method 9223B:

A result of zero (0) indicates absence for both coliform and Escherichia coli meaning the water meets the microbiological requirements of the U.S. EPA Safe Drinking Water Act (SDWA). A result of one (1) for either test indicates presence and the water does not meet the SDWA requirements. Waters with positive tests should be disinfected by a certified water treatment operator and retested.

Per federal regulation the holding time for the following parameters in aqueous/water samples is 15 minutes: Residual Chlorine, pH, Dissolved Oxygen, Sulfite.

SPARKS

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Western Environmental Testing Laboratory Analytical Report

Tahoe City Public Utility District
211 Fairway Dr. (P.O Box 5249)
Tahoe City, CA 96145

Date Printed: 2/9/2019
OrderID: 19020079

Attn: Dan Lewis
Phone: (530) 580-6049 **Fax:**
PO\Project: 3328 Edgewater

Customer Sample ID: Spill
WETLAB Sample ID: 19020079-001

Collect Date/Time: 2/5/2019 12:10
Receive Date: 2/5/2019 13:45

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
<u>Microbiological Analyses</u>							
Total Coliform (MPN)	SM 9223B (Quantitray)	4.1	MPN/100ml	1	1.0	2/5/2019	NV00925
Escherichia Coli (MPN)	SM 9223B (Quantitray)	ND	MPN/100ml	1	1.0	2/5/2019	NV00925

Customer Sample ID: U
WETLAB Sample ID: 19020079-002

Collect Date/Time: 2/5/2019 12:05
Receive Date: 2/5/2019 13:45

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
<u>Microbiological Analyses</u>							
Total Coliform (MPN)	SM 9223B (Quantitray)	3.1	MPN/100ml	1	1.0	2/5/2019	NV00925
Escherichia Coli (MPN)	SM 9223B (Quantitray)	ND	MPN/100ml	1	1.0	2/5/2019	NV00925

Customer Sample ID: D
WETLAB Sample ID: 19020079-003

Collect Date/Time: 2/5/2019 12:00
Receive Date: 2/5/2019 13:45

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
<u>Microbiological Analyses</u>							
Total Coliform (MPN)	SM 9223B (Quantitray)	2.0	MPN/100ml	1	1.0	2/5/2019	NV00925
Escherichia Coli (MPN)	SM 9223B (Quantitray)	ND	MPN/100ml	1	1.0	2/5/2019	NV00925

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

Page 3 of 4

SPARKS
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 tel (775) 355-0202
 fax (775) 355-0817
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 1084 Lamoille Hwy
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 fax (775) 777-9933
 EPA LAB ID: NV00925

LAS VEGAS
 3230 Polaris Ave. Suite 4
 Las Vegas, Nevada 89102
 tel (702) 475-8899
 fax (702) 622-2868
 EPA LAB ID: NV00925

Western Environmental Testing Laboratory QC Report

QCBatchID	QCType	Parameter	Method	Result	Actual	% Rec	Units
QC19020172	Blank 1	Total Coliform (MPN)	SM 9223B (Qu	ND			MPN/100ml
		Escherichia Coli (MPN)	SM 9223B (Qu	ND			MPN/100ml

QCBatchID	QCType	Parameter	Method	Duplicate Sample	Sample Result	Duplicate Result	Units	RPD
QC19020172	Duplicate 1	Total Coliform (MPN)	SM 9223B (Quanti	19020078-00	ND	ND	MPN/100ml	<1%
		Escherichia Coli (MPN)	SM 9223B (Quanti	19020078-00	ND	ND	MPN/100ml	<1%

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

Page 4 of 4

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WETLAB

WESTERN ENVIRONMENTAL TESTING LABORATORY Specializing in Soil, Hazardous Waste and Water Analysis.

475 E. Greg Street #119 | Sparks, Nevada 89431 | www.WETLaboratory.com
tel (775) 355-0202 | fax (775) 355-0817
1084 Lamoille Highway | Elko, Nevada 89801
tel (775) 777-9933 | fax (775) 777-9933
3230 Polaris Ave., Suite 4 | Las Vegas, Nevada 89102
tel (702) 475-8899 | fax (702) 776-6152

WETLAB Order ID. 19020079
Sparks Control # _____
Elko Control # _____
LV Control # _____
Report Due Date _____
Page _____ of _____

Client TCPU
Address Po Box 5249
City, State & Zip Tahoe City CA 96145
Contact DAN LEWIS
Phone 775 842-9377 Collector's Name Dan Lewis
Fax 530 583-1475 PWS/Project Name 3328 Edgewater
P.O. Number _____ PWS/Project Number _____

Turnaround Time Requirements

Standard 5 Day* (25%) 72 Hour* (50%)
48 Hour* (100%) 24 Hour* (200%)
*Surcharges Will Apply

Samples Collected From Which State?
NV CA Other

Report Results Via
PDF EDD

Compliance Monitoring?
Yes No

Report to Regulatory Agency?
Yes No

Standard QC Required?
Yes No

Email dlewis@tcpud.org
Billing Address (if different than Client Address)
Company _____
Address _____
City, State & Zip _____
Contact _____
Phone _____ Fax _____
Email _____

Analyses Requested

S A M P L E T Y P E **	N O. O F C O N T A I N E R S	ANALYSES REQUESTED										Spl. No.
		Total Coliform MPN	E. Coli MPN									

SAMPLE ID/LOCATION	DATE	TIME	PRES TYPE *	SAMPLE TYPE **	ANALYSES REQUESTED										Spl. No.				
Spill	2/5/19	12:10	6	WW	1	X	X												
"U"	"	12:05	6	WW	1	X	X												
"D"	"	12:00	6	WW	1	X	X												

Instructions/Comments/Special Requirements: MPN - Samples are surface water post sewer spill.
9223 B - Test

Sample Matrix Key** DW = Drinking Water WW = Wastewater SW = Surface Water MW = Monitoring Well SD = Solid/Sludge SO = Soil HW = Hazardous Waste OTHER: _____

*SAMPLE PRESERVATIVES: 1=Unpreserved 2=H2SO4 3=NaOH 4=HCl 5=HNO3 6=Na2S2O3 7=ZnOAc+NaOH 8=HCl/VOA Vial

Temp	Custody Seal	# of Containers	DATE	TIME	Samples Relinquished By	Samples Received By
°C	Y N None		2/5/19	12:30	[Signature]	[Signature]
6.4°C	Y N <u>None</u>		2/5/19	1:45	[Signature]	[Signature]
°C	Y N None					
°C	Y N None					

WETLAB'S Standard Terms and Conditions apply unless written agreements specify otherwise. Payment terms are Net 30.

Client/Collector attests to the validity and authenticity of this (these) sample(s) and, is (are) aware that tampering with or intentionally mislabeling the sample(s) location, date or time of collection may be considered fraud and subject to legal action (NAC445.0636). _____ initial
To the maximum extent permitted by law, the Client agrees to limit the liability of WETLAB for the Client's damages to the total compensation received, unless other agreements are made in writing. This limitation shall apply regardless of the cause of action or legal theory pled or asserted. _____ initial
WETLAB will dispose of samples 90 days from sample receipt. Client may request a longer sample storage time for an additional fee. 301.2E
Please contact your Project Manager for details. _____ initial

TAHOE TRUCKEE SANITATION AGENCY 13720 BUTTERFIELD DRIVE TRUCKEE, CALIFORNIA 96161		530-587-2525 California ELAP# 1144		For Laboratory use only SAMPLE NUMBER 7246	
NAME & ADDRESS (Billing & Results) TCPUD P.O. Box 5249 TAHOE CITY CA 96145 TELEPHONE CALLED		DATE & HOUR COLLECTED 1/30/19 1840 SAMPLE COLLECTED BY DAN LEWIS REASON FOR TESTING SEWAGE SPILL SUPPLY TREATED, HOW? N/A SAMPLING ADDRESS/LOCATION "S" spill location			
① CHAIN OF CUSTODY COLLECTED BY RECEIVED BY BL DATE 1/31/19 TIME 0755		② DELIVERED TO DATE TIME TEST SET UP am DATE 1/31/19 TIME 920			
DATE AND TIME OF READING 2/4/19 0815		TECH BL	CHROMOGENIC/FLUOROGENIC FOR DRINKING WATER PRESENT/ABSENCE PER 100ML		
ADDITIONAL FAX# / ADDRESSES FOR RESULTS MPN only - FAX RESULTS TO 583-1475		COLIFORM (MPN)	CIRCLE APPROPRIATE RESULT PRESENT ABSENT > 1600 mpn/100		
NOTES: might need dilution 8°C Run out of hold time am		E. COLI (MPN)	CIRCLE APPROPRIATE RESULT PRESENT ABSENT > 1600 mpn/100		

TO RE-ORDER CALL ATOMIC PRINTING 530-581-5812

TAHOE TRUCKEE SANITATION AGENCY 13720 BUTTERFIELD DRIVE TRUCKEE, CALIFORNIA 96161		530-587-2525 California ELAP# 1144		For Laboratory use only SAMPLE NUMBER 7248	
NAME & ADDRESS (Billing & Results) TCPUD Tahoe City PO Box 5249 CA 96145 TELEPHONE CALLED		DATE & HOUR COLLECTED 1/30/19 1830 SAMPLE COLLECTED BY DAN LEWIS REASON FOR TESTING SEWER SPILL SUPPLY TREATED, HOW? N/A SAMPLING ADDRESS/LOCATION "US" upstream 100'			
① CHAIN OF CUSTODY COLLECTED BY RECEIVED BY BL DATE 1/31/19 TIME 0755		② DELIVERED TO DATE TIME TEST SET UP am DATE 1/31/19 TIME 930			
DATE AND TIME OF READING 2/4/19 0815		TECH BL	CHROMOGENIC/FLUOROGENIC FOR DRINKING WATER PRESENT/ABSENCE PER 100ML		
ADDITIONAL FAX# / ADDRESSES FOR RESULTS MPN only FAX RESULTS TO 583-1475		COLIFORM (MPN)	CIRCLE APPROPRIATE RESULT PRESENT 110 mpn/100 ABSENT		
NOTES: 8°C Run out of hold time am		E. COLI (MPN)	CIRCLE APPROPRIATE RESULT PRESENT 20 mpn/100 ABSENT		

TO RE-ORDER CALL ATOMIC PRINTING 530-581-5812

LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A

TAHOE TRUCKEE SANITATION AGENCY
 13720 BUTTERFIELD DRIVE
 TRUCKEE, CALIFORNIA 96161

530-587-2525
 California ELAP# 1144

For Laboratory use only
SAMPLE NUMBER

7247

NAME & ADDRESS (Billing & Results)

TRUD
 PO Box 5249
 TAHOECITY CA 96145
 TELEPHONE CALLED

DATE & HOUR COLLECTED

1/30/19 1835

SAMPLE COLLECTED BY

DAN LEWIS

REASON FOR TESTING

SEWER SPILL

SUPPLY TREATED, HOW?

N/A

SAMPLING ADDRESS/LOCATION "D" 100' DOWNSPREAM

① CHAIN OF CUSTODY

② DELIVERED TO

COLLECTED BY

DATE

TIME

RECEIVED BY *BL*

TEST SET UP

am

DATE 1/31/19

DATE 1/31/19

TIME 925

DATE AND TIME OF READING

2/4/19 0815

TECH

BL

CHROMOGENIC/FLUOROGENIC
 FOR DRINKING WATER
 PRESENT/ABSENCE PER 100ML

ADDITIONAL FAX# / ADDRESSES FOR RESULTS

MPN only
 FAX RESULTS TO 583-1475

CIRCLE APPROPRIATE RESULT

COLIFORM (MPN)

~~PRESENT~~ 7.6 ^{mpn}/_{100ml}

~~ABSENT~~

E. COLI (MPN)

~~PRESENT~~ 2.0 ^{mpn}/_{100ml}

~~ABSENT~~

NOTES:

e'c Run out of hold time am

Attachment 5
Preventative Maintenance Records



CUES, Inc.
 3600 Rio Vista Avenue
 Orlando, FL 32805
 Phone: 407-849-0190
 Fax: 407-425-1569

Main Inspections

Mainline ID: 10157	City: DOLLAR POINT	Street: 3328 EDGEWATER DRIVE LAKE LINES	Project name: Archive - 2015
Upstream MH No: 1006	Downstream MH No: 1007	Start date/time: 10/7/2015 10:24 AM	End date/time: 10/7/2015 11:28 AM
Shape: C	Material: PE	Height: 8 in.	Width: 8 in.
Total length: 408.0 ft.	Length surveyed: 400.0 ft.	Purpose: F	Work order no.:
Surveyed by: TODD MILLER	Weather: 1	Status: Completed	
Additional info:			

Observations

Distance	Dir.	Length	From/To	Code	Modifier	Rating
0.0 ft.	D		/	START WITH FLOW		
0.0 ft.	D		/	AMH		
81.1 ft.	D		2 /	TF		
90.4 ft.	D		/	MWLS		
108.9 ft.	D		/	MWLS		
164.2 ft.	D		2 /	TF		
200.9 ft.	D		/	MWLS		
221.9 ft.	D		/	MWLS		
306.8 ft.	D		2 /	TF		
375.8 ft.	D		/	MWLS		
396.8 ft.	D		/	MWLS		
396.8 ft.	D		/	STOP		
400.0 ft.	D		/	AMH		



CUES, Inc.
 3600 Rio Vista Avenue
 Orlando, FL 32805
 Phone: 407-849-0190
 Fax: 407-425-1569

Main Inspections

Mainline ID: 10157	City:	Street:	Project name: 2018 Cleaning
Upstream MH No: 1006	Downstream MH No: 1007	Start date/time: 5/11/2018 2:45 PM	End date/time: 5/11/2018 2:45 PM
Shape: C	Material: AC	Height: 8 in.	Width: 8 in.
Total length: 406.0 ft.	Length surveyed: 0.0 ft.	Purpose:	Work order no.:
Surveyed by: JUSTIN BANCROFT	Weather: 1	Status: Completed	
Additional info:			

Observations

Distance	Dir.	Length	From/To	Code	Modifier	Rating
0.0 ft.	D		/	AMH		
0.0 ft.	D		/	MWL		

Tahoe City Asbestos-Cement Pipe Testing

AME Project No. 1170604C
Client: HDR Engineering, Inc.

Data Summary

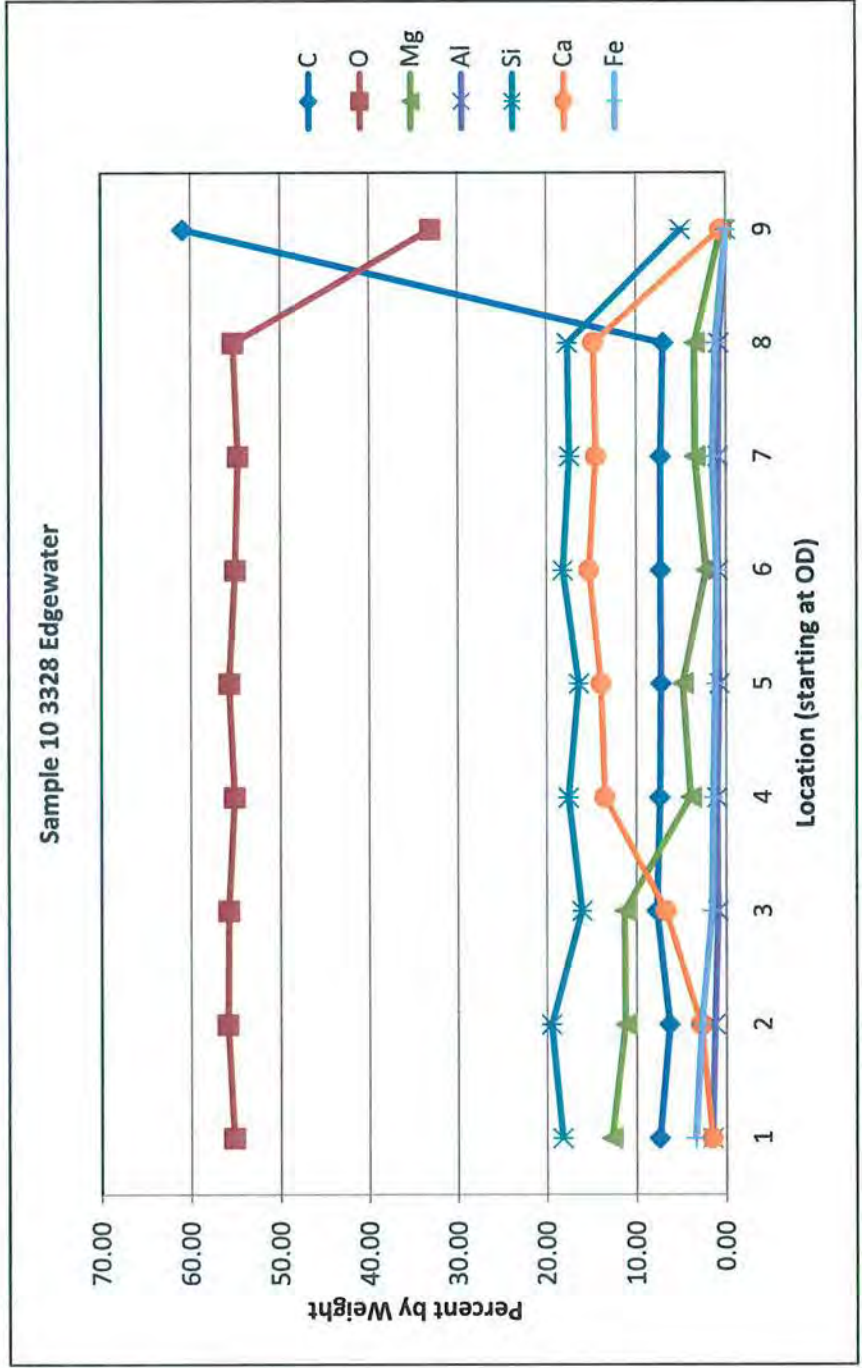
Sample No.	Address/Location	Nominal Outside Diameter (in)	Crushing Strength (lb _f /ft)	Design Load ¹ (lb _f /ft)	Pass/Fail
1	3410 Edgewater	6	7368	5400	Pass
2	Tony L Lonely Gulch	4	10116	5400	Pass
3	Flicker 4" H2O	4	5739	5400	Pass
4	Highway 89	6	11197	5400	Pass
5	Rubicon Beach	4	8671	5400	Pass
6	East Lagoon H2O Line	4	2384	5400	Fail
7	Park Terrace	4	2844	5400	Fail
8	\$1 Edgewater	4	10418	5400	Pass
9	Gold Coast/Glen Dr.	8	9696	5500	Pass
10	3328 Edgewater	8	5680	5500	Pass
11	N. Lane for Tony	6	10033	5400	Pass
12	Waters Edge Tony	6	8647	5400	Pass
13	Meeks Bay Force Main	14	11393	8600	Pass

Sample 10 – 3328 Edgewater



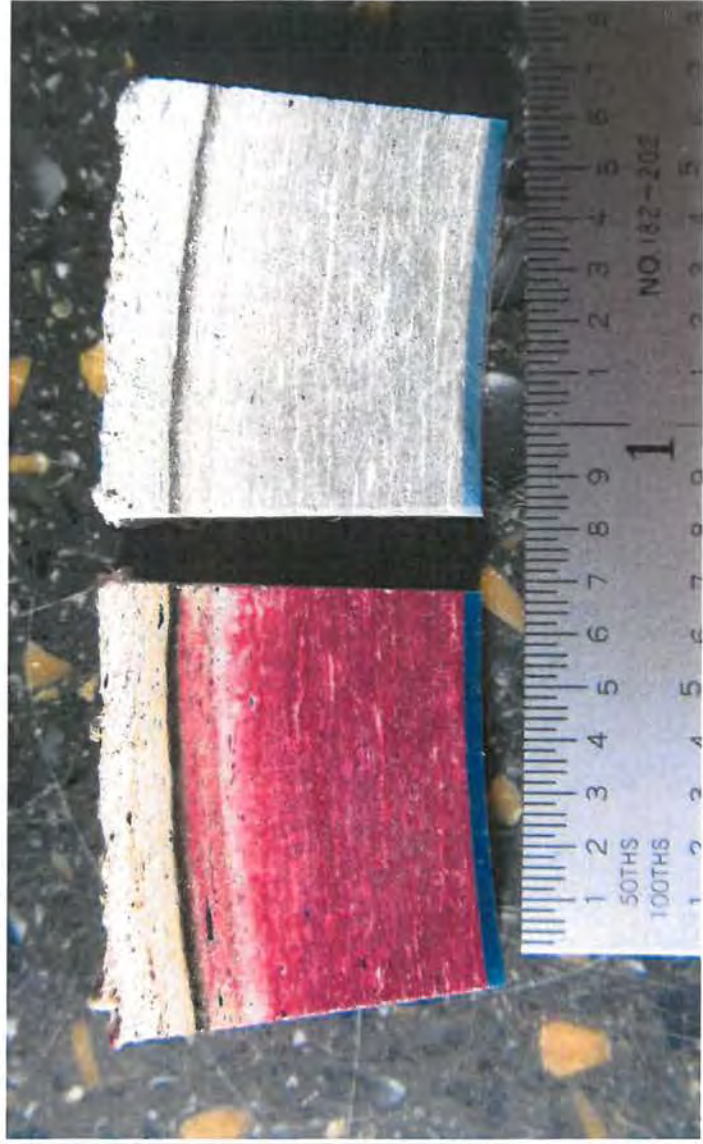
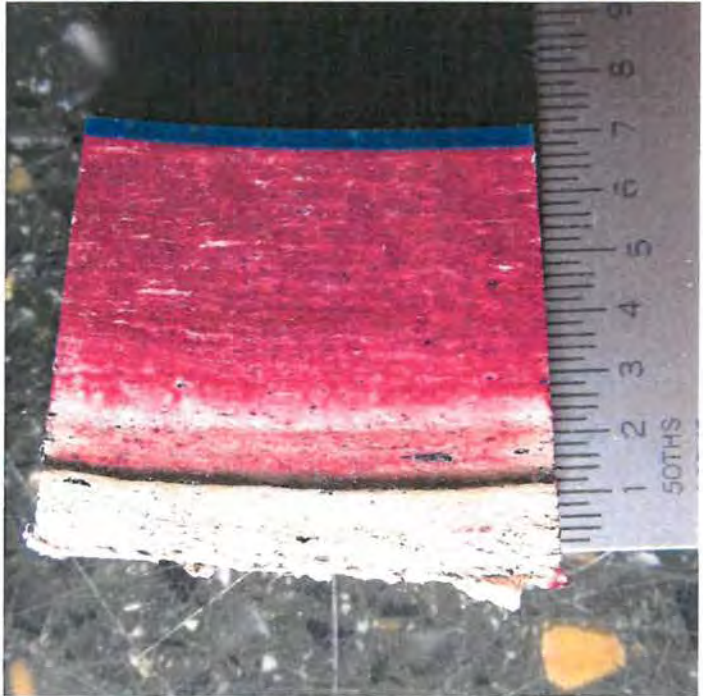
Elemental Composition by Energy Dispersive X-Ray for Sample 10

	(percent by weight)								
Location	1	2	3	4	5	6	7	8	9
C	7.40	6.29	7.68	7.35	7.23	7.27	7.27	6.95	60.82
O	55.20	55.89	55.79	55.14	55.72	55.06	54.74	55.24	33.04
Mg	12.70	11.22	11.31	3.90	4.79	2.21	3.44	3.47	0.51
Al	1.54	1.26	0.91	1.02	0.75	0.89	0.87	0.79	0.00
Si	18.21	19.45	16.04	17.53	16.37	18.14	17.40	17.61	5.00
S	0.00	0.00	0.00	0.14	0.00	0.14	0.15	0.00	0.00
K	0.00	0.00	0.00	0.00	0.00	0.00	0.14	0.00	0.00
Ca	1.57	2.85	6.69	13.49	13.92	15.25	14.48	14.75	0.63
Mn	0.00	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fe	3.38	2.72	1.58	1.43	1.21	1.05	1.51	1.18	0.00
Total	100.00	100.00	100.00	100.00	99.99	100.01	100.00	99.99	100.00

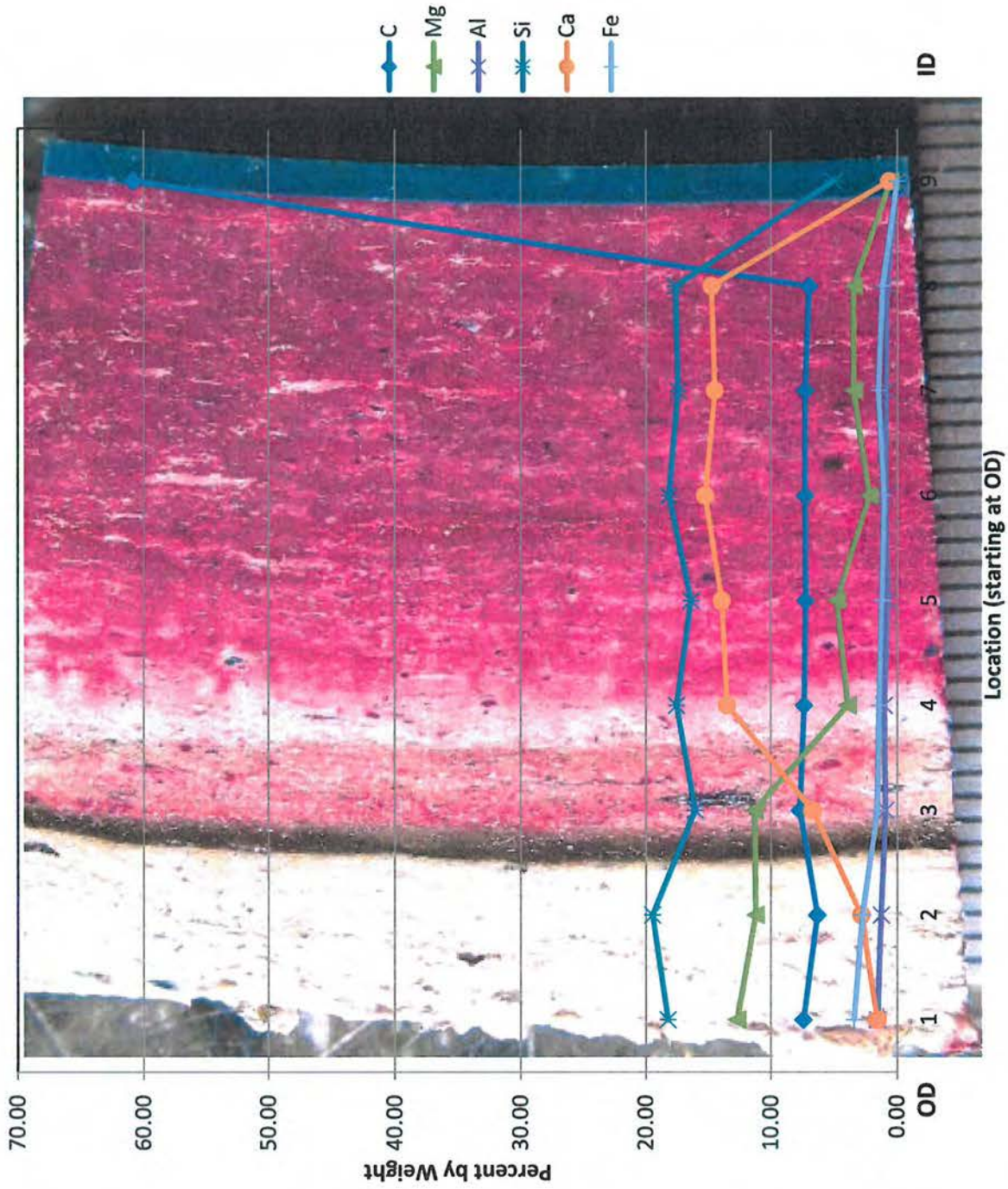


pH Test

Tahoe City AC Pipe
Sample 10, 3328 Edgewater



Sample 10



Elemental Analysis (excluding Oxygen) overlain on cross-sectional slice through pipe

Crush Test (ASTM C 500)

Tahoe City AC Pipe
Sample 10, 3328 Edgewater

Crush Strength: 5680 lb_f/ft

Design Strength: 5500 lb_f/ft¹



Before Test



After Test

Attachment 6
Public Notices

Emergency Sewer Line Repair in Dollar Point

[Click here for more information](#)



Welcome to
Tahoe City
Public Utility District



Select Language ▼

- Home
- Your District ▼
- Utility Services ▼
- Parks & Recreation ▼
- Capital Improvement Projects ▼
- About Us

Seasonal Employment Opportunities Available

November 29, 2018

TCPUD is hiring! We have seasonal job opportunities available. Join our supportive and community service minded staff!

I want to...

- ▶ Pay My Utility Bill
- ▶ Search for Jobs
- ▶ Enroll in a Recreation Program
- ▶ Contact the District

Search Keywords





**Public Notice – Update
March 12, 2019**

Given the upcoming favorable weather forecast, we intend to mobilize on-site Wednesday, March 13 to begin the sewer line repair work. We will continue the repair work as long as the weather and wind conditions on the lake is favorable for safe working conditions. The sewer line by-pass will be active until the repair work has been completed.

**Public Notice – Update
March 5, 2019**

The Dollar/Edgewater sewer line emergency repair work remains on hold due to continuous winter storm events and subsequent high lake levels and wave action. The TCPUD continues to actively monitor the weather forecast and lake conditions to determine when the necessary 5-day window of safe working conditions will be present. An outside contractor has been retained to monitor the installed by-pass system on-site 24 hours a day until the repair work can be completed.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

**Public Notice – Update
February 22, 2019**

Due to continuous winter storm events and subsequent high lake levels and wave action, the emergency repair work on the Dollar/Edgewater sewer line is on hold. The TCPUD continues to assess the weather forecast to determine appropriate and safe working conditions. TCPUD crews remain on-site 24 hours a day to monitor the installed by-pass system until the repair work can be completed.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

**Public Notice – Update
February 13, 2019**

On February 12th, the TCPUD relocated the sewer line by-pass system in order to protect it and the lake from rising lake levels and high wave action associated with the current storm activity. The by-pass relocation impacts six residences as the TCPUD is unable to maintain water service to those customers. These customers have been notified. The TCPUD continues to monitor the storm activity and will move the by-pass back to a location that does not impact water service to any customers as soon as it is considered safe for residential customers, TCPUD utility crews, and the sewer system.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

**Public Notice – Update
February 11, 2019**

The TCPUD Board of Directors held a Special Board meeting on February 1, 2019 to declare the Dollar Edgewater Sewer Main failure an emergency and immediately executed a contract for repair services. The contractor was able to mobilize onsite after the storm cleared on Thursday, February 7 and install 2 of 9 pilings needed to protect and secure the damaged section of sewer line. However, strong winds and high wave action required the contractor to demobilize on Friday, February 8 and the repair work has been put on hold until working conditions on the site are deemed safe to commence further work. The sewer by-pass system is in place and there are currently no disruptions to service for our customers. TCPUD crews will remain on-site 24 hours a day monitor the installed by-pass system until the repair work can be completed.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

**Public Notice
January 31, 2019**

On January 30, 2019, TCPUD utility crews discovered a disruption running along the shoreline below Edgewater Drive in the Dollar Point community. The affected portion of sewer line is between 40-60 feet and serves 17 homes. Staff have responded immediately to mitigate the situation and notify appropriate regulatory agencies. TCPUD crews have capped the existing line and installed a by-pass, effectively

containing the sewer system and ensuring no disruption to service. We do not believe there is currently a public health risk and we are performing complete testing near the affected area. Preliminary investigation by the District indicates wave action produced by recent storm activity exposed the existing sewer line and caused a portion of the line to become detached. The District is working ahead of the upcoming storm to declare an emergency and initiate repairs. The repair work is weather dependent and could take 7-10 days to complete. The District will provide updates as more information becomes available.

For further information, please contact:

Kim Boyd, Senior Management Analyst
kboyd@tcpud.org, 530-580-6286

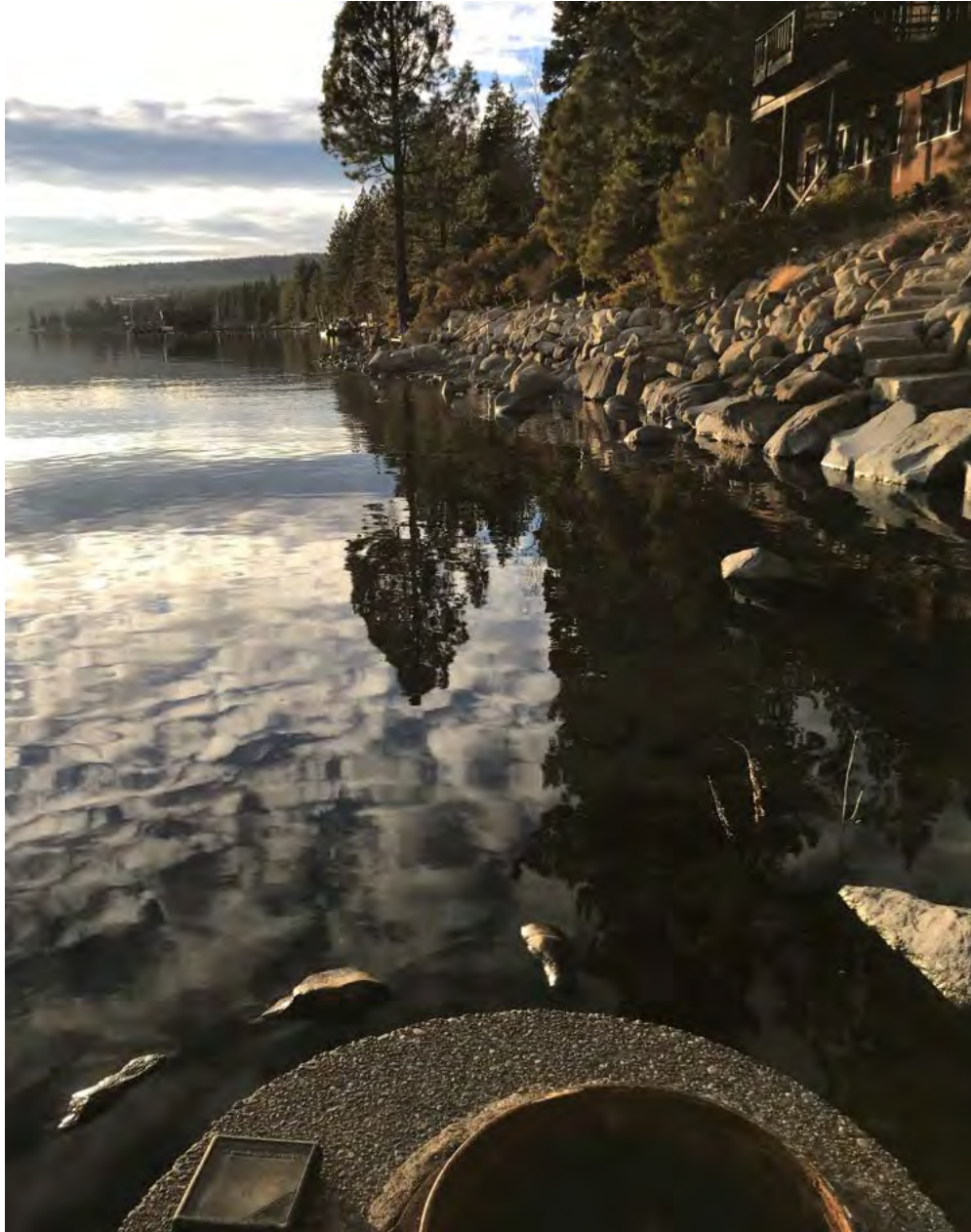
Sean Barclay, General Manager
sbarclay@tcpud.org, 530-580-6051

Attachment 7
Photos of Incident



1/25/19

Pipe in Lake Tahoe as reported by 3328 Edgewater Drive Homeowner



1/30/19

Looking west from MH1006 during active spill



1/30/19

MH1006 during active spill



2/6/19

Barge and excavator to begin repair



2/

February 7, 2019

Locating downstream end of broken sewer main



2/7/19

Boulder removal in pipe alignment



2/7/19

Driving pipe support pilings



2/8/19

Operating sewer bypass from MH1006



2/12/19

Securing risers raising MH 1006 24-inches to allow for bypass



2/7/19

Bypass discharge line from MH 1006 going up drainage by 3328 Edgewater Drive



2/1/19

Alternate bypass location upstream of MH 1006

Attachment B

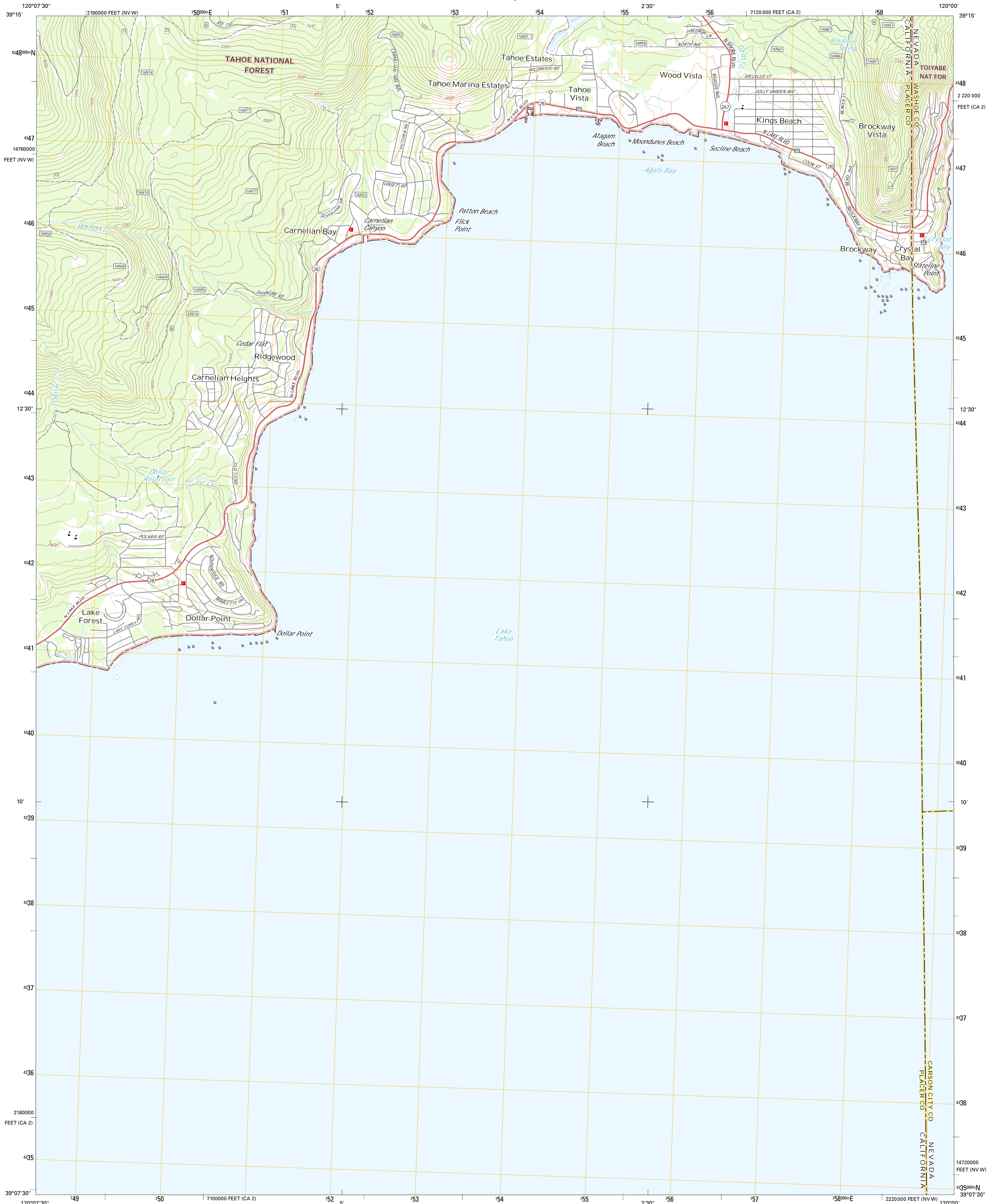
- 1. USGS 7.5 Minute Series - Kings Beach Quadrangle (2015)**
- 2. Tahoe City Public Utility District - Sewer Repair Project Area Map**



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



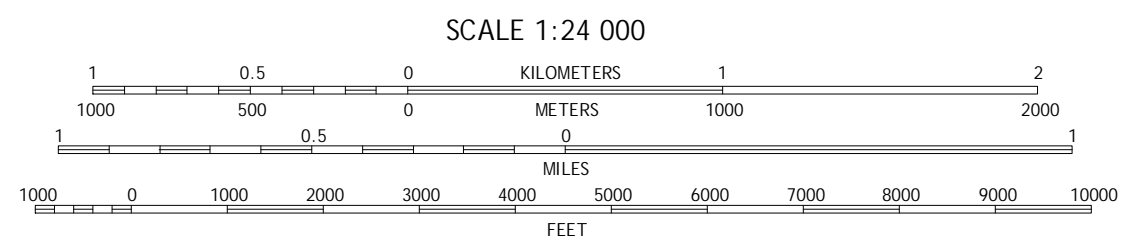
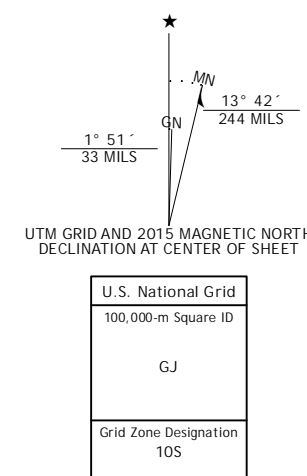
KINGS BEACH QUADRANGLE
CALIFORNIA-NEVADA
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 10S
10 000-foot ticks: California Coordinate System of 1983 (zone 2),
Nevada Coordinate System of 1983 (west zone)

This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery: N/AIP, July 2012 - July 2013
Roads: HERE, ©2013 - 2014
Roads within US Forest Service Lands: FSTopo Data
with limited Forest Service updates, 2012 - 2015
Names: GNIS, 2015
Hydrography: National Hydrography Dataset, 2012
Contours: National Elevation Dataset, 2013
Boundaries: Multiple sources: see metadata file 1972 - 2015
Public Land Survey System: BLM, 2011



ROAD CLASSIFICATION

Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
FS Primary Route	Passenger Route
	State Route
	FS High Clearance Route

Check with local Forest Service unit for current travel conditions and restrictions.

1	2	3
4	5	6
7	8	

ADJOINING QUADRANGLES

KINGS BEACH, CA-NV
2015





- LEGEND**
- REPLACEMENT
 - SEWER - Cleanout
 - SEWER - Manhole
 - SEWER - Main
 - SEWER - Lateral
 - WATER - Meter
 - WATER - Main
 - WATER - Lateral
 - PROJECT AREA

125 62.5 0 125 Feet

Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet

TAHOE CITY PUBLIC UTILITY DISTRICT
3288 EDGEWATER DRIVE
SEWER REPAIR PROJECT AREA

TAHOE CITY PUBLIC UTILITY DISTRICT
 P.O. BOX 5249
 TAHOE CITY, CA. 96145
 (530) 583-3796



SHEET:

1

Attachment C

3. NV5 Geotechnical Field Reports (2 of 2)

4. Geological Map

Geotechnical Field Report

DSA File #:
DSA Appl #:

LEA #: 210

Project-Phase #: 41968.01	Task #: SA0160210	Project Name: TCPUD Edgewater Dollar Sewer Repair	Date: 2/6/19	DFR #: JKH001
Project Manager: JKH	NV5 Rep.: Victor Alaniz	Project Location: Edgewater Drive Dollar Point	Day of Week: Wednesday	Weather: cold and windy
Client (name, address): TCPUD		Client's Representative (name, phone number): Jon LeRoy and Sarah Hussong Johnson		
General Contractor (name, address): Gensberg & Sons		General Contractor's Representative (name, phone number): John Reagan		
Specialty Contractor: Pacific Built		Specialty Contractor's Representative (name, phone number): John Reagan		

NOTES (Describe work completed during the day, any problems and their solutions):

Jake Hudson visited the site at about 12:30 pm to observe pipe pile driving along sanitary sewer line repair west of MH 1006. Met with John Reagan of Pacific Built Construction. The contractor was still positioning the barge and setting up the turbidity curtain (Photo 1). John said it would be a couple of hours until they started driving pipe piles. The contractor intends to use a vibratory driving head on an excavator to install piles. There is approximately 70 feet of pipe to replace. Due to the relatively flat slope on the sewer line, the piles need to be driven to a relatively precise elevation.

JKH observed the fabricated piles, which consisted of 4-inch diameter steel pipe with a flat plate welded to the top to bolt a hold-down strap to the pile (Photos 2 and 3). The total length is 7 feet. JKH departed the site and visited the TCPUD to briefly discuss the project with Jon LeRoy and Tony Laliotis.

Based on a review of the Geologic Map of North Lake Tahoe – Donner Pass Region, the site is underlain by volcanoclastic rocks of Skylandia consisting of welded basaltic ash and cinders that make up a small cone remnant along the shoreline at Lake Forest.



Photo 1 - Project site.

Technician Signature _____ Date _____ Certification _____

Project # Task #

DFR #



Photos 2 and 3 - Pipe Piles with ½-inch plate welded to top where hold-down strap will be bolted to hold pipe.

Technician Signature _____

Jake Hudson

Date 02/6/19



Geotechnical Field Report

DSA File #:
DSA Appl #:

LEA #: 210

Project-Phase #: 41968.01	Task #: SA0160210	Project Name: TCPUD Edgewater Dollar Sewer Repair	Date: 2/7/19	DFR #: JKH002
Project Manager: JKH	NV5 Rep.: Victor Alaniz	Project Location: Edgewater Drive Dollar Point	Day of Week: Wednesday	Weather: cold and windy
Client (name, address): TCPUD		Client's Representative (name, phone number): Jon LeRoy and Sarah Hussong Johnson		
General Contractor (name, address): Gensberg & Sons		General Contractor's Representative (name, phone number): John Reagan		
Specialty Contractor: Pacific Built		Specialty Contractor's Representative (name, phone number): John Reagan		

NOTES (Describe work completed during the day, any problems and their solutions):

Jake Hudson visited the site at about 1:00 pm to observe pipe pile driving along sanitary sewer line repair west of MH 1006. The contractor has installed the turbidity curtain and was cleaning debris out of the downstream 8-inch asbestos concrete pipe and trying to install a cookie plug in the existing pipe (Photo 4).

The contractor was not driving production piles yet. However, they had driven a test pile and some soil remained in the tip of the pile. The soil appeared to be beach deposits and consisted of very dense fine to coarse grained sand. Apparently the test pile was driven about 3 feet into the dense sand and required vibration to remove.

JKH observed the volcanoclastic ash deposits exposed at the lake bottom and ss trench line excavation just outside of the turbidity curtain (Photo 5). The ash deposit consists of light brown to grayish pink matrix with white cinders, welded in a massive to moderately fractured, weak material. The weak rock mass should provide high uplift resistance for the pipe piles, assuming they can drive the piles into the ash material.

Tony Laliotis from TCPUD was on site and was informed of our observations and opinion concerning the high uplift resistance from the Skylandia Basaltic Ash.

Technician Signature _____ Date _____ Certification _____

Project # Task #

DFR #



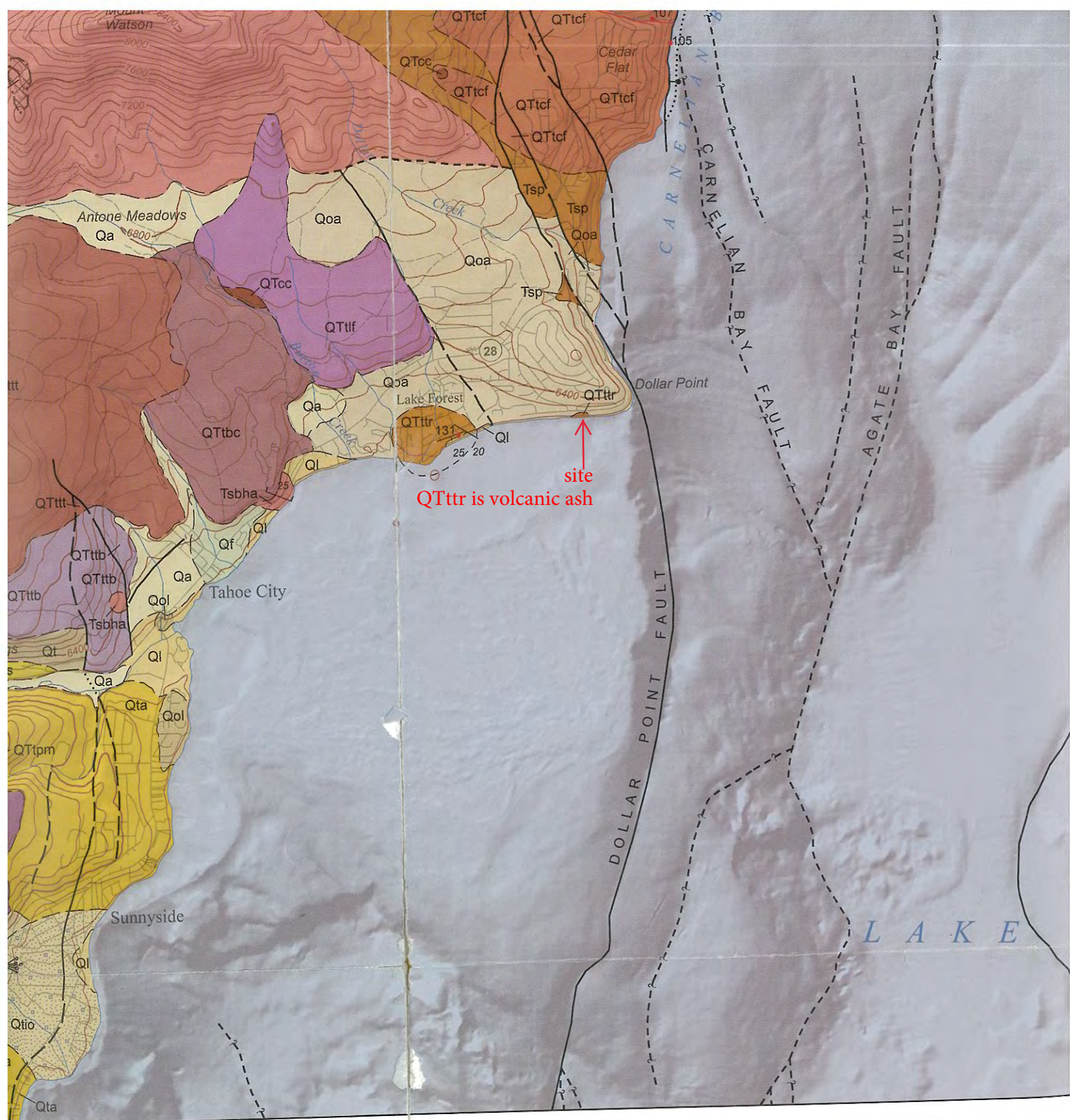
Photo 4 – Turbidity curtain around downstream end of pipe repair. .

Photo 5 – Trench excavation through volcanic ash.

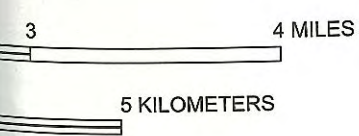
Technician Signature _____

Jake Hudson

Date 02/7/19



site
 QTtr is volcanic ash



Geology
 Santa B.
 Sylveste
 1993, 20
 Schweic
 Truckee

Attachment D

RGP 8 - Violation of Compliance with Water Quality Standards Report

Report Type-4

February 13, 2019

REPORT AND NOTIFICATION COVER SHEET

Project: TCPUD Dollar Point/Edgewater Drive Emergency Sewer Repair

Enrollee: Tahoe City Public Utility District

Reg. Meas. ID:

Place ID:

Order Effective Date:

Report Type Submitted

Part A – Project Reporting

Report Type 1 **Annual Report**

Part B - Project Status Notifications

Report Type 2 **Request for Notice of Project Complete Letter**

Part C - Conditional Notifications and Reports

Report Type 3 **Accidental Discharge of Hazardous Material Report**

Report Type 4 **Violation of Compliance with Water Quality Standards Report**

Report Type 5 **In-Water Work/Diversions Water Quality Monitoring Report**

Report Type 6 **Transfer of Property Ownership Report**

Report Type 7 **Transfer of Long-Term BMP Maintenance Report**

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Jon LeRoy

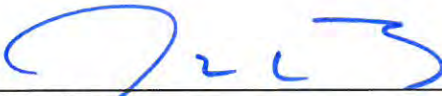
TCPUD Senior Civil Engineer

Print Name ¹

Affiliation and Job Title

Signature

Date



2/13/19

¹STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Enrollee's Signature

Date

***This Report and Notification Cover Sheet must be signed by the Enrollee or a duly authorized representative and included with all written submittals.**

Report Type 4

Violation of Compliance with Water Quality Standards Report

Tahoe City Public Utility District – Dollar Point/Edgewater Drive Emergency Sewer Repair

February 13, 2019

Location:

The location of discharge was along the shoreline of the Dollar Point community in Tahoe City, Ca. beginning near the eastern side property line at 3328 Edgewater Drive (APN: 093-094-042) and extending to western side property line of the same parcel. Coordinates of this location are approximately 39°11'06" North and 120°05'56" West.

The location is further identified on the attached plan sheet beginning at sewer manhole Sta: 17+76 to approximate Sta: 17+00 to the west (see attached location map on the plan cover sheet, and plan/profile sheet attached).

Background Description:

The contractor (Gensburg and Sons Inc.) employed by the TCPUD had previously mobilized (February 6th & 7th), installed the turbidity curtain and had partially installed two (2) of the anchor piers (out of an estimated 10 total) by the end of day Thursday, February 7, 2019. Contractor and TCPUD crews had also installed manhole riser rings on top of the existing flat top manhole to mitigate increasing Lake Tahoe water levels and provide additional protection and to fortify the sewer bypass system. The contractor had also completed rough excavation (12-24" depth) of the existing trench line for the sewer repair. Excavated material was placed adjacent and parallel to the trench alignment between the trench and the shoreline.

On Friday, February 8, 2019, at around 8:30 am the Contractor requested on onsite meeting to discuss the increasing wind levels and wave action. Tony Laliotis, Dan Lewis, and Jon LeRoy from the TCPUD met onsite and determined with the contractor that there was no safe means of protecting the construction equipment in place (barge, mini-excavator on barge, and LARK) for the weather event forecasted for February 9th thru February 11th and the decision was made to demobilize the equipment.

At 9:15 am that Friday, the contractor began towing their barge and equipment away from the construction site. At approximately the same time, Tony Laliotis from the TCPUD spoke with Elizabeth Van Diepen from the North Basin Regulatory Unit of the Lahontan Regional Water Quality Control Board. Tony discussed and informed Elizabeth that the turbidity curtain would be unprotected from the wind and wave actions (due to removal of the barge) and that it would likely be torn apart, washed on shore, or out into the Lake. The decision was made to remove the turbidity curtain.

Turbidity Discharge:

At 12:30 pm that Friday, the contractors' LARK returned to the site and began dismantling the turbidity curtain. The curtain was completely removed and the contractor demobilize at 1:45 pm. Due to wave action, turbidity readings were not taken at any time that Friday. The turbid waters contained by the curtain at the construction site were discharge to the surrounding waters at approximately 12:45 pm to 1:30 pm. The primary cause of the turbidity release was caused by work during a period of high winds.

District staff maintained and continues to operate the sanitary sewer bypass 24/7. No discharge of sanitary sewer occurred during the previous weather event and no further discharges of sewer are anticipated.

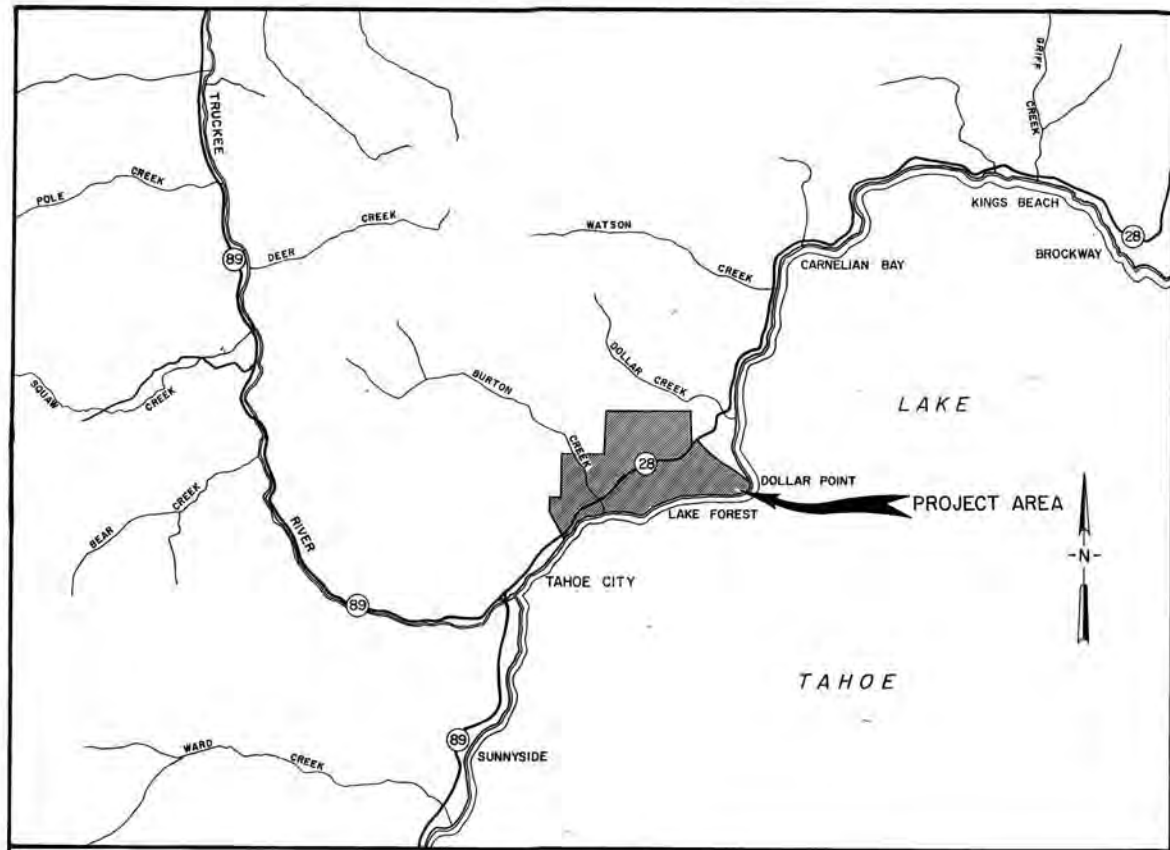
Remobilization and Future Repair Work:

On Tuesday, February 12th, the TCPUD installed a jobsite trailer along Edgewater Drive to house staff for an extended period of by-pass operations. District staff and the contractor believe that it will take 3-4 consecutive days to remobilize, re-install the turbidity curtain, and complete the sewer pipe repair. The TCPUD will suspend construction work until such time as a forecast of 5-7 days with low winds and no weather events can be made. Notifications will be sent prior to any planned remobilization.

Attachments:

Sewer Assessment District No. 4 (Cover Sheet and Location Map)

Sewer Assessment District No. 4 (Sheet 20, Lateral A, Plan/Profile)



LOCATION MAP
SCALE IN MILES
0 1 2

TAHOE CITY PUBLIC UTILITY DISTRICT
TAHOE CITY, CALIFORNIA

CONTRACT DRAWINGS FOR
SEWER ASSESSMENT DISTRICT NO. 4

BOARD OF DIRECTORS

- | | |
|--------------------|-------------|
| WENDELL RUSSELL | PRESIDENT |
| WILLIAM F BECHDOLT | DIRECTOR |
| DAN HAUSERMAN | DIRECTOR |
| MARTIN H. SPITSEN | DIRECTOR |
| ROBERT POMIN | DIRECTOR |
| WM. B. LAYTON, JR. | TREAS.-MGR. |

SUBMITTED: *Stanley J. Spalding*
STANLEY J. SPALDING, P.E. #14,928

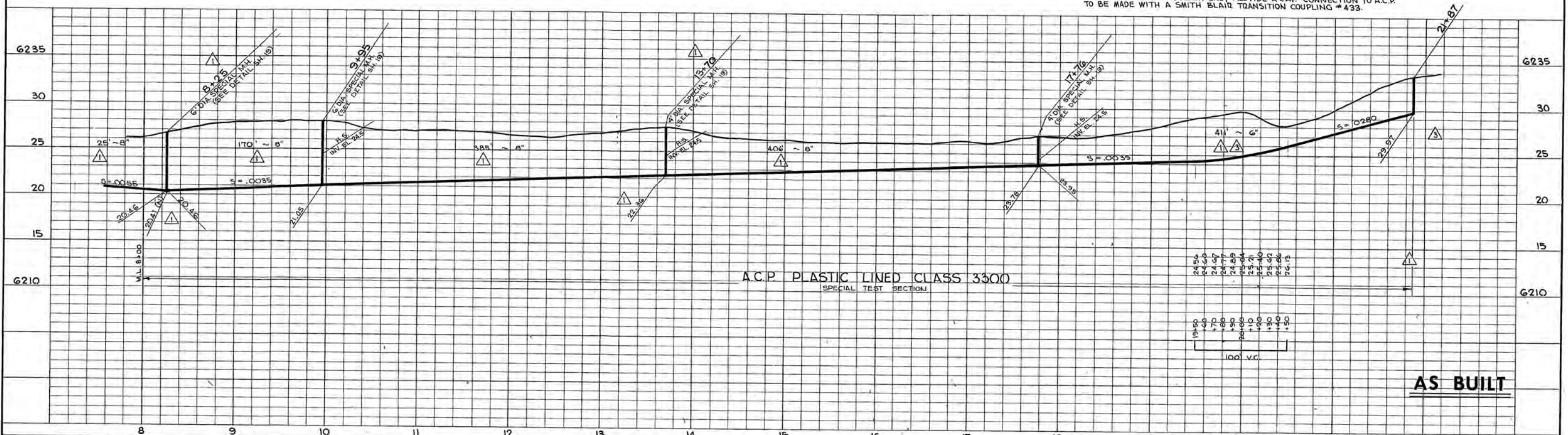
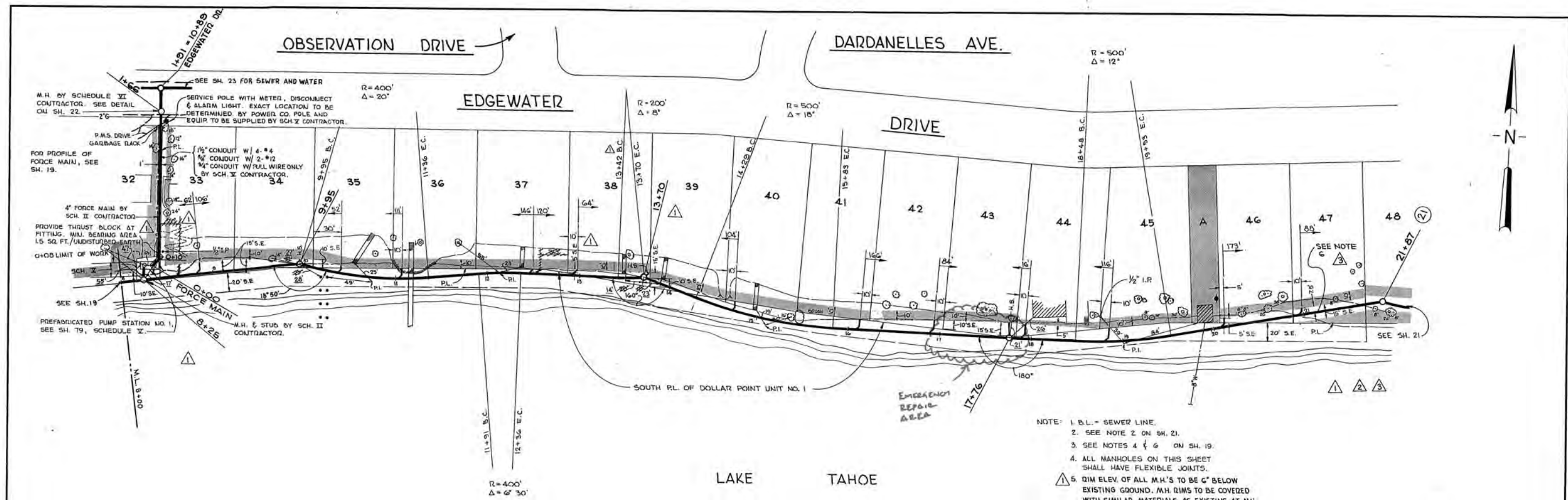
APPROVED: *W. B. Layton, Jr.*
WM. B. LAYTON, JR., TREAS.-MGR.

APPROVED: JOHN MACCOUN, PLACER CO. DIR. OF P.W.

AS BUILT

DEWANTE AND STOWELL SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA		SUBMITTED <i>Stanley J. Spalding</i> APPROVED 604	TAHOE CITY PUBLIC UTILITY DISTRICT TAHOE CITY, CALIFORNIA SEWER ASSESSMENT DISTRICT NO. 4 INDEX AND LOCATION MAP	DATE: MAY 1967 SHEET NO. 1
REVISION	DATE	DESCRIPTION	BY	APPROVED

LEGAL COMMITTEE AGENDA ITEM NO. 3 & U4.1 AGENDA ITEM NO. VII.A



<table border="1"> <tr> <th>REVISION</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>APPD.</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	REVISION	DATE	DESCRIPTION	BY	APPD.						<table border="1"> <tr> <td>4-20-68</td> <td>D.C.L.</td> <td>S.J.S.</td> </tr> <tr> <td>10-10-67</td> <td>R.C.L.</td> <td>S.J.S.</td> </tr> <tr> <td>8-2-67</td> <td>R.J.A.</td> <td>S.J.S.</td> </tr> </table>	4-20-68	D.C.L.	S.J.S.	10-10-67	R.C.L.	S.J.S.	8-2-67	R.J.A.	S.J.S.	<p>DEWANTE AND STOWELL SANITARY AND CIVIL ENGINEERS - SACRAMENTO, CALIFORNIA</p> <p>DRAWN: R.D.G. CHECKED: S.J.S.</p>	<p>DATE: MAY 1967</p> <p>SCALE: HORIZONTAL 1" = 50' VERTICAL 1" = 5'</p>	<p>TAHOE CITY PUBLIC UTILITY DISTRICT TAHOE CITY, CALIFORNIA SEWER ASSESSMENT DISTRICT NO. 4 LATERAL A</p>	<p>SHEET NO. 20</p> <p>LEGAL COMMITTEE AGENDA ITEM NO. 3 & AGENDA ITEM NO. VII.A</p>
REVISION	DATE	DESCRIPTION	BY	APPD.																				
4-20-68	D.C.L.	S.J.S.																						
10-10-67	R.C.L.	S.J.S.																						
8-2-67	R.J.A.	S.J.S.																						

Attachment E

- 1. Turbidity Logs (February 6th, 2019 thru February 7th, 2019)**
- 2. Turbidity Logs (March 13th, 2019 thru March 19th, 2019)**

2-6-19

0959 - 0.61 NTU Pre-Construction.

After turbidity blanket
installation.

1521 1.62 NTU @ blanket
1.28 NTU 100' due West

2-7-19

0756 0.57 NTU @ blanket

0800 0.54 NTU 100' due West

1055 0.75 NTU @ blanket

0.40 NTU 100' due West

1405 3.32 NTU @ blanket

0.68 NTU 100' due West

9.99 inside blanket area

3-13-19

1000 - Pre-construction - .75 NTU

1120 - After Blanket Install

- 1.15 NTU @ blanket

1121 - 0.93 NTU 100' due West

Construction

1244 - 1.62 NTU @ blanket

- 1.15 NTU 100' due West

- 43.5 NTU inside blanket

1539 - 7.32 NTU @ blanket

- 6.41 NTU 100' due West

- 44.6 NTU inside blanket

3-14-19

0806 - 1.20 NTU @ blanket

- 1.18 NTU 100' due West

- 5.58 NTU inside blanket

1015 - 2.03 NTU @ blanket

- 1.20 NTU 100' due West

- 8.02 NTU inside blanket

- 12:02
- 0.85 NTU @ Blanket
 - 0.56 NTU 100' due West
 - 14.0 NTU inside Blanket

- 2:40
- 1.05 NTU @ Blanket
 - 0.64 NTU 100' due West
 - 12.5 NTU inside Blanket

- 3:50
- 1.12 NTU @ Blanket
 - 0.99 NTU 100' due West
 - 15.2 NTU inside Blanket

3-15-19

- 8:21
- 1.02 NTU @ Blanket
 - 0.90 NTU 100' due West
 - 1.83 NTU inside Blanket

- 10:07
- 1.15 NTU @ Blanket
 - 1.12 NTU 100' due West
 - 1.85 NTU inside Blanket

- 2:16
- 0.78 NTU @ Blanket
 - 0.56 NTU 100' due West
 - 4.20 NTU inside Blanket

- 4:20
- 0.83 NTU @ Blanket
 - 0.67 NTU 100' due West
 - 5.37 NTU inside Blanket

3-16-19

7:54 - 0.58 @ blanket
- 0.53 100' due west
- 0.97 inside blanket

9:46 - 0.58 @ blanket
- 0.40 100' due west
- 8.13 inside blanket

11:56 - 1.11 @ blanket
- 0.63 100' due west
- 33.2 inside blanket

3-19-19

Before Pulling Blanket

9:25 - 0.89 @ blanket
- 0.79 100' due west
- 0.90 inside blanket

Attachment F

TCPUD - Dollar Pt./Edgewater Drive

Emergency Sewer Repair

As-Built (plan/profile)

March 20, 2019



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.org

STAFF REPORT

Date: August 19, 2020

To: TRPA Governing Board

From: TRPA Staff

Subject: Update on the Main Street Management Plan and Other Components of the US 50/South Shore Community Revitalization Project

Summary and Staff Recommendation:

This staff report provides a brief update on the Main Street Management Plan and the South Shore Community Revitalization Project. This item is for informational purposes and no action is required.

Project Description/Background:

Prior to permit acknowledgement of Phase 1 of the South Shore Community Revitalization Project (SSCRP), the Main Street Management Plan (MSMP) must be developed and adopted by the TRPA Governing Board. The MSMP will provide a plan for the transition of the Main Street area after its conversion from a five lane US highway to a space which enhances the business environment, visitor experience and environmental sustainability. TRPA, as a partner agency and in coordination with the Tahoe Transportation District (TTD), is the lead in developing the MSMP. TTD is the lead in developing and completing three of the components of the MSMP and the remaining project conditions/components of the SSCR, as shown in the table below.

US 50/SSCRP Permit Condition/Component	Lead Entity
Main Street Management Plan must be approved by TRPA before proceeding with roadway realignment	TRPA
<ul style="list-style-type: none"> Main Street Design and Wayfinding 	TRPA
<ul style="list-style-type: none"> Main Street Management Plan Transit Circulator 	TTD
<ul style="list-style-type: none"> Main Street Management Plan Property and Improvements Ownership, Management, and Funding 	TTD
<ul style="list-style-type: none"> Parking Management Plan 	TTD
Replacement Housing - 109 Transit Oriented Development (TOD) Residential Units (102 low income, 7 moderate income).	TTD
<ul style="list-style-type: none"> 76 units shall be constructed prior to displacement of any residents for any part of the SSCR. No less than 33 units shall be constructed before or concurrent with the roadway realignment. 	
Rocky Point Neighborhood Amenities Plan	TTD
US 50 Engineering and Construction Plans	TTD

TRPA Status Report:

TRPA is expecting an administrative draft of the Main Street Management Plan in mid-August, which includes the street design, parking management, wayfinding, transit, and performance metrics. A draft will be released to the public in early September. The plan will be presented to the Stakeholder Working Group at their final meeting on September 10th. Following the Working Group meeting, TRPA will meet with and present the plan to the City of South Lake Tahoe City Council, Douglas County Commission, and the TTD Board. Additionally, TRPA will hold public webinars in September and October to solicit public comment from partners, stakeholders, and the community. The plan will be considered by the TRPA Governing Board this fall.

TTD Status Report:A. Main Street Parking Management Plan:

TTD is meeting with parking stakeholders to discuss the recommendations in the draft Parking Management Plan, before the plan is presented to the Stakeholder Working Group. The draft PMP includes recommendations for shared parking, paid parking, permitting, parking wayfinding, enforcement, special events, and the event center.

B. Replacement Housing:

TTD and Pacific Development Group are working with the City of South Lake Tahoe on a funding agreement for the development on the corner of Ski Run Blvd and Pioneer Trail. Pacific Development Group and TTD plans to submit a Design Review Application to the City and a Multi-Family Dwelling Application to TRPA in the upcoming months.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Associate Planner, at (775) 589-5301 or abettinger@trpa.org.



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.org

STAFF REPORT

Date: August 19, 2020
To: TRPA Regional Plan Implementation Committee
From: TRPA Staff
Subject: Review of Proposed Amendments to Placer County Tahoe Basin Area Plan

Summary and Staff Recommendation:

TRPA and Placer County Staff will provide an overview of proposed amendments to the Placer County Tahoe Basin Area Plan (TBAP). This item is for informational purposes and no action is required. Staff requests comments from the Regional Plan Implementation Committee before Placer County begins the process of approving these changes through the Placer County Planning Commission and Board of Supervisors.

Required Motions:

No motion is required.

Project Description/Background:

On May 22, 2019, Placer County staff gave an informational presentation to RPIC to discuss potential housing-related amendments to the TBAP. The amendments would have updated the TBAP for consistency with new TRPA Development Rights Strategic Initiative; allow multi-person housing development in mixed-use and community service districts; update Accessory Dwelling Unit (ADU) provisions for consistency with new State of California regulations and new TRPA code allowing for achievable housing; and delete the "Senior Citizen Only" special designation for the Dollar Hill Mixed-Use Neighborhood zoning subdistrict.

Since the May informational session, Placer County has incorporated additional refinements into the amendments to update policy, development standards, and process related to Area Plan residential land uses and affordable housing. The current proposed draft Area Plan amendments are generally consistent with the information presented at the May 2019 RPIC meeting, while incorporating RPIC feedback and new refinements which have arisen since the May presentation. The new amendments, which are in addition to those presented at the May 2019 RPIC meeting, focus on expanding the allowance of different types of multi-residential land uses in all residential, mixed-use, and community service subdistricts where some form of multi-residential land use is already allowed, as well as adding multi-residential land uses into the Kings Beach Industrial District (which is a community service district).

The amendments are aimed at accelerating the production and supply of affordable-achievable housing for those who live and work in the North Tahoe-Placer County region and are part of a comprehensive effort to meet State of California mandates for affordable housing specified in the Regional Housing Needs Assessment (RHNA) and Sustainable Communities Strategy requirements, as well as meet the

Regional Plan goals of sufficient workforce housing in compact, walkable town centers in order to meet TRPA threshold standards.

Additional detail about these amendments is included in the attached Placer County memo (Attachment A) and the TBAP Implementing Regulations with track changes shown (Attachment B).

Based on RPIC's direction, Placer County will continue moving the proposed amendments through the Placer County approval process and, once completed, will bring a full amendment package forward for future consideration by the TRPA Advisory Planning Commission and Governing Board in November and December of 2020.

Contact Information:

For questions regarding this agenda item, please contact Karen Fink, at (775) 589-5258 or kfink@trpa.org.

Attachments:

- A. Placer County Staff Memo Summarizing Proposed Changes to the Tahoe Basin Area Plan
- B. Tahoe Basin Area Plan Implementing Regulations with Track Changes

Attachment A

Placer County Staff Memo Summarizing
Proposed Changes to the Tahoe Basin Area Plan

Date: August 19, 2020

To: TRPA Regional Plan Implementation Committee

From: Placer County Staff

Subject: Regional Plan Implementation Committee Consideration of Proposed Housing-Related Amendments to the Placer County Tahoe Basin Area Plan

Requested Action:

This item is for informational purposes and no action is required.

Summary:

Placer County is requesting the TRPA Regional Plan Implementation Committee (RPIC) discuss and provide direction to County and TRPA staff regarding proposed housing-related amendments to the Placer County Tahoe Basin Area Plan (TBAP) and Implementing Regulations. The purpose of the proposed amendments is to bring the TBAP into conformance with California housing law for accessory dwelling units (ADU), and provide opportunities for banking, conversion, and transfer of development rights consistent with the TRPA adopted 2018 Development Rights Strategic Initiative. Additionally, the proposed project would allow for a greater variety of multi-residential housing types, and the addition of special planning designations and policies that allow for select zoning subdistricts to receive transfers of development rights and assignment of Bonus Units for moderate- and achievable-income housing.

Background:

Area Plans are a central part of the Regional Plan and an important strategy to accelerate attainment of environmental thresholds. The TBAP sets forth the regulations that implement the Regional Plan in the Placer County portion of the Lake Tahoe region. Since the adoption of the TBAP in January 2017, the State of California has passed numerous pieces of housing legislation in each legislative session that limit the ability of local governments to obstruct housing development. The State Housing law updates reform and streamline permitting processes, moving toward a ministerial approval model for housing that complies with local zoning and planning rules to reduce barriers to housing production. The new California laws obligate local government to undertake updates in their housing plans and plan for growth, among other requirements.

During the same timeframe, the Mountain Housing Council (MHC), a project of the Tahoe Truckee Community Foundation, including Placer County, was formed to respond to current conditions and take on the unique and pressing challenges of achievable housing in the North Tahoe-Truckee region. Placer County has worked closely with the Tahoe Truckee Community Foundation, Mountain Housing Council, TRPA staff, and members of the public, to produce key regional objectives that will achieve more affordable and achievable housing.

While many environmental indicators in the Basin have stabilized or improved, due in part to growth management systems, extensive environmental restoration, and redevelopment,

socioeconomic conditions have deteriorated. Trends include unaffordable housing, high poverty levels, reduced local resident housing occupancy, workforce declines and school closings. For example, in March 2020, the median single-family home price for the North Tahoe markets was close to \$721,000, with an average single-family home price of \$1.2 million. An individual or household earning even 120 percent of East Placer's median income could likely only afford a studio of \$271,000 or a 3-bedroom of \$382,000. The North Tahoe population has declined by an estimated 4,600 residents since 2000.

These trends are also impacting the environment – largely by making the system unsustainable for people to live, work and enjoy recreation and tourism in the Tahoe Region. Many people drive considerable distances between their homes, work, and recreation sites, creating environmental impacts. The proposed amendments are anticipated to reduce employee vehicle miles traveled (VMT) by enabling more housing at affordable and achievable income levels, allowing residents to live closer to their jobs.

May 2019 RPIC Presentation:

On May 22, 2019, Placer County staff gave an informational presentation to RPIC to discuss potential housing-related amendments to the TBAP. At that meeting staff requested that RPIC consider the following five potential amendments to the Area Plan:

1. Expand provisions for affordable housing to include moderate and achievable income levels;
2. Delete “Senior Citizen Only” Special Designation for Dollar Hill Mixed-Use Neighborhood zoning subdistrict;
3. Allow “Multi-Person” housing development in all Mixed-Use Districts and Community Service Districts where “Multi-Family” use is permitted;
4. Update banking, conversion, and transfer of development rights consistent with Chapter 51 of the TRPA Code of Ordinances (Banking, Conversion, and Transfer of Development Rights); and
5. Reduce barriers to constructing accessory dwelling units (ADUS, also known as secondary dwelling units) per recent changes to California law. In the May 2019 RPIC presentation this included allowing for ADUs to be deed-restricted to affordable, moderate, and achievable housing on parcels less than one acre consistent with the new TRPA Development Rights Strategic Initiative language, which expanded the use of bonus units to moderate and achievable; and consistent with TBAP regulations that already require the unit be deed restricted for affordability. The proposed language also prohibited the secondary residence from being converted to a tourist accommodation use or utilized as a vacation rental. Consistent with California law, the proposal also replaced the current discretionary “Administrative Review Permit” requirement for ADUs with a ministerial approval process, and updated ADU parking and floor area development standards to be consistent with California housing law.

Following staff's presentation RPIC expressed general support of the Area Plan amendments, however, two RPIC members articulated concerns with certain elements of the proposal. Former RPIC Chairman Clem Shute suggested the Area Plan should maintain the current process that requires discretionary approval and public noticing for ADUs, and RPIC member Shelly Aldean requested ADUs be limited to workforce housing and suggested requiring local employer verification for residency.

Summary Amendment Description:

Over the past 15 months Placer County has refined the amendments to update policy, development standards, and process improvements related to Area Plan residential land uses and affordable housing. These refinements have arisen based on emerging discussions with public lands managers such as the California Tahoe Conservancy, private property owners, and further development of Placer County housing element policies. The current proposed draft TBAP amendments are generally consistent with the information presented at the May 2019 RPIC meeting, however they incorporate changes to accommodate the request from Clem Shute that the discretionary approval process for ADUs remain in place. Because the units will also be subject to a deed-restriction to prohibit the ADU from being utilized as a short-term vacation rental as defined in Placer County Code Section 9.42.020, Placer County is not proposing to create a new type of deed-restriction that would further limit the units to workforce housing for the purposes of this program, as that is the intention of the existing deed-restriction program.

The new amendments are aimed at accelerating the production and supply of desirable housing for those who live and work in the North Tahoe-Placer County region by promoting solutions to housing problems of production, variety, and affordability.

Placer County has built on the potential amendments previously proposed to RPIC, and now requests RPIC consider the following packet of TBAP amendments to:

- Expand opportunities for multi-residential land uses including Multiple Family Dwellings, Multi-Person Dwelling, and Employee Housing;
- Modify Special Planning Policies to encourage maximum development potential for multi-residential projects;
- Remove “Senior Citizen Only” affordable housing limitations;
- Expand opportunities for TRPA Bonus Units for moderate and achievable-income levels;
- Update accessory dwelling unit (ADU) permitting requirements in accordance with California law; and
- Update banking, conversion, and transfer of development rights consistent with Chapter 51 of the TRPA Code of Ordinances (Banking, Conversion, and Transfer of Development Rights); and
- Non-substantive administrative corrections

A summary of all of the current proposed amendments is below. All proposed TBAP Implementing Regulations amendments are shown in track changes in Attachment A with ~~striketrough~~ identifying existing language proposed for deletion and underlined identifying proposed new language.

Proposed Amendments Topic #1 – Multi-Residential Land Uses:

Subtopic 1.1 Multi-Person and Employee Housing Land Uses

The proposed amendments would expand the allowance of multi-person dwelling and employee housing land uses in all Residential, Mixed-use, and Community Service subdistricts where multiple family dwelling land uses are currently allowed subject to compatible permitting requirements. The amendments would also add multi-residential land uses to the Kings Beach

Industrial Subdistrict. Multi-person densities in Town Center districts would use the conversion ratios in Section 31.3.3 of the TRPA Code of Ordinances to ensure that multi-person densities are equivalent to the multi-family densities allowed in each district. Section 31.3.3 reads:

31.3.3. Conversion Factors

For residential uses set forth in Table 31.3.2-1, including multi-person dwellings, nursing and personal care, and residential care, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons (PAOT) shall be equivalent to one recreation site.

These changes to multi-person densities will also be evaluated in the Initial Environmental Checklist. In districts that are not Town Centers, the maximum multi-person density that is allowed, per Table 31.3.2-1 of the Code (Maximum Densities) is 25 persons per acre.

TRPA defines multi-person dwellings as buildings primarily for permanent occupancy by unrelated individuals and provides examples of multi-person dwellings such as dormitories and boarding houses. TRPA defines employee housing as residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity. These definitions differ from TRPA’s definition of multiple-family dwelling which is described as more than one residential unit located on a parcel and includes examples such as a duplex, triplex, or an apartment building. Despite their definitions, multiple-family dwelling, multi-person dwelling, and employee housing land uses are similar in their level of impacts and planning considerations.

The current proposal would allow multi-person and employee housing in seven Residential Subdistricts (Tavern Heights, Tahoma Residential, Lake Forest Glen, Kings Beach Residential, Tahoe Vista Residential, Fairway Tract South, and Fairway Tract Northwest) and as a permissible land use because at least one form of multi-residential land use (i.e., Multi Family, Multi-Person, or Employee Housing) is currently permissible within those six designated residential zone districts. The current proposal includes adding multi-residential land uses, for example, in the Kings Beach Industrial Subdistrict. Such multi-residential projects would be limited to affordable, moderate, or achievable-income housing developments only, and would be subject to a discretionary entitlement process.

This is different from the previous amendments presented to RPIC which were focused on adding only the Multi-Person land use for mixed-use and community service districts where multiple-family dwelling land uses are currently allowed, and only proposed a maximum multi-person density of 25 persons per acre.

1.1 Proposed Text Example:

TABLE 2.03.DD-1: LAND USE REGULATIONS — TAVERN HEIGHTS SUBDISTRICT		
Allowable Land Uses	Land Use Permit	Add'l Regs.
Residential		
Single-Family Dwelling	A	
Multiple Family Dwellings	MUP	Limited to Special Area #1
Multi-Person Dwellings	MUP	Limited to Special Area #1
Employee Housing	MUP	Limited to Special Area #1

TABLE 2.03.DD-2: DEVELOPMENT STANDARDS — TAVERN HEIGHTS SUBDISTRICT	
Maximum Density	
<i>Residential</i>	Single Family Dwelling: 1 du/parcel Multiple Family Dwellings: 8 units per acre <u>Multi-Person Dwelling: 15 persons per acre</u> <u>Employee Housing: 8 units per acre</u>

TABLE 2.05.B-1: LAND USE REGULATIONS — KINGS BEACH INDUSTRIAL SUBDISTRICT		
Allowable Land Uses	Land Use Permit	Add'l Regs.
Residential		
Single-Family Dwelling	Must be accessory to a commercial use. Single family dwellings in conjunction with a valid commercial enterprise are considered an accessory use and shall follow the permit requirements of the primary use. Single family dwellings existing as of the date of Area Plan adoption are not assigned nonconforming status and may be reconstructed on the same parcel(s).	
<u>Multiple Family Dwelling, Multi-Person Dwelling and Employee Housing</u>	MUP	<u>Affordable, Moderate, and/or Achievable Housing Only</u>

Subtopic 1.2 Special Planning Designations and Policies

The current proposed TBAP amendments would add Special Policies to the Residential, Mixed-Use, and Community Service Area zone districts identified in Subtopic 1.1, above, to emphasize that in those Subdistricts the development of multi-residential projects should be maximized.

1.2 Proposed Text Example:

- A. **Fairway Service Subdistrict.** The Fairway Service Subdistrict is located within the Greater Tahoe City Subarea. This area should continue to serve the recreation and public service needs of the northwest portion of the Tahoe Region and may also be appropriate for residential uses.
1. **Special Designations.** (See Section 3.14) None.
 2. **Special Policies. None.**
 - a. Provide opportunities for development of a variety of housing types with emphasis on affordable, moderate, and achievable housing.
-

Subtopic 1.3 Senior Citizen Only Limitations

The proposed amendments would delete existing language that promote housing exclusively for senior citizens. The amendments would modify Special Planning Designations and Policies in two Residential Subdistricts (Lake Forest Glen and Tahoma Residential) and two Mixed-Use Subdistricts (Mixed-Use Neighborhood – Dollar Hill, and Mixed-Use Neighborhood Lake Forest Glen).

1.3 Proposed Text Example:

- f. Mixed Use Neighborhood Dollar Hill (MUN-DH). This area should continue to be a neighborhood oriented residential and commercial area.
- i. **Special Designation.** (See Section 3.14) None.
 - ii. **Special Policies**
 - (1) The uses permitted along Highway 28 should be compatible with the visual sensitivity of the area.
 - (2) Senior-Affordable, moderate, and achievable housing and/or community recreation facilities should be considered and encouraged as an alternative to commercial use for this area

At the May RPIC meeting the amendment relating to deletion of the “Senior” designation applied to the Mixed-Use Neighborhood Dollar Hill Subdistrict only. The current amendments propose to delete “Senior” from all four Subdistricts identified above where senior housing limitations exist. Placer County staff was unable to determine the origins and intent of the existing senior citizen restrictions, and instead desires to incentivize affordable housing for multiple generations.

Subtopic 1.4 Moderate and Achievable Housing

The proposed amendments add “moderate” and “achievable” to existing preferred affordable special planning designations. The amendments would expand eligibility of the residential bonus unit incentive program to include three income tiers for both single and multi-family housing: affordable (up to 80% AMI), moderate (80-120% AMI), and achievable (120-215% for multi-family and 120-235% for single-family units).

The proposed amendments were previously presented to RPIC and are part of an effort to implement the Placer County Board of Supervisor's direction to identify opportunities for affordable, moderate, and achievable housing projects based on the Mountain Housing Council report on the need for housing in the Lake Tahoe Region. In addition, these amendments will help Placer County meet the Regional Housing Needs Assessment and regional Sustainable Community Strategy requirements.

1.4 Proposed Text Example:

See proposed text example in Section 1.3, above.

Topic #2 – Accessory Dwelling Units (ADU)

The availability and affordability of housing in California has been a topic on the forefront of State legislative discussion for the past several years. New and amended State housing laws have necessitated amendments to local regulations, specifically for Accessory Dwelling Units (ADUs). The proposed amendments would streamline approval of ADUs when it is established and determined that the project is in conformance with objective site development standards. This is consistent with Government Code Section 65852.2 which requires local governments to administratively approve accessory residences that comply with parking requirements, allowable size and setback requirements.

TRPA staff has indicated that at this time they would not support relaxing some of California's housing requirements such as the requirement to waive coverage requirements for ADUs or to waive noticing requirements. Until such time as permitting of ADUs is delegated to Placer County the proposed amendment would add a footnote to the Area Plan Implementing Regulations clarifying a two-step permitting process where separate permits are required from Placer County and TRPA to construct an ADU.

Proposed Text:

Note: Pursuant to State of California regulations that prevent local jurisdictions from imposing restrictions on ADUs, as of this date XXXXX XX, 2020 a two-step permit process is required to construct an ADU or JADU. Placer County shall process all ADU permits in accordance with applicable Placer County Code and California Government Code Sections, and TRPA shall process ADU permits in accordance with the Regional Plan. Delegated ADU permitting authority may be reassumed by Placer County when/if the State of California or TRPA regulations are changed.

Pursuant to TRPA Code Section 13.5.3.B.2 that allows for Alternative Parking Strategies in Area Plans, Placer County proposes to amend Table 3.07.A-1, Parking and Access, to specify that accessory dwelling units require only one parking space, with options to further reduce parking requirements when near transit and car share opportunities, consistent with Placer County Code Section 17.56.200.D.5 and California Government Code Section 65852. No additional parking is required for junior accessory dwelling units. This amendment is in response to housing studies that have shown approximately 70% of second unit dwellers own only one car, while the remaining 30% are generally split evenly between no car ownership and ownership of at least two vehicles, and demonstrated examples where excessive parking quotas can thwart this low-cost form of providing additional housing (e.g., Yes in My Backyard: Mobilizing the Market for Secondary Units [2011]; ADUs in Portland, Oregon ISS Survey Report [2018]).

Proposed Text:

TABLE 3.07.A-1: PARKING SPACES REQUIRED

Use	Required Number of Parking Spaces
<p>Accessory Dwelling Unit (ADU)</p>	<p><u>No additional parking is required if the proposed ADU is:</u></p> <ul style="list-style-type: none"> <u>(1) Within one-half mile of a public transit stop;</u> <u>(2) Within an architecturally and historically significant historic district;</u> <u>(3) Within the existing single-family dwelling or an existing residential accessory structure;</u> <u>(4) In an area where on-street parking permits are required but not offered to the occupant of the ADU;</u> <u>(5) Within one block of a car share vehicle pick-up location;</u> <u>(6) A junior accessory dwelling unit; or</u> <u>(7) Converted from a garage, carport, or other covered parking space, or if a garage, carport, or other covered parking space is demolished in conjunction with the accessory or junior accessory dwelling unit construction.</u> <p><u>In all other scenarios, parking requirements for ADUs shall not exceed one parking space per ADU. These spaces may be provided as tandem parking on a driveway.</u></p> <ul style="list-style-type: none"> <u>a) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.</u> <u>b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of a secondary residence or converted to an secondary residence, the local agency shall not require that those offstreet parking spaces be replaced.</u>

Topic #3 – Banking, Conversion, and Transfer of Development Rights

Update banking, conversion, and transfer of development rights consistent with Chapter 51 of the TRPA Code of Ordinances (Banking, Conversion, and Transfer of Development Rights). Currently the Area Plan includes provisions for a pilot program to convert commercial floor area (CFA) to tourist accommodation units (TAU). Since adoption of the Area Plan TRPA has adopted the Development Rights Strategic Initiative which has less-stringent development right conversion ratios. When a conflict exists between an Area Plan and the Regional Plan the most restrictive standard applies. Because TRPA's updated banking, conversion, and transfer of development rights policies provide additional flexibility, the proposed amendments would refer to Chapter 51 of the TRPA Code of Ordinances for banking, conversion, and transfer of development rights. Also, outdated language about Transfer of Development Rights (TDR) Receiving Areas would be removed.

Proposed Text:

3.14 Banking, Conversion, and Transfer of Development

Programs for Banking, Conversion, and Transfers of Development are outlined in Chapter 51, Banking, Conversion, and Transfer of Development Rights, of the TRPA Code of Ordinances.

~~Commodity Conversions. In addition to allowances for the election of conversion of use outlined in the TRPA Code of Ordinances, Section 50.10, Election of Conversion of Uses, a pilot program is established allowing property owners to convert verified Commercial Floor Area (CFA) and Placer County to convert the supply of CFA that TRPA has released to the County, to TAUs (Tourist Accommodation Units), subject to the following limitations:~~

- ~~1. The conversion ratio shall be 450 square feet of CFA – 1 TAU;~~
- ~~2. No more than 200 TAUs may be established within the Placer County Tahoe Basin Area Plan through this pilot program and other programs combined;~~
- ~~3. Converted units may only be used within Town Center Overlay Districts;~~
- ~~4. Sites must have BMP Certificates;~~
- ~~5. Sites must have sidewalk access;~~
- ~~6. Sites must be within 0.25 mile of a Transit Stop; and~~
- ~~7. The program will be periodically monitored for efficacy and future consideration of program adjustments.~~

Topic #4 – Non-Substantive Administrative Corrections:

The proposed Area Plan amendments include several non-substantive administrative corrections to code section cross references and consistent terminology.

Next Steps:

Following the August 26, 2020, RPIC information presentation on the proposed draft Area Plan housing-related amendments, the anticipated sequence and schedule of subsequent public hearings is listed below.

TRPA RPIC – Information Item Only – August 2020

Placer County Planning Commission – Recommendation – September 2020

Placer Board of Supervisors – Approval – October 2020

TRPA RPIC – Recommendation – November 2020

TRPA Advisory Planning Commission – Recommendation – December 2020
TRPA Governing Board – Approval – January 2021

Environmental Review:

A joint EIR/EIS for the Tahoe Basin Area Plan was certified by the County of Placer on December 6, 2016 and by the TRPA Governing Board on January 25, 2017. Therefore, a subsequent EIR is not required to be prepared unless there are: (1) substantial changes to the project or to the circumstances under which the project is undertaken that will require major revisions of the previous EIR, or (2) new information of substantial importance, which was not known or could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. The proposed Code amendments will be reviewed in an Initial Environmental Checklist (IEC) pursuant to Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure.

Contact Information:

For questions regarding this item please contact Emily Setzer, Senior Management Analyst at ESetzer@placer.ca.gov or (530) 546-1945 or Patrick Dobbs, Senior Planner at PDobbs@placer.ca.gov or (530) 745-3060.

Attachment B

Tahoe Basin Area Plan Implementing Regulations
with Track Changes

[Placer-County-Tahoe-Basin-Area-Plan-Implementing-Regulations Attachment-B.pdf](#)

STAFF REPORT

Date: August 19, 2020

To: Regional Plan Implementation Committee

From: TRPA Staff

Subject: Update of TRPA Code of Ordinances Chapter 61 (Vegetation Management and Forest Health)

Summary and Staff Recommendation:

Chapter 61 of the TRPA Code of Ordinances addresses vegetation management and forest health. Staff will present a short overview of the Forest Health and Wildfire Committee's recommended revisions to 61.3. Vegetation Protection and Management from May 2020 and recommendations from the Advisory Planning Commission from August 2020. Staff will then present proposed code language for Section 61.3. Vegetation Protection and Management for final recommendation by the Regional Plan Implementation Committee.

Motion:

To recommend adoption of the ordinance amendments, RPIC must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary; and,
- 2) A motion to recommend adoption of the Ordinance 2020 - ____, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

For the motions to pass, an affirmative vote of a majority of the quorum present is required.

Background:

During the Forest Health and Wildfire Committee's May 2020 meeting, the Committee discussed and approved proposed direction to update Section 61.3. concerning Vegetation Protection and Management. In July 2020, staff brought back proposed code language to the FHWC incorporating potential amendments to Section 61.3. In August 2020, staff brought proposed code language to the APC for recommendation, and language was approved to move forward to RPIC and the Governing Board. Original amendments included language that deferred to state water board regulations where applicable. APC felt this amendment was limiting and should include any state regulatory agency or entity exemptions where possible. Staff considered this recommendation, but felt there was more work to be done before inclusion in this round of amendments, and because of this, the original amendment

and APC-recommended amendment have been removed from consideration. Approved amendments for consideration included:

1. Updating and standardizing references throughout Section 61.3.
2. Allowing vehicles to operate over “frozen ground” as well as snow in SEZs.
3. Adding language that allows all partners to use innovative technologies once one entity proves its technology is environmentally safe.
4. Consolidating all references to SEZ protection in one section.

Proposed Code Amendments: The proposed code edits (Attachment A: Exhibit 2) focus on developing a user-friendly code, standardizing with other agencies within the Basin, and maintaining environmental protections for the areas described above. Edits include moving sections regarding SEZ protection into a consolidated sub-section, allowing mechanical treatment in SEZs over frozen ground with hard frozen soils with environmental protections, and allowing partner agencies to use innovative technology in SEZs once an entity proves the technology is environmentally safe.

Environmental Review:

The Code amendments have been reviewed in an Initial Environmental Checklist (IEC) pursuant to Chapter 3: Environmental Documentation of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The IEC finds that the proposed amendments would not result in significant effects on the environment (see Attachment C).

Regional Plan Compliance:

The proposed amendments to the Code of Ordinances are consistent with the Vegetation Sub-element, a component of the Regional Plan’s Conservation Element.

Contact Information:

For questions regarding this agenda item, please contact Kathleen McIntyre, at (775) 589-5268 or kmcintyre@trpa.org.

Attachments:

- A. Adopting Ordinance
 - Exhibit 1: Current Code Language
 - Exhibit 2: Code Amendments
 - Exhibit 3: Clean Version of Updated Code Language
- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)

Attachment A
Adopting Ordinance

Attachment A

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2020-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTER 61 REGARDING VEGETATION PROTECTION AND MANAGEMENT.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9, as previously amended, by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made the findings required by Section 4.5 of the TRPA Code of Ordinances, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending the TRPA

REGIONAL PLAN IMPLEMENTATION COMMITTEE
AGENDA ITEM NO. 3

Code of Ordinances, as set forth in Exhibit 1.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective on ____.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on _____, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Attachment A: Exhibit 1

Current Code Language

CHAPTER 61: VEGETATION AND FOREST HEALTH

61.3 Vegetation Protection and Management

61.3.1 Purpose

determine whether the proposed burn complies with subparagraphs 61.2.4.A and 61.2.4.B;

3. Description of the timing of the prescribed burn, and meteorological information that demonstrates that the timing of the prescribed burn will normally allow complete dispersion of the smoke from the burn during each day of the burn;
4. A list of the applicable standards of TRPA and other government agencies with jurisdiction over the burn, and a discussion of how the proposed prescription complies with those standards;
5. A detailed description of the proposed burning operation, including a description of all safety procedures that will be used to prevent wildfire;
6. A certification by a qualified expert experienced in the use of fire for vegetation management that the burn prescription complies with this section; and that the expert shall oversee the conduct of the burn to ensure that the prescription is followed; and

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.1. Purpose

In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this section provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity, and the maintenance of vegetation health. The management and protection of vegetation shall, at a minimum, consider the diversity of plant species and landscape pattern of plant communities, and their attributes in relationship to wildlife and fisheries habitat, scenic quality, recreation use, soil conservation, and water quality.

61.3.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment.

61.3.3. Protection of Stream Environment Zones

A. General Requirement

Unless excepted in B below, no project or activity shall be undertaken in an SEZ (Land Capability District 1b) that converts SEZ vegetation to a non-native or artificial state or that negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

B. Exceptions

The activities below are exceptions to the general requirement in A above.

1. Manipulation or management of SEZ vegetation may be permitted in accordance with the Code for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to subparagraph 61.3.5.B, or as provided in Section 30.5, subsection 30.4.4, subparagraph 30.4.6.D.3, Section 63.3, or Sections 61.1 or 61.2.

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61.3.4 Remedial Vegetation Management

2. Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 36: *Design Standards*, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in subparagraph 60.1.8.A, unless a remedial action pursuant to subsection 61.3.4 has been taken by TRPA.
3. Removal of vegetation may be permitted pursuant to subparagraphs 2.3.2.E, or 2.3.6.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible-space guidelines approved by TRPA.

61.3.4. Remedial Vegetation Management

TRPA and resource management agencies, including the states' forestry departments, shall identify areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation. Requests by TRPA to prepare and implement a remedial vegetation management plan for a specified area shall follow the procedures set forth in Section 5.12: *Remedial Action Plans*.

61.3.5. Preparation of Remedial Vegetation Management Plans

At the request of TRPA, remedial vegetation management plans shall be prepared by the property owners of areas identified for remedial vegetation management in cooperation with TRPA and appropriate resource management agencies.

A. Plan Content

Remedial vegetation management plans shall contain, at a minimum, the following information:

1. Purpose of the management plan, including a list of objectives;
2. Description of existing vegetation, including the abundance, distribution, and age class of tree species;
3. Remedial measures necessary to achieve the stated objectives, including details of harvest and revegetation plans (see Section 61.4); and
4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

B. Plan Approval

TRPA may approve a remedial vegetation management plan provided the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in subsection 61.3.4.

61.3.6. Sensitive and Uncommon Plant Protection and Fire Hazard Reduction

A. Purpose

This subsection sets forth standards for the preservation and management of vegetation of significant scenic, recreational, educational, scientific, or natural values of the region, and for management of vegetation to prevent the spread of wildfire.

B. Applicability

This subsection applies to all projects and activities that could have a detrimental effect on designated sensitive plants or uncommon plant communities, and to all areas where vegetation may contribute to a significant fire hazard.

C. Sensitive Plants and Uncommon Plant Communities

Designation of plants for special significance is based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities referenced in the environmental thresholds, and to other plants or plant communities identified later for such distinction. The general locations of sensitive plant habitat and uncommon plant communities are depicted on the TRPA Special Species map layers. The special species map layers indicate the location of habitat for threatened, endangered, rare, and special interest species and where populations of sensitive or uncommon plants have been observed.

1. Sensitive Plants

a. List of Sensitive Plants

The sensitive plants are:

- (i) *Rorippa subumbellata* (Tahoe yellow cress);
- (ii) *Arabis rigidissima* var. *demote* (Galena Creek rock cress);
- (iii) *Lewisia longipetala* (long-petaled lewisia);
- (iv) *Draba asterophora* v. *macrocarpa* (Cup Lake draba); and
- (v) *Draba asterophora* v. *asterophora* (Tahoe draba).

b. Standards for Sensitive Plants

Projects and activities in the vicinity of sensitive plants or their associated habitat shall be regulated to preserve sensitive plants and their habitat. All projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat shall fully mitigate their significant adverse effects. Projects and activities that cannot fully mitigate their significant adverse effects are prohibited. Measures to protect sensitive plants and their habitat include, but are not limited to:

- (i) Fencing to enclose individual populations or habitat;
- (ii) Restrictions on access or intensity of use;
- (iii) Modifications to project design as necessary to avoid adverse impacts;
- (iv) Dedication of open space to include entire areas of suitable habitat;
or
- (v) Restoration of disturbed habitat.

2. Uncommon Plant Communities

a. List of Uncommon Plant Communities

The uncommon plant communities are:

- (i) The deepwater plants of Lake Tahoe, Grass Lake (sphagnum fen);
- (ii) Osgood Swamp, Hell Hole (sphagnum fen);
- (iii) Pope Marsh, Taylor Creek Marsh, Upper Truckee Marsh; and
- (iv) The Freel Peak cushion plant community.

b. Standards for Uncommon Plant Communities

Uncommon plant communities shall be managed and protected to preserve their unique ecological attributes and other associated values. Projects and activities that significantly adversely impact

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uncommon plant communities, such that normal ecological functions or natural qualities of the community are impaired, shall not be approved.

D. Vegetation Management to Prevent the Spread of Wildfire

Within areas of significant fire hazard, as determined by local, state, or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species or other means of erosion control may be required where vegetative ground cover has been eliminated or where erosion problems may occur.

61.3.7. Old Growth Enhancement and Protection

The standards in this subsection shall govern forest management activities and projects.

A. Standards for Conservation and Recreation Lands or SEZs

Within lands classified by TRPA as conservation or recreation land use or SEZs, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be cut, except as provided below.

1. Unreasonably Contribute to Fire Hazard

Trees and snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types trees shall be fully considered. Urban interface areas are defined as all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

2. Unacceptable Risk to Structures or Areas of High Use

A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if TRPA and the land manager determine the tree pose an unacceptable risk to occupied or substantial structures or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation and any applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Diseased or Infested Trees

Where immediate treatment and removal is warranted to help control an outbreak of pests or disease, severely insect-infested or diseased trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed. Trees to be felled, treated, or removed require TRPA review on a tree by tree basis, within 30 working days of written notification by the land manager.

- 4. Adverse Impacts to Stream or River**
Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types that are likely to cause significant adverse impacts to a stream or river may be felled, treated, or removed. This determination shall be made by a qualified interdisciplinary team and approved by TRPA. The marking of these trees shall be done by TRPA.
- 5. Ecosystem Management Goals**
In limited cases, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if a management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies, such as aspen stand regeneration or achieving desired species composition. The project and prescription must be developed and reviewed by a qualified interdisciplinary team, be part of a public review process, and only the trees necessary to achieve ecosystem objectives at a specific site shall be removed. Each tree larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be approved by TRPA. The marking of these trees shall be done by TRPA.
- 6. Ski Areas Master Plans**
In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA – approved master plan, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.
- 7. EIP Projects**
Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.
- 8. Extreme Fuel Loading**
In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if the removal is consistent with subsection 62.3.4: Snags and Coarse Woody Debris.
- 9. Large Public Utilities Projects**
Trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.
- 10. Emergency Fire Suppression**
Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.
- 11. Private Landowners**
Private landowners may cut trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest

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types provided the landowner follows one of the planning processes set forth in subparagraph 61.1.4.C.

B. Standards for Non-SEZ Urban Lands

Within non-SEZ urban areas, individual trees larger than 30 inches dbh that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.

C. Alternative Private Landowner Process

As an alternative to complying with the standards in subparagraph 61.1.4.A, a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and policies.

1. Alternative Forest Management Plan

A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 14: *Specific and Master Plans*, except as provided below.

- a. In relation to subparagraph 14.8.1.A only the private landowner may initiate the private forest management planning process.
- b. In relation to subparagraph 14.8.1.B the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and the team shall consult with the appropriate public land management agencies if the private land is adjacent to public land.
- c. In relation to Section 14.9, the content of a forest master plan shall be described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Section 14.10; shall provide guidelines for salvage harvest, insect control, and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 14.10 can be submitted provided it is developed with approval of the steering committee.
- d. The harvest practices shall comply with local and state regulations.
- e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.
- f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

2. Limited Forest Plan

Private landowners may prepare a limited forest plan when there would be limited proposed impact to large trees.

- a. A limited forest plan may be prepared if ten percent or less of the trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.
- b. The limited forest plan shall include:

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61.3.8 Historic Resource Protection

- (i) The relative state permit application, if available;
 - (ii) Description of harvest activities;
 - (iii) Description of management activities;
 - (iv) Explanation of how thresholds, goals and policies shall be attained under the forest plan; and
 - (v) The expiration date of the plan. A minimum lifespan of ten years and a maximum lifespan of 50 years shall be accepted.
3. TRPA shall review proposed cutting of trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

61.3.8. Historic Resource Protection

- A. Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*. All historic resources located within the project area shall be flagged and avoided. Flagging shall be removed at the time of completion of operations.
- B. If there is a discovery of a historic resource during vegetation management activities, all work shall cease in the vicinity of the discovery until significance is determined. Work may resume upon approval of a resource protection plan.

61.3.9. Wildlife, Habitat, and Sensitive Plants

- A. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.
- B. Snags shall be retained in accordance with subsection 62.3.4.
- C. Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

61.3.10. Tree Cutting Within Stream Environment Zones

Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below.

A. Vehicle Restrictions

All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones. The following exceptions shall apply:

- 1. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA shall conduct a pre-operation inspection to ensure that conditions are suitable to prevent significant soil disturbance and/or significant vegetation damage; and
- 2. TRPA shall review site-specific proposals for and may permit the use of "innovative technology" vehicles and/or "innovative techniques" for the purpose of fire hazard reduction in SEZs provided that no significant soil

disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: *Definitions*, for definitions of “innovative technology” vehicles and “innovative techniques.”) Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

- a. Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;
- b. Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;
- c. Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;
- d. Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;
- e. To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;
- f. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*;
- g. Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*; and
- h. Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

B. Soil Conditions

All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when conditions are adequate for over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage (See subparagraph 61.1.6.F).

C. Trees and Debris Kept from Streams

Felled trees and harvest debris shall be kept out of all perennial or intermittent streams. If deposited in the stream, the material shall be removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 62: *Wildlife Resources*, and Chapter 63: *Fish Resources*. This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

D. Stream Crossings

The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the *Handbook of Best Management Practices*.

E. Special Conditions

Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity.

61.4. REVEGETATION

61.4.1. Purpose

This section provides standards for revegetation for such purposes as soil stabilization and improvement of the vegetative cover mix.

61.4.2. Applicability

This section shall apply wherever revegetation is required as a condition of project approval or where revegetation is necessary to comply with other provisions of the Code. Landscaping provisions are set forth in Chapter 36: *Design Standards*.

61.4.3. Approved Species

Revegetation programs shall use TRPA-approved plant species listed on the TRPA Recommended Native and Adapted Plant List. This list shall be a part of the *Handbook of Best Management Practices* and shall be updated from time to time based on the criteria that listed plants should be adapted to the climate of the Tahoe region, should require little water and fertilizer after establishment, and should be non-invasive. Specifications of plant materials shall be in accordance with the following requirements:

A. Site Conditions

Plant species selected shall be appropriate for site conditions.

B. Small Scale Programs

Small scale revegetation programs shall emphasize the use of TRPA-approved grass species in conjunction with mulching or other temporary soil stabilization treatments, as described in the *Handbook of Best Management Practices*.

Attachment A: Exhibit 2

Code Amendments

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.1. Purpose

In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this section provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity, and the maintenance of vegetation health. The management and protection of vegetation shall, at a minimum, consider the diversity of plant species and landscape pattern of plant communities, and their attributes in relationship to wildlife and fisheries habitat, scenic quality, recreation use, soil conservation, and water quality.

61.3.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment.

61.3.3. Protection of Stream Environment Zones

A. General Requirement

Unless excepted in B below, no project or activity shall be undertaken in an SEZ (Land Capability District 1b) that converts SEZ vegetation to a non-native or artificial state or that negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

B. Exceptions

The activities below are exceptions to the general requirement in A above.

- 1.** Manipulation or management of SEZ vegetation may be permitted in accordance with the Code for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to subparagraph 61.3.5.B, or as provided in Section 30.5, subsection 30.4.4, subparagraph 30.4.6.D.3, Section 63.3, or Sections 61.1 or 61.2.
- 2.** Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 36: *Design Standards*, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in subparagraph 60.1.8.A, unless a remedial action pursuant to subsection 61.3.4 has been taken by TRPA.
- 3.** Removal of vegetation may be permitted pursuant to subparagraphs 2.3.2.E, or 2.3.7.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible space guidelines approved by TRPA.

C. Tree Cutting Within Stream Environment Zones

Tree cutting within stream environment zones may be permitted to allow for early

successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, maintenance of utility rights-of-way, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below. [Reference Sections 61.3.7.A.1. through Section 61.3.7.A.10. for TRPA-approved reasons for removal of trees over 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types within an SEZ.]

1. Vehicle Restrictions

All vehicles shall be restricted to areas outside of the SEZ or to existing roads within SEZs, except for tree removal over-snow or frozen ground with hard frozen soil conditions or use of low impact technology where permanent disturbance does not occur.

- a. The following criteria shall apply: TRPA may permit the use of vehicles in/on frozen ground with hard frozen soil conditions or over-snow tree removal operations. A qualified forester will ensure that conditions are suitable to prevent visible or permanent soil disturbance and/or significant vegetation damage.

b. Winter ground-based equipment operations would take place on portions of the treatment unit where adequate snow or frozen ground with hard frozen soil conditions are present. The following criteria will be applied in determining equipment operations:

1. Frozen soil operations are permitted where operated vehicles, tractors and equipment can travel without sinking into soil, road, and/or landing surfaces to a depth of more than 2 inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.

2. For over-snow operations, maintain approximately 12 inches of compacted snow/ice on undisturbed ground, and 6 inches of compacted snow/ice on existing disturbed surfaces. For over-the-snow and frozen soil operations in SEZs, exclude ground-based equipment from the 25-foot buffer around watercourse channels.

- c. TRPA shall review site-specific proposals for and may permit the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: *Definitions*, for definitions of “innovative technology” vehicles and “innovative techniques.”) Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

- (i) Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or

significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;

(ii) Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;

(iii) Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;

(iv) Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;

(v) To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from watercourses

than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;

(vi) Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*;

(vii) Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*; and

(viii) Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil function or beneficial vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and reporting; a narrative for implementing corrective actions when monitoring determines such corrective action is necessary; and, a monitoring and reporting schedule.

(ix) Once an innovative technology has been deemed acceptable by TRPA, all partners or permittees may utilize that technology.

2. Soil Conditions

All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when conditions are adequate for frozen ground with hard frozen soil conditions or over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage.

3. Trees and Debris Kept from Streams

Felled trees and harvest debris shall be kept out of all watercourses. If deposited in the stream, the material shall be promptly removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 62: *Wildlife Resources*, and Chapter 63: *Fish Resources*. This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

4. Stream Crossings

The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the *Handbook of Best Management Practices*.

5. Special Conditions

Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity.

61.3.4. Remedial Vegetation Management

TRPA and resource management agencies, including the states' forestry departments, shall identify areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation. Requests by TRPA to prepare and implement a remedial vegetation management plan for a specified area shall follow the procedures set forth in Section 5.12: *Remedial Action Plans*.

61.3.5. Preparation of Remedial Vegetation Management Plans

At the request of TRPA, remedial vegetation management plans shall be prepared by the property owners of areas identified for remedial vegetation management in cooperation with TRPA and appropriate resource management agencies.

A. Plan Content

Remedial vegetation management plans shall contain, at a minimum, the following information:

1. Purpose of the management plan, including a list of objectives;
2. Description of existing vegetation, including the abundance, distribution, and age class of tree species;
3. Remedial measures necessary to achieve the stated objectives, including details of harvest and revegetation plans (see Section 61.4); and
4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

B. Plan Approval

TRPA may approve a remedial vegetation management plan provided the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in subsection 61.3.4.

61.3.6. Sensitive and Uncommon Plant Protection and Fire Hazard Reduction

A. Purpose

This subsection sets forth standards for the preservation and management of vegetation of significant scenic, recreational, educational, scientific, or natural values of the region, and for management of vegetation to prevent the spread of wildfire.

B. Applicability

This subsection applies to all projects and activities that could have a detrimental effect on designated sensitive plants or uncommon plant communities, and to all areas where vegetation may contribute to a significant fire hazard.

C. Sensitive Plants and Uncommon Plant Communities

Designation of plants for special significance is based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities referenced in the environmental thresholds, and to other plants or plant communities identified later for such distinction. The general locations of sensitive plant habitat and uncommon plant communities are depicted on the TRPA Special Species map layers. The special species map layers indicate the location of habitat for threatened, endangered, rare, and special interest species and where populations of sensitive or uncommon plants have been observed.

1. Sensitive Plants

a. List of Sensitive Plants

The sensitive plants are:

- (i) *Rorippa subumbellata* (Tahoe yellow cress);
- (ii) *Arabis rigidissima* var. *demote* (Galena Creek rock cress);
- (iii) *Lewisia longipetala* (long-petaled lewisia);
- (iv) *Draba asterophora* v. *macrocarpa* (Cup Lake draba); and
- (v) *Draba asterophora* v. *asterophora* (Tahoe draba).

b. Standards for Sensitive Plants

Projects and activities in the vicinity of sensitive plants or their associated habitat shall be regulated to preserve sensitive plants and their habitat.

All projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat shall fully mitigate their significant adverse effects. Projects and activities that cannot fully mitigate their significant adverse effects are prohibited. Measures to protect sensitive plants and their habitat include, but are not limited to:

- (i) Fencing to enclose individual populations or habitat;
 - (ii) Restrictions on access or intensity of use;
 - (iii) Modifications to project design as necessary to avoid adverse impacts;
 - (iv) Dedication of open space to include entire areas of suitable habitat;
- or
- (v) Restoration of disturbed habitat.

2. Uncommon Plant Communities

a. List of Uncommon Plant Communities

The uncommon plant communities are:

- (i) The deepwater plants of Lake Tahoe, Grass Lake (sphagnum fen);
- (ii) Osgood Swamp, Hell Hole (sphagnum fen);
- (iii) Pope Marsh, Taylor Creek Marsh, Upper Truckee Marsh; and
- (iv) The Freel Peak cushion plant community.

b. Standards for Uncommon Plant Communities

Uncommon plant communities shall be managed and protected to preserve their unique ecological attributes and other associated values. Projects and activities that significantly adversely impact uncommon plant communities, such that normal ecological functions or natural qualities of the community are impaired, shall not be approved.

D. Vegetation Management to Prevent the Spread of Wildfire

Within areas of significant fire hazard, as determined by local, state, or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species or other means of erosion control including soil stabilization may be required where vegetative groundcover has been eliminated or where erosion problems may occur.

61.3.7. Old Growth Enhancement and Protection

The standards in this subsection shall govern forest management activities and projects.

A. Standards for Conservation and Recreation Lands

Within lands classified by TRPA as conservation or recreation land use, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be felled, treated, or removed, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be felled, treated, or removed, except as provided below.

1. Unreasonably Contribute to Fire Hazard

Trees and snags larger than 30 inches dbh in the westside forest types and

larger than 24 inches dbh in eastside forest types may be felled, treated, or removed in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be fully considered. Urban interface areas are defined as all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

2. Unacceptable Risk to Structures or Areas of High Use

A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if TRPA and the land manager determine the tree poses an unacceptable risk to occupied or substantial structures, **overhead utility lines and conductors**, critical public or private infrastructure, or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation and any applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Diseased or Infested Trees

Where immediate treatment and removal is warranted to help control an outbreak of pests or disease, severely insect-infested or diseased trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed. Trees to be felled, treated, or removed require TRPA review on a project-level basis ~~within~~ within 30 working days of written notification by the land manager.

4. Ecosystem Management Goals

In limited cases, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if a management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies and to increase forest health and resilience. ~~such as aspen stand regeneration or achieving desired species composition.~~ The project and prescription must be developed and reviewed by a qualified forester and only the trees necessary to achieve ecosystem objectives at a specific site shall be removed. Each tree larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be approved by TRPA. The marking of these trees shall be done by a qualified forester.

5. Ski Areas Master Plans

In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA –approved master plan, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

6. EIP Projects

Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

7. Extreme Fuel Loading

In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if the removal is consistent with subsection 62.3.4: Snags and Coarse Woody Debris.

8. Large Public Utilities Projects

Trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.

9. Emergency Fire Suppression

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

10. Private Landowners

Private landowners may fell, treat, or remove trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes set forth in subparagraph 61.3.7.C.

B. Standards for Non-SEZ Urban Lands

Within non-SEZ urban areas, individual trees larger than 30 inches dbh that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.

C. Alternative Private Landowner Process

As an alternative to complying with the standards in subparagraph 61.3.7.A, a private landowner may follow one of the following planning processes to achieve or maintain

the late seral/old growth threshold, goals, and polices.

1. Alternative Forest Management Plan

A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 14: *Specific and Master Plans*, except as provided below.

- a. In relation to subparagraph 14.8.1.A only the private landowner may initiate the private forest management planning process.
- b. In relation to subparagraph 14.8.1.B the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and the team shall consult with the appropriate public land management agencies if the private land is adjacent to public land.
- c. In relation to Section 14.9, the content of a forest master plan shall be described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Section 14.10; shall provide guidelines for salvage harvest, insect control, and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 14.10 can be submitted provided it is developed with approval of the steering committee.
- d. The harvest practices shall comply with local and state regulations.
- e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.
- f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

2. Limited Forest Plan

Private landowners may prepare a limited forest plan when there would be limited proposed impact to large trees.

- a. A limited forest plan may be prepared if ten percent or less of the trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.
- b. The limited forest plan shall include:
 - (i) The relative state permit application, if available;
 - (ii) Description of harvest activities;
 - (iii) Description of management activities;
 - (iv) Explanation of how thresholds, goals and policies shall be attained under the forest plan; and
 - (v) The expiration date of the plan. A minimum lifespan of ten years and a maximum lifespan of 50 years shall be accepted.

3. TRPA shall review proposed cutting of trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

61.3.8.. Historic and Cultural Resource Protection

A. Operations and any ground disturbing activities shall be in accordance with Chapter 67: *Historic Resource Protection*. All historic resources located within the project area shall be flagged and avoided, except in accordance with a TRPA-approved resource recovery plan. Flagging shall be removed at the time of completion of operations.

61.3.9.. Wildlife, Habitat, and Sensitive Plants

A. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.

B. Snags shall be retained in accordance with subsection 62.3.4.

C. Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

Attachment A: Exhibit 3

Clean Version of Updated Code Language

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.1. Purpose

In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this section provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity, and the maintenance of vegetation health. The management and protection of vegetation shall, at a minimum, consider the diversity of plant species and landscape pattern of plant communities, and their attributes in relationship to wildlife and fisheries habitat, scenic quality, recreation use, soil conservation, and water quality.

61.3.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment.

61.3.3. Protection of Stream Environment Zones

A. General Requirement

Unless excepted in B below, no project or activity shall be undertaken in an SEZ (Land Capability District 1b) that converts SEZ vegetation to a non-native or artificial state or that negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

B. Exceptions

The activities below are exceptions to the general requirement in A above.

1. Manipulation or management of SEZ vegetation may be permitted in accordance with the Code for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to subparagraph 61.3.5.B, or as provided in Section 30.5, subsection 30.4.4, subparagraph 30.4.6.D.3, Section 63.3, or Sections 61.1 or 61.2.
2. Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 36: *Design Standards*, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in subparagraph 60.1.8.A, unless a remedial action pursuant to subsection 61.3.4 has been taken by TRPA.
3. Removal of vegetation may be permitted pursuant to subparagraphs 2.3.2.E, or 2.3.7.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible space guidelines approved by TRPA.

C. Tree Cutting Within Stream Environment Zones

Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, maintenance of utility rights-of-way, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below. [Reference Sections 61.3.7.A.1. through Section 61.3.7.A.10. for TRPA-approved reasons for removal of trees over 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types within an SEZ.]

1. Vehicle Restrictions

All vehicles shall be restricted to areas outside of the SEZ or to existing roads within SEZs, except for tree removal over-snow or frozen ground with hard frozen soil conditions (Definitions can be found XXXX) or use of low impact technology where permanent disturbance does not occur or where appropriate state agency or entity has granted an exemption to the prohibitions on discharges within SEZs.

The following criteria shall apply:

- a. TRPA may permit the use of vehicles in/on frozen ground with hard frozen soil conditions or over-snow tree removal operations. A qualified forester will ensure that conditions are suitable to prevent visible or permanent soil disturbance and/or significant vegetation damage.
- b. Winter ground-based equipment operations would take place on portions of the treatment unit where adequate snow or frozen ground with hard frozen soil conditions are present. The following criteria will be applied in determining equipment operations:
 1. Frozen soil operations are permitted where operated vehicles, tractors and equipment can travel without sinking into soil, road, and/or landing surfaces to a depth of more than 2 inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.
 2. For over-snow operations, maintain approximately 12 inches of compacted snow/ice on undisturbed ground, and 6 inches of compacted snow/ice on existing disturbed surfaces. For over-the-snow and frozen soil operations in SEZs, exclude ground-based equipment from the 25-foot buffer around watercourse channels.
- c. TRPA shall review site-specific proposals for and may permit the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: *Definitions*, for definitions of “innovative technology” vehicles and “innovative techniques.”) Project proposals should be developed within an adaptive management framework that

will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

- (i)** Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;
- (ii)** Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;
- (iii)** Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;
- (iv)** Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;
- (v)** To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from watercourses than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;
- (vi)** Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*;
- (vii)** Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*; and
- (viii)** Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil function or beneficial vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and reporting; a narrative for implementing corrective actions when monitoring determines such corrective action is necessary; and, a monitoring and reporting schedule.

(ix) Once an innovative technology has been deemed acceptable by TRPA, all partners or permittees may utilize that technology. TRPA acceptability does not preclude requirements and prohibitions deemed necessary by other state agencies with regulatory or management authority.

2. Soil Conditions

All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when conditions are adequate for frozen ground with hard frozen soil conditions or over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage.

3. Trees and Debris Kept from Streams

Felled trees and harvest debris shall be kept out of all watercourses. If deposited in the stream, the material shall be promptly removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 62: *Wildlife Resources*, and Chapter 63: *Fish Resources*. This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

4. Stream Crossings

The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the *Handbook of Best Management Practices*.

5. Special Conditions

Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity.

61.3.4. Remedial Vegetation Management

TRPA and resource management agencies, including the states' forestry departments, shall identify areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation. Requests by TRPA to prepare and implement a remedial vegetation management plan for a specified area shall

follow the procedures set forth in Section 5.12: *Remedial Action Plans*.

61.3.5. Preparation of Remedial Vegetation Management Plans

At the request of TRPA, remedial vegetation management plans shall be prepared by the property owners of areas identified for remedial vegetation management in cooperation with TRPA and appropriate resource management agencies.

A. Plan Content

Remedial vegetation management plans shall contain, at a minimum, the following information:

1. Purpose of the management plan, including a list of objectives;
2. Description of existing vegetation, including the abundance, distribution, and age class of tree species;
3. Remedial measures necessary to achieve the stated objectives, including details of harvest and revegetation plans (see Section 61.4); and
4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

B. Plan Approval

TRPA may approve a remedial vegetation management plan provided the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in subsection 61.3.4.

61.3.6. Sensitive and Uncommon Plant Protection and Fire Hazard Reduction

A. Purpose

This subsection sets forth standards for the preservation and management of vegetation of significant scenic, recreational, educational, scientific, or natural values of the region, and for management of vegetation to prevent the spread of wildfire.

B. Applicability

This subsection applies to all projects and activities that could have a detrimental effect on designated sensitive plants or uncommon plant communities, and to all areas where vegetation may contribute to a significant fire hazard.

C. Sensitive Plants and Uncommon Plant Communities

Designation of plants for special significance is based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities referenced in the environmental thresholds, and to other plants or plant communities identified later for such distinction. The general locations of sensitive plant habitat and uncommon plant communities are depicted on the TRPA Special Species map layers. The special species map layers indicate the location of habitat for threatened, endangered, rare, and special interest species and where populations of sensitive or uncommon plants have been observed.

1. Sensitive Plants

a. List of Sensitive Plants

The sensitive plants are:

- (i) *Rorippa subumbellata* (Tahoe yellow cress);
- (ii) *Arabis rigidissima* var. *demote* (Galena Creek rock cress);
- (iii) *Lewisia longipetala* (long-petaled lewisia);
- (iv) *Draba asterophora* v. *macrocarpa* (Cup Lake draba); and
- (v) *Draba asterophora* v. *asterophora* (Tahoe draba).

b. Standards for Sensitive Plants

Projects and activities in the vicinity of sensitive plants or their associated habitat shall be regulated to preserve sensitive plants and their habitat.

All projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat shall fully mitigate their significant adverse effects. Projects and activities that cannot fully mitigate their significant adverse effects are prohibited. Measures to protect sensitive plants and their habitat include, but are not limited to:

- (i) Fencing to enclose individual populations or habitat;
 - (ii) Restrictions on access or intensity of use;
 - (iii) Modifications to project design as necessary to avoid adverse impacts;
 - (iv) Dedication of open space to include entire areas of suitable habitat;
- or
- (v) Restoration of disturbed habitat.

2. Uncommon Plant Communities

a. List of Uncommon Plant Communities

The uncommon plant communities are:

- (i) The deepwater plants of Lake Tahoe, Grass Lake (sphagnum fen);
- (ii) Osgood Swamp, Hell Hole (sphagnum fen);
- (iii) Pope Marsh, Taylor Creek Marsh, Upper Truckee Marsh; and
- (iv) The Freel Peak cushion plant community.

b. Standards for Uncommon Plant Communities

Uncommon plant communities shall be managed and protected to preserve their unique ecological attributes and other associated values.

Projects and activities that significantly adversely impact uncommon plant communities, such that normal ecological functions or natural qualities of the community are impaired, shall not be approved.

D. Vegetation Management to Prevent the Spread of Wildfire

Within areas of significant fire hazard, as determined by local, state, or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species or other means of erosion control including soil stabilization may be required where vegetative groundcover has been eliminated or where erosion problems may occur.

61.3.7. Old Growth Enhancement and Protection

The standards in this subsection shall govern forest management activities and projects.

A. Standards for Conservation and Recreation Lands

Within lands classified by TRPA as conservation or recreation land use, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be felled, treated, or removed, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be felled, treated, or removed, except as provided below.

1. Unreasonably Contribute to Fire Hazard

Trees and snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types trees shall be fully considered. Urban interface areas are defined as all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

2. Unacceptable Risk to Structures or Areas of High Use

A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if TRPA and the land manager determine the tree poses an unacceptable risk to occupied or substantial structures, overhead utility lines and conductors, critical public or private infrastructure, or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation and any applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Diseased or Infested Trees

Where immediate treatment and removal is warranted to help control an outbreak of pests or disease, severely insect-infested or diseased trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed. Trees to be felled, treated, or removed require TRPA review on a project-level basis, within 30 working days of written notification by the land manager.

4. Ecosystem Management Goals

In limited cases, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if a

management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies and to increase forest health and resilience. The project and prescription must be developed and reviewed-by a qualified forester and only the trees necessary to achieve ecosystem objectives at a specific site shall be removed. Each tree larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be approved by TRPA. The marking of these trees shall be done by a qualified forester.

5. Ski Areas Master Plans

In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA –approved master plan, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

6. EIP Projects

Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

7. Extreme Fuel Loading

In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if the removal is consistent with subsection 62.3.4: Snags and Coarse Woody Debris.

8. Large Public Utilities Projects

Trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.

9. Emergency Fire Suppression

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

10. Private Landowners

Private landowners may fell, treat, or remove trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes set forth in subparagraph 61.3.7.C.

B. Standards for Non-SEZ Urban Lands

Within non-SEZ urban areas, individual trees larger than 30 inches dbh that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.

C. Alternative Private Landowner Process

As an alternative to complying with the standards in subparagraph 61.3.7.A, a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and polices.

1. Alternative Forest Management Plan

A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 14: *Specific and Master Plans*, except as provided below.

- a. In relation to subparagraph 14.8.1.A only the private landowner may initiate the private forest management planning process.
- b. In relation to subparagraph 14.8.1.B the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and the team shall consult with the appropriate public land management agencies if the private land is adjacent to public land.
- c. In relation to Section 14.9, the content of a forest master plan shall be described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Section 14.10; shall provide guidelines for salvage harvest, insect control, and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 14.10 can be submitted provided it is developed with approval of the steering committee.
- d. The harvest practices shall comply with local and state regulations.
- e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.
- f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

2. Limited Forest Plan

Private landowners may prepare a limited forest plan when there would be limited proposed impact to large trees.

- a. A limited forest plan may be prepared if ten percent or less of the trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.
- b. The limited forest plan shall include:
 - (i) The relative state permit application, if available;

- (ii) Description of harvest activities;
 - (iii) Description of management activities;
 - (iv) Explanation of how thresholds, goals and policies shall be attained under the forest plan; and
 - (v) The expiration date of the plan. A minimum lifespan of ten years and a maximum lifespan of 50 years shall be accepted.
3. TRPA shall review proposed cutting of trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

61.3.8. Historic and Cultural Resource Protection

A. Operations and any ground disturbing activities shall be in accordance with Chapter 67: *Historic Resource Protection*. All historic resources located within the project area shall be flagged and avoided, except in accordance with a TRPA-approved resource recovery plan. Flagging shall be removed at the time of completion of operations.

61.3.9.. Wildlife, Habitat, and Sensitive Plants

- A. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.
- B. Snags shall be retained in accordance with subsection 62.3.4.
- C. Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

Attachment B

Required Findings/Rationale

ATTACHMENT B

REQUIRED FINDINGS / RATIONALE

TRPA Code of Ordinances Section 3.3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Code amendments will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment C). The IEC found that the proposed Code amendments would not have a significant effect on the environment.

The proposed amendments are consistent with and will implement Chapter 61 Vegetation and Forest Health. The amendments are minor in nature and are not anticipated to result in environmental effects. As demonstrated in the accompanying findings, amendments to Chapter 61 Vegetation and Forest Health will not result in an unmitigated significant impact on the environment or cause the environmental threshold carrying capacities to be exceeded.

TRPA Code of Ordinances Section 4.4 – Threshold-Related Findings

1. Finding: The amendments to the Code of Ordinances are 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 amendments to the Code correct and clarify existing language in the Code of Ordinances. The amendments are consistent with Chapter 61 Vegetation and Forest Health. The changes are minor in nature and will not result in environmental effects. The Code amendments will improve understanding of the Code and increase the efficiency of Code administration and compliance. Additionally, they will support the achievement and maintenance of the thresholds. The Code amendments are consistent with the Regional Plan policies and goals and all implementing elements of the Regional Plan.

2. Finding: The proposed amendments will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the findings, these amendments will not cause the environmental threshold carrying capacities to be exceeded.

3. Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendments would not adversely affect any state, federal, or local standards. The amendments are intended to correct and clarify existing Code provisions, which will maintain adopted standards.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

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

Rationale: The proposed amendments to the Code of Ordinances will improve implementation of forest health projects by improving the efficiency of administering the Code and reducing the staff and public resources being expended as a result of redundancy and disorganization in the currently adopted Code.

Therefore, the Code of Ordinances, as amended by the proposed amendments, and in combination with other regulatory programs, will attain and maintain thresholds.

Attachment C

Initial Environmental Checklist



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Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
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ATTACHMENT C

*INITIAL DETERMINATION OF
ENVIRONMENTAL IMPACT CHECKLIST*

Project Name:

Chapter 61 Code Amendments: Section 61.3. Vegetation Protection and Management – August 2020

Project Description:

The project would involve amending the Chapter 61 Sections 61.3. Vegetation Protection and Management of the TRPA Code of Ordinances as shown in Exhibit 2 to Attachment A. The proposed amendments include:

A. Section 61.3. Vegetation Protection and Management

Amendments to Section 61.3. Vegetation Protection and Management include reorganizing sub-sections to facilitate a logical flow within the sub-section and increase clarity. Amendments also include updating code language to reflect modern forestry practices, standardizing with partner agency requirements, and where possible, relying on qualified forester judgement. One area of amendment would allow for tree removal within Stream Environment Zones (SEZs) over frozen ground with frozen soil conditions. Another amendment would allow all permittees and partner agencies to use TRPA-approved, piloted innovative technology for tree removal within SEZs once proven environmentally protective by the TRPA.

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.

I. 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?

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

3. Water Quality

Will the proposal result in:

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

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

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

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

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

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

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

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

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

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

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?

- Yes No
- No, With Mitigation 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?

- Yes No
- No, With Mitigation 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?

- Yes
- No
- No, With Mitigation
- 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)?

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

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

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

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

- Yes
- No
- No, With Mitigation
- 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?

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

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

- Yes
- No
- No, With Mitigation
- 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)?

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation 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 Area Plan, 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?

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- | | |
|--|--|
| <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?

- | | |
|--|--|
| <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?

- | | |
|--|--|
| <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?

Yes No
 No, With Mitigation Data Insufficient

- b. Involve possible interference with an emergency evacuation plan?

Yes No
 No, With Mitigation Data Insufficient

11. Population

Will the proposal:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation 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?

Yes No
 No, With Mitigation 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?

- Yes No
 No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

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?

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

e. Alterations to waterborne, rail or air traffic?

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

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

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

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

b. Police protection?

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

c. Schools?

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

d. Parks or other recreational facilities?

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

e. Maintenance of public facilities, including roads?

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

f. Other governmental services?

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

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation 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?

- Yes No
- No, With Mitigation 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.)

- Yes No
- No, With Mitigation 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 |

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 this chapter and TRPA's Rules of Procedure

Yes No

Signature of Evaluator

Date _____

Title of Evaluator

