

TAHOE REGIONAL PLANNING AGENCY

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TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: Emerald Bay Power and -optic Cable Placement Project

Application Type: Public Service/Pipeline and power transmission

Applicant and Representative: Sierra Pacific Power and AT&T/ Steve Siegel, Kleinfelder

Agency Planner: Peter Eichar, AICP, Assistant Branch Chief, ERS

Location: El Dorado County, California, Section 22 T. 13 North R. 17 East. Mouth of Emerald Bay, within Emerald Bay State Park (California State Parks).

Project Number/File Number: APN 018-041-04 and 018-060-05/#STD20051369

Staff Recommendation: Staff recommends approval of the power and -optic cable installation at the proposed locations, based on this staff summary and evidence contained in the project record. The required actions and recommend conditions of approval are contained in the attached draft permit.

Project Description: The proposed public service facility project consists of three areas of disturbance, the north and south shore points of entry for the cables, and bottom of the mouth of Emerald Bay itself. The cables proposed for installation are for electrical power (Sierra Pacific Power) and telecommunications (AT&T).

Power

In 1929, a 14.4 kV armored electric submarine cable was installed across the mouth of Emerald Bay on the southwest shore of Lake Tahoe. The original easement was recorded with the War Department but is now held by California State parks and California State Lands. The cable connects two overhead distribution lines. Due to the growing electrical load in the Tahoe area and the unreliable nature of the existing aged power line, a cable replacement is being proposed to bring this section of the power line up to current electrical standards and technology and at a rating equal to that of the adjacent overhead sections. The power cable would entail an approximately 3,000 foot long, stainless steel armored, four and a half inches (4 ½") diameter surface-laid submarine cable, a total of approximately 375 feet of (150 feet on the north shore and 225 feet on the south shore) of trench emplaced cable, relocation of two splice boxes (two existing to be replaced and removed) and replacement of two riser poles at the terminals of the connection (one on either side of the Bay).

While no longer operable once the new line is installed, the majority of the existing cable will be left in place, except for those portions visible from shore (see Draft permit). The Cable has

been determined eligible for designation as a TRPA and California historical resource of significance. It has been further determined the power cable is entangled with the existing telecommunications line, which seriously complicates removal, as well as concerns regarding the creation of turbidity from removing the cable from the lakebed. This project is recommended to contain a permit condition to remove both the 1929 power cable and telecommunications cable in the future, should the existing telecommunications cable need replacement.

Optic

AT&T, the local communications provider, currently has a copper wire phone cable that roughly parallels and at points is entangled with the power cable. The date of installation is unclear and while it has been in place for many decades, it is not of the same vintage as the power cable. It supplies telephone service to the State Park, Vikingsholm and residential cabins located along the roadway above the north shore, of Emerald Bay. Although limited in capacity and reliability, this cable will remain in operation and is not proposed for removal. In 2004, AT&T received written complaints from the El Dorado County Sheriff's Office and the City of South Lake Tahoe Police department regarding the loss of 911 emergency phone services. The existing service is a single feed line that disrupts service from the point of failure. A looped system needs to be constructed that will allow service to continue even with a failure at any single point in the line.

AT&T has partnered with Sierra Pacific Power and proposes to lay a separate submarine optic cable to supply an emergency communications link that would create a tie between South Lake Tahoe, the Highway 50 corridor, Sacramento, and the Highway 80 corridor (the looped system). The cable would be approximately two inches (2") in diameter and would be stainless steel armored for protection. The fiber cable will not replace the existing phone cable service provided.

Plan Area Statement and Public Notification. The project is in Plan Area Statement 146, Emerald Bay. Transmission and receiving facilities are special uses in this Plan Area, requiring Hearings Officer approval in accordance with Chapter 4, Appendix A of the Code of Ordinances. Notification of adjacent property owners within 300 feet of the project area is also required for special use projects. No adjacent private property owners have been identified, as the project is located on and surrounded by Emerald Bay State Park, California State Parks.

General Site Description

Most of this area is classified as high hazard. Despite the intensive recreation uses in the area, it largely retains much of the natural character. Dominant plant species include red and white fir, Greenleaf Manzanita and mountain whitethorn. Cascade and Emerald Bay are the dominant landscape features. Canada geese nest on Fannette Island and a pair of goshawk also nest in Emerald Bay. Bald Eagles use Emerald bay during winter months. Habitats for Tahoe Yellowcress (*Rorippa subumbellata*) are found along beach areas of Emerald Bay. Land uses on all sides of the project area dominated by summer recreation uses, both dispersed and developed in nature. Emerald Point Park campground, Emerald Bay Boat campground, Bayview campground and trailhead, Eagle Falls picnic area and trailhead, Inspiration vista point, Vikingsholm historical site, National Forest summer homes, and DL Bliss campground are all within the influence of the project location. Hiking trails offer several access points for Desolation Wilderness and Emerald Bay.

Project Construction Areas: The power and cables are proposed for installation as follows:

Northshore Construction

The north shore trench would be hand dug (never to be left open overnight). Trench spoil material would be side cast and placed so as to avoid disturbance to vegetation. Rock excavated for the trench will be used to cover the new cables in the shorezone. After trench backfill, a cable-log cover would extend from the shoreline to approximately 25 feet landward. The cable steps would also supply an access point to the shoreline from an existing foot trail for recreation purposes. One new pole, in the same alignment as the existing facilities, would be installed approximately 15-20 feet uphill from the existing riser pole. The existing riser pole would be topped, removing the top 10 feet. The existing telecommunication lines would remain on this shortened pole. The new pole would be transported to the site by helicopter due to the lack of vehicle access. The existing phone line splice vault would be removed and replaced with a new barrel vault for the cable. The existing power vault would be relocated to the base of the new riser pole. Existing debris from previous infrastructure installation and maintenance will be removed from the site.

Southshore Construction

A backhoe or trenchhoe would be used to excavate the trench and boxes. Trenching would start at the shoreline but not occur within the lake. All trench spoil material will be sidecast and temporarily stored for backfill. Rock will not be used as backfill. All exposed portions of the two new cables will be covered by the excavated spoil rock for a distance up to 25-feet from shore into the lake. The existing cable is covered with native rock to both hide and provide a minimal amount of security from damage. Given the removal of the existing power line, the new line will be covered with the rock-spoil from trenching and the existing covered cable. Rocks will be washed prior to being hand placed over the cables and in the Lake. Additional work includes the installation of a new barrel vault for the cable, the replacement of one pole and a splice box with removal of one pole and one splice box. The cables would run down the riser pole, within conduit, into the trench. No disturbance to vegetation is expected as the trenching will occur within an existing dirt access road.

Cable Installation

The cable reels would be delivered by truck to a dock in the Tahoe Keys. A barge would be used to facilitate transportation of the cables and other materials to the site, placement of the cable and to provide access to the north shore of the Bay. The cables would be anchored on one shore and would be placed by movement of the barge as it is off-spoiled from reels located on the deck. The cable and spools are very heavy and great care will be taken not to drag the cable during placement. To facilitate barge stability and prevent drag, the barge will be moored to a temporarily installed stake or pole. Placement is expected to be in a slight arc towards the mouth of the bay. A small boat and potentially divers will assist with the placement. A secondary boat will be used to warn off other boaters traveling in the vicinity of the construction site. One half of the Bay will be open to water-borne traffic at all times. Cable placement in the Lake is expected to take two days. Due to wildlife sensitivity and heavy recreation use of the area, all construction will occur in mid to late September, with all ground disturbing activities completed by October 15.

The proposed new coverage is as follows:

North shore:	
Pole	1.5 square feet
Splice Vault	4 square feet
South shore:	
Barrel Vault	4 square feet
Total new coverage:	9.5 square feet

Issues: The primary issues associated with the project are:

1. Best Management Practices (BMPs) during and post construction. Access on the south shore is via the campground on paved roads, the on an unpaved existing utility access road to the shoreline. This unpaved access showed signs of erosion during a site visit on 5/18/06. The BMP priority is **Area 3**, with a compliance date of October 15, 2008. Staff recommends as a condition of the permit that the applicant begin the BMP design process for the access road and submit a BMP plan to the TRPA BMP team. Temporary BMPs will be required and construction staging areas are limited to areas of existing disturbance.
2. Additional Public Service Facility. Section 33.5 of the TRPA Code of Ordinances regulates additional public service facilities. Additional public service facility is defined under Section 33.5.B (2), which states that “modifications to legally existing public service facilities and accessory uses thereto that do not create additional service capacity” are not additional public service facilities. The existing power and telecommunication lines are proposed for replacement or supplement, respectively, due to the need for greater reliability for ensure the publics health and safety. Although greater telecommunications capacity may be achieved, the main purpose is to provide reliable communications for law enforcement and life safety (fire, EMT, etc.) professionals. The power cable is being installed because the existing cable is well beyond is useful life and has become unreliable and inconsistent with the infrastructure to which it is connected. Therefore, the findings of Section 33.5.A, Required Findings for Approval of Additional Public Service Facilities, are not required.
3. Removal of the Power Cable. The existing power cable is not proposed for removal. Staff has negotiated with the applicant’s representative to remove a portion on either shore that will balance the needs for resource protection, scenic values, recreation access and public health and safety. See permit condition B for more detail. Another issue that complicates the cables complete removal is the fact that the existing telecommunications line will remain in use and is entangled with the power cable. Removing the power cable will most likely cause damage to the communications cable. Another issue includes the power cables eligibility as a TRPA and California State historical resource of significance due to its age, uniqueness, and is indicative of technology of the later 1920s, early 1930s, Code section 29.5.C, Resources Embodying Distinctive Characteristics. Lastly, because the cable was laid on the surface (almost 80 years ago) removing the cable is likely to result in turbidity within the water column. The installation of the new cables may also create turbidity. These two activities combined may result in an unacceptable level of turbidity being stirred into the water column taking a good length of time to settle out.

4. Wildlife. Canada geese nest on Fannette Island and a pair of goshawk also nest in Emerald Bay. Bald Eagles use Emerald bay during winter months. Although no Osprey or Bald Eagle nests were found during the field visit of September 8, 2005, nesting sites are known to be present nearby. The nesting/rearing season is the most sensitive period of their life cycle, which typically occurs between mid-March and mid-August. In order to avoid disruption during this time period, construction shall not begin until mid-September, after the young have fledged from the nest. A number of wintering Bald Eagles use trees and snags on the south shore of Emerald Bay for perching and night roosts. The 'wintering season' typically begins in mid-October. Construction shall cease on or before October 15th, to ensure non-disruption of the wintering Bald Eagles as well as be consistent with the end of the grading season.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. 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 IEC will be made available at the Hearings Officer meeting and at TRPA.
- B. Plan Area Statement: The Plan Area Statement is the Emerald Bay, 146. Transmission and receiving facilities are special uses. The Land Use Classification is recreation and the Management Strategy is mitigation. The Planning Statement indicates that "this area should continue to provide the current range of recreational opportunities to the extent that conflicts between uses can be minimized and the quality of the recreational experience can be maximized". Based on the conclusion of the findings and on special permit conditions, this project has been determined to be consistent with the planning statement, planning considerations and special policies.
- C. Proposed Land Coverage: As proposed, 9.5 square feet of new land coverage will be constructed with the project. Given the large project area, this amount of new coverage is likely within the base allowable land coverage; however, as a condition of this permit, these coverage calculations will need to be solidified prior to permit acknowledgement as well as the land capability be verified.
- D. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 29 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 6 – Threshold-Related 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.

- i. *Land Use.* The proposed project is an addition to an existing public service facility that supports and is compatible with the surrounding land uses, and with the special permit conditions, the project meets all TRPA codes and ordinances. The project will not be growth-inducing in that the purpose for the project is to improve public health and safety with improved power and communication capabilities.
- ii. *Transportation.* This project is not anticipated to create additional permanent daily vehicle trip ends (dvte) to the site. Air quality mitigation fees for temporary vehicle trips are not required as a condition of the permit.
- iii. *Conservation.*
 - Emerald Bay beaches are known to have habitat suitable for Tahoe Yellowcress (*Rorippa subumbellata*). A survey for plant population presence at the construction sites shall be required to ensure non-disturbance. No trees are identified for removal.
 - Osprey and Bald Eagle nests are within the vicinity of the project sites. Construction shall be limited to mid-September through mid-October to avoid and minimize disturbance to the fledging young (mid-March through mid-September) and wintering Eagles (after mid-October).
 - Temporary and permanent BMPs will be required for the project to mitigate impacts to water quality. A special permit condition requires the addition of temporary BMP details to the site plan, and the applicant will be required to coordinate the design process with California State Parks for permanent BMPs for the south shore access road with the TRPA BMP team in order to mitigate impacts to water quality.
 - Trenching is anticipated within the shorezone. Vault placement may be within the backshore resulting in approximately 8 square feet of new coverage.
 - The proposed replacement of existing infrastructural elements will not create additional visual impacts than currently exist, and the use of modern materials (such as transformers on the utility poles) is likely to be of less visual obtrusion than the current situation.
- iv. *Recreation.* The project will not impact existing or proposed recreation areas. Boating use of Emerald Bay will be maintained throughout construction, additionally, construction shall begin in mid-September, historically a low boating time if year. The campground through which access will be gained on the south shore will be closed, as is customary, when construction begins. The hiking trail on the north shore shall remain open, but manned for trail user safety during construction.

- v. *Public Service and Facilities.* This Public Service project will upgrade and improve electrical and communications services for public and private entities. There are no additional services or facilities to be added with the improvements.
- vi. *Implementation.* The project complies with the Regional Plan and TRPA Code of Ordinances and Regulations. Section 33.5 of the TRPA Code regulates additional public service facilities. This addition is not an additional public service, as defined in Section 33.5.B, which states that “modifications to legally existing public service facilities and accessory uses thereto that do not create additional service capacity” are not additional public service facilities.

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

The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

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

(Refer to paragraph b, above.)

2. Chapter 18 - Special Use Findings:

- A. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The project is replacement and supplementation of existing facilities. Other project alternatives were evaluated but determined to be too disruptive to natural resources, traffic flow and too financially burdensome for the project applicants.

- B. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

The project will benefit and improve the public health and safety of the customers it serves with improved reliability for power and communications, especially for law enforcement and life safety professionals. All construction activities will be supplemented with temporary BMPs, and permanent BMPs will be addressed for the project area with a BMP plan to address long term water quality.

- C. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The infrastructure being improved is in place. The character of the area is dominated by developed and dispersed recreation activities currently co-located with the existing infrastructure. No additional impacts to the character of the surrounding area are anticipated.

3. Chapter 29 – Historic Resources Findings

- A. The action will not be detrimental to the historic significance of the Region.

A large portion of the cable will be left in place. There is also substantial documentation of the cables use and location. Removing a portion of the cable will not undermine its eligibility for Historic significance designation.

- B. It is the only feasible alternative to protect the health and safety of the public.

Removing the entire length of the cable is not currently advisable due to its entanglement with the existing communications line and the risk of creating unnecessary turbidity in the Lake. Removing a portion of the line will ensure that beach goers in the subject locations are unaware of its presence, therefore reducing risk of upset and injury to the public. Additionally, while not currently seen as a boating obstacle, its removal from the near shore will not obstruct boating activities, including anchoring. Burring the existing cable beyond its existing rock pile may again create unnecessary disturbance to the lake bed and create unnecessary turbidity in the Lake.

Required Actions: Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachment:

Exhibit 1, Location Map, Elevations and Site Plan

DRAFT CONDITIONAL PERMIT

PROJECT DESCRIPTION: Emerald Bay Power and -optic Cable Placement Project

PERMITTEE: Sierra Pacific Power and AT&T/ Steve Siegel, Kleinfelder

APN: 018-041-04

TRPA FILE NUMBER: 20051369

COUNTY/LOCATION: El Dorado County, California, Section 22 T. 13 North R. 17 East. Mouth of Emerald Bay, within Emerald Bay State Park (California State Parks).

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **June 15, 2006**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **June 15, 2009** 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 ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL 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 AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED.

TRPA Executive Director/Designee

Date

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

APN 018-041-04
FILE NO 20051369

Air Quality Mitigation Fee: Amount \$ n/a

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

Security Posted (2): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (3): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

- (1) To be determined.
- (2) Amount to be determined.
- (3) \$141 if a cash security is posted, or \$73 if a non-cash security is posted.

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

This permit specifically authorizes construction of a public service facility consisting of three areas of disturbance, the north and south shore points of entry for the cables, and bottom of the mouth of Emerald Bay itself. The cables proposed for installation are for electrical power (Sierra Pacific Power) and telecommunications (AT&T). One new utility pole and two new telecommunications splice boxes (one on each shore) will be installed, with the relocation of one utility pole and two electrical splice boxes.

1. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
2. Prior to permit acknowledgement, the following conditions of approval shall be satisfied:
 - A. The site plan shall be revised to include:
 - (1) The following revised land coverage calculations:
 - (a) Existing land coverage for each land capability district within the separate project areas.

- (b) Allowed land coverage for each land capability district within the separate project areas.
 - (c) Proposed land coverage associated with: 1. utility pole, and 2. splice boxes
- (2) All trees greater than six inches in diameter (6" DBH) within the areas of disturbance, including species. No trees are proposed for removal.
 - (3) A note indicating: "All areas disturbed by construction shall be mulched with a 2 to 3 inch layer of pine needles or wood chips as a dust control measure. This mulch shall be maintained from completion of the initial grading through completion of the project."
 - (4) Temporary erosion control structures located down slope of the proposed construction areas. *Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.*
 - (5) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.
 - (6) Location of all recorded easements inherent to the property or resulting from this project.
 - (7) All staging areas shall be limited to level, previously disturbed areas. All staging areas not located on existing paved surfaces shall be revegetated with sufficient barriers to preclude vehicular access.
- B. The permittee shall remove that portion of the power cable, on both the north and south shores that extend ten feet (10') from the high-waterline (elevation 6229.1 Feet Lake Tahoe Datum) landward. The cable shall be removed to a depth that shall not be visible by boat, or to a depth of 50', which ever is less. TRPA shall work with the permittee should this 'lake ward cut-too' requirement need to be revised due to diver safety concerns or risk of upset to the existing communications line that is to remain.
- C. The permittee shall provide a projected construction schedule for the three areas of work (north and south shores, cable placement in Bay). Said schedule shall include projected dates for each item identified in Section 62.2 of the TRPA Code.

- D. The permittee shall work with California State Parks to submit a proposed Best Management Practices plan for the access road leading from the paved campground road to the cable installation site on the south shore of Emerald Bay, indicating all BMPs that have been installed to date, and a proposed schedule for retrofit of the remaining BMPs on the access road. Alternatively, a security in an amount approved by TRPA may be posted to assure compliance with this condition.
 - E. The permittee shall submit a detailed revegetation plan for any areas of disturbance within the project area. The plan shall demonstrate temporary irrigation, the type of seed mixture and/or planting plan for the restoration areas.
 - F. The security required under Standard Condition I.B of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. In no case shall the security be less than \$5,000.
 - G. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
- 3. Excavation equipment shall be limited to the project area to minimize site disturbance. No grading or excavation shall be permitted outside of the excavation area.
 - 4. No signs are approved with this permit. Any signs must receive TRPA approval.
 - 5. If any cultural resources are discovered during construction, construction will cease immediately and an archeologist consulted for an assessment and potential mitigation measures. TRPA shall be notified immediately of such discovery.

END OF PERMIT

TAHOE REGIONAL PLANNING AGENCY

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TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: Fallen Leaf Water System Improvement Project, Phase I, Water Tank

Application Type: Public Service/Local Public Health and Safety Facility

Applicant and Representative: USDA Forest Service, LTBMU/Cheryl Schumacher

Agency Planner: Peter Eichar, AICP, Assistant Branch Chief, ERS

Location: Emerald Bay Quad, T. 13N, R. 17E, sections 25 and 36, Tahoe Mountain, East of Fallen Leaf Campground, El Dorado County

Project Number/File Number: APN 019-071-05/#STD20060181

Staff Recommendation: Staff recommends approval of the water tank project at the proposed location, based on this staff summary and evidence contained in the project record. The required actions and recommend conditions of approval are contained in the attached draft permit.

Project Description: The proposed public service facility project consists of the installation of a new, 450,000 gallon capacity steel water tank adjacent to and supplementing the existing 50,000 gallon water tank that was constructed in 1964. The existing tank serves, and the new tank will serve the South Shore Recreation Area facilities which include: The Camp Richardson Resort, Fallen Leaf Campground, Camp Richardson Corral, Tallac Historic Site, Baldwin Trailer Park, Taylor Creek Visitor Center, and Kiva Picnic Area. Despite the high levels of use and popularity of these facilities, the existing water system has not received the needed upgrades and modernization. This project proposes to address these needs by improving the supply of potable water and adequate system pressure for fire suppression efforts.

The TRPA Executive Director issued an Emergency Permit for this project on May 24, 2006; a copy of that permit is attached. Ground disturbance in preparation of the tank installation occurred in the fall of 2005 under the misunderstanding that this project was a qualified exempt activity under the MOU between the USFS and the TRPA. Staffs of both agencies have been diligently working toward resolving this situation by gaining the appropriate permit approvals; however, the unauthorized land disturbance has compromised the ability to determine existing coverage. Therefore, only the new land coverage proposed for the tank installation, provided by the USFS, is currently available.

Plan Area Statement and Public Notification. The project is in Plan Area Statement 129, Fallen Leaf North. Local public health and safety facilities are special uses in this Plan Area,

requiring Hearings Officer approval in accordance with Chapter 4, Appendix A of the Code of Ordinances. Notification of adjacent property owners within 300 feet of the project area is also required for special use projects. No adjacent property owners have been identified, as the project is located and surrounded by National Forest Land.

Site Description and Project Area: The water tanks (existing and proposed) are located approximately less than ¼ mile off of Fallen Leaf Lake Road, east of Fallen Leaf Campground, accessed by an existing road, proposed for improvement, at elevation 6442 (approximately 105 feet above the Fallen Leaf Lake spillway elevation). The tanks are located on a knoll above Fallen Leaf Lake road. The 25.22 acre (1,098,666 square feet) project area is characterized by significant amounts of both high and low hazard lands. Despite the intensive recreation uses in the area, it largely retains much of the natural character. Dominant plant species include mature stands of fir, lodgepole pine, willow, Basin sage brush, and Greenleaf Manzanita. Land uses on all sides of the project area are dominated by summer recreation uses, both dispersed and developed in nature. The developed recreation facilities include The Camp Richardson Resort, Fallen Leaf Campground, Camp Richardson Corral, Tallac Historic Site, Taylor Creek Visitor Center, and Kiva Picnic Area. Access to the tanks is via an unpaved access road that extends east from Fallen Leaf Lake Road, just north of the Fallen Leaf campground entrance. The existing tank is not visible from Fallen Leaf Lake Road or from the lake, nor is the proposed tank anticipated to be visible given the location above the road and surrounded by mature forest canopy. See the attached location map and site plans.

Currently, there is one 50,000 gallon water tank at the proposed new tank location. A construction pad had been bladed at the time the existing tank, circa 1964, was installed, and is almost sufficient in size for the new 450,000 gallon tank; some additional grading of the site will be required. Water is pumped to the existing tank and would be pumped to the proposed tank from a well installed in May 2000. That well was constructed in response to requirements of the Safe Drinking Water Act.

The land capability district is 5 for the project area (water tank construction pad), with an estimated 274,666 square feet of allowable coverage given a homogeneous capability class of Bailey 5. The access road is addressed under the Pipelines and Power Transmission permit application (TRPA File #20060556). The total existing on-site coverage has not been verified (refer to discussion under project description). The Proposed coverage is as follows:

Project Area:	1,098,666 square feet
Tank platform:	2,290 square feet
Tank Access Ring Road:	2,011 square feet
Total new coverage:	4,301 square feet

Issues: The primary issues associated with the project are:

1. Best Management Practices (BMPs) for the Water Tank construction pad. The access driveway to the water tanks is currently unpaved. The BMP priority is Area 3, with a compliance date of October 15, 2008. Staff recommends as a condition of the permit that the applicant begin the BMP design process for the project area and submit a BMP retrofit plan to the TRPA BMP team. Temporary BMPs will be required and all

construction staging areas for tank construction will be sited on the existing disturbed access road, construction pad and existing pull-outs along Fallen Leaf Lake Road.

2. Additional Public Service Facility. Section 33.5 of the TRPA Code of Ordinances regulates additional public service facilities. Additional public service facility is defined under Section 33.5.B (2), which states that “modifications to legally existing public service facilities and accessory uses thereto that do not create additional service capacity” are not additional public service facilities. Although the storage capacity of this water system will be increased, the capacity is needed to provide adequate water service to existing public recreation facilities. The addition of the tank will increase storage ability addressing the need for fire suppression (fire-flow requirements) as well as address public health and safety concerns related to the existing potable water supply. The increased storage capacity is not intended to serve additional users, but merely more adequately serve existing public recreation facilities with potable water and fire suppression capabilities and provide potable water to the existing USFS Employee Housing. Due to the lack of additional service capacity, this project is not considered additional public service. Therefore, the findings of Section 33.5.A, Required Findings for Approval of Additional Public Service Facilities, are not required.
3. New Versus Existing Coverage. As briefly discussed in the project description, USFS Staff mistakenly interpreted the MOU between the TRPA and USFS to cover this project. TRPA Staff made the determination that this project requires a permit and is not under the MOU (Qualified Exempt Activities, Section III, Subsection E, Forest Service Administrative Facilities). The grading activities that occurred in the fall 2005 has rendered the calculation of existing coverage to be difficult. There was an approximately 8 foot wide access road, approximately 1,100 feet in length with one area having been wider for a switch-back turn. The existing tank is approximately 25 feet in diameter. Taken in sum, there is approximately 10,340 square feet of existing coverage. The proposed tank and access around the tank will add an additional 4,301 square feet of coverage. As a condition of this permit, the existing and proposed coverage calculations will need to be reviewed. Given the large project area that contains high land capability, the new coverage is within the Bailey coefficients.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. 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 IEC will be made available at the Hearings Officer hearing and at TRPA. The USFS also conducted their own internal environmental evaluations of the proposed project, that information is available from the USDA Forest Service, LTBMU.
- B. Plan Area Statement: The Plan Area Statement is the Fallen Leaf North PAS 129. Local Public Health and Safety Facilities are special uses. The Land Use Classification is recreation and the Management Strategy is mitigation. The Planning Statement indicates that “this area provides a full range of recreational opportunities and should continue to function as a receiving zone for additional recreational users and uses. Expansion of uses should be consistent with the natural character of the area.” Based on the

conclusion of the findings and on special permit conditions, this project has been determined to be consistent with the planning statement, planning considerations and special policies.

- C. Proposed Land Coverage: As proposed, 4,301 square feet of new land coverage will be constructed with the project. Given the large project area, this amount of new coverage is within the base allowable land coverage.
- D. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 22 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 6 – Threshold-Related 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.

- i. *Land Use.* The proposed project is an addition to an existing public service facility that supports and is compatible with the surrounding land uses, and with the special permit conditions, the project meets all TRPA codes and ordinances. The project will not be growth-inducing in that the purpose for the project is to improve service and water quality to customers at existing USFS recreation facilities. The USDA Forest Service, LTBMU will not add additional water customers to the system.
- ii. *Transportation.* This project is not anticipated to create additional permanent daily vehicle trip ends (dvte) to the site. Air quality mitigation fees for temporary vehicle trips are not required as a condition of the permit.
- iii. *Conservation.*
 - There are no identified special interest species or sensitive or uncommon plants located on this site. 27 trees of 12 inches DBH or smaller will be removed for the project construction. The tank construction pad was cleared in 1964, hence the amount of similar sized trees needing to be removed.
 - Temporary and permanent BMPs will be required for the project to mitigate impacts to water quality. A special permit condition requires the addition of temporary BMP details to the plan, and the applicant will be required to coordinate the design process for permanent BMPs for the entire project area with the TRPA BMP team in order to mitigate impacts to water quality.
 - This project is located in Land Capability District 5. The large project area allows for more than enough coverage than is being proposed in combination with the existing coverage. Excavation will be minimal to construct the concrete perimeter foundation at approximately 3 feet deep.
 - The project area is not located in or visible from a scenic roadway or shorezone unit due to distance, topography and existing vegetation that will remain undisturbed. The tanks are well screened from Fallen Leaf Lake by pine trees. There should be minimal or no impact on scenic resources with the project.
- iv. *Recreation.* The project will not impact existing or proposed recreation areas, but rather will improve drinking water and meet required 'fire-flows' to aid in fire suppression activities.

- v. *Public Service and Facilities.* This Public Service project will upgrade and improve the water service and fire protection ability of the facility. There are no additional services or facilities to be added with the improvements.
- vi. *Implementation.* The project complies with the Regional Plan and TRPA Code of Ordinances and Regulations. Section 33.5 of the TRPA Code regulates additional public service facilities. This addition is not an additional public service, as defined in Section 33.5.B, which states that “modifications to legally existing public service facilities and accessory uses thereto that do not create additional service capacity” are not additional public service facilities.

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

The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

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

(Refer to paragraph b, above.)

2. Chapter 18 - Special Use Findings:

- A. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The project is an addition to an existing facility that has been in existence since 1964. It provides a required public service to the visitors of the South Shore Recreation Area and USFS Employees living in the Baldwin Trailer Park. Design issues are addressed with special permit conditions.

- B. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

The project will benefit and improve the public health and safety of the customers it serves with added fire protection and drinking water supply. All

construction activities will be supplemented with temporary BMPs, and permanent BMPs will be addressed for the project area with a retrofit plan to address long term water quality.

- C. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The area of immediate disturbance has been a Local Health and Safety Facility since the mid-1960s. The additional tank will not be visible from the many recreation facilities of the area and will provide greater fire suppression capabilities in addition to ensuring safe drinking water.

3. Chapter 22 – Additional Height for Certain Buildings.

- A. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed height of the steel tank is twenty-seven feet, four inches (27'4") (standard allowances are for twenty-six feet, 26'). A shorter tank would require a greater tank diameter to achieve the same capacity of 450,000 gallons which in turn would require more ground disturbance and impervious coverage. Given the topography and location related to public recreation areas, the water tank should not be visible above the surrounding tall forest canopy.

- B. When outside a community plan, the additional height is consistent with the surrounding uses.

The additional height of the steel tank would be taller than the existing tank to remain on site. However, given the secluded location and the goal of minimizing grading and coverage creation, the additional height is acceptable.

- C. With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

The steel tank will be painted to be compatible with the surrounding forest to minimize the visual impact. The project site is not a publicly recognized vista point or recreation area (although surrounded by many) and will not interfere with existing views. From the construction pad site, limited views are offered due to the extensive tree canopy surrounding the construction site.

- D. The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

The function of the structure requires at a minimum 420,000 gallon storage capacity. As proposed, 450,000 gallons will be stored. A shorter tank is possible; however, the reduction to 26 feet (1'4" below proposed height) would require greater earth disturbance and additional land coverage.

Required Actions: Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachment:

Exhibit 1, Location Map, Elevations and Site Plan

DRAFT CONDITIONAL PERMIT

PROJECT DESCRIPTION: Leaf Water System Improvement Project, Phase I, Water Tank

PERMITTEE: USDA Forest Service, LTBMU/Cheryl Schumacher

APN: 019-071-05

TRPA FILE NUMBER: 20060181

COUNTY/LOCATION: El Dorado County, California/ Emerald Bay Quad, T. 13N, R. 17E, sections 25 and 36, Tahoe Mountain, East of Fallen Leaf Campground

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **June 15, 2006**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **June 15, 2009** 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 ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL 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 AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED.

TRPA Executive Director/Designee

Date

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

**APN 019-071-05
FILE NO 20060181**

Air Quality Mitigation Fee: Amount \$ n/a

Security Posted (1): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

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

Notes:

- (1) Amount to be determined.
- (2) \$141 if a cash security is posted or \$73 if a non-cash security is posted.

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 specifically authorizes Construction of a 450,000 gallon water tank expected to be 42-feet (ft) in diameter, installed adjacent to the existing tank largely within the footprint of the access road. Excavation of a 3-ft deep by 2-ft wide footing around the perimeter of the new tank will be required. An estimated 27 trees of 12 inch (in) diameter at breast height (dbh) or less will be removed to install the tank.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval shall be satisfied:
 - A. The site plan shall be revised to include:
 - (1) The following revised land coverage calculations:
 - (a) Existing land coverage for each land capability district within the project area.
 - (b) Allowed land coverage for each land capability district within the project area.
 - (c) Proposed land coverage associated with the new tank

- (d) Proposed land coverage associated with the new Tank access ring road
- (2) Revegetation plan for all disturbed areas and staging areas not proposed on existing legal coverage, including vehicle access barriers, in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment.
- (3) All trees greater than six inches in diameter (6" DBH) within the areas of disturbance, including species. Indicate which trees are to be removed.
- (4) Slope stabilization for all cut and fill slopes associated with Water Tank construction pad in accordance with the TRPA Handbook of Best Management Practices (BMPs).
- (5) A note indicating: "All areas disturbed by construction shall be mulched with a 2 to 3 inch layer of pine needles or wood chips as a dust control measure. This mulch shall be maintained from completion of the initial grading through completion of the project."
- (6) Temporary erosion control structures located downslope of the proposed construction areas. *Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.*
- (7) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.
- (8) Location of all recorded easements inherent to the property or resulting from this project.
- (9) Parking barriers, wood bollards, to restrict parking to approved parking surfaces only.
- (10) All staging areas shall be limited to level, previously disturbed areas. All staging areas not located on existing paved surfaces shall be revegetated with sufficient barriers to preclude future vehicular access.
- (11) Include the permanent and temporary BMPs on the site plan.

- B. The permittee shall provide a projected construction schedule for the tank replacement. Said schedule shall include projected dates for each item identified in Section 62.2 of the TRPA Code.
 - C. The permittee shall submit a proposed Best Management Practices Plan for the entire project area of the facility, indicating all BMPs that have been installed to date, and a proposed schedule for retrofit of the remaining BMPs on the facility parcel. Alternatively, a security in an amount approved by TRPA may be posted to assure compliance with this condition.
 - D. The permittee shall submit an excavated materials disposal plan to TRPA for review and approval that includes the amount of, disposal location for, and schedule for exporting all excavated material. All excavated materials shall be transported out of the Tahoe Basin to an approved location.
 - E. The permittee shall submit a detailed revegetation plan for any areas of disturbance within the project area. The plan shall demonstrate temporary irrigation, the type of seed mixture and/or planting plan for the restoration areas.
 - F. The security required under Standard Condition I.B of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. In no case shall the security be less than \$5,000.
 - G. The paint color for the new water tank shall be Tnemec Company 91GN, Balsam.
 - H. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
2. Excavation equipment shall be limited to the project area to minimize site disturbance. No grading or excavation shall be permitted outside of the excavation area.

END OF PERMIT

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

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Phone: (775) 588-4547
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TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: Fallen Leaf Water System Improvement Project, Phase I, Waterline

Application Type: Public Service/Pipeline and power transmission

Applicant and Representative: USDA Forest Service, LTBMU/Cheryl Schumacher

Agency Planner: Peter Eichar, AICP, Assistant Branch Chief, ERS

Location: Pipeline: Tahoe Mountain, East of Fallen Leaf Campground, El Dorado County; Pressure-reduction station at Valhalla road; Jack and bore under Highway 89 approximately 0.04 miles west of the Camp Richardson stables public entrance road; gate valve at Baldwin Trailer Park

Project Number/File Number: APN 019-071-05 / #STD20060556

Staff Recommendation: Staff recommends approval of the water line, pressure-reduction station, jack and bore portion of water line under SR 89, and gate valve project elements at the proposed locations, based on this staff summary and evidence contained in the project record. The required actions and recommend conditions of approval are contained in the attached draft permit.

Project Description: The proposed public service facility project consists of four elements:

1. Installation of approximately 6,500 linear-ft of waterline from the new tank (to be constructed under file #20060181) to the existing well (including a 4" electrical conduit and 1" telemetry conduit). The waterline is expected to be placed primarily in the water tank access road and Fallen Leaf Lake road alignments to avoid the need for tree removal and disturbance in areas of low land capability. A 3-ft wide by 5-ft deep trench will be excavated by heavy equipment to install the waterline. Excavated material will be piled adjacent to the trench and will be backfilled into the trench after pipe installation. All existing paved areas that are disturbed (removed) for pipe placement shall be repaved, with special consideration for storm water flow.

2. Jack and bore under Highway 89 approximately 0.04 miles west of the Camp Richardson stables public entrance road. Caltrans authorization must be received by the USFS prior to commencement of this activity.

3. Replace a gate valve at Baldwin Trailer Park.

4. Install a pressure-reduction station at the well near Valhalla Road.

Plan Area Statement and Public Notification. The project is in Plan Area Statement 129, Fallen Leaf North. Pipelines and power transmission facilities are special uses in this Plan Area, requiring Hearings Officer approval in accordance with Chapter 4, Appendix A of the Code of Ordinances. Notification of adjacent property owners within 300 feet of the project area is also required for special use projects. No adjacent private property owners have been identified, as the project is located on and surrounded by National Forest Land.

Site Description and Project Area: The water tanks (existing and proposed) to which the proposed 12" water line (including a 4" electrical conduit and 1" telemetry conduit) will connect, would be located within an existing water tank access road that would also be improved to allow for heavy equipment to install not only the water line, but also the associated new water tank. Once at Fallen Leaf Lake Road, the waterline is expected to be placed primarily in the existing road alignment to avoid the need for tree removal and disturbance in areas of low land capability. The tanks are located on a knoll above Fallen Leaf Lake road. The water line will cross State Route 89 approximately 0.04 miles west of the Camp Richardson stables public entrance road. A gate valve will be installed at the Baldwin Trailer Park (USFS Employee Housing), and a pressure-reduction station will be installed at the well near Valhalla Road.

The project is comprised of four distinct elements each with a separate location, but can generally be characterized by significant amounts of both high and low hazard lands. Despite the intensive recreation uses in the area, it largely retains much of the natural character. Dominant plant species include mature stands of fir, lodge pole pine, willow, Basin sage brush, and Greenleaf Manzanita. Land uses on all sides of the project area dominated by summer recreation uses, both dispersed and developed in nature. The developed recreation facilities include The Camp Richardson Resort, Fallen Leaf Campground, Camp Richardson Corral, Tallac Historic Site, Taylor Creek Visitor Center, and Kiva Picnic Area.

The water line will be installed primarily on an unpaved access road (access to the tanks) that extends east from Fallen Leaf Lake Road, just north of the Fallen Leaf campground entrance. Given that the water line will be buried approximately five feet deep, no elements of the line along this access road will be visible. The land capability district is 3 for the project area (access road). The existing access road is not wide enough for the heavy equipment needed for the water line installation or the water tank construction, therefore the road is proposed for widening. The total existing on-site coverage has not been verified (refer to discussion under project description).

The pressure-reduction station located at the well near Valhalla Road requires approximately 32 square feet of new coverage. The land capability of this area as well as existing coverage is not known. As a condition of this permit, that information must be provided prior to permit acknowledgement.

The water line is proposed to cross under State Route 89 (jack and bore), 89 approximately 0.04 miles west of the Camp Richardson stables public entrance road. No new coverage is expected with this element of the project, however, some disturbance to the ground and vegetation is expected during construction. The area of disturbance will need to be identified on the site plan and revegetated post-construction.

There appears to be no coverage associated with the new gate valve proposed for the Baldwin Trailer Park.

The Proposed coverage is as follows:

Project Areas:	To be determined for acknowledgement
Water Tank Access road	2,300 square feet
Pressure-reduction station	32 square feet
Total new coverage:	2,032 square feet

Issues: The primary issues associated with the project are:

1. Best Management Practices (BMPs) for the water line installation, pressure-reduction station and jack and bore site under State Route 89. The access driveway to the water tanks is currently unpaved. The BMP priority is Area 3, with a compliance date of October 15, 2008. Staff recommends as a condition of the permit that the applicant begin the permanent BMP design process for the project areas and submit a BMP plan to the TRPA BMP team. Temporary BMPs will be required and construction staging areas for the tank will be sited on the existing disturbed access road, construction pad and existing pull-outs along Fallen Leaf Lake Road.
2. Additional Public Service Facility. Section 33.5 of the TRPA Code of Ordinances regulates additional public service facilities. Additional public service facility is defined under Section 33.5.B (2), which states that “modifications to legally existing public service facilities and accessory uses thereto that do not create additional service capacity” are not additional public service facilities. Although the storage capacity of this water system will be increased, the capacity is needed to provide adequate water service to existing public recreation facilities. The addition of the tank will increase storage ability addressing the need for fire suppression (fire-flow requirements) as well as address public health and safety concerns related to the existing potable water supply. The increased storage capacity is not intended to serve additional users, but merely more adequately serve existing public recreation facilities with potable water and fire suppression capabilities and provide potable water to the existing USFS Employee Housing. The proposed water line and associated infrastructure connects the new water tank to other existing infrastructure. Due to the lack of additional service capacity, this project is not considered additional public service. Therefore, the findings of Section 33.5.A, Required Findings for Approval of Additional Public Service Facilities, are not required.
3. New Versus Existing Coverage. As briefly discussed in the project description, USFS Staff mistakenly interpreted the MOU between the TRPA and USFS to cover this project. TRPA Staff made the determination that this project requires a permit and is not under the MOU (Qualified Exempt Activities, Section III, Subsection E, and Forest Service Administrative Facilities). The grading activities that occurred in the fall 2005 has rendered the calculation of existing coverage to be difficult. There was an approximately 8 foot wide access road, approximately 1,100 feet in length with at least one area having been wider to accommodate a switch-back turn. The existing tank is approximately 25 feet in diameter. Taken in sum, there is approximately 10,340 square feet of existing coverage (8,800 associated with the 8’ access road and 1,540 associated with the

existing tank). The proposed road widening will require at least 2,300 square feet of additional coverage; the pressure-reduction station will require 32 additional square feet. As a condition of this permit, the existing and proposed coverage calculations will need to be reviewed.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. 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 IEC will be made available at the Hearings Officer meeting and at TRPA. The US Forest Service also performed their own internal environmental review of the project. That information is available from the USDA Forest Service, LTBMU.
- B. Plan Area Statement: The Plan Area Statement is the Fallen Leaf North PAS 129. Pipelines and power transmission facilities are special uses. The Land Use Classification is recreation and the Management Strategy is mitigation. The Planning Statement indicates that “this area provides a full range of recreational opportunities and should continue to function as a receiving zone for additional recreational users and uses. Expansion of uses should be consistent with the natural character of the area.” Based on the conclusion of the findings and on special permit conditions, this project has been determined to be consistent with the planning statement, planning considerations and special policies.
- C. Proposed Land Coverage: As proposed, at least 2,332 square feet of new land coverage will be constructed with the project. Given the large project area, this amount of new coverage is likely within the base allowable land coverage; however, as a condition of this permit, these coverage calculations will need to be solidified prior to permit acknowledgement as well as the land capability classes for each construction site.
- D. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 22 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 6 – Threshold-Related 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.
 - i. *Land Use.* The proposed project is an addition to an existing public service facility that supports and is compatible with the surrounding land uses, and with the special permit conditions, the project meets all TRPA codes and ordinances. The project will not be growth-inducing in that the purpose for the project is to improve service and water quality to existing customers. The USDA Forest Service, LTBMU will not add additional water customers to the system.

- ii. *Transportation.* This project is not anticipated to create additional permanent daily vehicle trip ends (date) to the site. Air quality mitigation fees for temporary vehicle trips are not required as a condition of the permit.
- iii. *Conservation.*
 - There are no identified special interest species or sensitive or uncommon plants located on this site. No trees were identified for removal on the construction plans; no trees are authorized for removal with this permit. Approximately 27 trees were removed for the water tank construction.
 - Temporary and permanent BMPs will be required for the project to mitigate impacts to water quality. A special permit condition requires the addition of temporary BMP details to the site plan, and the applicant will be required to coordinate the design process for permanent BMPs for the entire project area with the TRPA BMP team in order to mitigate impacts to water quality.
 - The water line portion of the project is located in Land Capability District 3, only the required widening of the road will result in additional coverage. The amount of existing coverage is unverified. The land capability for the other project elements is unverified.
 - The project area for the water line, pressure-reduction station and gate valve are not located in or visible from a scenic roadway or shore zone unit due to distance, topography and existing vegetation that will remain undisturbed. There should be minimal or no impact on scenic resources with the project.
 - Where the water line crosses under State Route 89, after construction is complete, infrastructural elements should not remain visible from the Scenic Highway Corridor Unit 2, classified a Natural Corridor. There will be a temporal visual impact limited to the duration required for construction. Given this impact is temporary and no permanent structure will be visible, the requirements of Code section 30.13.c(3), Scenic Highway Corridor Design Standards will not apply
- iv. *Recreation.* The project will not impact existing or proposed recreation areas, but rather will improve drinking water and meet required 'fire-flows' to aid in fire suppression activities.
- v. *Public Service and Facilities.* This Public Service project will upgrade and improve the water service and fire protection ability of the facility. There are no additional services or facilities to be added with the improvements.
- vi. *Implementation.* The project complies with the Regional Plan and TRPA Code of Ordinances and Regulations. Section 33.5 of the TRPA Code regulates additional public service facilities. This addition is not an additional public service, as defined in Section 33.5.B, which states that "modifications to legally existing public service facilities and accessory

uses thereto that do not create additional service capacity” are not additional public service facilities.

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

The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

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

(Refer to paragraph b, above.)

2. Chapter 18 - Special Use Findings:

- A. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The project is an addition to an existing facility that has been in existence since 1964. It provides a required public service to the visitors of the South Shore Recreation Area and USFS Employees living in the Baldwin Trailer Park. Design issues are addressed with special permit conditions.

- B. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

The project will benefit and improve the public health and safety of the customers it serves with added fire protection and drinking water quality. All construction activities will be supplemented with temporary BMPs, and permanent BMPs will be addressed for the project area with a BMP plan to address long term water quality.

- C. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The area of most disturbances (water tank access road) has been a Local Health and Safety Facility/pipeline and power transmission facility since the mid-1960s. The new water line will not be visible from the many recreation facilities of the area and will provide greater fire suppression capabilities in addition to ensuring safe drinking water. The other infrastructural elements are required for the proper functioning of the system.

Required Actions: Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachment:

Exhibit 1, Location Map, Elevations and Site Plan

DRAFT CONDITIONAL PERMIT

PROJECT DESCRIPTION: Leaf Water System Improvement Project, Phase I, Water Line

PERMITTEE: USDA Forest Service, LTBMU/Cheryl Schumacher

APN: 019-071-05

TRPA FILE NUMBER: 20060556

COUNTY/LOCATION: Pipeline: Tahoe Mountain, East of Fallen Leaf Campground, El Dorado County; Pressure-reduction station at Valhalla road; jack and bore under Highway 89 approximately 0.04 miles west of the Camp Richardson stables public entrance road; gate valve at Baldwin Trailer Park

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **June 15, 2006**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **June 15, 2009** 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 ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL 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 AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED.

TRPA Executive Director/Designee

Date

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

APN 019-071-05
FILE NO 20060181

Air Quality Mitigation Fee: Amount \$ N/A
Security Posted (1): Amount \$ _____ Posted _____ Type _____ Receipt No. _____
Security Administrative Fee (2): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

- (1) Amount to be determined.
- (2) \$141 if a cash security is posted or \$73 if a non-cash security is posted.

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. The proposed public service facility project consists of four elements:
 - A. Installation of approximately 6,500 linear-ft of waterline from the new tank to the existing well (including a 4" electrical conduit and 1" telemetry conduit). The waterline is expected to be placed primarily in the water tank access road and Fallen Leaf Lake road alignments to avoid the need for tree removal and disturbance in areas of low land capability. A 3-ft wide by 5-ft deep trench will be excavated by heavy equipment to install the waterline.
 - B. Jack and bore under Highway 89 approximately 0.04 miles west of the Camp Richardson stables public entrance road.
 - C. Replace a gate valve at Baldwin Trailer Park.
 - D. Install a pressure-reduction station at the well near Valhalla Road.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval shall be satisfied:
 - A. The site plan shall be revised to include:
 - 1.) The following revised land coverage calculations:
 - a) Land capability for each project construction site;

- b) Existing land coverage for each land capability district within the separate project areas;
 - c) Allowed land coverage for each land capability district within the separate project areas;
 - d) Proposed land coverage associated with: 1. road widening; 2. pressure-reduction station.
- 2.) All trees greater than six inches in diameter (6" DBH) within the areas of disturbance, including species.
 - 3.) A note indicating: "All areas disturbed by construction shall be mulched with a 2 to 3 inch layer of pine needles or wood chips as a dust control measure. This mulch shall be maintained from completion of the initial grading through completion of the project."
 - 4.) Temporary erosion control structures located down slope of the proposed construction areas. *Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.*
 - 5.) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.
 - 6.) Location of all recorded easements inherent to the property or resulting from this project.
 - 7.) Parking barriers to restrict parking to approved parking surfaces only.
 - 8.) All staging areas shall be limited to level, previously disturbed areas. All staging areas not located on existing paved surfaces shall be renegotiated with sufficient barriers to preclude future vehicular access.
 - 9.) Note the limit of the area of excavation.

- B) Slope stabilization for all cut and fill slopes associated with Water Tank access road widening in accordance with the TRPA Handbook of Best Management Practices (BMPs). All side-cast material generated from road widening shall be incorporated into the project for rock-slope protection. Side cast materials shall not remain in place so as not to match natural grade of the surrounding land. Alternatively, the permittee shall submit an excavated materials disposal plan to TRPA for review and approval that includes the amount of, disposal location for, and schedule for exporting all excavated material. All excavated materials shall be transported out of the Tahoe Basin to an approved location.
 - C) The permittee shall provide a projected construction schedule for the tank construction. Said schedule shall include projected dates for each item identified in Section 62.2 of the TRPA Code.
 - D) The permittee shall submit a proposed Best Management Practices plan for all of the project areas of the facility, indicating all BMPs that have been installed to date, and a proposed schedule for retrofit of the remaining BMPs for the infrastructure sites. Alternatively, a security in an amount approved by TRPA may be posted to assure compliance with this condition.
 - E) The permittee shall submit a detailed revegetation plan for any areas of disturbance within the project area. The plan shall demonstrate temporary irrigation, the type of seed mixture and/or planting plan for the restoration areas.
 - F) The security required under Standard Condition I.B of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. In no case shall the security be less than \$5,000.
 - G) The permittee shall submit three sets of final construction drawings and site plans to TRPA.
- B. Excavation equipment shall be limited to the project area to minimize site disturbance. No grading or excavation shall be permitted outside of the excavation area.

END OF PERMIT