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MEMORANDUM

Date: June 6, 2013
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Recreation Change in Use, Douglas County, Nevada, Assessor's Parcel Number (APN) 1318-27-001-005 and 006, 1318-00-002-006, TRPA File Number ERSP2013-0194.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed 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 (Attachment 1).

Required Actions: Staff recommends that the Hearings Officer make the findings and approve the project based on this staff summary and the evidence contained in the record:

- I. Approve the findings contained in this staff summary.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Project Description: Sierra Mountain Sports proposes to establish a snowmobile operation on the undeveloped meadow/pasture portion of the Edgewood Companies properties located east of U.S. 50 and north of Lake Parkway. All snowmobiles are proposed to have four-stroke or direct fuel injected engines to reduce air pollution. The snowmobile course will be confined to the approximately 6.7 acre non-forested parcel located at the northeast corner of U.S. 50 and Lake Parkway. Water lines for snowmaking will be located within the Friday Station parcel (APN 1318-27-001-005) and the meadow parcel (APN 1318-00-001-006), and fueling and snow gun storage will be located and screened on the upland parcel (APN 1318-00-002-06) as depicted on the proposed project site plan.

The proposed winter recreation operation will include equipment rentals for use on the designated course during the winter months. The snowmobile operation will be limited to times when a minimum of 12 inches of compacted snow is present. Snowmaking is proposed as an accessory use to ensure adequate snow cover. Edgewood Water Company will provide the water for snowmaking which will be supplied to the snowmaking guns via water lines to be installed on the Friday's Station and upper Edgewood Companies parcel. Hours of operation will be limited to 9 a.m. to 5 p.m., 7 days per week. Parking for the project will be at a

AGENDA ITEM NO. V.A.

designated area across Lake Parkway in the existing surface parking lot at the Montbleu Resort Casino.

Site Description: The subject parcels consist of approximately 127 acres of undeveloped private land, with the exception of the Friday's Station "white house" and related historic structures. The lower portion of the property is primarily grassland with forest on the upper portion of the property. The properties are bound by U.S. 50 to the west, Kingsbury Grade to the north, Lake Parkway and the casino core to the south and public lands to the east. The proposed project area consists of Class 5, Class 3, Class 2 and Class 1b (SEZ) land.

Issues/Concerns: As the proposed project (snowmobile course) is a special use, it requires Hearings Officer review in accordance with Chapter 2 of the TRPA Code.

Staff Analysis:

- A. Environmental Documentation: TRPA staff has completed the Initial Environmental Checklist (IEC) and Project Review Conformance Checklist and Article V (g) Findings in accordance with Chapter 4, Subsection 4.4 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities; therefore a finding of No Significant can be made for this project. A copy of the completed checklists will be made available at the Hearings Officer meeting and at the TRPA office.
- B. Plan Area Statement: The project is located within Plan Area Statement 080 - Kingsbury Drainage, Special Area #2. The proposed "snowmobile course" is listed as a special use in the subject plan area and therefore requires special use findings. The Land Use Classification is Conservation and the Management Strategy is Mitigation. Approximately 90 percent of the plan area is classified as high hazard land, five percent moderate and five percent SEZ. The planning statement states that this plan area should be rehabilitated to provide watershed restoration to enhance the area's natural features and qualities.
- C. Scenic Impacts. The project is located in Scenic Roadway Unit 32, a roadway non-attainment unit. The meadow and golf course provides attractive views in the form of brief vistas to the lake and views of the hotel-casinos in the background. Given that the proposed project will not impact existing views to the lake or surrounding ridgelines and will operate only seasonally in the winter months, the project should not have any significant effect on the Scenic Roadway Unit as viewed from Highway 50.
- D. Building Height: The only proposed building is a seasonally-placed 8' x 14' prefabricated, single-story shed; which is well within the maximum allowable height.

- E. Land Coverage: No new land coverage will result from the proposed snowmobile operation with all operations occurring over compacted snow. The proposed snowmobile course and snowmobile storage area will be located primarily on Class 5 land capability. Snowmobile operations will not be allowed to occur unless there is at least one foot of compacted snow covering the course and beneath all other related activity areas (i.e., snowmobile storage, storage shed, snowmaking equipment, fueling areas and any interconnecting snowmobile trails).

- F. Noise: There are two noise sources associated with this project: snowmobile operations and snowmaking. This project must comply with the TRPA single-event noise standard and the Community Noise Equivalent Level (CNEL) standard for Plan Area Statement 080. Pursuant to Subsection 68.3.1.G of the TRPA Code of Ordinances, the single-event noise standard for over-snow vehicles is 82.0 dBA when measured from a distance of 50 feet. The applicant has provided noise calculations which indicate that the proposed snowmobile model to be used for this activity (Ski Doo 380) will comply with this single-event standard. All snowmobiles will also be equipped with noise dampening exhaust systems.

The CNEL standard for the subject plan area is 50. As conditioned in the Draft Permit, the applicant shall be required to monitor noise levels over a period of two weeks to demonstrate compliance with the 50 CNEL standards. Noise monitoring shall be conducted in accordance with TRPA Code Section 68.5 and shall include monitoring of the proposed snowmaking operations.

- G. Air Quality Emissions: The rental fleet will be limited to 20 snowmobiles and will utilize best available technology with clean burning engines (4-stroke or direct fuel injection).

- H. Vehicle fueling and Spill Containment: Snowmobiles will be fueled on-site which creates the potential for spills. For this reason, the proposed permit requires a fueling and spill containment plan.

- I. Offsite Parking and Access: The proposed project involves offsite parking at the Montbleu Casino Resort parking area on the opposite side of Lake Parkway. Pedestrian access to the concession will be across Lake Parkway in a roadway section without crosswalks or sidewalks. To address offsite parking and public safety in this Douglas County right-of-way, the proposed permit requires TRPA review and approval of an offsite parking agreement and Douglas County approval for access across Lake Parkway if such approval is required by the County.

Required Findings: The following is a list of the required findings as set forth in Chapters 4 and 21 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 4.4.1 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 findings provided on the Initial Environmental Checklist and the Article V (g) Findings Checklist, there is sufficient evidence in the project file to make this finding. The proposed snowmobile course use is a permissible recreation use in the subject Plan Area Statement and the proposed snowmaking use is accessory to the primary recreation use. No permanent structures or land coverage is proposed and the snow guns and snowmobiles will be stored out of view from U.S. 50 when not in use, and removed from the affected properties during non-winter months.

- (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 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 Initial Environmental Checklist (IEC). No significant environmental impacts were identified and staff has concluded that the project, as conditioned, 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 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.

The proposed project will have no significant impact upon air or water quality standards based on the completed TRPA checklist, the IEC and the proposed conditions of approval. No new land coverage or disturbance (with the exception of water line trenching) will be created and all snowmobiles shall be equipped with 4-stroke or direct fuel injection and noise dampening exhausts to minimize air emissions and noise, and the applicant must demonstrate compliance with the TRPA CNEL standard as a condition of approval.

2. Chapter 21 – Special Use Findings:

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

The subject parcels have been used historically for winter horse-drawn sleigh rides over the snow, serving both local residents and visitors. The proposed snowmobile course will continue the existing recreational use on the subject property and is a permissible use in the subject Plan Area Statement. The proposed snowmaking is an accessory use to the primary recreation use and will be used only when needed to provide adequate snow cover for the snowmobiles. Noise monitoring is a condition of approval, and noise dampening exhaust systems will be required to ensure compliance with the TRPA CNEL noise standards. The closest residence is over 700 feet away and the closest hotel is over 1400 feet away from the proposed snowmobile course and snowmaking location. The proposed project has been designed in such a manner that the nature, scale, density, intensity and type of uses are appropriate for the parcel and surrounding area. The subject property is adjacent to Lake Tahoe's largest hotel bed base and will provide a good opportunity for additional outdoor winter recreation to a large number of people.

- (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 applicant will take reasonable steps to protect the land, water and air resources including clearly defining the proposed snowmobile course, installing fencing (where necessary) to protect vegetation and riders, providing safety education and equipment to riders, limiting the maximum speed of the snowmobiles, and only operating when there is a minimum of one foot of compacted snow cover. The applicant will ensure this activity does not disturb neighboring properties by limiting the hours of operation from 9 a.m. and 5 p.m., conducting required noise monitoring for the snowmobile and snowmaking operations to ensure compliance with the noise standards and equipping the snowmobiles with noise dampening exhaust systems. The applicant will be required to obtain approvals (if any) from Douglas County for pedestrian crossing of Lake Parkway. In addition, the applicant will be required to receive TRPA approval for onsite fueling of snowmobiles, including approval of a fuel spill contingency plan.

Also, see rationale for finding (a) above.

- (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 proposed seasonal snowmobile course is a permissible special use within Plan Area Statement 080 – Kingsbury Drainage, Special Area 2. The existing primary use of the subject property is recreation (sleigh rides), and the proposed project will not change the existing recreation character of the neighborhood, or detrimentally affect or alter the Plan Area’s purpose, for this reason.

Contact Information: For questions regarding this project please contact Patrick Dobbs at (775) 589-5215 or pdobbs@trpa.org.

Attachments:

- A. Draft Permit
- B. Proposed Site Plan

Draft Permit

PROJECT DESCRIPTION: Sierra Mountain Sports Snowmobile Course

APN: 1318-27-001-005 and 006, 1318-00-002-006 FILE: ERSP2013-0194

PERMITTEE: John Shearer, Sierra Mountain Sports, and Edgewood Companies/Park Cattle Company

COUNTY/LOCATION: Douglas/151 U.S. Highway 50/Stateline, Nevada

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **June 13, 2013**, 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 13, 2016**, unless the project has commenced prior to this date and is diligently pursued thereafter. 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.

THE PROJECT SHALL NOT COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT; AND
- (2) ALL PRE-ACTIVITY CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT.
- (3) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

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 _____

Date _____

(PERMIT CONTINUED ON NEXT PAGE)

D-R-A-F-T
APN 1318-27-001-005 and 006, 1318-00-002-006
FILE NO. ERSP2013-0194

Air Quality Mitigation Fee (1): Amount \$1,086.00 Paid _____ Receipt No. _____

Security Posted (3): Amount \$1,000.00 Type _____ Paid _____ Receipt No. _____

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

Notes:

- (1) See Special Condition 3.F., below.
- (2) See Special Condition 3.E., below.
- (3) \$152 if a cash security is posted, or \$135 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-project conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the annual seasonal operation of a snowmobile course on the above referenced parcels as depicted on the approved site plan. Activities shall be limited to the designated areas shown on said site plan and shall operate between the hours of 9 am and 5 pm, seven days a week, during the winter seasons when snow conditions provide at least 12 inches of compacted snow in all areas where the snowmobiles will travel. The rental fleet shall not exceed 20 snowmobiles and all machines shall utilize best available technology with 4-stroke or direct fuel injection engines and must be equipped with noise dampening exhaust systems. This permit also authorizes the use of portable snowmaking equipment and the installation of an underground water line for the snowmaking system provided the resulting noise levels are in compliance with the current 50 CNEL noise standard as determined by the required noise monitoring program. No signs were included in the TRPA application for this project; therefore a separate application and approval is required for new signs.
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.

AGENDA ITEM NO. V.A.

- A. The site plan shall be revised to include:
 - (1) The plan scale;
 - (2) Trench detail for new water line (depth not to exceed five feet per description in the project application);
 - (3) Location of proposed pedestrian crossing of Lake Parkway between the offsite parking area and the snowmobile rental area; and
 - (4) A note stating "The shed and all other structures and equipment shall be promptly removed at the conclusion of each seasonal operation."

- B. The Permittee shall submit two 24"x 36" site plans showing the offsite parking area, snowmobile course, over-snow horse-drawn sleigh course, fueling area, snowmobile and snow gun storage areas, customer entrance and ticket booth, portable toilet(s), and new water line. The snowmobile course shall not deviate from the loop identified on the February 7, 2013, plan submitted with the TRPA application.

- C. The Permittee shall submit a final operations description which includes:
 - (1) A narrative describing snowmobile maintenance and fueling procedures, spill contingency procedures, Lake Parkway pedestrian crossing procedures, and snowmaking procedures;
 - (2) Hours of operation (including snowmaking);
 - (3) Power source for snowmaking equipment; and
 - (4) Equipment standards, as limited by the conditions of this permit.

- D. The Permittee shall submit a noise monitoring plan to TRPA for review and approval. The plan shall include two weeks of noise monitoring during the first season of operation, 24 hours a day, and 7 days a week, to determine the level of compliance with the maximum 50 CNEL decibel level for PAS 080. The monitoring period shall include both snowmaking and snowmobile activities. The Permittee shall conduct an additional week of noise monitoring at the conclusion of the season to establish a baseline noise condition for the PAS, without the snowmobile and snowmaking activities. Completion and submittal of the two noise reports is required prior to the release of the security.

- E. The security required under Standard Condition I.B of Attachment Q shall be \$1,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. (See Special Condition 3.D, above, affecting the release of the security.)

- F. The Permittee shall submit a \$1,086 air quality mitigation fee. This fee is based on the addition of 30 additional daily vehicle trip ends at \$36.20 per trip.

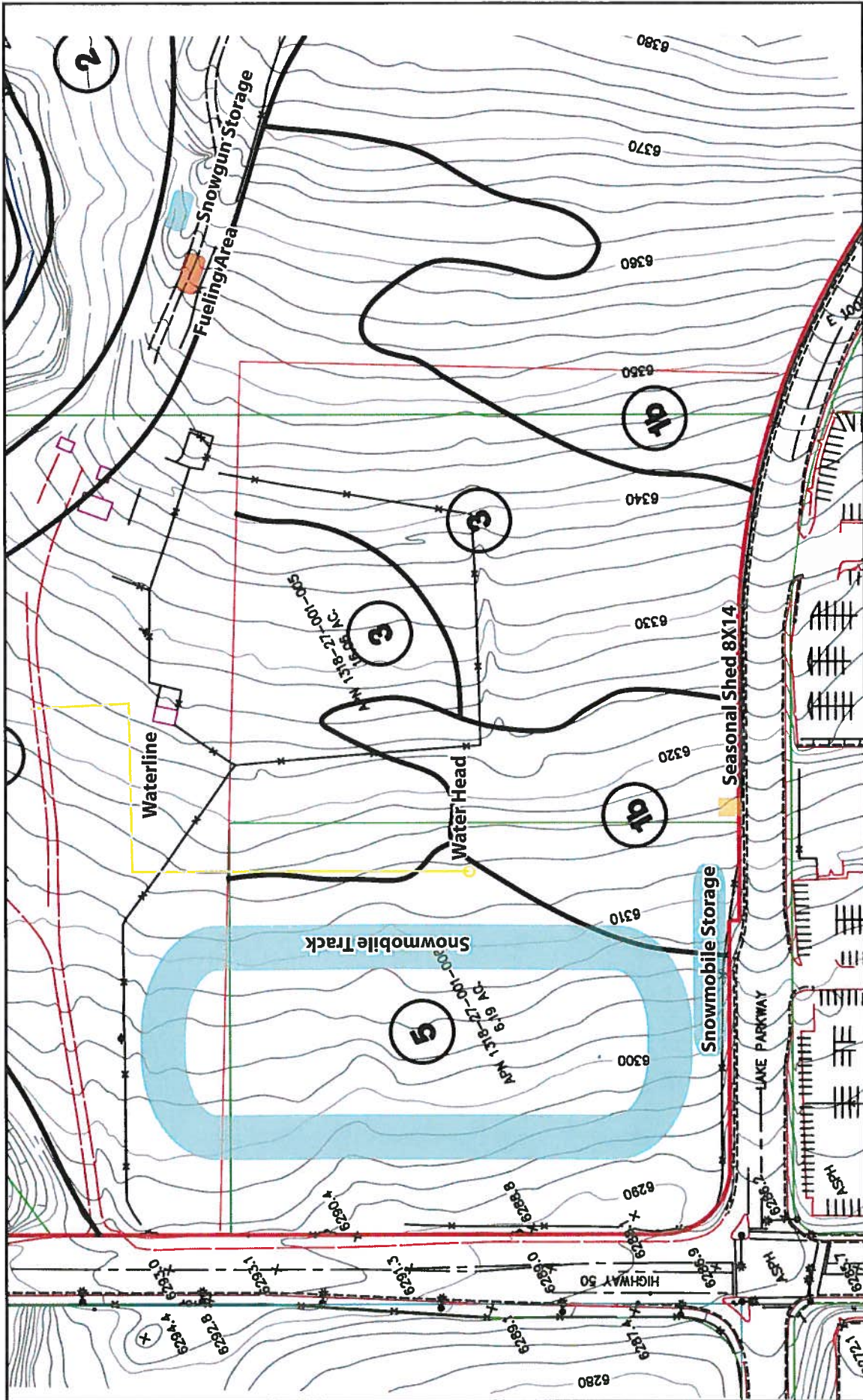
- G. The permittee shall submit, for TRPA review and approval, an offsite parking agreement between Sierra Mountain Sports and the Montbleu Casino Resort dedicating adequate seasonal parking for the customers of the snowmobile rental business. Permittee shall obtain all required permits from Douglas County for the proposed unmarked pedestrian crossing of Lake Parkway to access the snowmobile rental area and for portable toilets and other structures and uses subject to County approval.
4. Permittee shall be responsible for implementing appropriate temporary BMPs during construction of the new water line, including sediment barriers such as weighed straw wattles, and effective dust control and stockpile management to prevent the release of fine sediment or other pollutants from the site. Temporary BMPs shall be maintained as described in TRPA Standard Attachment Q.
 5. Excavation equipment for the water line trench shall be limited to a 10 foot wide area along the proposed water line alignment to minimize site disturbance.
 6. Hours of operation shall be limited to 9 a.m. to 5 p.m. daily.
 7. Snowmobile operations shall only occur when there is a minimum of one-foot of compacted snow cover in all areas where snowmobiles will operate, including access trails to fueling and storage areas. Snow removal shall only occur on existing paved roads and other paved surfaces.
 8. 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 the 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.

9. The permittee is responsible for insuring that the project meets all federal, state, county, fire district and other agency regulations and design specifications.
10. 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.

END OF PERMIT



MEMORANDUM

Date: June 13, 2013
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Approval of the Tanner – Invasive Crayfish Removal Project (EIP 01.04.02.06);
Lake Tahoe, Nevada and, California; File #: 560-101-00/EIPC2013-0005.

Requested Action: Hearings Officer action on the proposed Invasive Crayfish Removal Project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Project Description/Background: Applicant Clete Tanner of Tahoe Crayfish Removal Group is proposing a commercial boating operation to remove invasive Signal crayfish from Lake Tahoe.

The proposed project area is the entirety of Lake Tahoe, including both Nevada and California; however, commercial harvest of crayfish will occur only in Nevada, as this activity is currently prohibited in California by the California Department of Fish and Game. If California law were to change such that crayfish harvest from Lake Tahoe in California is not prohibited, then the harvest area under this permit could be expanded to include California. The current harvest area generally includes the east shore from the state line to the north and Elks Point to the south.

The purpose of the proposed project is to reduce the environmental impacts of Signal crayfish on native fisheries and water quality through mechanical removal. The project objectives are to remove as many Signal crayfish as possible and to monitor the effects of mechanical removal on the resident crayfish population. Through this pilot project, Tahoe Crayfish Removal Group is helping to explore the feasibility of sustaining a crayfish removal effort through the commercial sale of biomass harvested.

The proposed project entails commercial boating operations associated with a commercial crayfish harvest. One commercial watercraft (approximately 16.5 feet long) will be used to set and collect crayfish traps on the lake bottom. Traps will be removed within 48 hours of time set and all crayfish caught in the traps will be removed from Lake Tahoe. Traps will be set in water depths ranging from 15 to 120 feet. Traps will be deployed individually or on a line of 5 to 20 traps. Normal operations will start at dawn and end approximately at sunset. If necessary, night operations to collect traps can be conducted in a manner that does not cause excessive noise or light. Watercraft will be launched from and all harvested crayfish will be unloaded at existing marina facilities, primarily the Cave Rock boat launch on the east shore.

Issues/Concerns: The proposed project includes a commercial boating operation. Commercial boating is a special use in the shorezone and lakezone of Lake Tahoe; the proposed project therefore requires a public hearing. The primary project related issues are:

Source Water Intakes: Water purveyors with source-water intakes in Lake Tahoe identified a potential for the deployment of crayfish traps to interfere with, disrupt, or damage water intakes. Through coordination with purveyors and partner agencies, TRPA has established a 1000-foot “exclusion” zone around all source-water intakes. The placement of crayfish traps or trapping equipment in the 1000-foot exclusion zone is not permitted.

Shorezone and Lakezone Structures: TRPA identified a potential for the deployment of crayfish traps or other trapping equipment to interfere with the use and operation of existing structures. Therefore, staff developed a 50-foot exclusion zone around all structures, including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters, and a 1000-foot exclusion zone around a boat-launching facilities. The placement of crayfish traps or trapping equipment in these exclusion zones is not permitted.

Crayfish Transport and Sale: Although this permit does not pertain to the transport and sale of Signal crayfish, TRPA has coordinated with the Nevada Department of Wildlife to ensure that invasive crayfish are not transported in the Tahoe Basin other than for the purpose of commercial distribution. Signal crayfish may not be released in any waters in the Tahoe Basin and detailed Record of Transfer forms are required for all catch. Signal crayfish may only be sold to food wholesalers or retailers in accordance with State and Federal laws.

Removal Effectiveness/Environmental Improvement Program: The effectiveness of this project at controlling the Signal crayfish population and/or reducing the ecologic and environmental effects of crayfish on Lake Tahoe is unknown at this time. The draft permit therefore requires monitoring and reporting, and the opportunity for adaptive management through coordination with other agencies. Further, this project will be evaluated annually and prior to December 15, 2014 to assess the effectiveness of crayfish removal as an Environmental Improvement Program Project. This EIP permit application will not be renewed under the EIP unless there is evidence that the mechanical removal proposed in this project can be effective at controlling Signal crayfish or reducing the environmental impacts of invasive crayfish on Lake Tahoe.

Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 80, and 81 of the TRPA Code of Ordinances (see attachment A for details).

Contact Information: If you have any questions, please contact (Patrick Stone, Senior Fisheries and Wildlife Biologist) at (pstone@trpa.org) or (775-589-5213).

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit

Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 80, and 81 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 4.4.1 – 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.

Land Use: The project area lies within the Lake Tahoe lakezone. The project is designed to have no net change in existing uses within the project area. The project would effectively implement goals and policies of the TRPA Regional Plan. Specifically, the proposed project would partially implement an Environmental Improvement Program (EIP) project (01.04.02.06: Control of Aquatic Invasive Species). Therefore this project, as conditioned in the Draft Permit, is consistent with the Regional Plan and will not adversely affect implementation of Land Use or implementation of sub-elements of the Regional Plan.

Transportation: This project will not adversely affect implementation of the Transportation Element of the Regional Plan. The project is designed to have no net change in existing uses and public access within the project area. Although project uses would not result in significant traffic impacts, additional Daily Vehicle Trip Ends (DVTE) would be generated on a short-term basis during harvest operations.

Conservation: Implementation of this project may result in aquatic habitat enhancement consistent with the TRPA Goals and Policies. The project may benefit water quality by reducing the effects of Signal crayfish on aquatic algae, nutrient loading, and lake clarity. The project is a pilot-study that includes effectiveness monitoring and evaluation to determine project effects on Signal crayfish; therefore, the level and certainty of habitat enhancement is unknown. No negative impacts to cultural or historic resources area are expected.

Recreation: This project will not affect recreation. Through the special conditions of the permit, any potential impacts to navigation and recreational users have been addressed through requirements that equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. The applicant must also maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe, including avoidance of navigational hazards. The project is designed to have no net change in existing recreational uses and public access within the project area.

Public Service and Facilities: This project will not affect public services or facilities. The project is design to have no net change in existing public services and access within the project area. The project will utilize existing boat-launching facilities for the launch and retrieval of the watercraft.

Implementation: This project will not affect the Implementation Element of the Regional Plan.

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

TRPA staff has reviewed the “Initial Environmental Checklist” prepared by Clete Tanner of Tahoe Crayfish Removal Group., and Article (V)g “Findings” in accordance with Chapter 4, Subsection 6.4 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed (V)g checklist is available at the TRPA front desk and will be available at the public hearing.

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

(Refer to paragraph b, above)

2. Chapter 21.2.2 – Permissible Uses: Special Uses

Commercial Boating is a special use in the lakezone of Lake Tahoe. Before issuing an approval, TRPA shall make the following findings:

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

Commercial boating associated with the project is of relatively small scale and intensity. This permit authorized the use of one watercraft to be used at any time. The type of boating is consistent with existing recreational fishing activities, and existing commercial and recreational boating on Lake Tahoe. Commercial boating operations like this crayfish removal project are an appropriate use for Lake Tahoe.

- 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; and

The project applicant has included in the boating operation plan reasonable measures to avoid areas where crayfish traps could disturb the health, safety, enjoyment of property, or general welfare of the Lake Tahoe region. 9. All

trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

- c. The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable.

The project is designed to not change the character of Lake Tahoe or alter the purpose of the lakezone. Boating operations, watercraft launching, and harvest or equipment loading/unloading associated with this project will occur within existing boating facilities (i.e. marinas) that are characterized by similar existing activities.

3. Chapter 80.4 – Review of Projects in the Shorezone and Lakezone; Required Findings

A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

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

The project will occur on Lake Tahoe or at established lake-access facilities; therefore, the project will not adversely affect backshore stability or onshore wildlife habitat. Trapping equipment will be located in areas with water-depths greater than 15 feet; therefore it is unlikely that the project will impact littoral processes or fish spawning. The project may have a beneficial impact on fish spawning by removing predatory crayfish.

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

Sufficient accessory facilities exist to accommodate the project. The project will utilize existing boat-launching facilities for the launch and retrieval of all watercraft. Accessory facilities potentially accommodating the project are marinas, boat storage, access to public waters, and restrooms.

- 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 project is compatible with existing lakezone uses. No modifications to existing uses or structures in the shorezone or lakezone are allowed under this permit. No additional shorezone structures are authorized under this permit.

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

The project area does not include the foreshore. Commercial boating operations are, by nature, water dependent.

- d. Hazardous Materials - Measures will be taken to prevent spills or discharges of hazardous materials.

Measures have been included in project design to prevent the spill or discharge of hazardous materials. The applicant will comply with TRPA Code of Ordinances pertaining to boating, engines, and hazardous materials. Refueling will occur on at existing refueling stations or pumps.

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

No disturbance to the ground or terrestrial vegetation is allowed under this permit. Traps will be deployed in areas that will minimize disturbances to aquatic vegetation.

- 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 project will not adversely impact navigation or create a threat to public safety. Commercial activities will be restricted in the vicinity of all boating facilities and structures according to TRPA defined exclusion zones. Trapping equipment is not allowed within 50 feet of a structure or within 1000 feet of a launch facility. Trap lines will be marked with buoys that are submerged at least 5-feet from the water surface and will be clearly marked with a light or reflective surfaces. Surface markers for this project will be designed in coordination with the US Coast Guard and the Nevada Department of Wildlife.

- 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 has solicited comments from and developed the conditions in this permit in coordination with Nevada State Lands Commission, Nevada Department of Wildlife, US Coast Guard, California Department of Fish and Game, and Lake Tahoe water purveyors. Additional written comments will be accepted through December 6, 2012 and all comments will be available on December 7, 2012.

4. Chapter 81.2.2 – Permissible Uses and Structures in the Shorezone and Lakezone; Special Uses

Before issuing an approval for special uses in the shorezone or lakezone, TRPA shall make the following findings:

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

(Refer to paragraph 2.a, above)

- 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 in the region.

(Refer to paragraph 2.b, above)

- c. The applicant has taken reasonable steps to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The project has been designed to protect the land, water, and air resources through elements to minimize travel, prevent a hazardous material spill, and avoid transport of non-target aquatic invasive species. The project is designed to restore water resources by removing Signal crayfish.

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

(Refer to paragraph 2.c, above)

ATTACHMENT B

DRAFT PERMIT

PROJECT DESCRIPTION: Tanner – Invasive Crayfish Removal Project (EIP #01.04.02.06)

FILE #: EIPC2013-0005

APN: 560-101-00

PERMITTEE(S): Clete Tanner, Tahoe Crayfish Removal Group

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on June 13, 2013 subject to the special conditions found in this permit.

This permit shall expire on June 13, 2015 without further notice. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action that delayed or rendered impossible the diligent pursuit of the permit.

NO COMMERCIAL OPERATION 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-PROJECT CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT; AND,
- (3) A TRPA INSPECTION HAS BEEN CONDUCTED WITH THE BOAT OWNER AND THE OPERATOR, AND A COMMERCIAL OPERATION SCHEDULE SUBMITTED.

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 _____

TRPA PROJECT NUMBER 560-101-00
FILE NO. EIPC2013-0005

Security Posted: N/A

EIP Project # 01.04.02.06

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

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-project conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This project is part of the Lake Tahoe Environmental Improvement Program (EIP), project number 01.04.02.06, Aquatic Invasive Species Control.
2. This permit specifically authorizes commercial boating for the use of one watercraft at a time on Lake Tahoe for commercial purposes. All watercraft used for this commercial boating operation shall be described in the operations plan (see below). This permit authorizes certain uses on land and water as conditioned with this permit.
3. This permit is valid for a period of 2 (two) years, expiring on June 13, 2015. This permit may be renewed prior to expiration, pending a review of the Environmental Improvement resulting from the commercial harvest operation.
4. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. The permittee shall submit a final operations schedule which includes:
 - (1) An operations plan outlining the planned method of watercraft launch and retrieval, planned method for storing or unloading daily catch, and number of vehicle and boat trips per day.
 - (2) Copies of all current permits and certifications from the Nevada Department of Wildlife and Nevada Division of State Lands; and other permitting agencies, as appropriate. This includes copies of current vessel registration documentation and commercial harvest permits.
 - (3) Compliance with annual TRPA Lake Tahoe watercraft inspection and sticker program.
 - B. The permittee shall submit an air quality mitigation fee. This fee is based on the addition of commercial daily vehicle trips at a rate of \$36.20/trip, or \$181 for five additional daily vehicle trips.

- C. The permittee shall sign the permit form stating that the permit was received, the permit is understood, and the contents accepted prior to any activity within the project area. The operation plan shall not be stamped approved without receiving the signed permit.
 - D. The permittee shall submit a monthly report to the TRPA Aquatic Invasive Species Program Coordinator detailing the number and type of traps used; the date, time, location and depth for each trap set, emptied and removed; the poundage and count of crayfish caught, harvested and disposed of; the type and quantity of bait used; the quantity, length, identity and condition of non-target fish caught and/or released; the quantity of crayfish sent to market and the poundage retained for bait. This report shall be submitted in Microsoft Excel or equivalent electronic format. The monthly report is due 15 days following the end of each month.
5. The permittee shall submit an annual operations schedule by January 15 of each year. The annual operations schedule requires TRPA approval prior to yearly operation. The information shall include an updated operations schedule including those items requested in Special Condition 2.A. of this permit.
 6. It is the permittee's responsibility to maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe. It is the permittee's responsibility to obtain authorization and maintain compliance with all applicable state, federal, and local regulations for the commercial operation at all times.
 7. Commercial boating under this TRPA permit is authorized in the entirety of the waters of Lake Tahoe. Any commercial fish harvesting is subject to the regulations, exclusion or location zones, and authorizations of the respective resource authorities. All trapping equipment, traps, pods, floats or ropes shall not be placed in any area identified for closure in permits issued by any other land management or permitting agency.
 8. Commercial boating is not authorized in areas where water levels do not allow clearance of watercraft draft. At no time shall any part of the watercraft come into contact with the lake bottom or subsurface erosion control structures (i.e. lake bottom revetments, rock gabions, etc.).
 9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters - in the shorezone or lakezone of Lake Tahoe. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.
 10. All trapping equipment will be designed and tested to avoid incidental catch of native minnows and other non-target fish species. If native fish are captured in traps or pods, they will be measured, identified, and visually assessed for evidence of physical trauma. Information on all incidental catch will be included in monthly reports. TRPA may exclude

certain trapping equipment or pod designs from this commercial boating operation if significant quantities of native fish species are caught.

11. No permanent structures are authorized under this permit. The temporary placement of floating markers is permitted, however temporary placement of such equipment shall not exceed 48 hours in the same location unless unsafe weather conditions delay retrieval.
12. This commercial activity shall not cause violation of any of the community noise equivalent levels (CNEL) of the Plan Area Statements in which this operation will occur.
13. Any watercraft used for this commercial boating operation shall meet the TRPA Code requirements for watercraft, including subsection 60.1.3.E, prohibition of two-stroke engines; subsection 63.4, aquatic invasive species inspections and decontaminations; and subsection 68.3.1.C, maximum allowable single-noise event levels.
14. All commercial boating operations conducted within 600 feet of the waterline of Lake Tahoe shall observe the no-wake-zone and may not create a wake or exceed 5 MPH.
15. This permit authorizes commercial boating activities on Lake Tahoe. No operations are permitted on the tributaries of Lake Tahoe or in any other lakes in the Region.
16. All project and employee vehicles, including trailers, shall be parked on existing paved surfaces in a designated legal parking area.
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. Information contained in special reports prepared for the project, including, but not limited to, U. S. Coast Guard Temporary Certificates of Inspection, are considered conditions of project approval.
19. The stated conditions of this permit shall be adhered to throughout the lifetime of this operation. This permit may be revoked if at any time the operation is out of compliance with the conditions of this permit.
20. The discharge of petroleum products, waste and litter, or earthen materials to the waters of the Lake Tahoe Basin is prohibited. All surplus bait and other materials shall be removed from the water body and deposited in a proper disposal site.
21. The project may be subject to the permitting requirements of other agencies with jurisdiction over the proposed project activities, including the U.S. Army Corps of Engineers, Washoe County Building Department, and all other applicable County Departments.
22. 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 the 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.

END OF PERMIT



**TAHOE
REGIONAL
PLANNING
AGENCY**

Mail

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Stateline, NV 89449-5310

Location

128 Market Street
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MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Tanner – Invasive Crayfish Removal Project (EIP #01.04.02.06)

TRPA PROJECT NUMBER: 560-101-00

FILE #: EIPC2013-0005

PERMITTEE(S): Clete Tanner, Tahoe Crayfish Removal Group

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

TRPA Chairman or Executive Director/Designee

Date