

**TAHOE REGIONAL PLANNING AGENCY (TRPA)  
AND TRPA COMMITTEE MEETINGS**

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NOTICE IS HEREBY GIVEN that on **Wednesday, February 26, 2003**, commencing at 9:30 a.m., the **Governing Board** of the **Tahoe Regional Planning Agency** will conduct its regular meeting. The meeting will take place at the Horizon Casino Resort, U. S. Highway 50, Stateline, Nevada. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN that on **Wednesday, February 26, 2003**, commencing at 8:30 a.m., at the same location, the **TRPA Finance Committee** will meet. The agenda will be as follows: 1) public interest comments (no action); 2) monthly statement; 3) Change in fiscal policy relative to filing fees; 4) Annual Agency audit; 5) Fourth Quarter Investment Report; 6) release of \$6,250 from Douglas County's Water Quality Mitigation Fund for Closeout Work on the Kingsbury Village Erosion Control Project; 7) revision to TRPA filing fee schedule; and 8) member comments. (Committee: Slaven, Heller, Galloway, Solaro, Quinn)

NOTICE IS FURTHER GIVEN that on **Wednesday, February 26, 2003**, commencing at 8:30 a.m., at the same location, the **TRPA Legal Committee** will meet. The agenda will be as follows: 1) public interest comments (no action); 2) Consideration of amendments to outside counsel contract; 3) Resolution of Enforcement Litigation, Melvin Laub, TRPA, et al v. Melvin Laub, et al. District of Nevada, Case No. CV-N-02-0268-ECR (VPC), 222 Canyon Circle, Douglas County, Nevada, Assessor's Parcel Number 03-171-240; 4) Resolution of Enforcement Action, Unauthorized Grading, Jet Construction LLC, 128 Market Street, Douglas County, Nevada, Assessor's Parcel Number 007-180-090; 5) Resolution of Enforcement Action, Unauthorized Slope Alteration, Carl Buchholz and F&B Construction, Inc., 166 Chimney Rock, Stateline, Douglas County, Nevada, Assessor's Parcel Number 07-222-120; 6) Resolution of Enforcement Action, Unauthorized Grading and Tree Removal, Roger and Scott Dickson Trust, Bruce Jones, Ed Cook/Ed Cook's Tree Service LLC, Don Thurman/Thurman Construction, Brig Ebright/CB Ebright Inc., 2247 Cascade Road, El Dorado County, Assessor's Parcel Number 18-090-27; 7) Prosecution of Litigation Against Dean Crouse for Unauthorized Tree Removal, Lake Village Homeowner's Association Common Property, Lot No. 2-A, Douglas County, Nevada, Assessor's Parcel Number 23-210-036; and, 8) member comments. (Committee: Waldie, DeLanoy, Swobe)

NOTICE IS HEREBY GIVEN that on **Wednesday, February 26, 2003**, commencing after the Governing Board meeting at the same location, the **TRPA Shorezone Committee** will meet. The agenda will be as follows: 1) public interest comments (no action); 2) status report on Shorezone EIS; and, 3) member comments. (Committee: Waldie, Sevison, Galloway, Quinn, Perock, Swobe)

February 14, 2003



Juan Palma  
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.



TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

Horizon Casino Resort  
U.S. Highway 50  
Stateline, Nevada

February 26, 2003  
9:30 a.m.

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**All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.**

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AGENDA

- I. PLEDGE OF ALLEGIANCE (5 minutes)
- II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)
- III. PUBLIC INTEREST COMMENTS - **All comments are to be limited to no more than five minutes per person.**

*Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.*

- IV. APPROVAL OF AGENDA (5 minutes)
- V. APPROVAL OF MINUTES (5 minutes)
- VI. CONSENT CALENDAR (see agenda pg. 3 for specific items) (5 minutes)
- VII. REPORTS

- A. Executive Director Status Report (20 minutes)
  - 1. Monthly Status Report on Project Activities Pg. 61
  - 2. Tahoe Transportation District/Commission Agenda and Report from the February 14, 2003, Meeting Pg. 67
- B. Legal Division Monthly Status Report (5 minutes)
  - 1. Prosecution of Litigation Against Dean Crouse for Unauthorized Tree Removal, Lake Village Homeowner's Association Common Property, Lot No. 2-A, Douglas County, Nevada, Assessor's Parcel Number 23-210-036 Pg. 73
- C. Presentation of Lake Tahoe EIP Video (15 minutes)

VIII. PROJECT REVIEW

- A. Chaplinsky, Conversion of a Boat Ramp to a New Pier, and Removal and Reconstruction/Reconfiguration of a Shoreline Protective Structure, 90 Shoreline Circle, Washoe County, Nevada, Assessor's Parcel Number 122-162-026, TRPA File No. 20010765 (60 minutes) Pg. 75

IX. PUBLIC HEARING

- A. Recommendation to Lower the IPES Line in Douglas County to 106 and in El Dorado County to 693 (30 minutes) Pg. 115
- B. Recommendation to Establish the Number of 2003 Residential Allocations for El Dorado, Placer, Washoe, Douglas Counties, and the City of South Lake Tahoe (30 minutes) Pg. 133
- C. Notice of Preparation, Environmental Impact Statement/Environmental Impact Report (EIS/EIR). University of California, Davis, Scoping for Tahoe Environmental Research Facility Project and Related Regional Plan Amendments (45 minutes) Pg. 143

X. PLANNING MATTERS

- A. Report on Discussion on Planning Projects and Public Process (15 minutes)
- B. Presentation on the Tahoe Basin Intelligent Transportation Systems (ITS) Strategic Plan (15 minutes) Pg. 289

XI. ADMINISTRATIVE MATTERS

- A. Appointment of City of South Lake Tahoe Lay Member to the Advisory Planning Commission (5 minutes) Pg. 291
- B. Governing Board Committee Appointments (30 minutes) Pg. 293

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee (5 minutes)
- B. Legal Committee (10 minutes)
- C. Shorezone Committee
- D. Local Government Committee

XIII. REPORTS

- A. Governing Board Members (5 minutes)

XIV. ADJOURNMENT

## CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. February 2003 Financial Statement	Receipt
2. Approval of Amendments to Outside Counsel Contract	Approval <a href="#">Pg. 1</a>
3. Change in Fiscal Policy Relative to Filing Fees	Approval <a href="#">Pg. 3</a>
4. Annual Agency Audit & Management Letter	Receipt <a href="#">Pg. 5</a>
5. Fourth Quarter 02 Investment Report	Receipt <a href="#">Pg.15</a>
6. Resolution of Enforcement Litigation, Melvin Laub, TRPA, et al. v. Melvin Laub, et al, District of Nevada, Case No. CV-N-02-0268-ECR (VPC), 222 Canyon Circle, Douglas County, Nevada, Assessor's Parcel Number 03-171-240	Approval with Conditions <a href="#">Pg. 21</a>
7. Resolution of Enforcement Action, Unauthorized Grading, Jet Construction LLC, 128 Market Street, Douglas County, Nevada, Assessor's Parcel Number 007-180-090	Approval with Conditions <a href="#">Pg. 25</a>
8. Resolution of Enforcement Action, Unauthorized Slope Alteration, Carl Buchholz and F&B Construction, Inc., 166 Chimney Rock, Stateline, Douglas County, Nevada, Assessor's Parcel Number 07-222-120	Approval with Conditions <a href="#">Pg. 29</a>
9. Resolution of Enforcement Action, Unauthorized Grading and Tree Removal, Roger and Scott Dickson Trust, Bruce Jones, Ed Cook/Ed Cook's Tree Service LLC, Don Thurman/Thurman Construction, Brig Ebright/CB Ebright Inc., 2247 Cascade Road, El Dorado County, Assessor's Parcel Number 18-090-27	Approval with Conditions <a href="#">Pg. 35</a>
10. Release of \$6,250 from Douglas County's Water Quality Mitigation Fund for Closeout Work on the Kingsbury Village Erosion Control Project	Approval <a href="#">Pg. 41</a>
11. Revision to the TRPA Application Filing Fee Schedule to Add a Fee for Tree Removal Permit Applications	Approval <a href="#">Pg. 45</a>
12. Peter and Tony Thompson Land Capability Challenge, 945 Skyline Drive, Pineland, CA, Placer County APN 083-042-018	Approval <a href="#">Pg. 49</a>
13. Guru Thalapeneni Land Capability Challenge, 1920 Glenbrook Road, Glenbrook, NV, Douglas County APN 001-151-005	Approval <a href="#">Pg. 53</a>
14. Sierra Sunset, LLC Land Capability Challenge, 560 Highway 50, Zephyr Cove, NV, Douglas County APN 005-220-014	Approval <a href="#">Pg. 57</a>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

- (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.
- (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.
- (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III(g) Public Law 96-551

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Tahoe Regional Planning Agency Governing Board Members:

Chair Dave Solaro, El Dorado County	Larry Sevison, Placer County
Vice-Chair Wayne Perock, Nev. Dept. of Conservation Appointee	Ronald Slaven, Calif. Gov. Appointee
Drake DeLanoy, Nevada Gov. Appointee	Reed Holderman, Calif. Assembly Spkr. Appointee
Dean Heller, Nevada Secretary of State	Coe Swobe, Nevada At-Large Member
Shelly Aldean, Carson City	Stuart Yount, Presidential Appointee
Jerry Waldie, Calif. Senate Rules Com. Appointee	Tim Smith, Douglas County
Jim Galloway, Washoe County	
Hal Cole, South Lake Tahoe	
Tom Quinn, Calif. Gov. Appointee	

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

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

January 22, 2003

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chair David Solaro called the regular January 22, 2003, meeting of the Governing Board of the Tahoe Regional Planning Agency ("TRPA") to order at 9:36 a.m., and led the Board in the Pledge of Allegiance to the Flag. Mr. Solaro asked the Board and the audience to join him in a moment of silence to honor Mr. Jon Plank, our former Board Member, who recently passed away.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. Smith, Mr. Waldie, Mr. DeLanoy, Mr. Solaro, Mr. Heller  
(arrived at 10:09 a.m.), Mr. Cole, Mr. Slaven, Mr. Perock,  
Mr. Quinn, Mr. Galloway, Mr. Swobe, Mr. Sevison, Mr. Yount

Members Absent: Mr. Herrington, California Assembly Speaker Appointee

III. PUBLIC INTEREST COMMENTS - None

Chair Mr. Solaro introduced Stuart Yount, joining us for the first time as the President of the United States delegate for the Tahoe Regional Planning Agency, and a resident of Lake Tahoe, which is also good. We have Tim Smith joining us officially for the first time as a Douglas County Commissioner. We have an alternate from Carson City, but he could not attend the meeting today.

IV. APPROVAL OF AGENDA

Deputy Director Jerry Wells stated that under Administrative Matters, we would like to move up Agenda Items X.F. and X.G., which are resolutions for Jon Plank and Don Miner. Under Planning Matters, IX.A., we have been requested by the Placer County people if we could take up this item right after the lunch break.

Mr. DeLanoy stated he had a question in reference to Agenda Item X.D., the Performance of the Executive Director. Mr. DeLanoy understood that Mr. Palma has met with some of the Board members and considered the evaluation of the hearing we had in July. He stated that he would welcome an outside audit be conducted of the Agency.

Mr. Solaro responded that the annual performance evaluation was done in August, and we did not discuss Mr. Palma's performance in any meeting he had with him. Since you had called for

## TRPA REGULAR MEETING MINUTES JANUARY 22, 2003

just a performance evaluation, Mr. Solaro believed that we should leave it on the agenda, and any concerns or issues can be dealt with at that time in closed session. Mr. DeLanoy understood that normally, or historically, we did the evaluations on the date of hire; a year later. That certainly wasn't a year's time. Mr. Solaro couldn't speak to the year time, but he wanted to leave it on there and use as a close session discussion, as well as any other issues that the Board had. Mr. DeLanoy questioned if the background information that has been received from staff would be discussed, and Mr. Solaro replied that anything he wanted to bring up would be discussed at that time.

MOTION by Mr. Smith to recommend approval of the agenda as amended. The motion carried, with Mr. DeLanoy voting no on Agenda Item No. X.D., Performance of Executive Director.

### V. APPROVAL OF MINUTES

MOTION by Mr. Sevison to recommend approval of the December 18, 2002, Governing Board minutes as presented. The motion carried unanimously.

### VI. CONSENT CALENDAR

Mr. Wells stated that on Consent Calendar Item No. 4, we have received a response from one of the noticed property owners that they are against the project. They didn't specifically request that it be pulled off of the Consent Calendar, but they expressed their objection to the project; no specific reasons as to why.

Mr. Waldie commented that on Consent Calendar Items No. 3 and 5, the Legal Committee unanimously approved the Resolutions of Enforcement in each of the items.

Mr. Galloway commented that the Finance Committee recommended approval of the December 2002 financial statement, as well as the revisions to the TRPA Application Filing Fee Schedule. The filing fee schedule is only intended to recapture costs; actual costs of processing these permits. The resolution refers to a schedule, which has a sentence in it that reads, "If it is later determined through the new data that the actual costs of processing a permit are less than those provided in the schedule, that staff may reduce the cost of that permit." That met with approval from the members of the Finance Committee because there are a lot of fees and there is always a chance that one of them is off. We were subsidizing these applications to about 50% from the general fund, and that should end with approval of this item. The Finance Committee did not act on the merit increase item. Mr. Palma asked that it be taken off this agenda because there might be information later in this meeting that bore on that recommendation. Mr. Quinn expressed his concern that it should not be put off indefinitely. He would like the merit increase question addressed one way or another in the near future.

Chair Solaro opened up the meeting for a public hearing. Since no one wished to comment, Chair Solaro closed the public hearing.

MOTION by Mr. Sevison to approve the Consent Calendar Items. The motion carried unanimously.

(The following are items approved on the consent calendar

1. December 2002 Financial Statement
2. Revisions to the TRPA Application Filing Fee Schedule



## TRPA REGULAR MEETING MINUTES JANUARY 22, 2003

3. Resolution of Enforcement, Pat Setter, 1032 Lakeshore Boulevard, Washoe Conditions County, Assessor's Parcel Number 130-170-13
4. Gifford/Green Thumb Nursery Mixed Use Commercial/Employee Housing, 8817 North Lake Boulevard, Placer County APNs 90-222-15,16,17,18,28,29, File No. 20021283
5. Resolution of Enforcement Litigation, TRPA v. Tom Gonzales, CV-N-02-0378 ECR (VPC), 1135 Lakeshore Boulevard, Incline Village, Washoe County, Nevada, Assessor's Parcel Number 130-312-24)

### VII. REPORTS

#### A. Executive Director Report

Executive Director Juan Palma presented a plaque to Larry Sevison for when he was Chair of the Governing Board from January 1999 to December 2000, and was the Vice-Chair from January 1997 to December 1998. Mr. Palma also presented a Resolution and plaque for Dr. Don Miner, who was not at the meeting. Chair Solaro read a Resolution into the record for Mr. Jon Plank.

MOTION by Mr. Slaven to recommend approval of the three Resolutions. The motion carried unanimously.

Mrs. Rita Plank, Jon's wife, accepted Mr. Plank's resolution, plaque and picture of Lake Tahoe, on behalf of her husband. Ms. Plank commented that Jon loved the Lake, and he just wanted to make a difference, and to make sure it is here for everyone's use. Thank you all.

3. Status Report on Lake Tahoe Cruises, Inc. (formerly owned by Hornblower and recently acquired by Aramark)

Mr. Palma commented that several months ago, the Hornblower Company did a test, and TRPA give them a permit to operate a water taxi situation. Fortunately, that went well, and they are now working on other permits to do some further water taxi operations on the Lake. Those processes are going well. If there are any comments, the representatives from Hornblower are in the audience and would be glad to answer questions.

Mr. Palma reminded the Board that we are in the process of finalizing our building that we are going to live in for a while, which is at the bottom of Kingsbury Grade. He thanked Rick Angelocci for all the efforts he has been doing in moving us into the new site. We project that we will be moving during the middle of March to the new facility. We will have a conference facility to hold Governing Board and APC meetings at least six months out of the year. He would like portraits taken of all of the Board members, as well as all of the past Board Chairpersons. Starting at 8:00 a.m. at the February 26, 2003, Board meeting at the South Shore, there will be a photographer who will be taking photographs of the Board members. Ms. Pam Drum will be giving more instructions to the Board members prior to that meeting.

1. Monthly Status Report on Project Activities

Mr. Palma stated that nearly 1,450 permits were processed this year at TRPA; about 50 of those were brought to the Board for review; about 1,400 were processed at staff level. We saw a record number of applications this year. Almost every month the record was broken for the number of permits that were processed. Mr. Palma believed this was because of the drop in the stock market, and people were of the opinion that Lake Tahoe would be a good investment.

## TRPA REGULAR MEETING MINUTES JANUARY 22, 2003

Mr. Slaven questioned what the status of Tonopalo was. Mr. Wells apologized for not presenting an update on this project. TRPA staff made a power point presentation to the North Tahoe Regional Advisory Committee sometime ago. We explained what our rules were, the limitations on what our authority was versus what was actually occurring. TRPA is satisfied that the project meets our Code requirements, and does not exceed their permit requirements. Mr. Wells would be glad to print out the power point presentation, or come back next month to discuss this. Mr. Slaven would like to sit down with Mr. Wells and discuss this to satisfy his own curiosity. Mr. Sevison stated that he attended that meeting, and Mr. Wells did a great job of explaining how the process works and what happened. Mr. Sevison believed all the questions had been answered, and TRPA's staff did a great job.

### B. Legal Division Monthly Status Report

Agency Counsel John Marshall handed out a memo on the Presidential Appointee because Mr. Yount's is the first actual attendee in the Presidential Appointee slot since he has been with the Agency. The memo outlined the characteristics of Mr. Yount's slot. In addition, Mr. Marshall handed out a memo explaining three recent developments in three different cases. He stated that the Committee for Reasonable Regulation of Lake Tahoe is challenging the decisions made and actions taken by the Governing Board regarding scenic in November. Mr. DeLanoy questioned what the discovery schedule is, and Mr. Marshall didn't believe that there was any discovery allowed in this case because it is a challenge to an Agency action, which will be heard on the record. Mr. DeLanoy also questioned if there were any experts on the other side, and Mr. Marshall responded that we would vigorously contest the ability to bring in new experts at this stage. Mr. Swobe asked if the complaint challenged the existence of the TRPA, and Mr. Marshall replied only in the context of scenic.

## VIII. PUBLIC HEARING

### A. Tahoe City Public Utility District, Draft Supplemental Environmental Impact Statement, Lakeside Trail Phase IIA, Request for Public Comments on Draft Document During Public Comment Period

Senior Planner Kathy Canfield with the Project Review Division presented the Tahoe City Public Utility District, Draft Supplemental Environmental Impact Statement, Lakeside Trail Phase IIA, Request for Public Comments on Draft Document During Public Comment Period. The comment period ends February 17, 2003.

Mr. Sevison stated that at the foot of Grove Street, one of the pieces that was in question that he pleaded with the Board to vote with him to disallow it as part of the pier application, and he told everyone to trust him, that parcel now is under the control of the Conservancy. This is why he was encouraging the Board to side with him. He could not tell the Board then what was going on because they were in negotiations. It will be under the ownership of the County through a grant.

Mr. Quinn questioned if this alternative had been looked at originally, would this process have been quicker, and how much of a delay has been caused by the failure to look at this the first time around. Mr. Jack Beckman, with Tahoe City Public Utility District, stated that if this had been included with the original document, he would have hoped that the certification would have occurred in 1998 or 1999, and the funding has been in place since that time for this project to occur. It would have been another alternative under review; whether it would have been

TRPA REGULAR MEETING MINUTES JANUARY 22, 2003

approved through the document that is what we are considering today and the subsequent review.

Ms. Cindy Gustafson, with the Tahoe City Public Utility District, stated that because this entire trail system is fairly large, we have broken it down into segments. Two segments have been approved by the Board; one being on the 64-acre tract, which is down by the river, and then there is another section on Commons Beach. We are doing this in sections as we go.

Mr. Slaven asked what would happen to the existing bridges if they reroute the highway. Ms. Gustafson replied that she attended a scoping meeting with Caltrans last Friday relating to that issue, and there has been no determination as to what would happen with the existing Fanny Bridge traffic. They are starting a process now that will take a number of years to look at; the realignment of the highway, and whether it will be one-way traffic; open only to local traffic; only to transit buses; pedestrian only. Part of it will determine if the state chooses to move the state highway off of that structure, will the county take it over, and will it meet standards for the county to allow traffic to continue. There is definitely a local's serving needs on either side that would still need to be in place.

Mr. Cole asked if it cost more to permit and plan the thing or build it, and Ms. Gustafson said to build it.

Chair Solaro opened the meeting up for a public hearing.

Ms. Kathy Butts, who works for the North Lake Tahoe Historical Society, but she was here as a private resident today, stated that the Board of the North Lake Tahoe Historical Society does have concerns about this project as it will deface a historical structure that is almost 100-years old, which is also on the National Register. In addition, it will greatly increase the traffic at the South end of Fanny Bridge across Highway 89, which is already a horrific traffic situation. When people exit the North end of the bike path, they will be directed on to Mackinaw Road, which, in her opinion, is unsafe.

Since no one else wished to comment, Chair Solaro closed the public hearing.

B. Amendment of PAS 077, Oliver Park, to Add Designation  
Of Preferred Affordable Housing Area and Multi-Residential  
Incentive Area

Associate Planner Peter Eichar with the Long Range Planning Division presented the staff summary amending PAS 077, Oliver Park, to add designation of preferred affordable housing area and multi-residential incentive area.

Chair Solaro opened the meeting up for a public hearing.

Mr. Jerry Yeazell, a resident of Zephyr Cove, hoped these units would be affordable housing, which the deed restriction will limit that; he asked Mr. Eichar if this was a sure condition. Mr. Eichar stated that the current permit does provide for deed restriction of these units, even though they are using existing residential units of use. They have banked units that they have gotten the project approved for. So they had to have those units in place. This action will allow the use of bonus units. Bonus units can only be used for deed restricted affordable housing. So they will be deed restricted. TRPA's restrictions go on in perpetuity.

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Since no one else wished to comment, Chair Solaro closed the public hearing.

MOTION by Mr. Cole to recommend approval of the Chapter 6 and Chapter 13 findings, and a Finding of No Significant Environmental Effect. The motion carried unanimously.

MOTION by Mr. Cole to recommend approval of the amendment of PAS 077, Oliver Park, to Add Designation of Preferred Affordable Housing Area and Multi-Residential Incentive Area. The motion carried unanimously.

(Break taken at 10:26 a.m.)

(Reconvened at 10:45 a.m.)

C. Technical Amendments to Code Chapters 2, 4, 30, 53, 55 and Related Chapters, Goals & Policies IV, and Design Review Guidelines

Senior Planner John Hitchcock with the Long Range Planning Division presented the staff summary of the technical amendments to Code Chapters 2, 4, 30, 53, 55 and related chapters, Goals & Policies IV, and design review guidelines. Mr. Hitchcock stated that he was postponing item number 4, which is clarification of the intent of the mitigation requirements for structures that exceeds the visible area standards.

Mr. Galloway asked where do we draw the line between accessory structures and an additional structure. The area of accessory structures is included in the 2200 square feet if we use that option. That does not intend to include an additional building on the site, which was his understanding when the original ordinance was passed. Something has changed here that was not discussed. Mr. Hitchcock asked if he was referring to the relation to the 2200 square feet of visible area and how that applies to the project area. Mr. Galloway stated that when the Board was first discussing the Whittell estate, the card house was another structure and was not covered under the area limit. It is a very large parcel and there is another building on the structure. Is that still the case? Mr. Hitchcock responded that is not the case. The visible square footage applies to all structures within the project area on a parcel. If there is a secondary structure, that also applies to the 2200 square feet limitation, provided that structure is within the shore land. If it is outside of the shore land, the 2200 square feet limitation does not apply.

Mr. Galloway responded if that is the case, he doesn't have a problem if we go that way. He is concerned about including, as accessory structures some things that he thinks most of us would not reasonably considered are structures to a building. It might be such things as a retaining wall needed in order to keep earth from collapsing onto a driveway. Those kinds of things – as long as we are having this discussion, he is hoping that the Board and staff might consider some additional work on those. The reason being if a cut is made in a slope in order to get a driveway – and this could have been done years ago; we could be talking about a remodel here – but it is on an area where a driveway was partly cut – it might have been a cut and fill, and partly into the hill – these cuts, in many cases, can be made to look like natural terrain. If they do that, he would hate to see that area included as an accessory structure; would it be? Mr. Hitchcock stated if you have a retaining wall, and it is designed in such a way to actually mimic natural landscape, and does not look linear and manmade, then TRPA would not count that towards the 2200 square foot limitation. That is how staff was interpreting that section of the Code. Mr. Galloway stated the only things that would be besides a structure that is actually a

## TRPA REGULAR MEETING MINUTES JANUARY 22, 2003

building would be things like an accessory to a building; i.e., a gazebo or a wall that was intended to be a visible wall and not intended to be disguised, but right out there. Mr. Hitchcock said that structures like that would be counted towards the 2200. Retaining walls would also be counted if they look like linear features in the landscape. There are ways to design retaining walls that look like natural landscape, and it doesn't look linear. In this case we would not count it towards the 2200 square feet. Mr. Galloway asked if staff could take a look at this and find some other way to clean up accessory structures and not be counting things that are disguised but are not fully natural.

Mr. Palma commented that 23,000 brochures were sent to all the local newspapers that describe this particular ordinance, as well as guiding the local citizens as to where they need to go to get more information on the ordinance, fertilizer and BMP. Mr. DeLanoy asked how many parcel owners are in the Basin, and Mr. Palma replied that it is in the 50,000 range. Mr. DeLanoy questioned how much a mailing to 50,000 people would cost, and Mr. Palma said that we could find out in terms of the cost of the postage. Mr. DeLanoy asked that this information be supplied to him.

Chair Solaro opened the meeting up for a public hearing.

Mr. Bob Wheeler, resident of Incline Village, and the President of the Committee for the Reasonable Regulation of Lake Tahoe, commented that in the past, his committee has provided the TRPA staff and Governing Board with testimony of the scenic threshold, and the implemented scenic ordinance. He wanted to incorporate by reference their prior testimony and the legal matters that have been filed in court.

Mr. Dale Denio, a resident of Lake Tahoe in Incline Village, addressed some of the technical amendments that were being presented by the TRPA staff. Mr. Denio had a problem with 30.15.A(1), Lakefront Façade, because it is very vague and leaves the interpretation of what other structures means; completely up to TRPA's discretion. He spent millions of dollars to buy some property that he was going to build a couple of houses on. Now, he is looking at not even being able to build a house because if he built a driveway -- and he has to have a supporting wall for a driveway to get down into the property -- now the wall is going to be 2200 square feet, and he can't build a house anymore. Mr. Denio asked the Board to ask staff to go back and review the definition of "lakefront facade". In addition, Mr. Denio stated that Option 1 should be available in the Height Standards, and questioned when the Ordinance becomes effective.

Mr. Gary Midkiff, a consultant, stated that he had several comments, most of which he made in November, and it was his understanding at that time that when the Ordinance was adopted that the direction to staff was to take these and other items that had come up during the context of that hearing, consider them, evaluate them, and determine whether they should come forward in the context of these amendments that are now being called "technical amendments". There are some things here that clearly need to be addressed. One of which is the height standard. The determine as to how the height issue was going to be applied went back and forth over the closing weeks before the November action on the Ordinance. When it was adopted, it was his understanding that whether you were under Option 1 for a level 4 or 5 project, or Option 2, that as long as you earned a specific area of allowable visible area, based on your evaluation and staff's evaluation of the project, that if you were within the allowable visible area for that property and for a project on that property, as long as getting additional height to implement your project didn't exceed your allowable visible area, you could go with either Option 1 or Option 2. What staff is doing with this language, it is changing the intent and the application of what was adopted in November from allowing you to have your visible area, and if you could get additional

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height within that visible area, you were okay. Or is staff now saying you can no longer apply Option 1 and have additional height above a 5 and 12 pitch from Table A. They are saying no. You get your score and if you have a 24 for a one level project or a 28 for another, and you have to go to Vis/Mag, Option 2, and the allowable visible area under that table, you can no longer have Option 1 available to you. That clearly was not his understanding of what was adopted in November. He believes this is a substantive change because it takes Option 1 away for projects that need additional height within the table A but above the 5 and 12 pitch roof.

The one and a half and two to one mitigation requirements for levels 4 and 5 that was raised at the last minute by Mr. Slaven's motion was adopted, and discussed in December with some fairly significant differences of opinion as to what the intent of that motion was. The language that was presented by staff in December, and was in the staff recommendation in the packet, is a reasonable interpretation. This will discourage people from going in and doing projects to provide scenic mitigation by requiring the mitigation to be so steep that there will not do it. Those large older homes that have problems, scenically, will stay that way. He sees no reason to go there. So he would support the staff recommendation that was in the packet.

Mr. Waldie stated his problem is today, with the noticing of this meeting, it says technical amendments; that substantive matters ought to be introduced for our consideration, either by staff or by Mr. Denio and Mr. Midkiff. The arguments to whether it is good, bad or indifferent were made when the ordinance was adopted. Technical amendments don't deal with that issue, whether it is good for the Lake or the people involved here. We worked on those issues last time. It is his understanding it is just clarification language. If Mr. Midkiff is correct that staff changed the language to make a substantive change in the policy, he would vote against that proposal and amendment. Mr. Waldie would not vote for any recommendation from Mr. Midkiff to adopt a different policy than we thought we adopted at the last meeting. If those issues are relevant, they ought to be considered under a different meeting notice than the one given to us. He thought that it was simply just an administrative matter. We are dealing with technical amendments. To him, technical amendments means no substance involved. Messrs. Denio and Midkiff are into heavy substance; not substance of a normal thing.

Mr. Midkiff stated that his understanding in November was these issues were sent to staff for consideration to come back with these amendments. Staff has said they are technical amendments, and we are not going to look at them. He asked the Board to direct staff to at least consider these issues and bring them back to the Board at the proper time. Understanding Mr. Waldie's concern regarding notices, Mr. Midkiff stated he would briefly identify the items he is concerned about, and asked the Board to direct staff to consider them and bring them back at a later date.

Mr. Waldie did not understand that portion of Mr. Waldie's presentation. As a Board member, he didn't think he would ever refer his responsibility as a Board member to staff to go back and return with what I meant, and we would approve it as a technical amendment. Also, he would not want to do it today if he did it at the last meeting, unknowingly; he would not want to do that today, either. The things that are not technical amendments should not be discussed today. If someone wants to come back with a substantive amendment to the ordinance that has been adopted, that seems the way to do it.

Chair Solaro commented that what he is hearing is the need to move forward on the technical aspects of the ordinance, but the substantive ones need to be agendaized if there is a will for that at a later date. Mr. Marshall responded that was correct.

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Mr. Galloway said that when we passed this ordinance in November, there were some amendments that were passed. They were compromises. Now, to the extent something implements that, he believes it is technical. It was clear at the November meeting as to what the nature of the amendments were.

Mr. Marshall commented that as he interpreted technical versus substantive is absence any other specific direction from the Board to bring back language on any particular thing, the intent here was to bring back technical corrections. Those are items that do not result in a substantive change to how the ordinance is implemented. Mr. Galloway stated that the baseline for that substantive change is the motion that was passed in November. Mr. Marshall stated that the question is you have the language that was adopted on November 20, and are the proposed amendments or the comments technical or substantive changes to those amendments that are now actually in affect. The baseline is the ordinances that were adopted on November 20, as amended in the motion that adopted the ordinance.

Mr. Midkiff listed the items he would like staff to bring back for Board consideration if they so desire: 1) height issue and clarification; 2) setbacks – we need more flexibility; 3) BMP projects as Level 6; 4) commercial and tourist projects in recreation and conservation plan areas – need more flexibility; and, 5) scenic assessments – in Level 6; it may not be necessary to go through a full scenic assessment in order to determine that it is, in fact, a mitigation measure that improves the situation.

Mr. Jerry Yeazell, a member from the Sierra Club, stated that our Conservation Co-Chair, Michael Donahoe, couldn't be here today and he asked me to read this letter to the Board. Mr. Chair and Members of the TRPA Governing Board. We strongly support the more restrictive interpretation of the Level 4 & 5 mitigation measures passed by this Board in November, and oppose the interpretation that the mitigations apply only to the new façade and not to the baseline visible area.

Your own Scenic experts acknowledge that the measures you passed in November will not accomplish Scenic Threshold attainment for at least 20 years. Such a lengthy remediation plan stretches the limits of what was intended in your Compact and Code. Any further weakening of the scenic code language is simply not acceptable.

In addition, how has it happened that an alternative that was intended as a back up to Vis/Mag is now being treated as its replacement? That was never the intent of all the workshops we attended. He alternative is an option that can be used in certain circumstances. It was not intended to cover all contingencies. That was the role of the Vis/Mag approach. If people don't like the requirements of the back-up alternative, they can always use Vis/Mag.

Please stick with the original and more restrictive interpretation of what you passed in November. The sole purpose of today's meeting was to make minor technical adjustments to the new scenic requirements. This is not the time to make substantive changes.

If substantive changes need to be made in the future, you have already built in a timetable for evaluating the new scenic requirements and making these changes. We suggest you stick to that timetable.

Mr. Jon Paul Harries, with the League to Save Lake Tahoe, stated he is not sure if the Board is taking testimony or not on this last item. His understanding was it was being continued. This is the Slaven amendment. He questioned whether he should give testimony or hold off until we do

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take this matter up as an issue. Chair Solaro stated that portion was going to be continued. Mr. Harries would speak when the issue is brought back to the Board.

Since no one else wished to comment, Chair Solaro closed the public hearing.

Mr. Galloway asked that the retroactivity issue be brought back for consideration as well, and handed out two proposed amendments. He was of the opinion that the height standard should be reviewed. Mr. Galloway suggested not acting on the Chapter 22 revisions because there is no sense in doing half a job the height issue. He hoped that the Board would direct that Option 1 be made available to property owners; along with working Mr. Slaven on his portions of this, and we would adopt the rest. So, we would bring back Mr. Slaven's item, the height item, and retroactivity item at the earliest possible time, and we don't make the mistake of calling it technical.

MOTION by Mr. Galloway to recommend approval of the technical amendments, with the exception of the items outlined by staff relating to the two for one mitigation requirement, and also with respect to Chapter 22, and that we do not take action on the changes in that item, except for changing "E" to "G" and "F" to "H". The motion carried unanimously.

MOTION by Mr. Galloway to recommend approval of the Ordinance, as amended by the above-referenced motion. The motion carried unanimously.

MOTION by Mr. Galloway to recommend that we take the seven items mentioned above, including the retroactivity issue, and ask staff to properly agendaize them not as strictly technical items, but items for consideration by the Board at the next possible meeting. The seven items are: 1) a clearer definition of what is "lake front façade"; what is "accessory structure"; 2) height standards; 3) when does the ordinance become effective; projects in the pipeline; 4) the one and a half to one mitigation; 5) setbacks; 6) clearer definition of tourist commercial plan areas; and, 7) site assessments should not be required for Level 6.

MOTION by Mr. Galloway to recommend that we address the above seven items individually.

Mr. Heller believed that we were watering down what we had proposed and what we approved in November. These seven issues were discussed in November. They have been passed. We are mulling over issues that we have been discussing for over 18 months and got to the point where we got tired of discussing the same issues over and over. He is concerned that we are just going back, retreading water that we had treaded for months, and months, and months, and we came to a position. We decided to make a decision. What are we doing here?

Mr. Palma stated that we just have a difference of opinion here. Mr. Heller asked if we wanted to fight the retroactive battle again? That was an issue on the table for a long time, and now we are going to put it on the table again because we didn't resolve the question in November?

Mr. Swobe suggested separating Mr. Slaven's situation with the other six, or take them all separately. He believed that Mr. Slaven's motion had some merit to it, and he would support that, but he probably would not support the rest.

MOTION by Mr. Swobe to amend Mr. Galloway's previously made motion.

The motion carried by the following votes:



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Ayes: Mr. Perock, Mr. Cole, Mr. Smith, Mr. Quinn, Mr. Waldie, Mr. DeLanoy,  
Mr. Slaven, Mr. Swobe, Mr. Solaro, Mr. Heller  
Nays: Mr. Galloway, Mr. Sevison  
Abstentions: None  
Absent: Mr. Herrington

MOTION by Mr. Swobe to recommend approval of Mr. Slaven's issue regarding Levels 5 and 6 with respect to mitigation, one and a half to one and two to one, and not to move forward with the other six items.

The motion carried on the following votes:

Ayes: Mr. Perock, Mr. Cole, Mr. Smith, Mr. Galloway, Mr. Quinn, Mr. Waldie, Mr.  
DeLanoy, Mr. Sevison, Mr. Slaven, Mr. Swobe, Mr. Solaro, Mr. Heller  
Nays: None  
Abstentions: None  
Absent: Mr. Herrington

Mr. Heller questioned what the above motions did regarding the height standard on page 85 of the staff summary, and Mr. Marshall stated that the end result is the last two green lines are not in, and as to whether or not the issue staff needs to work out with the commenter is there may be a difference of opinion as to what the interpretation of that provision is and how it operates. Mr. Heller wanted to make sure we didn't make a motion that eliminates us to address that in the future, and Mr. Marshall responded no.

Mr. Swobe stated that his motion, the amendment, and the adoption does not preclude Mr. Galloway or anybody else from bringing up any other substantive changes in the future concerning this ordinance or any other ordinance.

(Break taken for lunch at 11:50 a.m.)

(Reconvened at 1:10 p.m.)

(Mr. Galloway left the dais at 1:10 p.m.)

D. Recommendation for Future Adoption of the South  
Y Industrial Community Plan, and Related Amendments

Associate Planner Peter Eichar with the Long Range Planning Division presented the recommendation for Future Adoption of the South Y Industrial Community Plan, and Related Amendments.

Mr. Cole had some concerns with the net result of these incentives. The incentive of the CFA is fine for normal community plans, but when you are trying to get someone to put a boat storage in and they need to asphalt and put boats there that generate maybe \$100 to \$200 a month, what they need is coverage. If we are trying to get our net result of getting a lot of these non-conforming and visually blighted activities out of our scenic corridors and out of the City limits into this industrial area, we really need to get some soft coverage substitution incentives, and the CFA isn't nearly as important. We also need to deal with some linked project status. Some of these storage yards that our outside of the community plan need to be able to take their coverage and put it into the community plan. You just can't pencil out buying coverage and

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going up to 50% and still expect it to pencil out; it won't. Mr. Cole questioned if there was a subdivision prohibition or can they do commercial condominiums?

It was Mr. Eichar's understanding that a commercial condominium can take place here in this community plan and elsewhere.

Mr. Cole asked if he had looked into what it would take to create incentives for coverage and not so much the CFA for an industrial area, and Mr. Eichar responded that those were his next two items, which he discussed.

Chair Solaro opened the meeting up for a public hearing. Since no one wished to comment, Chair Solaro closed the public hearing.

MOTION by Mr. Cole to recommend staff to move with formulating the adoption of the South Y Industrial Community Plan, and specifically related to the issues discussed today regarding coverage and incentives, and if they can't be done, to bring back a report as to why. The motion carried unanimously.

- E. Amendment of Chapter 20 Land Coverage Standards to Adjust The Excess Land Coverage Fees

Associate Planner Mike Vollmer with the Long Range Planning Division presented the staff summary amending Chapter 20 Land Coverage Standards to Adjust the Excess Land Coverage Fees.

MOTION by Mr. Sevison to recommend that the amendment of Chapter 20 Land Coverage Standards to Adjust the Excess Land Coverage Fees remain the same. The motion carried unanimously.

IX. PLANNING MATTERS

- A. Martis Valley Master Plan and EIR Presentation

Mr. Bill Combs, with Placer County Planning Department, and Mr. Fred Yeager, also with Placer County Planning Department, presented the Martis Valley Master Plan and EIR slide presentation. Mr. Richard Moorehead, with the Placer County Transportation Department, also made a presentation on the transportation issues.

A discussion ensued.

(Mr. Galloway returned to the dais at 2:15 p.m.)

- B. Initiation of the South Y Commercial Community Plan

Senior Planner John Hitchcock with the Long Range Planning Division presented the staff summary initiation of the South Y Commercial Community Plan. This was for informational purposes only.

- C. Report on Transportation Planning, Including Initiation of 2004 Regional Transportation Plan Process, Circulation of Bicycle And Pedestrian Master Plan, and Update of Public

Participation Process

Associate Planner Alfred Knotts with the Transportation Division presented the report on Transportation Planning, Including Initiation of 2004 Regional Transportation Plan Process, Circulation of Bicycle Regional Transportation Plan Process, Circulation of Bicycle and Pedestrian Master Plan, and Update of Public Participation Process. Unfortunately, the plan is not available at this time. The document should be ready by the end of the week, and at that time, it will be distributed to the Governing Board members, and it will also be available to the public and initiate the 30-day review period.

Senior Planner Kristine Roberts with the Transportation Division presented an update on the Regional Transportation Plan.

X. ADMINISTRATIVE MATTERS

- B. Appointment of California Lay Members to the Advisory Planning Commission (Leo Poppoff's Term Expires the end of February 2003)

Mr. Cole stated that the other layperson from the City was Kevin Cole, and his term was extended while our new mayor put her recommendations together. The City Council appointed John Upton as the California Lay person, and Mr. Cole wanted to make sure that he qualifies as a layperson and what we need to do for that substitution for the record. Mr. Marshall replied that he would have to look into what "lay person" really means. He had not considered this issue before, and the Board will have to take action upon the City's recommendation of the new APC member at a subsequent meeting.

MOTION by Mr. Sevison to recommend appointment of California Lay Members to the Advisory Planning Commission (Leo Poppoff's Term Expires the end of February 2003). The motion carried unanimously.

- A. Appeal of Executive Director's Decision Regarding the Re-evaluation of Access for El Dorado County, Assessor's Parcel Number 034-571-03, by An Adjacent Land Owner Pat Snyder

Senior Planner/Soil Scientist and Manager of the IPES Line Capability Section for the Project Review Division Tim Hagan presented the appeal of Executive Director's Decision Regarding the Re-evaluation of Access for El Dorado County, Assessor's Parcel Number 034-571-03, by an Adjacent Land Owner Pat Snyder.

Chair Solaro opened the meeting up for a public hearing.

Mr. Pat Snyder, an individual property owner, thanked the Governing Board for hearing his thoughts and concerns. I want to thank Mr. Hagan for his time and assistance he has given to me in trying to explain details regarding the re evaluation process. He has been very professional, kind and generous with his time. Although we disagree on what I feel are controversial issues, I have the utmost respect for Mr. Hagan and the TRPA goals.

I am appearing in front of you as an individual property owner. I am not a member of any group, but I think that I do represent the feelings of many, perhaps most, property owners in the Lake Tahoe Basin. I have no experience speaking in front of a group. I am very nervous and

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intimidated. I am also passionate about my feelings. I don't want to forget to mention any of my thoughts, so I will read from a statement I have prepared (copy attached).

Mr. Waldie commended Mr. Snyder on his presentation, and it was very, very good. Mr. Waldie stated that this was the first time he had heard of an appeal of an IPES decision by the Executive Director by a person other than the property owner who is generally complaining that the decision went against his economic interests. Mr. Waldie asked Mr. Marshall if we gave notice to the neighbors or adjoining property owners when they request a change to the IPES score is made, and Mr. Marshall commented that we don't. Mr. Snyder stated that that was one of his concerns that the neighbors are not notified. Mr. Waldie believed that consideration should be given in the future to notify neighbors if a change to an IPES score is made.

Mr. Waldie questioned if Mr. Snyder had standing to appeal, and Mr. Marshall responded that he is generally fairly liberal when it comes to standing for a person appealing decisions coming to the Board. It is better to hear them than not. Mr. Snyder is not happy with the change in the IPES score because this means the property has the ability to build a home, which will impact him. This does not mean that his substantive issues with this appeal have merit, but it does mean that he is affected by the action taken by the Executive Director.

Mr. Waldie asked what discretion does the Board have; could the Board say that Juan's decision was improper because he did not take into consideration the concerns Mr. Snyder has expressed, and Mr. Marshall stated that the only concern that is legitimate for the Board to consider is whether or not there was an improper evaluation of the IPES score.

Mr. Waldie commented that he sympathizes with Mr. Snyder. He believed that his position was taken in good faith that he was under the assumption from the advice he had been given by responsible members of the community that that lot was not buildable, and that was part of his decision to live in that area. On the other hand, he is troubled that he did not think he could make the decision as to whether or not the grade complies in such a manner that the IPES score should change. He recommends in the future – also, Mr. Snyder will not benefit from this recommendation – that if neighbors are involved in this, they ought to get some advance notice.

Mr. Waldie questioned how could we make sure this doesn't happen again. Mr. Hagan stated that since he has taken charge of this position, a couple of years ago, he has worked very closely with the MOU local assistance program with Paul Nielsen and since August, he has done presentations to NDOT, El Dorado County, CTC, NRCS, Forest Service, Placer County, Caltrans, IVGID and Washoe County, and the City of South Lake Tahoe. He has made an aggressive effort to inform people about the IPES program, restoration credit, the need for soil hydrologic scoping reports, and land capability and transfer program.

MOTION by Mr. Sevison to recommend approval of the appeal of the Executive Director's decision to deny the re-evaluation of the IPES. The motion failed.

Chair Solaro noted for the record that we direct the Executive Director to forward to the El Dorado County Building Department to flag this file and do a hydrologic study when the building request come through.

Mr. Hagan stated that he would be following this application and make sure that a soil hydrologic scoping report was put into place. Chair Solaro withdrew his motion.

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C. Discussion of Governing Board Committee Memberships

Chair Solaro that normally we would have appointments to Board committees, and we have up to four new people that will be appointed to committees. This usually occurs in the month of February. He is making a suggestion that we appoint the ones who are on here, like Tim, at the February meeting on existing committees. At the time same time, he is proposing that Juan bring forward a new make up of committees for the Board's review and approval. He suggested that some committees that don't meet very often be combined with other committees. One issue he believes needs more attention and one that we have not done a very good job of and that is outreach in the community in the Basin. He is going to propose Board members to this committee.

Mr. Quinn suggested that we have a committee that looked at some of the broader issues of the Agency, like water quality and the mandate of TRPA.

Mr. Cole believed that our ultimate goal is the water quality, and the bulk of that work is being done by a scientific group. He believes scientific information is lacking to make good, sound decisions, and suggested that a scientific committee be created.

Mr. Galloway suggested that the EIP committee be restructured to include the scientific aspect of projects to find out whether we are being effective.

Mr. Palma stated that we would bring this issue back next month and hopefully act on it.

E. Release of \$75,000 from the Shorezone Mitigation Fund for the Additional Alternative Analysis in the Shorezone EIS

Mr. Galloway stated that the Finance Committee, assuming that the Board forward with a fifth alternative, that we would support the release of the money. There was a concern expressed by him and others that originally these mitigation funds were also intended to do tangible things; not just pay for studies. This has taken so long we are now tapping those funds rather than hitting the general fund of the Agency. Although they support this release of the money and the Agency doesn't have the general funds to pay for it, we would like to stress the urgency of getting the job done and not drag it on and some good is done for the Lake.

MOTION by Mr. Sevison to recommend approval of the release of \$75,000 from the shorezone mitigation fund for the additional alternative analysis in the Shorezone EIS. The motion carried unanimously.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

Mr. Galloway commented that we had already covered the Finance Committee. The salary merit increase was taken off the agenda at the request of Mr. Palma.

B. Legal Committee

Mr. Marshall stated we acted on both items. The only item not acted upon was Drake's award for practicing law for 49 years, which is a secchi disk.

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C. Shorezone Committee

Mr. Sevison stated that the Shorezone Committee met at lunch today and will include the reduce impacts report.

XII. REPORTS

A. Governing Board Members

Mr. Cole stated that he has some constituents in South Lake Tahoe, who have talked to him at length, particularly about drive-up windows for a pharmacy. We have had a policy not allowing drive-up windows. He has heard people say they have scientific information that states that starting and stopping a car has more of an impact on the environment than letting it idle through a drive way. He asked that it be possible that this issue be revised to see if it really is a net benefit not having drive through, or is there an opportunity for certain businesses to offer them. He wanted to make sure we were basing this on science and not on an old policy. Mr. Palma stated that we would look into that and bring it back at a later date.

Mr. Galloway stated that the new owner of the Crystal Bay is interested in upgrading the area. He wanted to find out if he could connect one or more of those establishments with some kind of walkways. Mr. Galloway would like to find out if this is strictly an NTRPA item or also has to be dealt by this Board.

Mr. DeLanoy suggested that we fund the outside audit promptly. The Nevada Legislature is going to meet in 120 days, and within that timeframe our budget will appear. The people on the Oversight Committee will have some affect on the budget that is finally approved. He suggested that we do some advertising right away for someone to do this, and he thinks some of the Board members should be involved as to how this Agency functions. Mr. Wells stated that the Nevada Oversight Committee suggests that we do that but did not appropriate the funds for it. He is in the process of putting together an RPF to hire an outside agency to do the audit. Mr. Wells asked for the Board to submit an input as to which departments they would like to have audited.

Mr. Wells stated that we are status quo in both states with our budget. No further budget cuts from either state. We asked both states to reinstate our 10% cut we took in the current biennium, but we have not been successful. We are hoping they don't cut it any further

Mr. Sevison thanked the Board for his plaque.

Chair Solaro stated that we have a personnel issue that is in closed session.

MOTION by Mr. Perock to recommend the Board go into closed session. The motion carried unanimously.

MOTION by Mr. Swobe to recommend the Board move out of the closed session. The motion carried unanimously.

Mr. Quinn asked what was going to be done with the employee survey that was conducted, and Chair Solar stated that a meeting was going to be set up with Juan, Wayne, and himself to discuss what the consultant came up with. He will honor the agreement that was made to the employees as to confidentiality.

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XIV. ADJOURNMENT – The meeting adjourned at 4:40 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Sue Mikanovich". The signature is written in a cursive, flowing style.

Sue Mikanovich  
Clerk to the Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (775) 588-4547. In addition, written materials submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.





CB 1/22/03

Hello, My name is Pat Snyder.

I want to thank the Governing Board for hearing my thoughts and concerns.

I want to thank Mr. Tim Hagan for his time and assistance in trying to explain details regarding the re evaluation process. He has been professional, kind and generous with his time.

Although we disagree on what I feel are controversial issues, I have the utmost respect for Mr. Hagan.

I am appearing in front of you as an individual property owner. I am not a member of any group, but I think that I do represent the feelings of many (perhaps most) property owners in the Lake Tahoe Basin.

I have no experience speaking in front of a group. I am very nervous and intimidated. I am also passionate about my feelings.

I don't want to forget to mention any of my thoughts, so I will read from a statement that I have prepared.

On or about Sept. of 2002, Parcel # 43-571-03 had the IPES score adjusted 20 points by a re evaluation of the access. This puts the parcel into the "buy up" range making the lot buildable.

My wife & I were shocked, as were all neighbors. We shopped long and hard for privacy and seclusion.



After speaking with Mr. Hagan, I have learned that an IPES score can be adjusted by changing the point of access on a parcel.

Highly technical formulas and detailed tables are used.

Very difficult for an ordinary person to decipher and understand.

To look at the parcel where it meets the street, there is very little difference in the slope from one end of the lot to the other where the point of access would enter the property. The slope is steep, and the excavation difficulty is rated as severe.

I would like to see how one could access this property with less than a 4 foot cut and 16% grade.

I don't think that it can be done.

I have concerns regarding the required depth of cut for the remaining building area.

This is a steep slope; erosion and run off will be a continuous problem if building is allowed.

There is a natural drainage area along side the parcel.

The diagram provided shows the access starting left of center, and going into the slope at a 45 degree angle. This is the lowest point of the parcel. It is also an area where natural drainage occurs.

There is evidence of underground water flow during several months of the spring and summer. There is water pooling at the street when there is no evidence of water on the surface.

I believe that original IPES team may have taken of this condition into consideration when they did their testing in late June of 1987. Perhaps that is why they did not place the access in the manner proposed by the current re evaluation

I have provided a letter from Tom King whose house is directly adjacent to the parcel. He states that water percolates up from under the slab in his garage. This occurs after the installation of french drains to divert ground water, and has happened every year except for drought years.

I have also provided a statement from Ms. Westin whose house is adjacent on the up hill side of the parcel. She addresses water issues that exist on this parcel.

Please take the time to read over these letters before making your decision today.

Critical land sensitivity issues are being overlooked. Rules and regulations that were established not too long ago to protect our environment are being RE INTERPRETED- while the clarity of the lake declines.

~~There~~<sup>This</sup> is a sensitive parcel. It is located within close proximity to a SEZ. It is steep, and has underground water and drainage issues to consider before allowing "severe" excavation and construction.

Perhaps the original IPES team was well aware of the existence of information that the current re evaluation interprets "not considered" per 37.10.C of CH 37



In the TRPA staff summary, it is said that I was under the strong impression that this parcel would never qualify as buildable because of its low original IPES of 651.

I did check with a several sources including the realtor who sold us the house, the El Dorado Co. Building Dept., and several neighbors. The word was that one could not buy enough points to make the parcel buildable. I heard this same phrase several times-and I believe the sources that I checked with would be considered reliable by an ordinary and prudent person.

Regarding the statement that I never thought it would qualify as buildable- I would like to correct that contention- I figured that eventually IPES scores will change- that the bar would be lowered equally for the entire community that is affected by IPES scores.

But I never figured the TRPA would change the score for an individual developer.

I have lived in this area for over 20 years. I am in the building industry. Nobody I know has EVER heard of changing an IPES score in this manner.

This shows favoritism and is inappropriate.

During a phone conversation, Mr. Hagan said that it is the responsibility of a property owner to know rules and procedures that have effect on his property.

Considering the difficulty to understand and keep up with changes in the TRPA codes and ordinances, an ordinary person cannot be reasonably expected know and understand these rules.

Consider further, that realtors, bldg. dept. officials, and people who think that they know and understand the rules are often WRONG.

I quote from the last paragraph of the staff summary,

“the IPES program is often perceived by the public as complicated and difficult to navigate”.

This statement shows that the TRPA staff is well aware of the fact that public does not comprehend the rules that IPES imposes upon them.

There is a complex set of rules NOT known by the general public, but often used by developers who hire consultants to interpret these rules. The interpretation creates an exception or change of the rule.

In essence, this is two sets of rules-one that applies to the general public, and another to developers/consultants.

I often hear people say “How did they do that?”

This is an injustice.

The TRPA should be made responsible to educate the community that it governs over. Rules should be taught to those affected by them.

Seminars should be held. Literature should be distributed to all members of the community, as well as property owners outside of the community.

Realtors and Building Dept. personnel are a direct connection between the TRPA and the community-they should be properly advised and well educated by the TRPA staff. It might be a good idea to put something (similar to wood burning stoves, and BMPs) in all real estate disclosures.

No property owner should feel unjustly treated by a system designed to protect the environment and the lake.



My appeal to the governing board is based on two issues:

First, the protection of environmentally sensitive land, and the clarity of the lake.

This is the TRPA's foremost responsibility.

It is not right to build on a parcel deemed too sensitive to build on.

I believe that the original IPES score for parcel # 034-571-03 is correct.

I believe that staff is incorrect to assume that there is existence any information that was not known by the original IPES team. These people were well trained, and very experienced experts in IPES scoring.

Second, the ethical responsibility of TRPA staff to apply rules evenly.

A property owner should not have to hire a lawyer or consultant to insure that he is getting a fair deal.

The rules should be above the board and equal for everybody.

Per the staff summary, the second consequence of this adjustment in IPES would make the parcel eligible for the buy up program.

I realize that there are \$ in mitigation fees that will be passed by if the board does the right thing and re instates the original IPES score, but consider the more important issues of protection of our land, and lake. It is not right to take a previously deemed sensitive parcel and build on it.

Please make a conscientious and responsible decision.

Thank you for listening; I would be happy to hear any comments or questions.





# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

February 18, 2003

To: Governing Board Members

From: Agency Counsel

Re: Amendment to Outside Counsel Contract to Increase Hourly Rates

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Proposed Action: Amend the contract between TRPA and outside counsel Shute, Mihaly & Weinberger (“SMW”) to increase hourly rates to a maximum of \$225.

Background: In 1998 after a competitive search, TRPA retained SMW to represent the Agency in several pieces of litigation including the watercraft lawsuit and TSPC v. TRPA (the moratorium lawsuit). The contract entered into by TRPA and the firm set forth the maximum hourly rates to be charged the Agency. The contract linked rates to individuals within the firm and ranged from a maximum of \$185 per hour for senior partners to \$40 per hour for law clerks. These rates represented a discount from SMW’s standard government fees.

The contract also specified that any increase in these rates must be approved by the Governing Board. Except for the present request, SMW has never asked for a rate increase in the five years it has represented the Agency.

Finally, the contract allows TRPA to assign SMW matters in addition to the original cases referenced above. To date, SMW has represented the Agency in the TRPA v. Barbieri takings case, the TSPC v. TRPA IPES lawsuit, and provided Agency Counsel with general advice on a range of minor matters.

SMW has requested an increase in its hourly rates for additional cases and work. SMW seeks a maximum rate of \$225 for senior partners down to \$55 for law clerks.

Staff Recommendation: Staff recommends approving the rate increase proposed by SMW. The work performed by SMW attorneys over the last five years has been outstanding. SMW guided TRPA to significant victories or advantageous settlements in both TSPC v. TRPA cases, the watercraft litigation, and TRPA v. Barbieri. SMW’s experience gained in these cases relative to TRPA’s unique authorities and activities enables the firm to provide TRPA with quality and efficient legal services. TRPA will utilize SMW’s expertise and experience in the litigation over the scenic ordinances. If

the Governing Board approves the rate increase, staff proposes that it apply to all work performed in this matter.

The range of rates proposed by SMW still represent a discount over normal fees and fall within a reasonable range of fees for public agency clients. Moreover, there will be no immediate overall fiscal impact to TRPA as the overall outside counsel budget remains constant. As a result, the fee increase represents a reduction in the total hours available from SMW. Agency Counsel, through case management, will ensure that the reduction in hours does not translate into a reduction in overall performance in litigation.

If you have any questions, please contact Agency Counsel John L. Marshall (775/588-4547, ext. 226; [jmarshall@trpa.org](mailto:jmarshall@trpa.org)).

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February 5, 2003

To: TRPA Governing Board  
From: TRPA Staff  
Subject: Change in Fiscal Policy Relative to Filing Fees

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Proposed Action: Revise the current filing fee budget policy to recognize and budget all filing fee revenue in the year in which it is collected consistent with the Auditors Management Letter recommendation.

Background: The Agency currently defers all but \$90,000 of the current year filing fee revenues and sets aside the balance earned for the following year's budget. This is not consistent with generally accepted accounting practices and has been noted as such by the annual audit. The past practice was instituted to assure that a more reliable dollar amount of fees could be used for budgeting purposes.

The recent fee adjustment attempts to bring these fees more in alignment with the actual cost incurred. However, budgeting with fees collected in the previous year commits other agency funds to cover these costs in the year in which the costs actually occur. Ideally periods of high permit activity and associated high levels of filing fee revenue should be matched with an equivalent high level of staffing and associated costs. Deferring the revenue either defers the responsiveness of the staff or defers other agency priorities.

Based on historical trends, the level of permitting activity can be reasonably projected during the budget preparation process and then monitored on a monthly basis. This would also allow the staffing levels to be increased or decreased based on permit demand in a more timely basis.

For more information regarding this issue, please contact Bruce Adams, Budget Director at (775) 588.4547, Ext. 279 or [badams@trpa.org](mailto:badams@trpa.org).



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February 5, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Transmittal of TRPA 2000/01 Annual Audit and Management Letter

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Proposed Action: That the Governing Board and Finance Committee review and accept the 2001/02 Annual Audit and Management Letter.

Discussion: The audit is submitted as an “**unqualified audit**” meaning that there are no significant issues that compromise the statements as presented. In summary, the audit discloses the following:

- Generally the Agency has finished the year in the “black” reflecting reasonable management and fiscal practices
- \$161,000 are reserved in Transportation Funds
- An additional \$947,400 in encumbrances will be rolled in to the current year budget
- The has a funded liability of \$488,100 for retained filing fees (this is discussed as a Management Letter issue)
- The Management Letter presents some issues recommended for resolution – none of which represent a material breach in either accountability or compliance with generally accepted accounting practices

The 6-year tabular summaries included in this report show that the Agency continues to expand in key functions, and that the State Partners’ continue to make TRPA and its programs a priority. The fiscal climate in both States is challenging, and accordingly, this trend was aborted in the 2002/03 budget. The reductions experienced in that budget appear to be continued in the upcoming 2003/04 budget processes now proceeding in both California and Nevada.

Background

TRPA routinely causes an audit of its operations to be performed at the end of its fiscal accounting cycle. The Carson City branch office of the accounting firm of Kafoury, Armstrong & Co. has performed past Agency audits, and the new firm of Kuckenmeister, Bailey, Casey and Allen LLP, who split from the former association, performed this audit.

The adjoining table<sup>1</sup> depicts the fiscal status of TRPA as of June 30, 2002. This table shows that TRPA has assets totaling nearly \$24.3 million dollars – most of which are cash assets. This has increased 20.5% from July 1, 2001. It also shows that the Agency has liabilities of more than \$20.4 million – most of which are attributable to funds in TRPA’s custodial trust. The source table shows that the Agency has an accumulated fund balance of more than \$3.8 million (increased 16.5%). This is comprised of \$1.9 million in cash assets (increased 26.7%) and fixed assets also totaling more than \$1.9 million – mostly in office equipment and vehicles (increased 9.6%).

<b>Comparative Balance Sheet</b>			
	<b>6/30/02</b>	<b>6/30/01</b>	<b>6/30/00</b>
<b>Assets</b>			
<b>Total</b>	<b>\$24,264,278</b>	<b>\$20,142,257</b>	<b>\$19,713,072</b>
<b>Liabilities</b>			
<b>Total</b>	<b>\$20,444,148</b>	<b>\$16,864,162</b>	<b>\$17,087,043</b>
<b>Fund Balance</b>			
<b>Total</b>	<b>\$3,820,130</b>	<b>\$3,278,095</b>	<b>\$2,626,029</b>
<b>Net Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Of the fund balance indicated, \$119,400 in General Fund dollars is available for reallocation, \$161,000 is designated for the Transportation Fund, and \$947,000 is designated for encumbrances (mostly for pending Threshold Study contract work). The Agency also has a funded liability of \$488,100 for funds collected but not allocated from service fees (subject of an audit recommendation).

Audit Analysis

The audit is comprised of several tables and a series of notes regarding TRPA’s finances. All are relevant to the overall fiscal health of the Agency. The tables include the following (highlighting depicts essential purpose):

- **Combined Balance Sheet** – All Fund Types and Account Groups (pages 2 – 5)
- **Combined Statement of Revenues, Expenditures, and Changes in Fund Balance** – All Governmental Fund Types (pages 6 – 8)
- Combined Statement of Revenues, Expenditures, and changes in Fund Balance – **Budget to Actual** (pages 9 - 17)
- **Notes** to Financial Statements (pages 18 - 27)
- Combining Balance Sheet – **Special Revenue Funds** (pages 28 - 31)
- Combining Statement of Revenues, Expenditures, and Changes in Fund Balance – **Special Revenue Funds** (pages 32 - 35)
- Combining Statement of Changes in Assets and Liabilities – **Agency Funds** (pages 36 - 37)

<sup>1</sup> Source: *Combined Balance Sheet*, pages 2-5. The basic accounting principle shown in the table is that: (Assets) equal (Liabilities plus Fund Balance).

- Also, as a result of receiving more than \$300,000 in federal funds, several added tables and exhibits are included. These include:
  - Report on Compliance and Internal Control over Financial Reporting per Governmental Auditing Standards (pages 38 – 39)
  - Report on Compliance and Internal Control over Financial Reporting – per OMB Circular A-133 (page 40 – 41)
  - Schedule of Expenditures of **Federal Funds** (page 42)
  - Schedule of Findings and Questioned Costs (pages 44 – 46)

Discussion of the Tables:

**Combined Balance Sheet (pages 2 – 5).** This is the source to the summary table on the first page of this report and the following table as well. The **Combining Balance Sheet** depicts, from an overall perspective, how the Agency is performing from the standpoint of **determining its net worth**. This table shows this to be more than \$3.8 million (deducting total liabilities from total assets). This has steadily grown from \$1.2 million in 1996/97 (refer to comparative analysis discussion below).

<b>Comparative Balance Sheet</b>						
Year	6/30/02	6/30/01	6/30/00	6/30/99	6/30/98	6/30/97
Category						
<b>Assets</b>						
General Fund	\$1,308,463	\$1,710,988	\$1,175,577	\$906,758	\$1,016,455	\$502,560
Special Revenue Fund	\$4,223,714	\$1,754,006	\$1,861,672	\$1,531,200	\$1,230,947	\$1,305,816
Capital Projects	\$408,238	\$0	\$0	\$0	\$0	\$0
Fiduciary Funds	\$16,018,716	\$14,535,075	\$14,554,029	\$14,318,744	\$13,679,627	\$13,621,345
Fixed Assets	\$1,887,068	\$1,722,275	\$1,596,363	\$1,366,275	\$1,115,269	\$957,927
Long-term	\$418,079	\$419,913	\$525,431	\$531,991	\$482,648	\$331,788
<b>Total</b>	<b>\$24,264,278</b>	<b>\$20,142,257</b>	<b>\$19,713,072</b>	<b>\$18,654,968</b>	<b>\$17,524,946</b>	<b>\$16,719,436</b>
<b>Liabilities</b>						
General Fund	\$741,541	\$602,451	\$565,681	\$521,061	\$799,565	\$375,077
Special Revenue Fund	\$3,263,424	\$1,306,723	\$1,441,902	\$1,415,155	\$1,093,849	\$1,184,284
Capital Projects	\$2,388	\$0	\$0	\$0	\$0	\$0
Fiduciary Funds	\$16,018,716	\$14,535,075	\$14,554,029	\$14,318,744	\$13,632,231	\$13,621,345
Fixed Assets	\$0	\$0	\$0	\$0	\$0	\$0
Long-term	\$418,079	\$419,913	\$525,431	\$531,991	\$482,648	\$331,788
<b>Total</b>	<b>\$20,444,148</b>	<b>\$16,864,162</b>	<b>\$17,087,043</b>	<b>\$16,786,951</b>	<b>\$16,008,293</b>	<b>\$15,512,494</b>
<b>Fund Balance</b>						
General Fund	\$566,922	\$1,108,537	\$609,896	\$385,697	\$264,286	\$127,483
Special Revenue Fund	\$960,290	\$447,283	\$419,770	\$116,045	\$137,098	\$121,532
Capital Projects	\$405,850	\$0	\$0	\$0	\$0	\$0
Fiduciary Funds	\$0	\$0	\$0	\$0	\$0	\$0
Fixed Assets	\$1,887,068	\$1,722,275	\$1,596,363	\$1,366,275	\$1,115,269	\$957,927
Long-term	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$3,820,130</b>	<b>\$3,278,095</b>	<b>\$2,626,029</b>	<b>\$1,868,017</b>	<b>\$1,516,653</b>	<b>\$1,206,942</b>
<b>Net Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

*Year Over Year Comparison.* In terms of assets, the General Fund has been reduced to \$1.3 million from \$1.7 million at the end of the previous year (resulting from the deployment of fund balance reservations to work programs in last year's February augmentation process). Special revenue funds have progressed from \$1.3 million to \$4.2 million in this same time period. The Agency's investment in fixed assets increased 9.6% to \$1.9 million level – but these assets reflect the acquisition cost and not the current depreciated value.<sup>2</sup> The funds entrusted to TRPA for custodial activities are by far the greatest fund asset at \$16.0 million, but these are directly offset by a liability in the same amount as they are held in trust for others. As noted above the General Fund's major liability is for retained filing fees (\$488,100). The Special Revenue Funds reflect two major liabilities:

- \$433,000 in accounts payable
- \$1,024,100 in funds due to other funds (resulting from internal loans and overhead cost liabilities)

The Agency's fund balance totals more than \$3.8 million including its fixed assets. Discounting these, it totals \$567,000 in general funds with more than \$119,400 unreserved. Additionally, \$161,000 is reserved for local transportation uses and \$947,000 is reserved for encumbrances.

*Comparative Analysis.* The preceding table compares key balance sheet data for the current and preceding 5 annual audits.

The Agency's fund balance has more than tripled to the noted \$3.8 million. Agency Fixed Assets have nearly doubled in this time frame.

This table shows the assets under control of the Agency increasing 266.7% over the 6-year sample period. General Fund assets increased 261% to \$1.3 million, Similarly the Special Revenue fund assets increased from \$1.3 Million to \$4.2 million, Fiduciary funds increased from \$13.6 million to \$16.0 million, Agency fixed assets increased from \$958,000 to \$1.9 million, and long-term obligations varied from \$332,000 to \$532,000 in this period. Agency liabilities increased from \$15.5 million to \$20.4 million with incremental changes among the several categories.

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<sup>2</sup> This reflects current Generally Accepted Accounting Principles protocol. But note that when Governmental Accounting Standards Board Standard # 34 becomes effective for TRPA, this view will change to a depreciated outlook – scheduled for the fiscal year ending 2004.



**Combined Statement of Revenues, Expenditures, and Changes in Fund Balance (pages 6 – 8).** Essentially the Agency’s “profit and loss statement,” this table depicts whether the Agency made or lost money for the year. This statement is summarized in the following table

<b>Change to Fund Balance</b>						
Year →	6/30/02	6/30/01	6/30/00	6/30/99	6/30/98	6/30/97
↓ Category ↓						
<b>Revenue</b>						
General Fund	\$4,120,405	\$3,630,787	\$3,123,953	\$3,104,450	\$2,877,667	\$2,558,269
State and Local	\$2,167,440	\$1,585,302	\$1,436,802	\$1,299,570	\$1,710,784	\$1,525,765
Other	\$1,952,965	\$2,045,485	\$1,687,151	\$1,804,880	\$1,166,883	\$1,032,504
Special Revenue Fund	\$6,722,215	\$5,348,305	\$5,327,727	\$4,129,283	\$2,866,182	\$2,620,669
State and Local	\$5,310,218	\$4,394,094	\$4,311,822	\$3,628,621	\$2,643,243	\$2,464,474
Other	\$1,411,997	\$954,211	\$1,015,905	\$500,662	\$222,939	\$156,195
<b>Total</b>	<b>\$10,842,620</b>	<b>\$8,979,092</b>	<b>\$8,451,680</b>	<b>\$7,233,733</b>	<b>\$5,743,849</b>	<b>\$5,178,938</b>
<b>Expenditures</b>						
General Fund	\$3,506,476	\$2,816,741	\$2,759,915	\$2,183,587	\$2,714,989	\$2,416,900
Special Revenue Fund	\$6,736,860	\$5,636,447	\$5,228,785	\$4,997,333	\$3,250,457	\$2,905,296
Capital Projects	\$243,120	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$10,486,456</b>	<b>\$8,453,188</b>	<b>\$7,988,700</b>	<b>\$7,180,920</b>	<b>\$5,965,446</b>	<b>\$5,322,196</b>
<b>Transfers in (out)</b>						
General Fund	(\$1,155,543)	(\$315,405)	(\$139,839)	(\$799,452)	(\$232,067)	(\$335,879)
Special Revenue Fund	\$527,652	\$315,655	\$204,783	\$846,997	\$399,841	\$335,879
Capital Projects	\$648,970	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$21,079</b>	<b>\$250</b>	<b>\$64,944</b>	<b>\$47,545</b>	<b>\$167,774</b>	<b>\$0</b>
<b>Net Balance</b>	<b>\$377,243</b>	<b>\$526,154</b>	<b>\$527,924</b>	<b>\$100,358</b>	<b>(\$53,823)</b>	<b>(\$143,258)</b>

This table compares the Agency Revenues versus its expenditures for the past 6-years. For 2001/02 the Agency made a net gain of nearly \$377,200. As shown above, this compares with some past years where the Agency ended the year in a deficit status.

For the 6-year period shown, Agency Revenues more than doubled to nearly \$10.8 million. General Fund Revenues increased 61.1% to \$4.1 million while Special Revenue Fund Revenues increased 156.5% to \$6.7 million.

At the same time, General Fund expenditures increased 45.1% to \$3.5 million, and Special Fund Expenditures nearly increased 131.9% to \$6.7 million. Transfer activity has varied over this period.

**Combined Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual (pages 9 – 17).** As shown in the following table, which summarizes this statement, this is a budget report. It analyzes how well the Agency did in aligning with its budgeted revenues and expenditures. As shown in the table, overall the Agency did well. It nearly equaled its aggregate budgeted revenue levels, and it spent less than the level budgeted leaving a net \$1.6 million unexpended for a gain of \$528,600.

Budget to Actual									
Category	General Fund			Special Revenue Funds			Capital Projects		
	Budget	Actual	Variance	Budget	Actual	Variance	Budget	Actual	Variance
<b>Revenues</b>									
State and local Government	\$2,143,969	\$2,167,440	\$23,471	\$3,956,050	\$3,803,792	(\$152,258)	\$0	\$0	\$0
Fees	\$630,000	\$657,704	\$27,704	\$142,000	\$165,968	\$23,968	\$0	\$0	\$0
Other	\$1,303,225	\$1,295,261	(\$7,964)	\$1,513,569	\$1,219,144	(\$294,425)	\$0	\$0	\$0
<b>total</b>	<b>\$4,077,194</b>	<b>\$4,120,405</b>	<b>\$43,211</b>	<b>\$5,611,619</b>	<b>\$5,188,904</b>	<b>(\$422,715)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures</b>									
Salaries and Benefits	\$2,300,502	\$2,097,572	\$202,930	\$2,394,226	\$2,041,590	\$352,636	\$0	\$0	\$0
Services and Supplies	\$879,772	\$812,578	\$67,194	\$1,157,778	\$1,209,159	(\$51,381)	\$0	\$0	\$0
Contracts	\$191,388	\$173,026	\$18,362	\$2,721,421	\$1,579,011	\$1,142,410	\$648,970	\$243,120	\$405,850
Pass Through	\$132,387	\$132,387	\$0	\$1,182	\$104,099	(\$102,917)	\$0	\$0	\$0
Debt	\$145,768	\$117,872	\$27,896	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay	\$160,174	\$173,041	(\$12,867)	\$88,677	\$118,336	(\$29,659)	\$0	\$0	\$0
Other financing (In) out	\$1,107,345	\$1,155,543	(\$48,198)	(\$506,573)	(\$527,652)	(\$21,079)	(\$648,970)	(\$648,970)	\$0
<b>total</b>	<b>\$4,917,336</b>	<b>\$4,662,019</b>	<b>\$255,317</b>	<b>\$5,856,711</b>	<b>\$4,524,543</b>	<b>\$1,332,168</b>	<b>\$0</b>	<b>(\$405,850)</b>	<b>\$405,850</b>
<b>Net Gain (Loss)</b>	<b>(\$840,142)</b>	<b>(\$541,614)</b>	<b>\$298,528</b>	<b>(\$245,092)</b>	<b>\$664,361</b>	<b>\$909,453</b>	<b>\$0</b>	<b>\$405,850</b>	<b>\$405,850</b>

This table shows the General Fund realizing all of its State and Local Governmental revenues while the Special Revenue Funds are coming up short \$152,300. The Agency made \$27,704 more in fees than budgeted, and other revenues came in 19.3% above the level budgeted rounding to \$1.3 million.

The Special Revenue Funds budgeted for State and Local contributions at \$3.9 million and the actual distribution came up \$152,300 less than this amount. Service charge revenues of \$142,000 were budgeted and earned \$165,900. Other Revenues were \$294,400 less than the level budgeted – mostly due to grant expenditures being less than the level budgeted for.

From the standpoint of expenditures, the Agency budgeted a combined \$10.8 million and only expended \$8.8 million leaving \$2.0 million unexpended. The big-ticket items were in contracts that were scheduled but not completed (\$1.2 million of the total); \$455,600 in salaries was left unexpended – most in the Special Revenue Funds; and the \$67,200 saved by the General Fund in Services and Supplies was nearly offset by \$51,400 over-expended by the Special Revenue Funds.

**Gleaning the Other Tables.** The most significant issues to the Agency are covered above. Still there is important information displayed in the subsidiary tables following the audit notes sections. These provide more insight, specifically on the several Special Revenue Funds of the Agency. Specific issues are summarized by table in the following:

*Combining Balance Sheet – Special Revenue Funds (page 28 - 31).* This table shows the following issues:

- The distribution of the \$603,974 liability for the Transportation Fund covering its operating loan from the Agency Transportation funds
- \$102,500 in the EIP fund to be carried over together with a \$35,000 General Fund contribution for the Shore zone EIS
- The Threshold Fund encumbered \$649,700 for uncompleted contracts
- The distribution of the \$308,700 in funds reserved for Local Transportation Funds:
  - Placer County LTF: \$21,200
  - El Dorado County LTF: \$157,400
  - El Dorado County State Transit Assistance: \$130,100

*Combining Statement of Revenue, Expenses and Changes in Fund Balance – Special Revenue Funds (page 32 - 35).* The only unusual or significant issue displayed in this table is how the funds paid out to the Local Transportation Funds are classified. Labeled as “Payments to Claimants,” \$609,300 was provided to the Placer County LTF, \$193,600 to the El Dorado County LTF, and \$881,800 was provided for the El Dorado County State Transit Assistance function. These funds support the local transit services of these California counties. In actuality, TRPA does not handle these funds. Rather, TRPA reviews the claim and approves it, and the respective County Auditors actually submit the claim to the California State Controller.

*Combining Statement of Changes in Assets and Liabilities – Agency Funds (page 36).* This table summarizes the changes in fund balance for the several Agency operating funds (totaling \$16.0 million). Significant changes are shown in the following table:

<b>Custodial Fund Summary</b>			
<b>Fund.</b>	<b>Additions</b>	<b>Deductions</b>	<b>Ending Balance</b>
Excess Coverage reserve	\$1,682,321	\$405,599	\$3,293,961
Mitigation Reserve	\$1,897,686	\$1,552,299	\$6,541,944
Security Deposit Reserve	\$1,099,804	\$324,080	\$3,986,127
Tahoe Transportation District	\$318,761	\$263,201	\$74,379
CRTPA	\$87,681	\$1,115,864	\$940,807
CTS Mitigation	\$63,431	\$0	\$1,181,498
<b>Total all transactions:</b>	<b>\$5,149,684</b>	<b>\$3,661,043</b>	<b>\$16,018,716</b>

Single Audit Compliance: As TRPA expands its scope, it is becoming increasingly pivotal in the disbursement of federal funds. As it exceeded \$300,000 in federal funds, the prescripts of OMB Circular A-133<sup>3</sup> kick in. This has resulted in the following enclosures to the 2001/02 audit:

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<sup>3</sup> Office of Management and Budget – the prescriber of standards governing the receipt and expenditure of federal dollars.

- Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control over Compliance in Accordance with Governmental Accounting Standards (Pages 38 – 39)
- Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control over Compliance in Accordance with OMB Circular A-133 (pages 40 – 41)
- *Schedule of Transactions for Federal Awards (page 42)*. This table shows that the Department of Agriculture provided the Agency \$9,900, the Environmental Protection Agency \$357,000, and the Federal Highways and Transit functions provided another \$748,100 for a total of \$1,115,000 in federal funding
- *Schedule of Findings and Questioned Costs (pages 44 – 46)*. This provides a checklist for reviewing issues of focus plus comments regarding specific exceptions. The TRPA management response is included in context

Reflections from the Notes (pages 18 – 27). The notes are an integral part of an audit. Generally they provide emphasis regarding accounting concepts utilized and disclose specific information regarding key issues. In this audit, the following issues were disclosed:

- *Note 3, page 21* depicts the status of the Agency's \$19.5 million in cash and investments.
- *Note 4 – page 22* shows the components of the Agency's fixed asset inventory totaling \$1.9 million with \$291,400 added in 2001/02.
- *Note 5 – page 23* discusses the Agency's, "defined contribution" pension system. Note that the \$3.8 million in this account is not carried or accounted on the Agency's books.
- *Note 7, page 23* shows the components of the Agency's outstanding Capital Leases of \$35,600 with annual payments of \$22,000 in 2002/03 declining to \$2,800 in 2004/05. TRPA retired its high interest leases during the past year.
- *Note 10, page 25* shows the status and components of the internal loans of the Agency's funds. A total of \$1.1 million is in this status with another \$1.3 million being transferred between the funds.
- *Note 12, page 26* discusses the status of the Agency's designation of fund balance. This covers compensated absences, unreserved funds, and deficit fund balance funds (4):
  - Legal (\$36,200) as a result of the Supreme Court case – covered in 2002/03 appropriation
  - TEGIS (\$19,100) as a result of an unfunded position classification change
  - Erosion Control (\$73,600) as a result of participation in general Agency activities (Grizzly Bear, training, and Pathway 2007)
  - EPA Real Time (\$6,700) as a result of costs incurred post grant receipt (prior years' funding covers)

Management Letter: Issues associated with the Management Letter are incorporated in the context of the letter. This letter is more positive than many received in past years and notes gains in several areas. It also notes areas where improvement may be gained. Generally staff concurs with the recommendations. Of note are the comments regarding the Agency's practice of reserving current year permit revenues versus the standard practice of recognizing revenues when earned. A separate agenda item will direct the Boards attention on this issue.

Conclusions: Generally this audit provides a positive review of TRPA's financial activities. Both the monetary accounting and the Management Letter provide indications of good fiscal status. Progress is already being made for some the areas where improvement was noted. As indicated on the first page of this report, the States of California and Nevada have cut back on funding to be committed to TRPA in the 2002/03 and pending budgets. In part this has been accommodated by the recent inclusion of overhead cost allocations for grant funded projects, and will be further accommodated by the recently enacted permit fee adjustments.

If you have questions or desire additional information, please contact Bruce Adams, Budget Director at (775) 588.4547, Ext. 279 / badams@trpa.org.



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February 5, 2003

To: TRPA Governing Board  
From: TRPA Staff  
Subject: Fourth Quarter 02 Investment Report

**Proposed Action:** That the Governing Board and the Finance Committee review and accept the December 31, 2002 Investment report consistent with the Board’s fiduciary responsibility of overseeing the Agency’s investment and cash management program.<sup>1</sup>

**Discussion:** This report summarizes the investment status of the Agency as managed by Wells Capital Management for the past 12 quarters. Wells follows the Agency’s conservative investment policy to perform this service. It maintains 5 separate portfolios - one for each of the investment categories.

Portfolio	\$ Invested	Market Value	Value Change	Average Yield
General	\$5,089,808	\$5,140,079	\$50,271	2.02%
CTS Trust	\$996,503	\$1,001,190	\$4,687	1.70%
CTRPA Trust	\$1,412,660	\$1,423,658	\$10,998	3.13%
Mitigation Trust	\$10,414,603	\$10,568,804	\$154,201	2.51%
Security Deposit Trust	\$3,972,348	\$4,029,325	\$56,977	2.44%
<b>Total</b>	<b>\$21,885,922</b>	<b>\$22,163,056</b>	<b>\$277,134</b>	

The preceding table shows that the Agency had almost than \$21.9 million invested in the 5 funds managed by Wells Capital Management at the close of December 2002.<sup>2</sup> The current market value of these investments is nearing \$22.2 million, indicating that were the Agency to liquidate these investments at current market prices, it would gain \$277,100 compared to the \$20,100 gain shown in the last reporting period. This is a major improvement over the September 2002, report. However, it simply reflects the fact that the market, while vacillating, has been reasonably constant recently making even our recent, low interest investments appear comparatively attractive.

The Agency’s investment strategy is one of passive management – purchasing investment instruments, and holding these to maturity. As a consequence, it will not

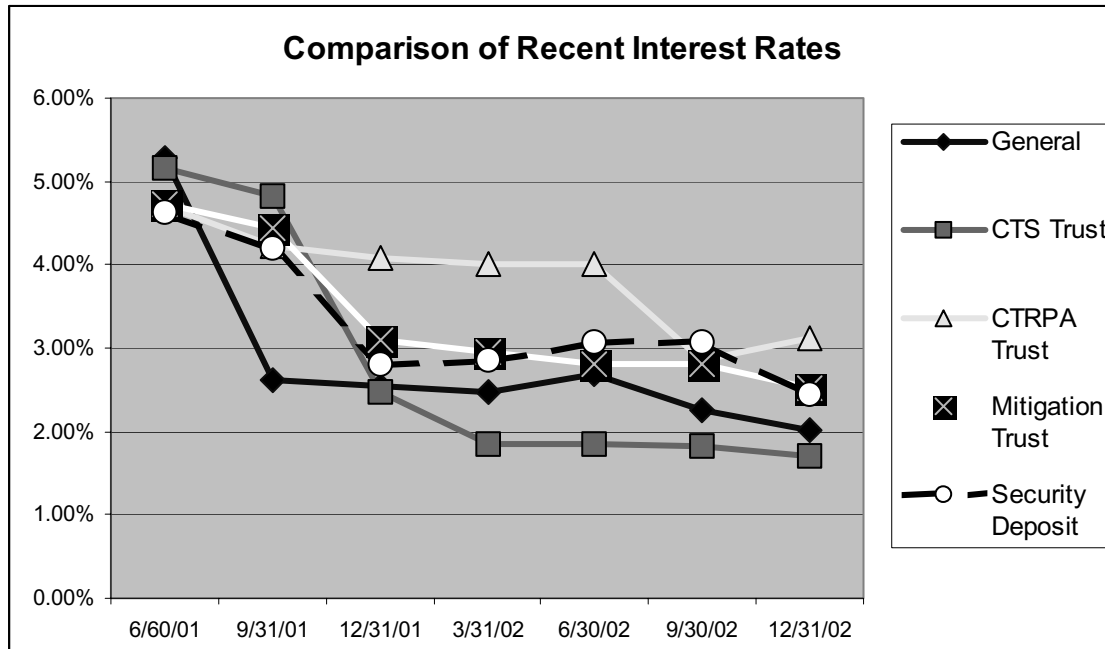
<sup>1</sup> Required by Governmental Accounting Standards Board Pronouncement # 31 issued in the wake of the California Orange County investing debacle in 1994.

<sup>2</sup> The Agency also has a retirement trust fund valued at \$3.2 million on December 31, 2002 (the value reported for the end of June 2002). This program is now managed by Prudential Securities as the new retirement system administrator. At the end of September 2002 the value had dropped to \$2.9 million, so this is an improvement. The Agency and staff contributed \$174,100 to this account during the fourth quarter, and this and portfolio gains (\$131,900) helped increase the portfolio. These were offset by distributions (\$76,400) and other adjustments (76,300) which reduced the balance.

normally experience any market gains or losses unless forced to liquidate an investment before its time. If/when interest rates become more robust, investments purchased in today's low yield market will be less attractive in the market. Active trading or liquidating investments before they mature for cash-flow needs could result in loss of principal. As noted last quarter, the CTRPA Trust investment account is not aligned with its true cash status and this is being brought into line incrementally as its investments mature.

The following table and graph add another month of continuing declines in interest rate yield compared to past reports. Even the CTRPA Trust account shows a significant down trend after maintaining a 4.0% yield over the prior periods. The Wells Capital Management "Money Market" yields have paralleled this decline dropping from 3.7% in June 2001 to 1.05% in December 2002.

<b>Comparison of Recent Interest Rates</b>							
<b>Portfolio</b>	<b>6/60/01</b>	<b>9/31/01</b>	<b>12/31/01</b>	<b>3/31/02</b>	<b>6/30/02</b>	<b>9/30/02</b>	<b>12/31/02</b>
General	5.29%	2.62%	2.55%	2.46%	2.69%	2.26%	2.02%
CTS Trust	5.16%	4.83%	2.48%	1.85%	1.85%	1.82%	1.70%
CTRPA Trust	4.71%	4.22%	4.07%	4.02%	4.00%	2.85%	3.13%
Mitigation Trust	4.73%	4.43%	3.09%	2.95%	2.82%	2.81%	2.51%
Security Deposit Trust	4.63%	4.20%	2.81%	2.86%	3.07%	3.07%	2.44%





### Discussion of Wells Capital Management Report

**Overview.** The Wells Investment status report is comprised of 7 sections. The first and last sections discuss the various fiscal indicators affecting investment strategies. These indicate that we continue to face financial uncertainty.

**Investment environment.** The first section provides an *Economic Outlook*. Generally this section looks at the economy and finds limited options. The economy and investment market continues to be cloudy. The report notes 4 issues driving the economy for the next quarter (a substantially more limited focus than provided in previous reports):

- The Fed's monetary policy (changing of interest rates) has been offset by contracting policies such as fiscal surpluses and trade deficits. Still the graph depicting this issue now stands at 55% which suggests a move towards stronger growth (it stood in the 60% to 65% range throughout the 1990's but dived to 45% in recent years).
- The tech-oriented economy is likely to lead the investment recovery (scary to those of us playing in the NASDAC market!). High-tech equipment spending appears on the rise and is now poised for growth.
- Corporate notes are approaching treasury yields. This indicates a growing confidence in the economy in general as the "flight to quality" (government bonds) seems to be diffusing. This has resulted in a flattened yield curve enabling a wider range of investment opportunities – all at relatively low yields.
- The joker in the woods is oil prices which have been rising. The Venezuela crisis has played a dramatic impact, and the pending Iraqi crisis may prolong or exacerbate the market.

In all, there's little to guide an active investment strategy and even less to guide a passive strategy. Within our investment policy, current treasury yields only range from 1.3% to about 1.7%. Hardly enough to worry about – any decision is wrong in terms of gaining yield. However, the outlook (save the last bullet above) is optimistic. The portfolio may diversify into more corporate and asset backed notes and taxable auction-rate securities. As the federal deficit looms (both from fiscal policy changes of deficit spending and the pressure on Treasury note interest rates) changes may occur increasing governmental note yields.

**Investment Strategy.** The recent very conservative strategy will continue.

- Investments will no longer be targeted to the 1 to 2 year period as there is little gain from the yield curve
- Corporate and asset backed securities offer attractive yield advantages and will be emphasized
- Treasury securities will be added to upgrade portfolio credit quality and improve liquidity

**Agency Portfolio Status.** The following discussion highlights the status of each of the investment portfolios managed by Wells Capital Management. Part of the discussion includes data retrieved from sources other than that included in the Wells report.

*Agency General Portfolio.* Section 2 portrays the status of the Agency's "General" funds. This portfolio has ranged from \$1.2 million to \$7.0 million and now stands at the same \$5.1 million as most of the State contributions have been received for the year. This fund underwrites general Agency operations, and the Nevada and California contributions account for most of the dramatic periodic increase. The Agency cash fund has remained robust allowing the General Portfolio to remain invested. Investment instruments have ranged from 5 to 16 and now stand at 15. These include a cash/money market fund and government Agency bonds and notes. The average yield for the period declined from 2.69% to the current low of 2.02% (still a higher average yield than if the agency were to go to market for all of its securities today).

*TRPA Mitigation Trust Fund Portfolio.* Section 3 portrays the Mitigation Trust fund, and is the largest of the Agency's portfolios. This has been a relatively stable fund ranging from last quarter's \$8.8 million to the present \$10.6 million. Twenty-one investment instruments are listed here including 3 short-term corporate notes, 17 government Agency bonds and notes, and a money market account. The average yield was 2.51% compared to 2.86% at the end of the previous quarter.

*Security Deposit Trust Fund Portfolio.* Section 4 accounts for the invested security deposits. This fund has oscillated in the \$2.6 million to the current \$4.0 million range. These are invested in 15 instruments including government bonds and notes and a money market fund. The average yield dropped to 2.44% compared to the last two quarters' yield of 3.07%.

*CTS Trust Portfolio.* Section 5 portrays the CTS Trust status. This fund was established to fund a coordinated transit facilitation project. It has built up from \$550,000 in January 2000 to more than \$1.0 million today. It has had no deposits in the past 5-quarters, and is now slated for use – the project is scheduled for completion in July 2003. All of the investments in this fund matured in the first quarter and have been reinvested at the current low yield levels resulting in the low average yield of 1.7% shown (the current market yield for 2-year notes). Four investments are noted, including a money market fund and 3 government Agency notes. These will be liquidated as they mature to a cash status.

*CTRPA Trust Portfolio.* Section 6 portrays the status of the CTRPA trust fund. This old fund has been fairly stable ranging from \$1.9 to \$2.4 million across the investment reporting period and now stands at \$2.0 million. It is invested in a money market fund, 4 long-term government Agency notes, and one short-term note. The average yield dropped from a high of 4.22% and now stands at 3.13% which is up from the 2.85% yield seen last September. This fund had been fairly well protected in that the investment instruments only started to be called in August 2002 and will be spread out to May 2003. By this time, the fixed income markets should be back to more normal levels. Also, as noted above, this investment fund exceeds the cash status of the CTRPA and is being liquidated as investments mature.

Conclusions: Given the recent investment climate, the contract with Wells has been more or less satisfactory to date. While yields have declined substantially, the Agency

has reaped substantial earnings from its idle cash. As noted in the past, TRPA continues to have no investment in US Treasury instruments; these simply do not have the yield that the similarly "rated" Government Agency securities have.<sup>3</sup> In part this can be attributed to the low interest rates assigned to this sector, but they are also the most secure of investment instruments. The investment strategy for the last quarter called for moving to this sector due to their security and marketability, but this has yet to occur. It also calls for increasing the investments in private sector securities. Caution must be exercised in purchasing corporate bonds in this audit/financial disclosure transitional period.

For more information or questions regarding this issue, please contact Bruce Adams, Budget Director at 775.588.4547 ext. 279 or badams@trpa.org.

Enclosure (distributed separately):

- *Investment Review – Tahoe Regional Planning Agency – 3<sup>rd</sup> Quarter 2002, Wells Capital Management*

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<sup>3</sup> While neither US Treasury or US Agency notes are actually rated, they are seen as the highest quality benchmark – equivalent to a AAA rating or better.



# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

February 6, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action,  
Melvin Laub, 222 Canyon Circle,  
Douglas County, Nevada, APN 03-171-230  
TRPA et al v. Laub et al, D. Nev. Case # CV-N-02-0268 ECR (VPC)

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Responsible Party: Melvin Laub ("Laub").

Location: 222 Canyon Circle, Douglas County, Nevada, having Assessor's Parcel Number 03-171-230 (the "Property").

Recommendation: Staff recommends that the Governing Board accept the proposed Settlement Agreement, attached as Exhibit A hereto, in which Laub agrees to pay \$7,000 to TRPA (of which \$1,000 is to be earmarked for environmental education). This settlement will result in the dismissal with prejudice of the claims initiated by TRPA against Laub and the counter-claims asserted by Laub against TRPA.

Alleged Violation Description: Three live trees on the Property were materially damaged without a TRPA permit in violation of TRPA regulations. Specifically, the three trees had live limbs removed from the upper two-thirds of tree height.

Previous Governing Board Action: The TRPA Legal Committee conducted a Show Cause Hearing concerning this violation at its February and March 2002 meetings. At these hearings the Committee heard testimony and considered evidence on the Laub violation, as well as those of neighbor Paul Porch ("Porch") and the contractor who performed the work, Joe Benigno/ Joe Benigno's Tree Service ("Benigno"). At the conclusion of the administrative process, the Committee recommended and the full Board approved the following settlements:

- Laub to pay \$6,000 to TRPA;
- Porch to pay \$11,000 to TRPA; and
- Benigno to provide 120 man-hours of his tree services to the State of Nevada.

Litigation: Because Laub and Porch refused to pay TRPA the amounts assessed by the Governing Board, TRPA in May 2002 initiated the matter of TRPA v. Laub and Porch, District of Nevada Case No. CV-N-02-0268 ECR (VPC). The action sought unspecified civil penalties from Laub and Porch for violations of TRPA regulations. Laub asserted a counter-claim against TRPA. Laub and Porch both asserted claims against Benigno as a third party defendant, and Benigno has asserted counter-claims against Laub and Porch. All parties have conducted significant discovery. Porch has filed a motion for summary judgment, now pending, based on an alleged failure to timely prosecute.

Proposed Settlement: TRPA staff recommends that the Governing Board approve the proposed Settlement Agreement which contains the following terms:

1. Within five (5) business days of approval by the TRPA Governing Board, Laub shall pay TRPA a settlement of \$7,000. Of this amount, \$6,000 shall be allocated as a fine, and \$1,000 shall be allocated to TRPA's environmental education fund account that Laub prefers to be used to promote an awareness of forest health concerns in the Tahoe Region.
2. TRPA and Laub shall release each other of any claims arising out of any and all alleged violations resulting from the above activities. Within five (5) business days after TRPA receives payment of the \$7,000, TRPA and Laub shall file a stipulation dismissing with prejudice the claims of TRPA against Laub and Laub against TRPA in the matter of TRPA v. Laub, District of Nevada Case No. CV-N-02-0268 ECR (VPC). Each party to bear its own costs.

Violation Resolution: TRPA staff recommends the proposed Settlement Agreement as a fair resolution of the matter as to Laub and will allow TRPA to concentrate its litigation efforts against Porch. The Board originally assessed a \$6,000 penalty to redress the three materially damaged trees on the Property. Because TRPA was required to initiate litigation, Laub will pay TRPA an additional \$1,000 to be used towards environmental education.

TRPA's case against Porch is much stronger than against Laub. Porch is responsible for materially damaging nine trees, two of which were topped and four of which were on adjacent property owned by the State of Nevada. The damaged trees on the Porch and state properties greatly enhance views of Lake Tahoe and Cave Rock. Porch benefited economically from the violation; he purchased his Tahoe residence in 1998 for \$400,000 and sold it in 2002 for \$775,000 after emphasizing the newly enhanced view in his advertising materials.

Settling with Laub will enable TRPA to focus its prosecutorial resources against Porch. Porch refused to take responsibility for his actions throughout the administrative process and his behavior has only worsened. Most recently, Porch failed to appear at his deposition noticed by TRPA and Benigno. Although Laub was initially resistant, TRPA staff recognizes his recent efforts to resolve this matter amicably. Staff firmly believes it is in the best interest of the Agency to settle with Laub at this time.

Required Actions: Agency staff recommends that the Governing Board resolve the alleged violations by making a motion to ratify the proposed SETTLEMENT AGREEMENT (attached as Exhibit A), based on this staff summary and the evidence contained in the record.

If there are any questions regarding this agenda item, please contact Assistant Agency Counsel Jordan Kahn at (775) 588-4547 extension 286 or via e-mail at: [jkahn@trpa.org](mailto:jkahn@trpa.org).



**SETTLEMENT AGREEMENT**

This Settlement Agreement is made by and between Melvin Laub (hereinafter "Laub") and the Tahoe Regional Planning Agency (hereinafter "TRPA").

This Settlement Agreement represents full and complete compromise and settlement of the certain violations alleged by TRPA: material damage to three live trees without a TRPA permit on the real property owned by Laub located at 222 Canyon Circle, Douglas County, Nevada, having Assessor's Parcel Number 03-171-240. Laub contends that he was unaware of the applicable ordinances and relied on a licensed professional.

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

In order to fully resolve the matter, TRPA and Laub hereby agree as follows:

1. Within five (5) business days of approval by the TRPA Governing Board, Laub shall pay TRPA a settlement of \$7,000. Of this amount, \$6,000 shall be allocated as a fine, and \$1,000 shall be allocated to TRPA's environmental education fund account that Laub prefers to be used to promote an awareness of forest health concerns in the Tahoe Region.
2. TRPA and Laub shall release each other of any claims arising out of any and all alleged violations resulting from the above activities. Within five (5) business days after TRPA receives payment of the \$7,000, TRPA and Laub shall file a stipulation dismissing with prejudice the claims of TRPA against Laub and Laub against TRPA in the matter of TRPA v. Laub, District of Nevada Case No. CV-N-02-0268 ECR (VPC).

Laub has read this Settlement Agreement and understands all of its terms. Laub has executed this Settlement Agreement voluntarily and with full knowledge of its significance. Laub has had the opportunity to review the terms of this Settlement Agreement with an attorney prior to executing the same.

Signed:

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Melvin Laub

-----  
Date

-----  
Juan Palma, Executive Director  
Tahoe Regional Planning Agency

-----  
Date



## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

February 14, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action, Jet Construction LLC,  
128 Market Street, Douglas County,  
APN 007-180-090, TRPA File Number 20021644

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Responsible Party: John Thompson, Jet Construction LLC

Location: 128 Market Street, Douglas County, APN 007-180-090, and TRPA Permit #20021644

Agency Staff: Brian R. Judge, Senior Environmental Specialist

Alleged Violation Description: October 11, 2002, TRPA issued a permit authorizing a commercial remodel on the real property located at 128 Market Street, Douglas County, Nevada, having Assessor's Parcel Number 007-180-090 (hereinafter "the Property") (TRPA Permit No. 20021644). On January 23, 2003, TRPA Compliance staff inspected the Property and observed that twenty-four (24) footings had recently been excavated within concrete and asphalt areas in the amount of approximately twelve (12) cubic yards. Because TRPA prohibits the movement of soil over three (3) cubic yards between October 15 and May 1 of each year, the excavation on the Property constitutes a violation of the TRPA Code of Ordinances. TRPA determined that Jet Construction LLC, the general contractor on the project, was responsible for the violation.

Staff Recommendation: TRPA staff recommends that the Governing Board approve the proposed Settlement Agreement (Exhibit A) in which the parties agreed to the following:

1. Jet Construction LLC agrees to pay TRPA a settlement of \$5,000 within 30 days of Governing Board approval. If Jet Construction LLC fails to pay the \$5,000 settlement in full within 30 days of the TRPA Governing Board approval, Jet Construction LLC confesses to judgment against him and in favor of TRPA in the amount of \$10,000 (payable immediately). Jet Construction LLC also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$10,000, as well as interest thereon.

2. TRPA agrees to release Jet Construction LLC of any claims of TRPA arising out of any and all alleged violations resulting from the above activities.

The following provisions of the Regional Plan were allegedly violated by Thompson's actions:

TRPA Regional Plan Package:

Code of Ordinances, Chapter 64 Grading Standards- Section 64.1 Applicability, 64.2.A, Seasonal Limitations.

Documentary Evidence supporting the determination of a violation includes photographs.

The Tahoe Regional Planning Compact Article VI (k) Compliance provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations.

*Article VI of the Compact States:*

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

Violation Resolution: TRPA staff believes that the proposed settlement is consistent with past settlements, and Thompson has agreed in writing to the proposed settlement terms to resolve the alleged violation. The agreement is not binding upon the TRPA Governing Board.

Required Actions: Agency staff recommends that the Governing Board resolve the alleged violations by making a motion to ratify the proposed SETTLEMENT AGREEMENT (see attachment), based on this staff summary and the evidence contained in the record.

If there are any questions regarding this agenda item, please contact Brian Judge at (775) 588-4547, Extension 262.

Attachment: Jet Construction Settlement Agreement (Exhibit A)

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### **SETTLEMENT AGREEMENT (Exhibit A)**

This Settlement Agreement is made by and between Jet Construction LLC and the Tahoe Regional Planning Agency (hereinafter "TRPA").

This Settlement Agreement represents full and complete compromise and settlement of the certain violations alleged by TRPA, as described below:

October 11, 2002, TRPA issued a permit authorizing a commercial remodel on the real property located at 128 Market Street, Douglas County, Nevada, having Assessor's Parcel Number 007-180-090 (hereinafter "the Property") (TRPA Permit No. 20021644). On January 23, 2003, TRPA Compliance staff inspected the Property and observed that twenty-four (24) footings had recently been excavated within concrete and asphalt areas in the amount of approximately twelve (12) cubic yards. Because TRPA prohibits the movement of soil over three (3) cubic yards between October 15 and May 1 of each year, the excavation on the Property constitutes a violation of the TRPA Code of Ordinances. TRPA determined that Jet Construction LLC, the general contractor on the project, was responsible for the violation.

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

In order to fully resolve the matter, TRPA and Jet Construction LLC hereby agree as follows:

1. Jet Construction LLC agrees to pay TRPA a settlement of \$5,000 within 30 days of Governing Board approval. If Jet Construction LLC fails to pay the \$5,000 settlement in full within 30 days of the TRPA Governing Board approval, Jet Construction LLC confesses to judgment against him and in favor of TRPA in the amount of \$10,000 (payable immediately). Jet Construction LLC also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$10,000, as well as interest thereon.
2. TRPA agrees to release Jet Construction LLC of any claims of TRPA arising out of any and all alleged violations resulting from the above activities.

Jet Construction LLC has read this Settlement Agreement and understands all of its terms. Jet Construction LLC has executed this Settlement Agreement voluntarily and with full knowledge of its significance. Jet Construction LLC has been offered the opportunity to review the terms of this Settlement Agreement with an attorney prior to executing the same.

Signed:

\_\_\_\_\_  
John Thompson  
Jet Construction

\_\_\_\_\_  
Date

\_\_\_\_\_  
Juan Palma, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date

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### MEMORANDUM

February 14, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action,  
166 Chimney Rock, Douglas County,  
APN 007-222-120, TRPA File Number 20030093

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Responsible Parties: Carl Buchholz ("Buchholz"), property owner, and Charles Manchester of F&B Construction Inc. ("F&B"), contractor.

Representative: Paul Kaleta, Basin Strategies

Location: 166 Chimney Rock, Douglas County, Nevada.

Agency Staff: Brian R. Judge, Senior Environmental Specialist

Alleged Violation Description: On May 17, 2002, TRPA staff visited the real property owned by Buchholz located at 166 Chimney Rock, Stateline, Douglas County, Nevada, having Assessor's Parcel Number 07-222-120 ("Buchholz Property"). At that time, TRPA staff discovered that an approximately 12' tall x 90' long retaining wall had been constructed behind the residence on the Buchholz Property. Approximately 370 cubic yards of fill material had been imported and placed behind the retaining wall to create a terraced area on the Buchholz Property. TRPA neither reviewed nor approved an application for the slope alteration on the Buchholz Property or the associated grading, which activities are in violation of the TRPA Code of Ordinances.

On May 17, 2002, TRPA posted a Cease and Desist Order on the Buchholz Property. On May 31, 2002, TRPA sent a Cease and Desist Order to Buchholz. Subsequent discussions with Buchholz revealed that the unauthorized slope alteration and grading were performed by F & B at the request of Buchholz. Buchholz is a construction worker in the Tahoe Region, and was attempting to create a level play area in the backyard for his children to play.

Staff Recommendation: TRPA staff recommends that the Governing Board approve the proposed Settlement Agreement (Exhibit A) in which the parties agreed to the following:

In order to fully resolve the matter, TRPA, Buchholz, and F & B hereby agree as follows:

1. The Settling Parties shall within thirty (30) days of Governing Board approval submit, for review and approval by TRPA, a Restoration Plan for the fill area on the Buchholz Property. The Restoration Plan shall achieve stabilization of the slope behind the residence on the Buchholz Property.
2. The Settling Parties shall by June 15, 2003, remove the unauthorized fill slope on the Buchholz Property pursuant to the TRPA-approved Restoration Plan and dispose of the fill material in an appropriate location outside of the Tahoe Region.
3. The Settling Parties shall pay a settlement of \$40,000 to TRPA pursuant to the following payment schedule:

Buchholz shall pay \$5,000 within thirty (30) days of Governing Board approval.  
Buchholz shall pay \$5,000 within sixty (60) days of Governing Board approval.  
F & B shall pay \$7,500 within thirty (30) days of Governing Board approval.  
F & B shall pay \$7,500 within sixty (60) days of Governing Board approval.  
F & B shall pay \$7,500 within ninety (90) days of Governing Board approval.  
F & B shall pay \$7,500 within one hundred and twenty (120) days of Governing Board approval.

If the Settling Parties fail to timely pay, or otherwise comply with all actions in this Settlement Agreement, the Settling Parties confess to judgment against them and in favor of TRPA in the amount of \$80,000 (payable immediately). The Settling Parties also agree to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$80,000.

4. TRPA shall release the Settling Parties, and the Officers, Directors & Shareholders and employees thereof, from any claims of TRPA arising out of any and all alleged violations resulting from the above activities. TRPA reserves the right to notify the Nevada State Contractors Board about the activities giving rise to, and the resolution of, this Settlement Agreement.

The following provisions of the Regional Plan were allegedly violated by the Settling Party's actions:

TRPA Regional Plan Package:

The above-described activities violate the following sections of the TRPA Code of Ordinances:

- Chapter 4- These activities exceed the parameters set forth for actions requiring review and approval by TRPA.
- 30.5.A General Standards (Design Standards)- The existing natural contours were altered by the creation of the retaining wall that was backfilled with approximately 370 cubic yards of fill material.
- 64.1 Applicability (Grading Standards)- Placement of approximately 370 cubic yards of fill material.

- 64.6 Cuts and Fills (Grading Standards)- Placing approximately 370 cubic yards of fill material to create an unauthorized terrace area, 12 feet above natural grade.

Documentary Evidence supporting the determination of a violation includes photographs, Cease and Desist Orders, and other documents contained in the file.

The Tahoe Regional Planning Compact Article VI (k) Compliance provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations.

*Article VI of the Compact States:*

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

Violation Resolution: TRPA staff believes that the proposed settlement is consistent with past settlements, and the Settling Parties have agreed in writing to the proposed settlement terms to resolve the alleged violation. The proposed resolution will result in a complete site restoration. TRPA staff believes the 3:1 proportion between Buchholz and F&B represents an appropriate distribution of liability. The agreement is not binding upon the TRPA Governing Board.

Required Actions: Agency staff recommends that the Governing Board resolve the alleged violations by making a motion to ratify the proposed SETTLEMENT AGREEMENT (see attachment), based on this staff summary and the evidence contained in the record.

If there are any questions regarding this agenda item, please contact Brian Judge at (775) 588-4547, extension 262.

Attachment: Buchholz/F&B Settlement Agreement (Exhibit A)

## TAHOE REGIONAL PLANNING AGENCY

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Fax (775) 588-4527  
Email: [trpa@trpa.org](mailto:trpa@trpa.org)

### **SETTLEMENT AGREEMENT (Exhibit A)**

This Settlement Agreement is made by and between Mr. Carl Buchholz (“Buchholz”) and F & B Construction, Inc. (“F & B”) (Buchholz and F & B are hereinafter collectively referred to as the “Settling Parties”) and the Tahoe Regional Planning Agency ( “TRPA”).

This settlement represents full and complete compromise and settlement of the certain violations alleged by TRPA, described as follows:

On May 17, 2002, TRPA staff visited the real property owned by Buchholz located at 166 Chimney Rock, Stateline, Douglas County, Nevada, having Assessor’s Parcel Number 07-222-120 (“Buchholz Property”). At that time, TRPA staff discovered that an approximately 12’ tall x 90’ long retaining wall had been constructed behind the residence on the Buchholz Property. Approximately 370 cubic yards of fill material had been imported and placed behind the retaining wall to create a terraced area on the Buchholz Property. TRPA neither reviewed nor approved an application for the slope alteration on the Buchholz Property or the associated grading, which activities are in violation of the TRPA Code of Ordinances.

On May 17, 2002, TRPA posted a Cease and Desist Order on the Buchholz Property. On May 31, 2002, TRPA sent a Cease and Desist Order to Buchholz. Subsequent discussions with Buchholz revealed that the unauthorized slope alteration and grading were performed by F & B at the request of Buchholz.

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

In order to fully resolve the matter, TRPA, Buchholz, and F & B hereby agree as follows:

1. The Settling Parties shall within thirty (30) days of Governing Board approval submit, for review and approval by TRPA, a Restoration Plan for the fill area on the Buchholz Property. The Restoration Plan shall achieve stabilization of the slope behind the residence on the Buchholz Property.
2. The Settling Parties shall by June 15, 2003, remove the unauthorized fill slope on the Buchholz Property pursuant to the TRPA-approved Restoration Plan and dispose of the fill material in an appropriate location outside of the Tahoe Region.



3. The Settling Parties shall pay a settlement of \$40,000 to TRPA pursuant to the following payment schedule:

Buchholz shall pay \$5,000 within thirty (30) days of Governing Board approval.  
Buchholz shall pay \$5,000 within sixty (60) days of Governing Board approval.  
F & B shall pay \$7,500 within thirty (30) days of Governing Board approval.  
F & B shall pay \$7,500 within sixty (60) days of Governing Board approval.  
F & B shall pay \$7,500 within ninety (90) days of Governing Board approval.  
F & B shall pay \$7,500 within one hundred and twenty (120) days of Governing Board approval.

If the Settling Parties fail to timely pay, or otherwise comply with all actions in this Settlement Agreement, the Settling Parties confess to judgment against them and in favor of TRPA in the amount of \$80,000 (payable immediately). The Settling Parties also agree to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$80,000.

4. TRPA shall release the Settling Parties, and the Officers, Directors & Shareholders and employees thereof, from any claims of TRPA arising out of any and all alleged violations resulting from the above activities. TRPA reserves the right to notify the Nevada State Contractors Board about the activities giving rise to, and the resolution of, this Settlement Agreement.

The Settling Parties have read this Settlement Agreement and understand all of its terms. The Settling Parties have executed this Settlement Agreement voluntarily and with full knowledge of its significance. The Settling Parties have been offered the opportunity to review the terms of this Settlement Agreement with an attorney prior to executing the same.

Signed:

\_\_\_\_\_  
Mr. Carl Buchholz

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mr. Charles Manchester  
President, F & B Construction Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Juan Palma, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date



## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

February 14, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action, Cease and Desist Order,  
2247 Cascade Road, El Dorado County, APN 18-090-27

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Responsible Parties: Norbert Dickson, Trustee for Roger and Scott Dickson, Bruce Jones, consultant, Don Thurman, general contractor, Ed Cook, arborist and Brig Ebright, excavation contractor.

Location: 2247 Cascade Road, El Dorado County, APN 18-090-27.

Agency Staff: Katie M. Guthrie, Associate Environmental Specialist

Alleged Violation Description: TRPA determined that approximately 500 cubic yards of soil was placed and compacted at the Property after the end of the TRPA grading season (October 15, 2002). In addition, a 60-inch diameter at breast height (dbh) Jeffrey pine was felled without TRPA approval. These activities are in direct violation of the TRPA permit (#200894), Attachment R, and the TRPA Code of Ordinances. On November 26, 2002, TRPA staff posted a Cease and Desist Order in response to the unauthorized activities, and required that the site be fully winterized by the end of the same day.

Staff Recommendation:

TRPA staff recommends that the Governing Board approve the proposed Settlement Agreement (Exhibit A) with the Responsible Parties, attached to this Staff Summary. This Settlement Agreement includes a \$15,000 penalty from the Responsible Parties. The Responsible Parties have agreed to the settlement terms.

TRPA Staff makes this recommendation in order to resolve an alleged violation of the following provisions of the Regional Plan:

Grading approximately 500 cubic yards of material outside the TRPA Grading Season (October 15) and the unauthorized removal of a 60-inch dbh Jeffrey pine.

Documentary evidence supporting TRPA staff's determination of violation includes photographs and field notes.

The following is a statement of fact supporting the determination of a violation:

On July 9, 2002, TRPA staff met at the property with Don Thurman, the general contractor and Wyatt Olgilvy, a consultant for a pre-grading/pre-construction inspection. It was determined by staff that a 60-inch dbh pine located near the backshore could only be removed under the direction of a professional forester. A note indicating this requirement was added to the inspection form at that time and a copy of the form was signed by the general contractor. The tree had been struck by lightning at some point in the past, but it was a live, green tree on the day of the pre-grade inspection. Based on the size and location, the tree was considered a forest resource and therefore, subject to the conservation standards of Section 71.2 (Late Seral/Old Growth Enhancement and Protection) of the TRPA Code of Ordinances.

On August 8, 2002, TRPA staff conducted an intermediate inspection of the property and noted that the 60-inch dbh pine had been felled and removed from the property. Removal of this tree did not specifically enhance the view of Lake Tahoe from the Property. Staff requested documentation that a professional forester had authorized the removal of the 60-inch dbh pine. Staff has been informed that the tree was felled by Ed Cook of Ed Cook Tree Service under the direction of Bruce Jones, consultant. Neither are professional foresters.

In addition, during the pre-grade inspection on July 9, 2002, TRPA staff explained the rules and limitations of the TRPA Grading Season. This discussion included information on the types of activities that are allowed after October 15 (i.e., backfilling a foundation with drain rock or pea gravel, materials with no fine grained material, of ¼ inch diameter or more is allowed outside the grading season).

On November 26, 2002, staff conducted an unscheduled inspection of the property and discovered that the foundation of the residence under construction was being backfilled with aggregate base material, which contains fine-grained material (clay and sand sized) and is of similar composition to some native soils. Approximately 500 cubic yards of base material had been hauled to the property over the course of two days. As a result, TRPA staff posted a Cease and Desist Order for violating the Grading Season. The site was fully winterized by the end of the day as required by TRPA staff. All work ceased on the property and shall not commence until at least May 1, 2003.

The Tahoe Regional Planning Compact, Article VI (k) Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations.

*Article VI of the Compact States:*

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

Violation Resolution: TRPA staff believes that the proposed Settlement is consistent with past settlements and the Responsible Parties have agreed in writing to the proposed settlement

terms to resolve the alleged violation. The agreement is not binding upon the TRPA Governing Board.

Required Actions: Agency staff recommends that the Governing Board resolve the alleged violations by making a motion based on this Staff Summary and the evidence contained in the record:

1. To ratify the Settlement Agreement with the Responsible Parties (Exhibit A).

If there are any questions regarding this agenda item, please contact Katie Guthrie at (775) 588-454, Extension 274.

Attachment : Dickson Settlement Agreement (Exhibit A)

## TAHOE REGIONAL PLANNING AGENCY

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Email: trpa@trpa.org

### **SETTLEMENT AGREEMENT (Exhibit A)**

This Settlement Agreement is made by and between Norbert Dickson, Trustee for the Roger and Scott Dickson Trust, Bruce Jones, Ed Cook/Ed Cook's Tree Service LLC, Don Thurman/Thurman Construction, and Brig Ebright/CB Ebright Inc. (hereinafter collectively referred to as "Responsible Parties"), and the Tahoe Regional Planning Agency (hereinafter "TRPA").

This Settlement Agreement represents full and complete compromise and settlement of the certain violations alleged at 2247 Cascade Road, Assessor's Parcel Number 18-090-27, El Dorado County, California (hereinafter "the Property") by TRPA, as described below:

TRPA determined that approximately 500 cubic yards of soil was placed and compacted at the Property after the end of the TRPA grading season (October 15, 2002). In addition, a 60-inch diameter at breast height (dbh) Jeffrey pine was felled without TRPA approval. These activities are in direct violation of the TRPA permit (#200894), Attachment R, and the TRPA Code of Ordinances. On November 26, 2002, TRPA staff posted a Cease and Desist Order in response to the unauthorized activities, and required that the site be fully winterized by the end of the same day.

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

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

1. The Responsible Parties agree to pay TRPA a settlement of \$15,000 within 30 days of Governing Board approval. If the Responsible Parties fail to pay within 30 days of the Governing Board approval, or fail to comply with all actions in this settlement, the Responsible Parties confess to judgment against him/her and in favor of TRPA in the amount of \$30,000 (payable immediately). The Responsible Parties also agree to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$30,000, as well as interest therein.
2. TRPA agrees to release the Responsible Parties of any claims arising out of any and all alleged violations resulting from the above activities.

Dickson Trust Settlement Agreement  
Page 2

The Responsible Parties have read this Settlement Agreement and understands all of its terms. The Responsible Parties have executed this Settlement Agreement voluntarily and with full knowledge of its significance. The Responsible Parties have been offered the opportunity to review the terms of this Settlement Agreement with an attorney prior to executing the same.

Signed:

\_\_\_\_\_  
(Responsible Parties)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Juan Palma, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date





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### MEMORANDUM

February 11, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of \$6,250 from Douglas County's Water Quality Mitigation Fund for closeout work on the Kingsbury Village Erosion Control Project.

**Proposed Action:** Approval of the release of \$6,250 from Douglas County's Water Quality Mitigation Fund for additional work on the Kingsbury Village Erosion Control Project (EIP Project number 242).

**Summary:** This project was substantially completed at a cost of \$2.1 million (Tahoe Bond Act - \$1.6 million; Forest Service - \$337,000; Nevada Division of Environmental Protection (319) Funds - \$50,000; TRPA Mitigation Funds - \$183,000). The project could not be completed in one building season and consequently required additional costs to winterize the project. More revegetation work was also needed. The project included four drop inlets, 16 sediment basins, 1,991 lineal feet of curb and gutter, 2,800 lineal feet of retaining walls, and 1,497 lineal feet of rock lined ditches for conveyance.

There are sufficient funds in Douglas County's Water Quality Mitigation account to cover this request. The January balance was \$199,497.72. Further, the request meets the requirements of TRPA's Code of Ordinances, Chapter 82 – Water Quality Mitigation.

**Staff Recommendation:** Staff recommends approving the allocation of these funds subject to the conditions cited below:

Staff recommends approval of the reallocation subject to these standard conditions:

1. The County shall only use the funds for the project cited above, and as approved by TRPA.
2. The County shall send a report to the TRPA detailing how and when all funds are expended on the project. Additionally, the County shall be required to follow all federal and state laws, codes and regulations and keep complete records of all funds expended on the projects and how they

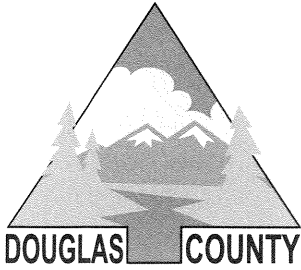
were used. Such records shall be made available for review and audit by TRPA within thirty (30) calendar days upon written request.

3. Any unused mitigation funds shall be returned to TRPA, or TRPA approval shall be acquired before their re-allocation to another project is made.
4. Signage used to identify the project during construction shall include all funding sources.

If you have any questions regarding this item please contact John Van Etten at (775) 588-4547 x 247.

Attachments:

- A. Douglas County's request; and,
- B. Location Map

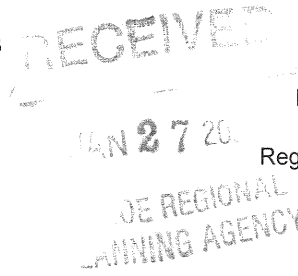


## COMMUNITY DEVELOPMENT

1594 Esmeralda Avenue, Minden, Nevada 89423

Bob Nunes  
DIRECTOR

775-782-9005  
775-782-9010  
FAX: 775-782-9007



Planning Division  
Engineering Division  
Building Division  
Regional Transportation  
Water/Sewer Utility  
Road Maintenance  
Code Enforcement

January 23, 2003

John VanEtten  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove Nevada, 89448

**RE: Allocation of Water Quality Mitigation Funds to Provide Matching Funds for Kingsbury Village Erosion Control Project TBA 99-003**

Dear Mr. Van Etten:

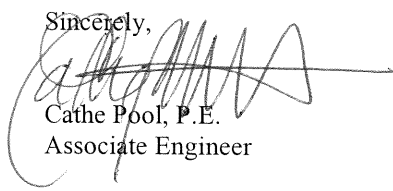
Douglas County requests that the Tahoe Regional Planning Agency allocate the following matching funds for the Kingsbury Village Erosion Control Project contingent upon approval of the Tahoe Bond Act Funds by State Lands.

Funding Source	Existing Project Funding Amount	Current Request	Total Estimated Project Costs
<b>Estimated Project Cost</b>	\$2,098,641.00		\$2,123,641.00
<b>75% of Project Costs</b>	\$1,573,980.70	\$18,750.00	\$1,592,730.75
<b>Administrative Costs-3% of Project Cost</b>	\$62,959.23	\$750.00	\$63,709.23
<b>Local Costs-TRPA funds</b>	\$524,660.25	\$6,250.00	\$530,910.25
<b>Total</b>		\$25,750.00	

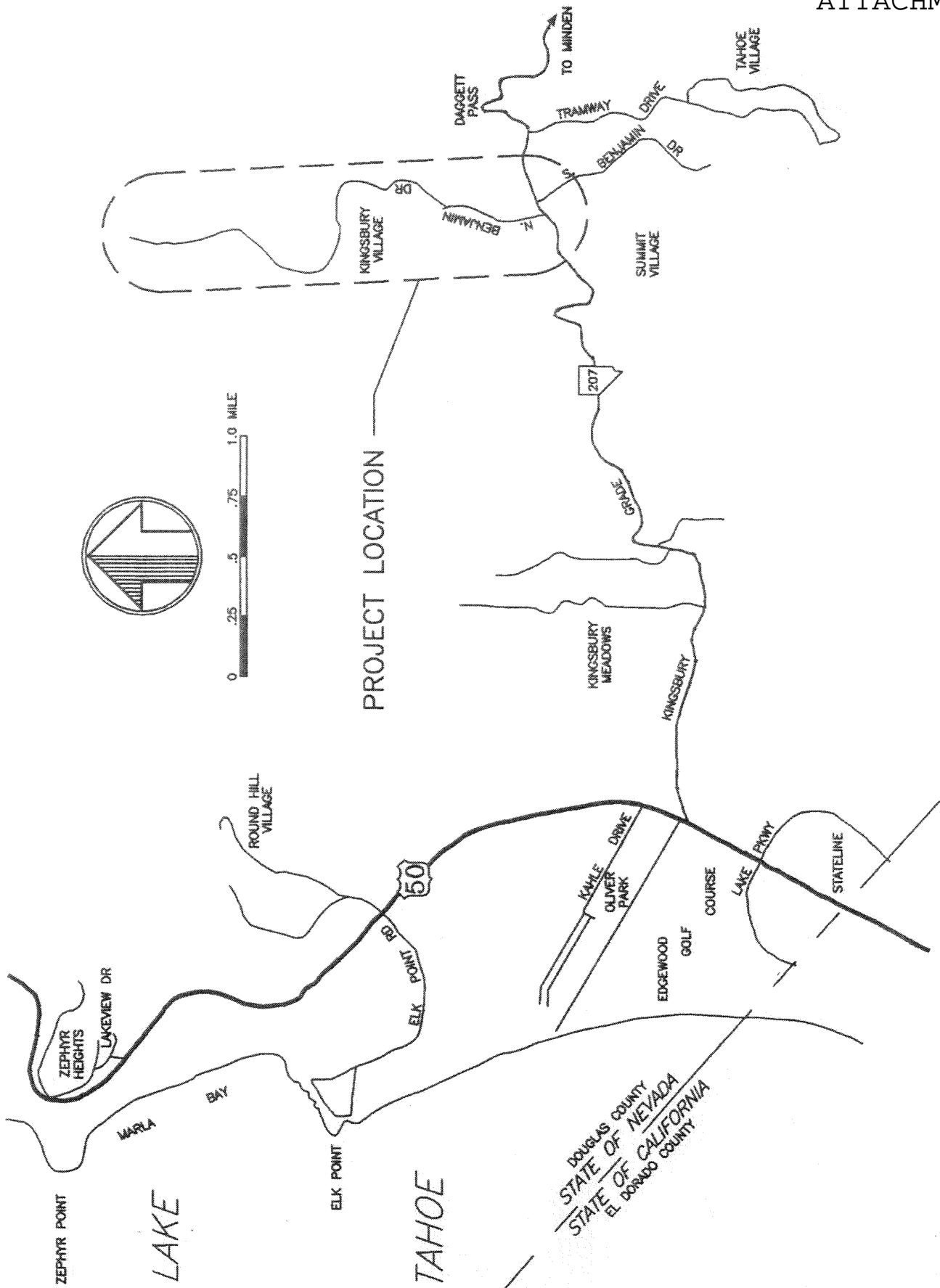
\*Local Costs are to be allocated from the Douglas County Water Quality Mitigation Fund if approved by Tahoe Regional Planning Agency.

Please let me know if you have any questions regarding this proposal. This proposal is on the agenda for the Douglas County Commissioners February 13, 2003 meeting at the Lake.

Sincerely,

  
Cathe Pool, P.E.  
Associate Engineer

c: Carl Ruschmeyer, P.E., County Engineer  
Jim Lawrence, State Lands



PROJECT LOCATION

LOCATION MAP

# TAHOE REGIONAL PLANNING AGENCY

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## Memorandum

February 12, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Revision to the TRPA Application Filing Fee Schedule to Add a Fee for Tree Removal Permit Applications

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Proposed Action: Amend the current filing fee schedule by adopting the attached Resolution (Exhibit A).

Staff Recommendation: Staff recommends that the Governing Board approve the amendment to the TRPA Filing Fee Schedule, adding a \$50.00 fee per tree removal permit application, as proposed.

Discussion: TRPA began requiring tree removal permits for removal of live trees larger than six inches in diameter in 1982. Shortly thereafter, TRPA entered into memoranda of understanding (MOU's) with the California Department of Forestry (CDF) and the Nevada Division of Forestry (NDF) to provide permitting services within their respective jurisdictions within the Lake Tahoe Region. The MOU's have worked very well and have provided a needed forestry service to the community through on-site evaluations of forestry conditions and the issuance of tree removal permits. These programs have been funded by the states through their own funding sources, allowing the forestry advice and permitting to be available at no charge to the property owner.

The situation has changed in California and funding/staff is no longer available for the program in that part of the Region. Beginning in November, 2001, TRPA staff have been responding to requests and issuing tree permits in California. Since then, the TRPA forester's approved work program has been set aside and his duty has been to respond to tree permit requests. During this time, more than 900 permits have been issued by the TRPA forester. Each tree removal permit lists the number of trees to be removed and justification and each tree to be removed is identified with a paint mark. The backlog of requests during the summer peak resulted in an eight to ten-week wait. This resulted in many complaints from the community. During the past ten years of CDF responsibility for tree permitting, the yearly average has been 1,000 permits. CDF employed up to three seasonal foresters to provide this service and two full-time foresters provided oversight and some permitting in addition to their other duties.

Nevada funding remains intact and staff is in the process of renegotiating the existing MOU with NDF. We will bring the NDF MOU to the Governing Board for action within the next two months.

The estimated cost per tree removal permit application is \$50.00 including staff salaries and overhead. This estimate assumes one hour per application and staff proposes to recover the cost through a \$50.00 fee per permit application. This estimate is calculated from CDF and TRPA operational cost information. The fee would not be charged for tree removal applications that are required by a Tahoe Basin fire protection district or fire department to comply with fuel

reduction standards and where the district or department inspection form has been completed by the district or department. When an NDF forester responds to the request, no fee will be charged. These are the only exceptions to the fee.

Staff proposes to utilize the funding raised by imposing a fee to hire a seasonal forester to respond to requests. The TRPA forester would continue to issue permits and provide training in addition to other work program duties. Parcels over five acres would be assessed a minimum \$50.00 fee and an additional \$50.00 per hour beyond the initial hour of staff work. Staff is confident additional resources will reduce or eliminate backlog concerns.

Staff have met with regional fire chiefs representing the fire districts and departments within the region and with the addition of the fuel reduction fee exemption; they are supportive of this fee. It is recognized that the subsidy CDF provided the program was valuable to protecting vegetation in the Lake Tahoe region. During its tenure, CDF did an excellent job of providing this service. At this time, CDF is not prepared to staff the program even with fee recovery. Unfortunately, with the elimination of the subsidy, TRPA does not have an immediate funding source to provide permitting services.

TRPA is investigating grant funding to support providing forestry consulting and permitting in the community. If alternative resources can be found to support the needed staffing, TRPA can waive the tree removal permit application fee. At this time, no guarantee of funding has been secured, and TRPA needs to fund, create, hire and train an additional staff position to handle the seasonal demand for tree removal permits this summer.

Staff is recommending that the Governing Board adopt a \$50.00 filing fee per tree removal permit application. The proposed filing fee should allow TRPA to recover costs associated with the review of tree removal permit applications. Fee recovery may vary somewhat from estimated projections if actual applications vary from application patterns seen in the past. Another factor that could affect the cost recovery strategy proposed by staff is an unforeseen increase or decrease in the number of future applications.

Please call Steve Chilton at (775) 588-4547 if you have any questions regarding the proposed tree removal application filing fee addition.

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## Exhibit "A"

### TAHOE REGIONAL PLANNING AGENCY RESOLUTION NO. 03 \_\_\_\_\_

#### RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY AMENDING SCHEDULE FOR FILING FEES

WHEREAS, the Tahoe Regional Planning Agency is required under the Compact and the Regional Plan and Code of Ordinances to review tree removal permit applications and reasonable fees must be charged to reimburse the Agency for such review costs; and

WHEREAS, funding for the review of tree removal permit applications has been discontinued by the State of California; and

WHEREAS, TRPA does not have funding or resources available to adequately staff the tree removal permit application program; and

WHEREAS, the filing fee established pursuant to this resolution, covers the actual cost of providing services in reviewing and processing tree removal permit applications, bears a direct relationship to the cost of administering the Agency's ordinances and does not raise revenue in excess of the cost of such services; and

NOW THEREFORE , BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency, pursuant to the authority contained in Article VII(e) of the Tahoe Regional Planning Compact and Section 10.7 of the Rules of Procedure of said Agency, that the fee to be charged and collected for the filing of applications for tree removal permits by the Agency shall be in accordance with the schedule set forth in Exhibit "B" attached hereto and incorporated herein by this reference, and shall become effective March 27, 2003.

PASSES and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency this \_\_\_\_\_ day of February 2003, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

\_\_\_\_\_  
David A. Solaro, Chairman  
Tahoe Regional Planning Agency  
Governing Board

SC  
2/12/03

CONSENT CALENDAR ITEM NO. 11

Exhibit "B"

TRPA FILING FEE SCHEDULE

F. RESOURCE MANAGEMENT

	<u>EXISTING FEE</u>	<u>PROPOSED FEE</u>	<u>FEE CHANGE</u>
Tree Removal(1)	\$0	\$50	\$50
Tree Removal Over 5 Acres	\$0	\$50+\$50 each Additional Hour	\$50

NOTE (1) Tree removals that are required by a Tahoe Basin fire protection district or fire department to comply with fuel reduction standards and where the district or department inspection form has been completed by the district or department are exempt from a filing fee.



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### MEMORANDUM

February 26, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Peter and Toni Thompson Land Capability Challenge; 945 Skyline Drive, Pineland CA, Placer County APN 083-042-018

Proposed Action: The applicant's, Peter and Toni Thompson, request that the Governing Board review the proposed Land Capability Challenge and approve it.

Staff Recommendation: Staff recommends that the Governing Board approve the land capability challenge for the parcel changing the land capability from classes 1a and 3 to classes 2 and 4.

Background: The subject parcel is shown as being comprised of land capability classes 1a and 3 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the TeE (Tallac very stony coarse sandy loam, 15 to 30 percent) and the TeG (Tallac very stony coarse sandy loam, 30 to 60 percent) soil map units. The TeE and TeG soil map units are consistent with the E-1 (Moraine Lands-undifferentiated, moderate hazard Lands) geomorphic unit classification. The TeE and TeG soils formed from Tioga and Tahoe aged moraines which were created from mixed granitic and volcanic sources.

A land capability verification was completed by Placer County staff on July 13, 2001 and the parcel was verified as land capability classes 1a and 3. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: This parcel is located at 945 Skyline Drive, Pineland CA, Placer County. The parcel is mapped within geomorphic unit the E-1 (Moraine Lands-undifferentiated, moderate hazard Lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by TRPA staff, and this report was prepared. Based on one soil pit and three auger samples a representative soil profile was described (attached). After visits to the parcel on January 30, 2003 the soils on APN 083-042-018 were determined to be consistent with land capability classes 2 and 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775 -588-4547 (ext. 275).

Attachments

2/26/03  
/TH

**CONSENT CALENDAR ITEM NO. 12**

SOIL INVESTIGATION FOR  
PLACER COUNTY APN 083-042-018, 945 Skyline Drive, Pineland CA

#### INTRODUCTION

A soil investigation was conducted on APN 083-042-018 in Placer County on January 25, 2002. The subject parcel is located at 945 Skyline Drive in Placer County. A land capability verification was conducted by Placer County staff on this particular parcel.

A land capability challenge was filed with TRPA on November 18, 2002 to determine the appropriate land capability class for this parcel based on a soil investigation.

#### ENVIRONMENTAL SETTING

This parcel is shown as being comprised of land capability classes 1a and 3 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the TeE (Tallac very stony coarse sandy loam, 15 to 30 percent) and the TeG (Tallac very stony coarse sandy loam, 30 to 60 percent) soil map units. The TeE and TeG map unit are consistent with the E-1 (Moraine Lands-undifferentiated, moderate hazard Lands) geomorphic unit classification. The TeE and TeG soils formed from Tioga and Tahoe aged moraines which were created from mixed granitic and volcanic sources. This parcel is on a southeast-facing slope. The natural grade is 25 to 35 percent. The natural vegetation is comprised of White fir and Jeffery pine with an understory of huckleberry oak and manzanita.

#### PROCEDURES

One soil pit and three auger samples were conducted on this parcel. After examination of the pit and samples, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

#### FINDINGS

One unnamed soil series was identified on this parcel. The soils on this parcel are generally deep and well drained. The soil is characterized as having a thin (<2") surface mantle of organic matter over a grayish brown very gravelly sandy loam surface layer. A dark yellowish brown, very gravelly loamy coarse sand subsoil is present to a depth of greater than 50 inches. This soil is not similar to any series listed in the Soil Survey for the Lake Tahoe Basin. Under the Bailey Land Capability Classification system the most appropriate Land Capability classes would be 2 and 4, given the profile depth, hydrologic group and slope range.

#### CONCLUSION

Based on the results of the site visit, the soil on APN 083-042-018 was determined to be an unnamed soil with particular features which are associated with land capability classes 2 and 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and therefore assigned 1% and 20% allowable coverage respectively.

Tim Hagan, Senior Planner/Soil Scientist

APN 083-042-018

Representative Soil Profile:

Soil Classification (1998) Sandy-Skeletal, mixed, frigid, Typic Dystroxerept  
Soil Series: unnamed  
Hydrologic Group: B  
Drainage: Well Drained

- Oi 2 to 0 inches; Fir and Cedar litter
- A1 0 to 7 inches; grayish brown (10YR 4/2) very gravelly sandy loam; dark grayish brown (10YR 3/2) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 25 percent gravel and 20 percent stones; clear wavy boundary.
- A2 7 to 17 inches; dark yellowish brown (10YR 4/4) very gravelly sandy loam; dark brown (10YR 3/4) moist; moderate fine granular structure trending to moderate medium subangular blocky structure; soft, loose, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel and 20 percent stones; clear wavy boundary.
- Bw 17 to 34 inches; dark yellowish brown (10YR 4/6) very gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 30 percent gravel and 20 percent stones; gradual wavy boundary.
- C 34 to 50 inches; dark yellowish brown (10YR 4/6) very gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 35 percent gravel and 20 percent stones.



## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

February 26, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Guru Thalapeneni Land Capability Challenge, 1920 Glenbrook Rd,  
Glenbrook NV, Douglas County APN 001-151-005

Proposed Action: The applicant, Guru Thalapeneni, requests that the Governing Board review the proposed Land Capability Challenge and approve it.

Staff Recommendation: The staff recommends that the Governing Board approve the land capability challenge on a portion of the parcel changing the land capability from class 2 to class 4.

Background: The subject parcel is shown as land capability class 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaE (Cagwin-Rock Outcrop, 15-30 percent slopes) soil map unit. The CaE soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin soil formed in glacial-fluvial and lacustrine deposits derived from mostly granitic sources (granodiorite).

A land capability verification was completed on September 9, 2002. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: This parcel is located at 1920 Glenbrook Rd, Glenbrook in Douglas County. The parcel is mapped within geomorphic unit C-1 (Granitic foothills, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by the TRPA staff soil scientist. Based on two soil pits, one representative soil profile was described (attached). After visits to the parcel on January 25, 2002 the soils on the challenged portion of APN 001-151-005 were determined to be consistent with land capability class 4, as per Table 4 of the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547 (ext. 275).

Attachments

2/26/03  
/TH

**CONSENT CALENDAR ITEM NO. 13**

SOIL INVESTIGATION FOR  
DOUGLAS COUNTY APN 001-151-005, 1920 Glenbrook Rd, Glenbrook NV

INTRODUCTION

A soil investigation was conducted on APN 001-151-005 on January 25, 2003. This parcel is located at 1920 Glenbrook Rd, Glenbrook in Douglas County. A land capability verification was conducted on this parcel. A land capability challenge was filed with TRPA on November 23, 2002 to determine the appropriate land capability class for a portion of this parcel based on an onsite soil investigation.

ENVIRONMENTAL SETTING

This parcel is shown as land capability class 2 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaE (Cagwin-Rock Outcrop, 15-30 percent slopes) soil map unit. The CaE soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin-Rock outcrop soil formed from mixed glacial-fluvial and lacustrine deposits that are mainly derived from intrusive igneous sources (granodiorite). This parcel is on a west-southwest facing slope. The natural grade is 25-35 percent. The vegetation is comprised of an overstory of Jeffery pine with an understory of bitterbrush, manzanita.

PROCEDURES

One soil pit and two auger samples were conducted on this parcel. After examination of the pit and samples, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS

One unnamed soil series was identified on this parcel. The soils on this parcel are deep and well drained. The soil is characterized as having a thin (1") surface mantle of organic matter over a dark grayish brown gravelly loamy coarse sand surface layer. A brown to olive brown, gravelly coarse sandy loam subsoil is present to a depth of 42 inches. This soil is not similar to any series listed in the Soil Survey for the Lake Tahoe Basin. Under Table 4 of the Bailey Land Capability Classification system the most appropriate Land Capability class would be 4, given the profile depth, hydrologic group and slope range.

CONCLUSION

Based on the results of the site visit, the soil on a portion of APN 001-151-005 was determined to be an unnamed soil with features that are associated with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and therefore assigned 20% allowable coverage.

It is important to note that this Land Capability Challenge does not change the allocated coverage assigned to this property as a result of it being part of a TRPA approved subdivision. This Land Capability Challenge was processed to identify where the allocated coverage could be located on the property.

Tim Hagan, Senior Planner / Soil Scientist

APN 001-151-005

Representative Soil Profile:

Soil Classification (1999) Sandy-Skeletal, mixed, frigid, Typic Dystroxerept  
Soil Series: unnamed  
Hydrologic Group: B  
Drainage: Well Drained

- Oi 1 to 0 inches; pine litter.
- A1 0 to 5 inches; brown (10YR 4/3) gravelly loamy coarse sand; dark brown (10YR 3/3) moist; strong, fine granular structure; soft, friable, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 15 percent gravel; clear wavy boundary.
- A2 5 to 14 inches; brown (10YR 5/3) gravelly loamy coarse sand; dark brown (10YR 3/3) moist; moderate fine granular structure trending to fine, medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 15 percent gravel; clear wavy boundary.
- Bw 14 to 28 inches; brown (10YR 5/3) gravelly coarse sandy loam; dark yellowish brown (10YR 4/4) moist; moderate medium subangular structure; slightly hard, very friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel; gradual wavy boundary.
- C 28 to 42 inches; yellowish brown (10YR 5/4) gravelly coarse sandy loam, olive brown (2.5Y 4/4) moist; massive; common very fine, common fine, medium and few coarse roots; 20 percent gravel and 10 percent cobblestones; gradual smooth boundary.
- Cr 42 inches, weathered gruss; nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 20 percent gravel and 10 percent cobblestones.





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### MEMORANDUM

February 14, 2003

To: TRPA Governing Board

From: Tim Hagan, Senior Planner / Soil Scientist

Subject: Sierra Sunset LCC Land Capability Challenge; 560 Highway 50, Zephyr Cove, Nevada, Douglas County APN 005-220-014

Proposed Action: The applicant, Sierra Sunset, LLC , requests that the Governing Board review the proposed Land Capability Challenge on a portion of their property.

Staff Recommendation: The staff recommends that the Governing Board approve the land capability challenge for a designated portion of the parcel changing the land capability from class 4 to class 6.

Background: The subject portion of the parcel being challenged is shown as land capability class 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaD (Cagwin-Rock Outcrop, 5-15 percent slopes) soil map unit. The CaD soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin soil formed in glacial deposits derived from mostly granitic sources (granodiorite).

A land capability verification was previously conducted on this parcel. A land capability challenge was filed to confirm the soil series and land capability for the portion of the property being considered in this staff summary.

Findings: This parcel is located at 560 Highway 50, Zephyr Cove, Nevada. The parcel is mapped within geomorphic unit C-1 (Granitic foothills, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by a TRPA staff soil scientist, and this report was prepared. Based on one soil pit and four auger samples, a representative soil profile was described (attached). After visits to the parcel on February 5, 2003 the soils on the challenged portion of APN 005-220-014 were determined to be consistent with land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775 -588-4547 (ext. 275).

Attachments

2/26/03  
/TH

**CONSENT CALENDAR ITEM NO. 14**

SOIL INVESTIGATION FOR  
DOUGLAS COUNTY APN: 005-220-014, 560 Highway 50.

INTRODUCTION

A soil investigation was conducted on APN: 005-220-014, on February 5, 2003. This parcel is located at 560 Highway 50 in Douglas County. A land capability verification was previously conducted on this parcel.

A land capability challenge was filed with TRPA on November 26, 2002 to determine the appropriate land capability class for a portion of the parcel based on an onsite soil investigation.

ENVIRONMENTAL SETTING

The portion of the parcel being challenged is shown as land capability class 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaD (Cagwin-Rock Outcrop, 5-15 percent slopes) soil map unit. The CaD soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin-Rock outcrop soil formed from glaciofluvial deposits that are derived mostly from intrusive igneous (granodiorite) sources. This parcel is on a west-northwest facing slope. The natural grade is 5 to 16 percent. The vegetation is comprised of an overstory of Jeffery pine with a very sparse understory of manzanita and bitterbrush.

PROCEDURES

One soil pit and four auger samples were completed on the portion of this parcel being challenged. After examination of the pit and auger samples, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS

An unnamed soil series was identified on the portion of this parcel being challenged. It is deep and well drained. The soil is characterized as having a thin (<1") surface mantle of organic matter over a dark brown coarse sandy loam surface layer. A dark yellowish brown to reddish yellow, very gravelly loamy coarse sand subsoil is present to a depth of 60 inches. This soil is not similar to any series listed in the Soil Survey for the Lake Tahoe Basin. Under Table 4 of the Bailey Land Capability Classification system the most appropriate Land Capability class would be 6, given the profile depth, hydrologic group and slope range.

CONCLUSION

Based on the results of the site visit, the soil on the portion of APN: 005-220-014 being challenged was determined to be an unnamed soil with features that are associated with land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and therefore is assigned 30% allowable coverage.

Tim Hagan, Senior Planner / Soil Scientist

APN: 005-220-014

Representative Soil Profile:

Soil Classification (1998) Coarse-loamy, mixed, frigid, Humic Dystroxerept  
Soil Series: Unnamed  
Hydrologic Group: B  
Drainage: Well Drained, mixed glaciofluvial and paleo-lacustrine deposits

- Oi 1 to 0 inches; pine litter.
- A1 0 to 7 inches; brown (10YR 4/3) sandy loam; dark brown (10YR 3/3) moist; weak fine granular structure; soft, friable, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel; clear wavy boundary.
- A2 7 to 15 inches; dark yellowish brown (10YR 4/3) gravelly sandy loam; dark brown (10YR 3/3) moist; moderate fine granular structure trending to moderate medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 10 percent gravel; clear wavy boundary.
- Bw1 15 to 44 inches; dark yellowish brown (10YR 4/6) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; single grain; slightly hard, very friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel; gradual wavy boundary.
- Bw2 44 to 50 inches; dark yellowish brown (10YR 4/6) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; single grain; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 20 percent gravel.
- C 50 to 60 inches, reddish yellow (7.5 YR 6/6) gravelly loamy sand, strong brown (7.5 YR 4/6) moist; single grain; loose, very friable, nonsticky and nonplastic; common fine and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel.



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February 14, 2003

To: TRPA Governing Board

From: Juan Palma, Executive Director

Prepared By: Mike Cavanaugh, Senior Planner, Project Review Division  
Kathy White, Planning Technician, Project Review Division

Subject: TRPA Application Status Report  
January 1, 2003 to January 31, 2003

### Projects Reviewed by Staff and Governing Board

<u>Work Element</u>	<u>Application Type</u>	<u>El Dorado</u>	<u>Placer</u>	<u>Washoe</u>	<u>Douglas</u>	<u>CSLT</u>	<u>TOTAL</u>
1000	Residential	0	1	0	1	0	2
1011.01/09	SFDA /Rebuild	0	2	6	6	1	15
1011.06/07	SFDA Plan Revision	0	1	1	0	0	2
1012.00	NSFD	0	1	2	1	0	4
3000	Commercial	0	1	0	0	0	1
4000	Public Service	0	2	1	3	0	6
5000	Recreation	0	0	1	0	1	2
7000	Shorezone	0	1	2	1	0	4
8010	Lot Line Adjustment	0	1	2	1	0	4
8020	Administrative Dtr.	0	0	1	0	1	2
xxxx.03	Banking	0	1	1	0	0	2
xxxx.14	Transfer	6	1	2	0	1	10
xxxx.15	Verification	0	0	3	1	0	4
xxxx.17	Soils/Hydro	0	1	1	0	0	2
SA	Site Assessments	0	0	1	0	11	12
RGN	Regional Amendments	0	0	0	1	0	1
APP	LCV/LCC/IPES	2	9	2	7	1	21
TOTAL ALL PROJECTS		8	22	26	22	16	94

Applications Removed Due to Quality Control Audit - See Note at End of Report 24

**TOTAL 118**

Projects Received by TRPA

<u>Work Element</u>	<u>Application Type</u>	<u>El Dorado</u>	<u>Placer</u>	<u>Washoe</u>	<u>Douglas</u>	<u>CSLT</u>	<u>TOTAL</u>
1000	Residential	0	0	1	0	0	1
1011.01/09	SFDA/Rebuild	0	3	4	2	0	9
1011.06/07	SFDA Plan Revision	1	3	0	1	0	5
1012.06/07	NSFD Plan Revision	0	0	1	1	0	2
2000	Tourist	0	1	0	0	1	2
3000	Commercial	0	1	0	0	0	1
3202	Gaming	0	0	0	1	0	1
4000	Public Service	0	2	1	1	1	5
5000	Recreation	1	0	0	0	0	1
6601	Erosion Control	1	0	1	2	0	4
7000	Shorezone	1	4	3	0	1	9
8010	Lot Line Adjustment	0	1	1	0	0	2
xxxx.03	Banking	1	0	0	0	0	1
xxxx.14	Transfer	6	1	0	0	6	13
xxxx.15	Verification	1	0	0	0	2	3
xxxx.17	Soils/Hydro	0	1	0	0	0	1
xxxx.18	Subdivision	0	0	2	0	0	2
SA	Site Assessments	0	1	0	1	1	3
RGN	Regional Amendments	0	1	0	0	0	1
APP	LCV/LCC/IPES	0	9	3	6	9	27
TOTAL		12	28	17	15	21	93

Projects by Work Element

	IN	OUT
1000	17	23
2000	2	0
3000	2	1
4000	5	6
5000	1	2
6000	4	0
7000	9	4
8000	22	24
9000	0	0
SA	3	12
RGN	1	1
LCV-LCC-IPES	27	21
Quality Control Audit	0	24
TOTAL	93	118

Total TRPA application work load as of December 31, 2002	452
Total projects received by TRPA in January, 2003	93
Total projects reviewed by TRPA in January, 2003*	118
TRPA workload as January 31, 2003	427

\* Note: 24 applications were removed from the database due to a quality control audit. Staff is continuing to audit the database for accuracy. Future reports may contain revisions based on future audits.

### **PROJECT REVIEW APPLICATIONS**

The following 24 applications are currently under review by the Project Review Division and have been complete for more that 120 days.

<u>APN</u>	<u>Applicant</u>	<u>Application Type</u>	<u>Days Complete</u>
01-151-08 This project is being researched and reviewed as a result of litigation associated with another project.	Fein	BLA	302
01-110-04 Staff anticipates taking an action in February.	Fonden	SFD	234
007-050-12 Staff anticipates taking an action in February.	Villalobos	BLA	219
117-110-07 This project will be scheduled for Governing Board in March with the recommendation of withdrawal or denial.	Rhoades	Shorezone	212
27-010-08 Staff anticipates review in March.	Lake Trout	Timeshare	209
16-221-07 Staff anticipates taking an action in February.	Homer	SFD	209
05-241-08 Staff expects the application to be withdrawn.	Becker	Shorezone	196
90-122-19 Project scheduled for 3/6/03 Hearing Officer.	McGeever	Commercial	191
083-195-06 Staff expects to take an action in March.	Mack	SFD	183
022-210-40 This project was continued at the 2/6/03 Hearings Officer until the 3/6/03 Hearings Officer.	Tahoe Keys	Public Service	182

15-331-26	El Dorado County	Public Service	178
This project is scheduled for the 2/27/2003 Hearings Officer.			
130-350-01	NV State Parks	Public Service	169
This project is scheduled for the March Governing Board Hearing.			
117-080-66	Vaudagna	Shorezone	168
This project is being investigated by the Compliance Division as a possible violation.			
560-102-001	Douglas County	Public Service	163
Staff anticipates taking an action prior to March Governing Board.			
83-081-56	Tirapelli	SFD	148
Staff anticipates taking an action in March.			
123-250-03	NDOT/Denio	Public Service	146
Staff indicates that this project is under review with NSFD and expects to take an action in March.			
117-072-02	Gottlieb	TAU Transfer	143
Staff anticipates taking an action in February.			
83-107-09	Muhr	Tourist Accommodation	143
Staff expects to be able to take an action in March.			
126-470-08	Fetterly	SFD	140
Staff anticipates taking an action in March.			
94-140-14	State of CA	Shorezone	139
Staff anticipates taking an action in March			
123-250-02	Denio	NSFD	139
Staff expects to be able to take an action in March.			
34-771-01	Ubiquitel	Public Service	127
This project is scheduled for the 2/20/03 Hearing Officer hearing.			
127-101-09	Hyatt	Tourist Accommodation	127
Staff anticipates taking an action in March.			
127-030-02	IVGID	Public Service	120
Staff anticipates taking an action in March.			

**Land Capability and IPES Applications:**

The following five applications are currently under review and have been complete for more than 120 days.

<u>APN</u>	<u>Applicant</u>	<u>Application Type</u>	<u>Days Complete</u>
001-090-022	Rockwell Trust	Initial IPES	178
This project is scheduled for fieldwork for the week of March 3, 2003, weather permitting.			



123-021-03 Carol Buck Land Capability Verification 150  
This project is scheduled for fieldwork for the week of March 3, 2003, weather permitting.

091-165-001 Marc Gordon Land Capability Verification 130  
This project is scheduled for fieldwork for the week of March 3, 2003, weather permitting.

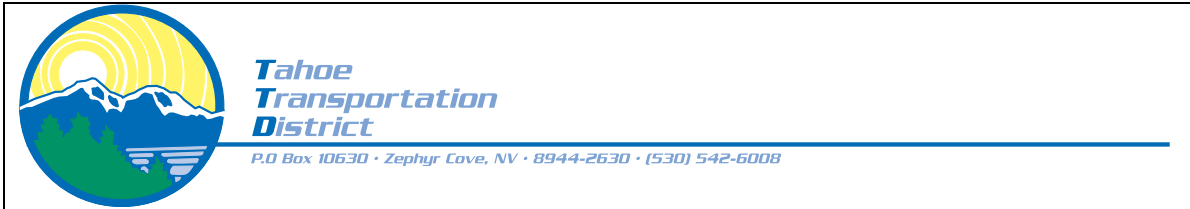
122-131-003 Vince Scott Land Capability Verification 129  
This project is scheduled for fieldwork for the week of March 3, 2003, weather permitting.

005-220-025 George & Eleanor Yonano Initial IPES 268  
This project is scheduled for fieldwork for the week of March 3, 2003, weather permitting.

### **Compliance Division**

There are no projects under review by the Compliance Division that have been complete for more than 120 days.





February 14, 2003

TO: Tahoe Metropolitan Planning Organization  
Governing Board

FROM: TRPA Staff

SUBJECT: Executive Director Report on the Tahoe Transportation District/Tahoe  
Transportation Commission February 14, 2003 Meeting

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Proposed Action: Review of the attached TTD/TTC Agenda and action sheet for the February 14, 2003 regular Meeting of the Board.

Staff Recommendation: Seek clarification as necessary.

If there are any questions regarding this agenda item, please contact Richard Wiggins at (775) 588-4547, x271.

## TAHOE TRANSPORTATION DISTRICT (TTD)

### AGENDA

Tahoe Regional Planning Agency  
308 Dorla Court  
Zephyr Cove, NV

(530) 546-7249

February 14, 2003  
9:00 a.m.

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

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- I. **TAHOE TRANSPORTATION DISTRICT CALL TO ORDER AND GENERAL MATTERS**
  - A. Roll Call and Determination of Quorum
  - B. Approval of Agenda February 14, 2003
  - C. Approval of Minutes of December 13, 2002 meeting of TTD/C.
  - D. Approval of Minutes of January 10, 2003 meeting of TTD/C.
- II. PUBLIC INTEREST COMMENTS (No Action)
- III. CONSENT CALENDAR
- IV. EXECUTIVE DIRECTOR REPORTS
  - A. Purpose and Roles Statements
  - B. Issues Regarding California/NV Budget
  - C. TEA – 21 Reauthorization.
- V. TAHOE TRANSPORTATION DISTRICT (TTD) MATTERS
  - A. Status Report on the TLOS Guidelines for Chapter
  - B. Discussion and Possible Action on Rules of Vote Procedures - Rules of Meeting Procedures and Adoption of Resolution.
  - C. Discussion and Possible Action on TTD Business Plan.
  - D. Discussion and Possible Action on Rental Car Mitigation Funds Relative to No. Shore Trolley Summer Operations.
  - E. Discussion and Possible Action on Approval of TCAT/MCO By-Laws.
- V. TAHOE TRANSPORTATION COMMISSION (TTC) MATTERS
  - A. Presentation on ITS Strategic Plan.
  - B. Presentation on Bicycle Pedestrian Master Plan and Initiation of 30 Day Review.
  - C. Update on the Regional Transportation Plan.
  - D. Update on the Public Participation Procedures for Trans. Planning.

VI. Reports and Informational Items

A. Board and Commission Member Reports.

B. Tahoe Regional Planning Agency and Staff.

1. Master Calendar Review.
2. Transit Sub-Committee of the TTD
3. CTS Update
4. Update on the California Transportation Plan.
5. Review of Agenda for TTD meeting scheduled March 14, 2003.  
(@ NTCC)

VIII. ADJOURNMENT OF THE TAHOE TRANSPORTATION DISTRICT

The next regular meeting of the **Tahoe Transportation District** and the **Tahoe Transportation Commission** will be held Friday, March 14, 2003 beginning at 9:00 a.m., at the Offices of the North Tahoe Conference Center, Kings Beach, CA. Meetings are held on the second Friday of each month pending unforeseen circumstances, upon those unforeseen circumstances, the meeting will be rescheduled for the following Friday.)

ACTION SHEET  
 TAHOE TRANSPORTATION DISTRICT/COMMISSION  
 REGULAR BOARD MEETING  
February 14, 2003

<u>ITEM</u>	<u>ACTION</u>
<b>EXECUTIVE DIRECTOR REPORTS</b>	
A. Purpose and Roles Statement	Continued
B. Issues Regarding California/NV Budget	Received
C. TEA – 21 Reauthorization	Received
 <b>CONSENT CALENDAR</b>	
There were no items on consent.	
 <u>Tahoe Transportation (TTD) Matters</u>	
A. Status Report on the TLOS Guidelines for Chapter 33	Received
B. Discussion and Possible Action on Rules of Vote Procedures Rules of Meeting Procedures and Adoption of Resolution	Approved
C. Discussion and Possible Action on TTD Business Plan.	Received
D. Discussion and Possible Action on RCMF Relative to the North Trolley Summer Operations.	Continued
E. Discussion and Possible Action on Approval of TCAT /MCO By-Laws	Endorsed
 <u>Tahoe Transportation Commission (TTC) Matters</u>	
A. Presentation on Tahoe Basin ITS Strategic Plan	Received
B. Presentation of Bicycle Pedestrian Master Plan and Initiation of 30 day Review.	Received
C. Update on 2004 Regional Transportation Plan.	Received
D. Update on the Public Participation Procedures for Transportation Planning.	Received







# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

To: TRPA Governing Board Members

From: TRPA Staff

Date: February 18, 2003

Re: Prosecution of litigation against Dean Crouse, unauthorized tree removal, 300 Clubhouse Circle, Lake Village HOA common property, Douglas County APN 1318-23-210-036

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Proposed Action: Staff seeks authorization to prosecute litigation against Dean Crouse for civil penalties and injunctive relief for violating the Tahoe Regional Planning Compact and the TRPA Code of Ordinances. Therefore, if negotiations with Dean Crouse ("Crouse") remain unfruitful, staff is able to initiate litigation without further Board action. Crouse, a townhouse owner in Lake Village, cut a tree on Lake Village Homeowner's Association ("HOA") common property without TRPA or HOA approval. The litigation will be in place of an administrative show cause hearing. Pursuant to Rule 9.1(b) of the TRPA Rules of Procedure ("Rules"), the TRPA Governing Board must consent to such action.

Staff Recommendation: Staff recommends that the Governing Board consent to prosecute litigation, therefore bypassing the Show Cause Hearing process set forth in Article IX of the Rules. Such an administrative hearing would not be a prudent use of TRPA resources in this instance because a hearing is not likely to result in the discovery of important facts.

### Discussion:

On November 21, 2002, TRPA Associate Environmental Specialist Jesse Jones responded to a report from Lake Village HOA staff regarding a tree cut on HOA common property. Jones visited the site and discovered a healthy 12" dbh (diameter at breast height) Jeffrey pine had been cut that day. Dean Crouse of townhouse unit 208 admitted to cutting the tree. Crouse explained his concern that the tree would fall on his car and his position that the action was appropriate since the tree was "marked" for removal, presumably pursuant to a permit. Staff collected evidence that the tree had been very recently marked – perhaps immediately prior to the felling of the tree. However, the marking was not pursuant to a permit and was not done by one with the authority to do so.

TRPA staff believes that Crouse most likely marked the tree very near to the time it was cut. Staff further believes that a can of blue spray paint was used to "counterfeit" an authorized tree removal permitting activity. The tree stood in the view from Crouse's townhouse toward Lake Tahoe. TRPA needs to deter such willful conduct, especially given the economic incentive of view enhancement.

Staff offered to recommend a settlement comprising of a \$5,000 fine and as-of-yet unspecified restoration work,<sup>1</sup> an offer consistent with past settlements. Crouse rejected this offer, contending that his mistake of cutting a marked tree does not warrant such a penalty and claiming an inability to pay \$5,000. If the Governing Board provides consent pursuant to Rule 9.1(b), staff will file a lawsuit against Crouse seeking more than \$5,000.<sup>2</sup>

This agenda item will be considered by the Legal Committee and then by the full TRPA Governing Board on the Consent Calendar. If you have any questions concerning this item, please contact TRPA Assistant Agency Counsel Jordan Kahn at (775) 588-4547 extension 286 or via e-mail at: [jkahn@trpa.org](mailto:jkahn@trpa.org).

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<sup>1</sup> According to TRPA's Registered Professional Forester, the on-site restoration opportunities are limited. The fallen tree is located on an "island" adjacent to a parking lot in the subdivision; a small tree planted on that island will have a low rate of survival. TRPA staff proposes that the restoration work take the form of Crouse providing landscaping services to the Lake Village HOA (perhaps 40 hours worth of work). The HOA supports this arrangement.

<sup>2</sup> A variety of legal theories could support an award of more than \$5,000 for the removal of one tree, including continuing violation and multiple violations of TRPA regulations.

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### TAHOE REGIONAL PLANNING AGENCY STAFF SUMMARY

Project Name: Chaplinsky Conversion of a Boat Ramp to a New Pier, and the Removal and Reconstruction/Reconfiguration of a Shoreline Protective Structure

Application Type: Shorezone

Applicant: Rob Chaplinsky, owner; Leah Kaufman, As Agent

Agency Planner: Brenda Hunt, Associate Planner, Project Review Division

Location: 90 Shoreline Circle, Washoe County, NV

Assessor's Parcel Number / File Number: 122-162-026/20010765

Staff Recommendation: Staff recommends approval of the proposed project, as conditioned, based on this staff summary and evidence contained in the project record. The required actions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing to remove an existing concrete boat ramp/rail system and a concrete sandbag retaining wall surrounding the boat ramp, and build a new pier. The proposed pier is to extend 150 ft., approximately 60 feet short of the TRPA pierhead line. The proposed pier will be constructed with single pilings and will be 6 feet wide. The pier deck will be at elevation 6232 Lake Tahoe Datum. The pierhead will have double pilings and measure 10 feet wide. A 3' x 45' catwalk and a single low-level boatlift will be attached to the pierhead. (Exhibit A)

The project also involves the removal of an existing decomposing mortared-solid rock shoreline protective structure. This structure will be rebuilt as a dynamic revetment which will allow more natural shoreline protection, provide feed and escape/cover habitat for fish, and address scenic concerns.

Site Description: The lake-bottom substrate in the project area has been mapped and verified as prime fish feed and escape/cover habitat and is composed of large boulders and cobbles with interspersed sand and gravel beds. The upland project area is approximately 22,043 square feet (0.5060 acres) in size and is developed with a single-family residential dwelling. The backshore contains a large nearly vertical shorezone protective structure consisting of large boulders mortared together, a concrete boat ramp/rail system with a cement bag retaining wall, and other minor backshore structures. There are rock jetties associated with both adjacent properties to the West and East. The parcel is composed of Land Capability Districts 1b (backshore), 4 and 6 and is visible from Scenic Shoreline Travel Unit #23 which is currently not in attainment with TRPA scenic thresholds. The project area is also visible from the Burnt

Cedar Beach Recreation Area which is a TRPA identified scenic resource. The proposed pier and shoreline protective structure, however, are not visible from the highway.

Issues: The primary issues associated with this project are fish habitat, soil erosion/water quality, and scenic quality. Additionally, two of the neighbors (directly adjacent to the east and west), and the Incline Village General Improvement District (IVGID), have written letters of objection, and have expressed concern at previous Governing Board meetings about the project. These issues are addressed in more detail in the following paragraphs.

Prime Fish Habitat: The proposed project is located in mapped and verified feeding and/or escape cover habitat. The removal of the existing concrete boat ramp and the associated cement sandbag retaining wall will allow for the restoration of approximately 220 square feet of currently encapsulated fish habitat. The project will also provide additional feeding and/or escape cover habitat with the construction of a more 'fish friendly' shoreline protective structure.

Shoreline Erosion: The existing shoreline protective structure is nearly vertical and has been severely undercut by wave action and ice damming, causing the shoreline to erode and deepen at the toe of the wall. Portions of the existing structure are falling into Lake Tahoe, increasing the instability of the structure and the shorezone. The combination of the location of the Chaplinsky property (between two man-made rock jetties), the moderately deep water near shore, and the moderate to moderately high wave energy, results in continued erosion problems at this site. Associated with the erosion problem are the potential for vegetation loss and a decrease in water quality resulting from the instability of the shoreline.

As stated in the Geotechnical Report, the erosion of fine to medium grain soils tends to be severe. The redesign of the protective structure has incorporated the wave size and energy in reflection/refraction found at the site. The proposed structure will enhance water quality, littoral processes, and increase the amount of feeding and/or escape cover fish habitat within the project area.

Scenic Quality: The project area is visible from Scenic Shoreline Unit Number 23, Crystal Bay, which is not in attainment with the scenic threshold. It is also visible from IVGID's Burnt Cedar Beach which is an identified TRPA scenic resource. TRPA staff has worked with the applicant's representatives to develop a scenic mitigation package that is consistent with the recommendations for improving the scenic quality identified in the Scenic Quality Improvement Program (SQIP) and the new Scenic Ordinances approved by the Governing Board in November. The mitigation package is expected to result in an incremental improvement in the scenic quality of the project area after removal of the boat ramp, reconstruction of the shoreline protective structure, and construction of the new pier. Views of the project from Burnt Cedar Beach Recreation Area will be minimized as a large portion of the pier will be hidden behind the existing rock jetty on the adjacent neighboring property. Scenic simulations as viewed from the Lake and from Burnt Cedar Beach are attached (Attachments B & C).

Scenic Assessment Results: The applicant's existing shoreland contrast rating score is 17. In order to undertake the project the applicant has proposed scenic mitigation to obtain the required score of 21. Additionally, the applicant is

required to mitigate the proposed shorezone structure 1.5:1 times as this Scenic Shoreline Unit is not in attainment.

*Scenic Mitigation Measures:* The applicant has proposed to mitigate the scenic impacts of the project by repainting the residential dwelling to a darker greenish gray color (rated 5 or below on the Munsell color chart). The proposed landscape plan, the permit conditions of approval, and the visual simulation provide increased screening for the residential dwelling from both the lakeside view and the view from Burnt Cedar Beach. Native conifers and other native plant species will screen a large portion of the perimeter of the residence. Additionally, a landscaping plan consisting of appropriate species for the backshore (native willows, alders and cottonwoods) will be implemented in conjunction with the rebuilding of the shoreline protective structure and removal of the existing boatramp. These mitigation measures will bring the subject property into conformance with the new Scenic Ordinances. Please note that the permit has been conditioned to ensure the allowable visible area on any future development within the shoreland on the subject property, will be reduced by 20% due to the addition of the pier.

Letters of Objection: We have received four letters of objection regarding this project. A letter was received the morning of the Governing Board hearing on August 28, 2002 from Mr. Brad Elley, an attorney representing Mr. Edward A. Seykota, Mr. Chaplinsky's neighbor directly to the northwest. A second letter was received on August 28, 2002 from an anonymous party. The third letter was received on September 6, 2002 from Ms. Doris Khashoggi, Mr. Chaplinsky's neighbor directly to the southeast. The fourth letter was received February 14, 2003 from Dan St. John, the Assistant General Manager of Public Works for the Incline Village General Improvement District (See Exhibits D, E, F & G respectively).

The concerns outlined in these letters include the potential for the project to impact:

- the scenic views from the various party's properties,
- decibel levels at the IVGID Beach due to the additional boating noise,
- the safety of IVGID swimmers and beach goers due to the proximity of the proposed pier to their swim lines, and
- Mr. Seykota is concerned that the project was reviewed based on a false assumption that his property was part of the IVGID Burnt Cedar Beach Recreation Area, and that Lake access to his property will be effectively denied by the project.

Staff has spoken to all parties in relation to their concerns. A letter (Exhibit H) was written to Mr. Elley (Mr. Seykota's Attorney) and copied to the applicant and his consultant on August 28, 2002 stating the need for all parties to meet to try and resolve their concerns. To date, staff has not been able to meet with all the concerned parties at one time. However, Leah Kaufman (Mr. Chaplinsky's Planning Consultant) and Gregg Lein (Mr. Chaplinsky's Attorney) have stated that negotiations on the potential for a multiple-use pier have proceeded between the concerned parties' attorneys, but have been unsuccessful to date. A letter dated December 13, 2002 was sent to Mary Linde (Ms. Khashoggi's Attorney) by Gregg Lein (see Exhibit I). As the Governing Board

Members are aware, both neighbor's representatives spoke at the December Governing Board hearing. As directed by the Board, the applicant's have continued to negotiate with the aggrieved parties for the past two months. Again, it is staff's understanding that these negotiations have continued to be unsuccessful.

The project, as proposed, addresses scenic concerns in relation to the TRPA Thresholds, as outlined above in the section titled Scenic Quality and as conditioned in the draft permit. Mr. Seykota has concerns that the project was reviewed based on a false assumption that his property was part of the IVGID Burnt Cedar Beach Recreation Area. This concern stems from the Geotechnical Report by Robert Joslin which mistakenly includes Mr. Seykota's parcel in the project area. This issue was noticed and considered in staff's review. To specifically address this concern, staff has included a permit condition stating that the project is authorized on APN: 122-162-026 only. Additionally, Mr. Joslin has submitted a revised copy of his Geotechnical Report for the file record, which corrects this error.

Mr. Seykota also raised a concern about the navigational access to his property. The proposed pier meets the 20 foot setback requirement and all other design standards as outlined in the staff analysis below. During the review, staff contacted Richard Gebhart with the United States Army Corps of Engineers in respect to the navigational safety issues and was told that the Corps does not see this pier as impacting navigational safety on Lake Tahoe. Mr. Seykota's letter proposes that a multiple-use designation for the pier would be an appropriate solution. In relation to the potential for a multiple-use facility, the width of Mr. Seykota's property, according to the Assessors Parcel Map, is approximately 20 feet wide and as such, does not meet the setback requirements outlined in the TRPA Code of Ordinances required for any proposed shorezone accessory structures. As this parcel would not be allowed a new pier due to the setback limitations, the potential for limiting additional shorezone development on this parcel with a multiple-use designation would not apply.

Mary Linde (Mrs. Khashoggi's Attorney) expressed her opposition to the proposed project at the December Governing Board hearing. She and her client are concerned that if the proposed project is approved, it would limit her client's ability to have a pier in the future. At present, Mrs. Khashoggi parcel is located in prime fish habitat and as such, is subject to the pier location standard prohibitions outlined in the Code of Ordinances. Therefore, TRPA could not approve a new pier in relation to her parcel at this time. The Code allows for the setback/projection lines to be modified in a cove situation when required. The applicants have provided a diagram which shows that it is possible for an additional pier to be placed within the cove if, in the future, the fish habitat prohibition is lifted. Ms. Linde and Mrs. Khashoggi are advocating for a multiple-use pier, and have asked that the Governing Board direct the applicant to enter into a multiple-use pier agreement. The Governing Board decided to continue this project item to allow the parties to work out their differences and continue negotiations toward a multiple-use pier agreement. As stated above, the applicant and his representatives have been unsuccessful to date in reaching an agreeable solution.

In relation to the concerns of IVGID, staff has been informed that the applicant's representatives presented the project to the IVGID Board of Trustees on January 29, 2003 and on February 12, 2003. As the owner of Burnt Cedar Beach, the IVGID Board

has voted to formally object to the proposed project. The objections, as outlined in their letter, relate to scenic concerns, noise, and safety. As mentioned above, the project's scenic concerns related to TRPA Thresholds have been adequately addressed by the proposed scenic mitigation package. The Plan Area Statement limits the noise in this Community Noise Equivalent Level to 55. The project has been conditioned to ensure that boats using the proposed pier shall not exceed this noise level. In relation to safety, TRPA, the US Coast Guard, and State of Nevada have Ordinances or laws that limit the speed of boats near the shore. All boaters on Lake Tahoe are subject to these regulations when operating near the shore. Additionally, safety could be increased in this vicinity with the placement of Navigational Safety Buoys off the existing jetty on the Seykota property and in front of the IVGID Beach Swimlines. This is not a condition of the permit at this time, but may be a solution to the safety concerns outlined by IVGID.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC), a Fish Habitat Environmental Assessment, a Soil and Geotechnical Investigation Report, and a visual simulation. 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 IEC, and the above mentioned items will be made available at the Governing Board hearing and at the TRPA offices.
- B. Plan Area Statement: The project is located within Plan Area Statement Number 37/ Lakeview. The Land Use Classification is Residential, and the Management Strategy is Mitigation. The proposed use (pier) is an allowable accessory structure. The proposed reconstruction of the shoreline protective structure is a special use accessory structure in the Plan Area Statement with the associated allowed use being residential.
- C. Land Coverage:
1. Land Capability District: The land capability districts of the project area include classes 6, 4, and 1b (backshore). The total project area is 22,043 square feet (0.5060 acres).
  2. Total Allowable Land Coverage: 4,975 square feet
  3. Total Existing Land Coverage: 6,240 square feet
  4. Total Proposed Land Coverage: 5844 square feet
  5. Excess Land Coverage Mitigation: The applicant will be required to mitigate the excess land coverage within the project area in accordance with Chapter 20 of the TRPA Code of Ordinances.
- D. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. Projects within Shorezone Tolerance District 7 must ensure stabilization and the least environmental impact to the backshore. Vehicle access to the shoreline is not permitted except where access will not cause environmental harm and pedestrian

access to the shoreline is limited to stabilized access ways. The project, as conditioned, complies with the shorezone tolerance district development standards.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 20, 50, 51, 52, 54 and 55 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 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.

- (1) Land Use: Beach Recreation is listed as an allowed primary use within the Lakeview Plan Area Statement. The proposed project involves the construction of an allowed accessory structure (pier) and the reconstruction/reconfiguration of a special use structure consistent with the Land Use Element of the Regional Plan. Surrounding land uses consist of residential properties with accessory shorezone development consisting of piers, jetties, and buoys. The proposed project will not alter any land use patterns.
- (2) Transportation: The proposed pier will serve the homeowners of the affected parcel and, as such, will not result in an increase of daily vehicle trip ends (dvte) to the subject parcel or vehicle miles traveled (VMT).
- (3) Conservation: The project, as conditioned, is consistent with the Conservation Element of the Regional Plan. The proposed colors and design are consistent with the TRPA Design Review Guidelines. The project area is within a Scenic Shorezone Unit which is not in scenic attainment. The project must show a scenic improvement in order to be approved. The applicant has proposed to paint the residential dwelling a darker color (5 on the Munsell Color Chart) and to provide additional landscape screening for the dwelling and the reconstructed shoreline protective structure, to ensure that adverse scenic impacts will be mitigated and that the project will result in an incremental scenic improvement. This project, as conditioned, will not result in the obstruction of any scenic vista or view open to the public and is consistent with the scenic thresholds (See Section 1.a (4) re: Burnt Cedar Beach Recreation Area). No Tahoe Yellow Cress (*Rorippa subumbellata*) was found on the site visit conducted 17 June 2002. The area is mapped and verified feeding and/or escape cover fish habitat. The project is expected to improve the fish habitat as discussed in the fish habitat study by A.A. Rich and Associates. A monitoring plan will be required to provide evidence regarding the establishment of fish habitat. As part of the project,



the applicant will install the required water quality Best Management Practices (BMPs) on the parcel in accordance with Chapter 25 of the TRPA Code. There are no known special interest animal species or cultural resources within the project area.

- (4) Recreation: The project is visible from the Burnt Cedar Beach Recreation Area, an identified TRPA Scenic Resource. The proposed pier will be partially hidden by an existing rock jetty. Scenic mitigation measures associated with the landscaping of the rock protective structure and the views to the existing house from the Lake and Burnt Cedar Beach, will provide an improvement to scenic threshold. The proposed pier will be similar in length to adjacent existing piers and will not extend beyond the TRPA pierhead line. The proposed pier will not adversely affect recreational boating or top-line angling.
- (5) Public Service Facilities: This project does not require any additional public services or facilities.
- (6) Implementation: The proposed project does not require any allocations of development.

- 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 Governing Board hearing and at the 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 1.b, above.)

## 2. Chapter 20 - Land Coverage Relocation Findings:

- a. The relocation is to an equal or superior portion of the parcel or project area.

The proposed project will require that 100 square feet of coverage be relocated in the backshore to allow access to the pier. The area of relocation has been previously disturbed as it is part of the existing rock

shoreline protective structure. The relocation area currently contains no natural vegetation. All relocated land coverage is being relocated within Class 1b (backshore). There is no relocation of land coverage from a higher class to a lower class. In accordance with Subsection 55.4.D of the TRPA Code of Ordinances, the applicant will be required to restore an area of land in the backshore in the amount of 1.5 times the amount of land in the backshore to be covered.

- b. The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

Pursuant to Subsection 55.6 of the TRPA Code of Ordinances, restoration of the area will be required where the shoreline protective structure is to be reconstructed/reconfigured and the access to the existing boat ramp is being removed. All restoration activities will use species listed on the TRPA-approved plant list as species appropriate for the backshore site conditions.

- c. The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.

No land coverage is proposed to be relocated from a higher land class to a lower class. All relocation will occur within land class 1b (backshore).

3. Shorezone Findings (Chapter 50):

- a. The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The removal of the concrete boat ramp and the proposed reconstruction/reconfiguration of the shoreline protective structure will improve littoral processes by dissipating the wave energy over a permeable rock protective structure as opposed to the existing situation. The proposed new pier is 90 percent open and meets all TRPA Design Guidelines. The proposed project is located in an area mapped and verified as prime fish habitat (feed and escape/cover) and will not adversely impact fish spawning. There will be a net gain in fish habitat in relation to the proposed project. The removal of the existing boat ramp will make available 220 square feet of additional fish habitat. The area where the boat ramp is to be removed and the shoreline protective structure is to be reconstructed/reconfigured, will be revegetated and stabilized. The proposed pier will extend from the reconstructed shoreline protective structure and have minimal impact on the backshore. The proposed project is not located within an area that is mapped as on-shore wildlife habitat nor has the site been shown to be a waterfowl nesting area.

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

The project is located in the shorezone of a property that is verified as residential. The pier will only be used by the property owners and their guests.

- c. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.

The project is compatible with existing shorezone accessory uses (piers, buoys and rock jetties) in the vicinity. The proposed pier will not extend beyond the TRPA pierhead line. The pier is located in a cove created by two existing rock jetties. The pier will be constructed within the 20-foot setbacks from the neighboring parcels as required by the TRPA Code.

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

The proposed pier is located in the foreshore and nearshore of Lake Tahoe and is water-dependent.

- e. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). Also, conditions of approval prohibit the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

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

The applicant shall not store construction materials on the beach or in the backshore. Permanent disturbance to ground and vegetation is prohibited. The construction of the pier will be accomplished from the lake by barge. The removal and reconstruction of the rock protective structure will be done from the upland. All construction and grading activities will adhere to the standards found in Chapters 62 and 63 of the TRPA Code of Ordinances. Temporary BMP's will be required to ensure disturbance is minimized.

- g. 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 proposed pier will not extend beyond the TRPA pierhead line. The U.S. Army Corps of Engineers must also review this project for navigational safety. The U.S. Army Corps of Engineers have conducted a site visit and completed a preliminary review. No safety or navigation impacts were identified and the Corps has determined the proposed project will have minimal impacts. The US Coast Guard also has jurisdiction in relation to the boating associated with the subject pier.

- h. 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 this project.

This applicant must receive approval from the Nevada Division of State Lands and the U.S. Army Corps of Engineers for the proposed project. Comments from these agencies were solicited as part of the review of this project. The project was also discussed at the Shorezone Review Committee for further multiple agency review. The Corps has stated they will permit the project under their General Permit 16. It should be noted that the Incline Village Improvement District has formally objected to this pier due to safety concerns for the users of the Burnt Cedar Beach (See Issues Section).

4. Chapter 51 – 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.

According to the Plan Area Statement, Shoreline Protective Structures are considered a special use. The existing shoreline protective structure is currently being undermined by wave action and portions of the mortar and rock are falling into Lake Tahoe. The proposed removal and reconstruction/reconfiguration of the existing protective structure is of a nature, scale, density, intensity and type to be an appropriate use within this project area, as it will control the erosion at this site and improve water quality. The proposed protective structure will be an improvement to the scenic quality of the project area and its surroundings as it will mimic the natural rocky shoreline. The permit will be conditioned to require a monitoring plan to ensure that the proposed benefits relating to the creation of additional fish habitat, better littoral processes and scenic improvements are realized.

- 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, as proposed, will utilize best management practices during the removal and reconstruction/reconfiguration of the shoreline protective structure to ensure the project is not injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or neighboring properties. The replaced structure, as proposed, will protect the land and water resources along this portion of shorezone and should improve the littoral process in and around the project area.

- 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 removal of the existing shoreline protective structure and the replacement, reconstruction/reconfiguration will not change the character of the neighborhood or detrimentally affect or alter the purpose of the plan area statement. In fact, the proposed shoreline protective structure and landscaping should enhance the character of the area. The proposed reconfiguration of this structure is only proposed for the Chaplinsky property and will be confined to the subject parcel boundaries.

5. Shorezone Findings (Chapter 52):

- a. The structure, including any expansion, remains in compliance with the applicable development standards.

The project proposes to remove an existing shorezone structure (boat ramp) and replace it with a new pier. The proposed pier will be a 90% open piling design and will meet all of TRPA's development standards. The removal and reconstruction/reconfiguration of the shoreline protective structure will meet all the TRPA development standards as stated in the findings for Sections 54.13 and Section 55. 4.C outlined below. TRPA staff has inspected the subject parcel and has determined that the proposed project will not adversely impact fisheries due to the proposed pier design and construction methods. The project also will not create a degradation of any of the other environmental thresholds (Finding #1.b above). The proposed pier project is located within Scenic Shoreline Unit 23 (Lakeview), which is not in attainment with TRPA scenic quality thresholds. The applicants are proposing a scenic mitigation package that is expected to result in an incremental improvement in the scenic quality of the project area.

- b. The repair and any expansion conforms to the design standards in Section 53.10.

Consistent with TRPA Code Section 53.10, the color of the new pier will be compatible with the surroundings. Conditions of approval will ensure that earth tone colors are used on the new pier and the specific colors

must be reviewed and approved by TRPA prior to acknowledgement of the permit.

- c. The project complies with the requirements to install Best Management Practices (BMPs) as set forth in Section 25. 2.

All of the required permanent and temporary BMPs will be installed as a condition of approval.

6. Shorezone Findings (Chapter 54):

- a. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protection structures.

The applicant has provided documentation that the shoreline erosion problem at this project site will require remedial measures. The removal of the existing mortared shoreline protective structure and the reconstruction/reconfiguration with a more dynamic, sloping, and permeable structure will enhance soil protection, improve water quality, enhance scenic quality, and provide improved fish habitat.

- b. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures.

See 5(a) above.

- c. Each protective structure has been designed to be sloping and permeable.

The proposed shoreline protective structure to replace the existing near vertical mortared shoreline protective structure will be sloping and permeable. A landscaping plan for the structure will provide substantial riparian plantings of willows, alders and cottonwoods to screen the structure, and once established, provide added stability to the site.

- d. Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.

Shoreline processes within this area are man-modified. The project area is “protected” to the west by a large rock jetty. The existing shoreline protective structure meets this jetty at an acute angle. The proposed shoreline protective structure will slightly curve/taper toward the existing jetty, but will not extend onto the neighboring property. Due to the characteristics of this rock jetty and the design of the new shoreline protective structure, the risk of additional erosion is very slight. The

project anticipates an increase in the transport of littoral sands on the subject property.

The new shoreline protective structure will be tapered to meet the neighboring property boundary to the east with the use of smaller, less densely placed rocks toward the property boundaries. The original design of the shoreline protective structure as outlined in the Joslin Geotechnical Report, was designed to include the adjacent parcel to the Northwest, however, this design has been modified and the permit conditioned to ensure that the proposed project is located only on Mr. Chaplinsky's property and that the transition will have no significant impact on the neighboring properties. Based on the design of the structure, the project will improve the transport of littoral sand so this process can occur more naturally.

7. Shorezone Findings (Chapter 55):

- a. The project, program or facility is necessary for environmental protection.

See 5(a).

- b. There is no reasonable alternative, which avoids or reduces the extent of encroachment in the backshore.

Complete removal of the existing shoreline protective structure without further protection will result in increased erosion of the backshore. The Geotechnical Report estimates that several hundred cubic yards of soil would be transported into the Lake without the proposed structure. There is also the potential for long-term loss of several trees and continued erosion of the subject property. Staff concurs that there is no reasonable alternative to the proposed encroachment in the backshore. All construction activities and final outcomes will be monitored to ensure the project is implemented and functions as proposed.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect for the project.
- II. A motion to approve the project based on this staff summary subject to the conditions contained in the attached draft permit:

DRAFT PERMIT

PROJECT DESCRIPTION: Conversion of existing boat ramp to a new pier, with removal and reconstruction/reconfiguration of the shoreline protective structure.

APN: 122-162-26

FILE NO. 20010795

PERMITTEE: Rob Chaplinsky

COUNTY/LOCATION: 93 Shoreline Circle, Washoe County, NV

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on February 26, 2003 subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on February 26, 2006 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of driving the pier pilings 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 HAVE ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT.

\_\_\_\_\_  
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: \_\_\_\_\_ Date \_\_\_\_\_  
.....

PERMIT CONTINUED ON NEXT PAGE



APN 122-162-26  
FILE NO. 2001765

Excess Coverage Mitigation Fee<sup>(1)</sup>: Amount \$ \_\_\_\_\_ \* Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Shorezone Mitigation Fee<sup>(2)</sup>: Amount \$ 5,000 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Posted<sup>(3)</sup>: Amount \$ \_\_\_\_\_ \* Posted \_\_\_\_\_ Receipt No. \_\_\_\_\_ Type \_\_\_\_\_

Security Administrative Fee<sup>(4)</sup>: Amount \$ \_\_\_\_\_ \* Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Notes:

(1) \*Amount to be determined. See Special Condition 3.B, below.

(2) See Special Condition 3.C, below.

(3) \*Amount to be determined. See Special Condition 3.D, below.

(4) \*\$139 if cash security is posted, or \$72 if non-cash security is posted. See attachment "J".

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:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

- .....
1. This permit specifically authorizes the removal of an existing boat ramp and concrete sandbag retaining wall and the placement of a new pier. The pier shall not exceed 150 feet in length (as measured from the high water line). The pier shall be six feet wide and supported by single pilings. The construction of a double piling 45 foot by 10-foot pierhead (includes catwalk, landing, and ramp), and a single low-level boatlift, to be placed on the south east side of the pier, is also authorized by this permit. This permit does not authorize railings, pilings, or other structures above the pier deck. The permit also authorizes the removal of an existing mortared rock shoreline protective structure. A new permeable (dynamic toe) rock shoreline protective structure will be reconstructed along the shoreline of the subject parcel only (approximately 70 linear feet). The structure shall be constructed along the existing shoreline between lake bottom elevations 6,227' and 6,232'. This permit specifically prohibits the filling of any portion of the lagoon to create additional land area on the subject parcel. No existing or proposed buoys are verified or approved under this permit.
  2. The Standard Conditions of Approval listed in Attachment S, where applicable shall apply to this permit.
  3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

- A. The site plan and/or construction plans shall be revised to include:
1. Placement of a turbidity curtain, caissons and erosion control fencing during boat ramp removal, pier construction and any work involving modification of the shoreline.
  2. Placement of the pier so all portions of the proposed boatlift are within 20 feet of the TRPA setback lines.
  3. TRPA approved low-level lighting details for the pier as per Standard 54.4 Guideline 6 in the TRPA Design Review Guidelines.
  4. A dynamic component of the shoreline protective structure shall be implemented at the toe of the slope to provide a smooth transition for wave run-up.
  5. The location of the construction access and staging area shall be defined with vegetation protection fencing. All construction staging and material storage for the shoreline protective structure shall be on asphalt or previously disturbed areas. A note indicating: “All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.”
  6. All required permanent Best Management Practices (BMP’s) for the entire project area.
  7. Temporary erosion control structures located down slope of the proposed construction areas. *Please Note: Straw bales are no longer preferred for temporary erosion control and straw is no longer a recommended 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 strongly encouraged.*
  8. Vegetation protective fencing around the entire construction site. Where a tree exists within the construction area, please surround with vegetation protection fencing beyond the dripline of the outermost branches.
  9. The following revised land coverage calculations:
    - a. Existing and proposed land coverage calculations for each land capability district, shall be revised to be consistent

with the land coverage verified as legally existing by TRPA on November 6, 2000 (APN: 122-162-26 Site Assessment). The land coverage calculations shall reflect the following proposed conditions:

Existing Land Coverage	6240 sq. ft.
Proposed Land Coverage	5844 sq. ft.
Relocated Class 1b Land Coverage	100 sq. ft.

- b. The permittee shall restore an area of land in the backshore in the amount of 1.5 times the amount of land in the backshore to be covered.
10. A detail of the cross section of the proposed rock shoreline protective structure, including elevations and slope ratios.
  11. The permittee shall submit 3 sets of the final construction drawings and site plans to TRPA.
- B. The permittee shall submit the Landscape Planting Plan and Specifications which include the size, species type and planting details for the entire project area. This landscape plan shall also be revised to include:
1. Notes stating that all vegetation shall be consistent with the requirements of Chapter 30, Chapter 55.6, and Chapter 74.2 of the TRPA Code of Ordinances, including the specification for sizing and species of plants, and that the proposed plants shall be from the TRPA approved plant lists as described in Table 1 of the Home Landscaping Guide for Lake Tahoe and Vicinity.
  2. A full planting plan for the area between the residence and the shoreline. No non-native trees shall be planted and be visible from Lake Tahoe or Burnt Cedar Beach Recreation. All plants on the submitted landscaping plan that are not on the TRPA approved plant lists shall be replaced with appropriate species. Plans for the shoreline protective structure shall be appropriate for the backshore and include, but not be limited to, native willow, alders and cottonwood trees. Upland area plantings shall use native evergreen species to increase the screening of the residence.
  3. A note detailing that no non-native soil is to be used in the backshore areas.
  4. A note detailing that no lawn shall be placed in the backshore/backshore setback. All existing and proposed lawn areas shall be shown on the final approved plan.

5. A note stating that the excavation hole left by the demolition of the existing shorezone protective structure shall be filled with appropriate soil and rock (See Condition of Approval 6) similar to the applicable Land Capability Districts within the 1b (Backshore) and SEZ setback areas. **Upon completion of the demolition of the existing shorezone protective structure, please contact TRPA so that staff can confirm the existing soils and the appropriateness of the replacement soil.**
  6. A fertilizer management plan in accordance with TRPA Code Section 81.7.A.
  7. The permittee shall submit a landscape monitoring plan which requires that annual reports be submitted to TRPA Project Review Division staff by September 1 each year until TRPA determines that the proposed landscaping has been established according to the approved plans. Any landscaping that fails, shall be re-planted as directed by TRPA until planting succeeds. TRPA may make occasional site visits to ensure accuracy of the reports.
  8. The final landscape plan shall be reviewed and approved by TRPA prior to permit acknowledgment.
- C. The permittee shall mitigate 1,265 square feet of excess land coverage on this property by submitting an, excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 1, Incline.

To calculate the amount of excess coverage to be removed, use the following formula:

- (1) Estimated project construction cost multiplied by the fee percentage factor 0.0012 divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

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

- (2) Coverage reduction square footage (as determined by formula (1) above multiplied by the coverage mitigation cost fee of \$12.00 per square foot for Nevada projects. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

- D. The permittee shall submit a shorezone mitigation fee totaling \$5,000 (\$4,500 for new pier and \$500 boat lift addition).

- E. The security required under Standard Condition A.3 of Attachment S shall be determined upon the permittees submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required Security Administration Fee.
4. All construction activity relating to the rock shoreline protection structure shall occur during the grading season, between May 1 and October 15.
5. All construction activity related to the pier shall occur between October 1 and May 1 to minimize impacts to the sensitive life stage of littoral fishes.
6. All rock material (sand, gravel, cobble, and boulders) imported to the site for use in the shoreline protection construction shall be thoroughly washed and shall be free of any silt and clay material. The permittee shall submit a certification from a qualified professional geotechnical engineer that all the imported rock is free of minus #200 sieve material, prior to placing the material into the shoreline protection.
7. Best practical control technology shall be employed to prevent earthen materials from being resuspended as a result of project construction and from being transported to adjacent lake waters. The permittee shall install a turbidity screen around the entire construction site (in the water), or a location determined to by the TRPA Environmental Compliance Officer prior to construction. Caissons may be used for placement of the pier pilings at the discretion of the TRPA Environmental Compliance Officer. The turbidity screen may be removed upon project completion only upon satisfactory inspection by TRPA to insure that all suspended materials have settled.
8. The use of preservatives on wood in contact with the water is prohibited and extreme care shall be taken to ensure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin (TBT) are prohibited.
9. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
10. Gravel, cobble, or boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
11. All construction staging for the pier shall take place from a barge (off-shore).
12. Disturbance of the lakebed materials shall be kept to the minimum necessary for project construction.
13. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

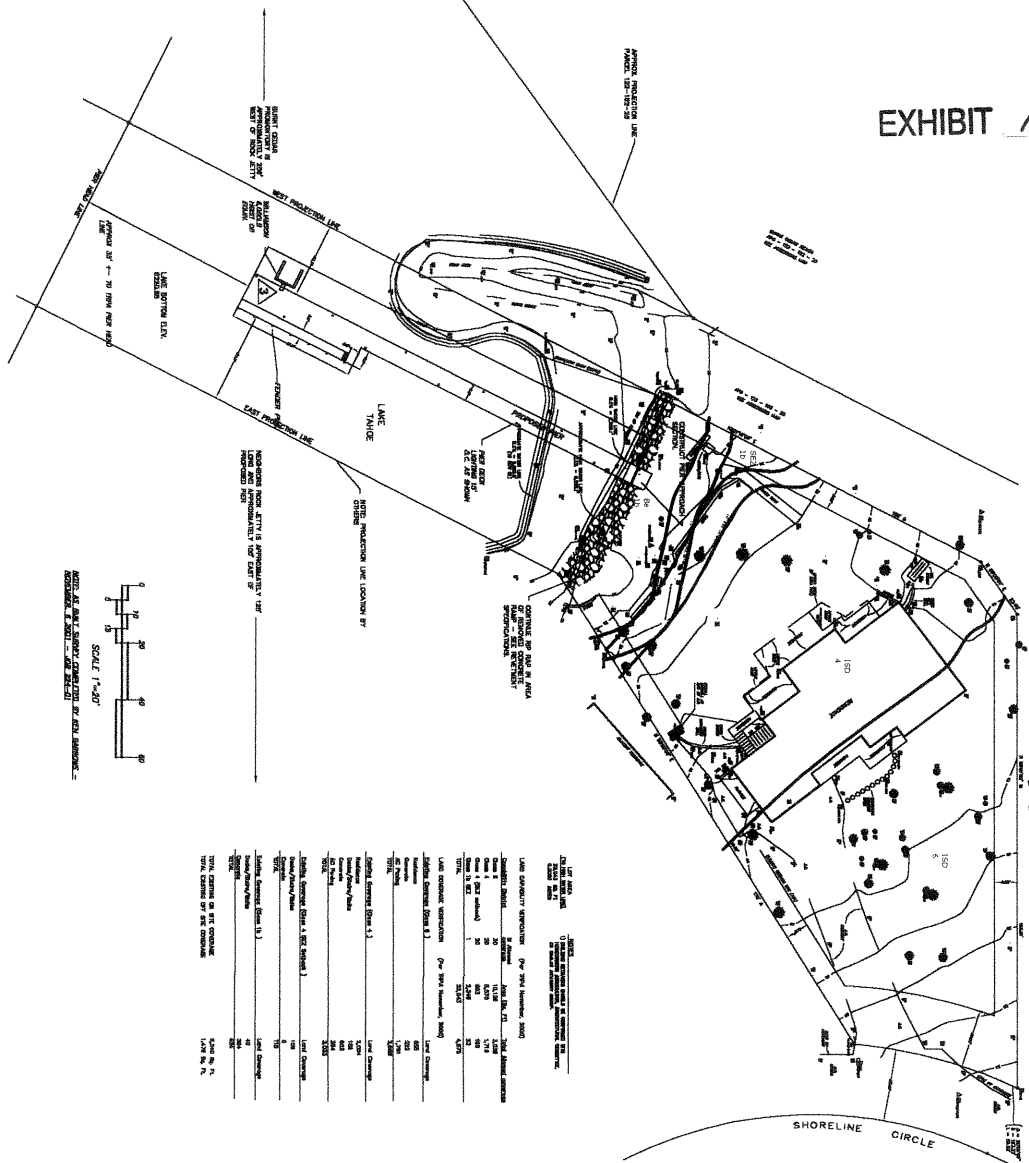
14. All existing and proposed trees and shrubs on this parcel that are visible from Lake Tahoe and Burnt Cedar Beach shall be maintained in accordance with the visual analysis and approved landscape plan. Limited pruning of the existing and proposed vegetation is allowed in order to maintain site conditions consistent with the visual simulation and analysis prepared for the project.
15. The upland single-family dwelling shall be painted the color consistent with that proposed on the visual simulation (Value 5 or below on the Munsell Color Chart) as part of the scenic mitigation. Any change to a lighter color will constitute a violation of permit conditions.
16. By acceptance of this permit, the permittee agrees that all scenic design and mitigation measures outlined in the revised visual simulation and the amendments made to the landscaping plan are hereby included as conditions of project approval and will be implemented as such.
17. Prior to return of the posted security, the applicant shall submit post-construction photos demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel. TRPA staff shall evaluate the photographs to determine if the project is in compliance with the required conditions prior to returning the posted security.
18. By acceptance of this permit, the permittee agrees that the allowable visible area for all future development on the shoreland of the subject parcel shall be reduced by 20% to account for the new pier.
19. Prior to the completion of the project and the release of the security, a Fish Habitat Monitoring Plan shall be developed in conjunction with TRPA staff and a qualified fisheries expert. The plan shall assess fish use of the shoreline protective structure and the pier as feed and escape/cover habitat. Monitoring shall be conducted for a period of not less than three years after completion of the project. After 3 years TRPA shall assess the need for continued monitoring.
20. By acceptance of this permit, the permittee agrees to implement all mitigation measures outlined in the Fish Habitat Environmental Assessment and the Soil and Geotechnical Investigation Report submitted for this project on the subject parcel.
21. Boats using the subject pier shall not cause the maximum Community Noise Equivalent Level 55, to be exceeded.
22. Boats using the subject pier shall not create a wake or operate at speeds greater than 5MPH within 600 feet of the shoreline of Lake Tahoe.

END OF SPECIAL CONDITIONS

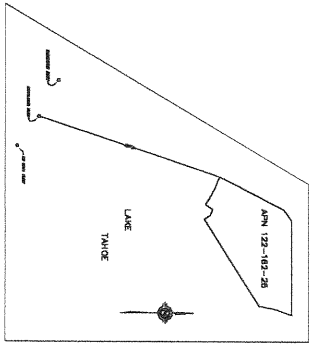
**GENERAL NOTES**

1. ALL WORK SHALL BE COMPLETED BY THE DATE SHOWN ON THE DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

EXHIBIT A 1 of 3



LINE	DESCRIPTION	PERCENTAGE	PER YEAR	PERCENTAGE	PER YEAR
1	SHORELINE CIRCLE	100%	100%	100%	100%
2	WEST PROPOSED LINE	100%	100%	100%	100%
3	EAST PROPOSED LINE	100%	100%	100%	100%
4	INTERNAL PROTECTION LINE	100%	100%	100%	100%
5	SHORELINE DRIVE	100%	100%	100%	100%
6	LAKESIDE DRIVE	100%	100%	100%	100%



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 PLANNING AGENCY

**CHAPLINSKY PIER**  
 OWNER: ROB CHAPLINSKY  
 PROJECT ADDRESS: 93 SHORELINE CIRCLE  
 COUNTY: WASHOE COUNTY APN: 122-162-26

**Elevation Concepts Design & Drafting**  
 1651 Oneida Street - So. Lake Tahoe, Ca 96150 (530) 517-3813

**S1**

DATE: J.M.  
 DRAWING NO: 01-012  
 SCALE: AS SHOWN

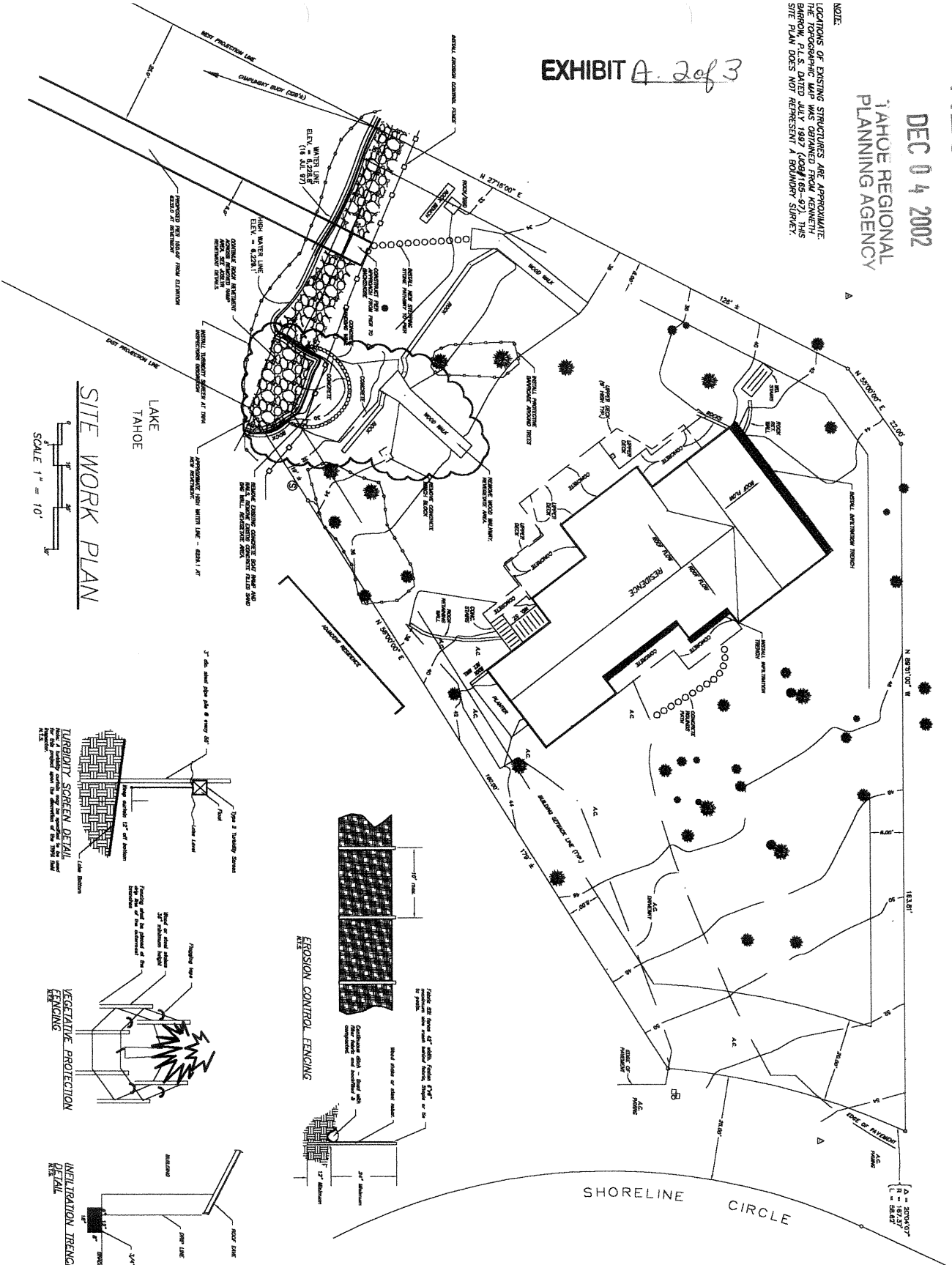
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TAHOE REGIONAL PLANNING AGENCY

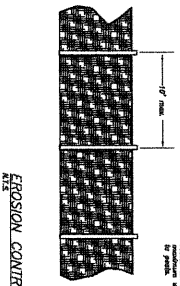
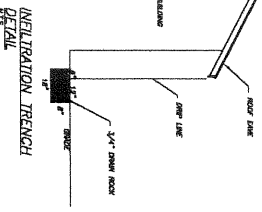
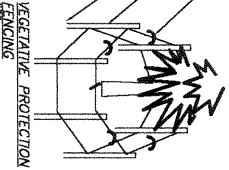
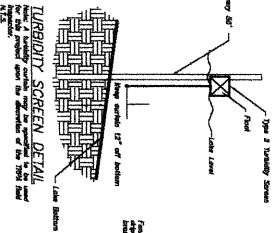
NOTE: LOCATIONS OF EXISTING STRUCTURES ARE APPROXIMATE. THE TOPOGRAPHIC MAP WAS OBTAINED FROM KENNETH BARRON, P.L.S. DATED JULY 1997 (JOB NOS. 97-118). THIS SITE PLAN DOES NOT REPRESENT A BOUNDARY SURVEY.

EXHIBIT A. 2 of 3



SITE WORK PLAN

SCALE 1" = 10'

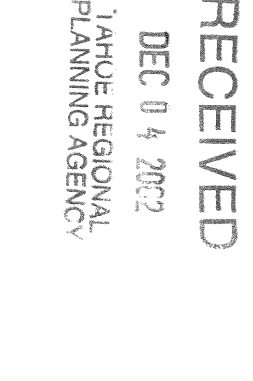
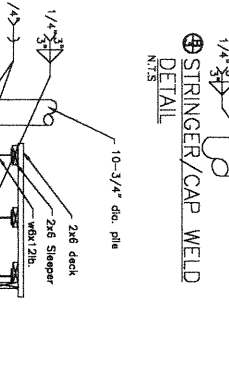
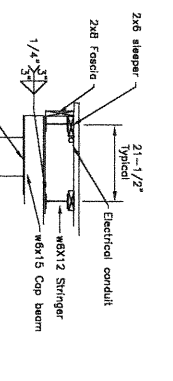
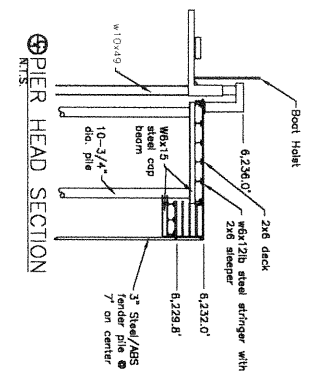
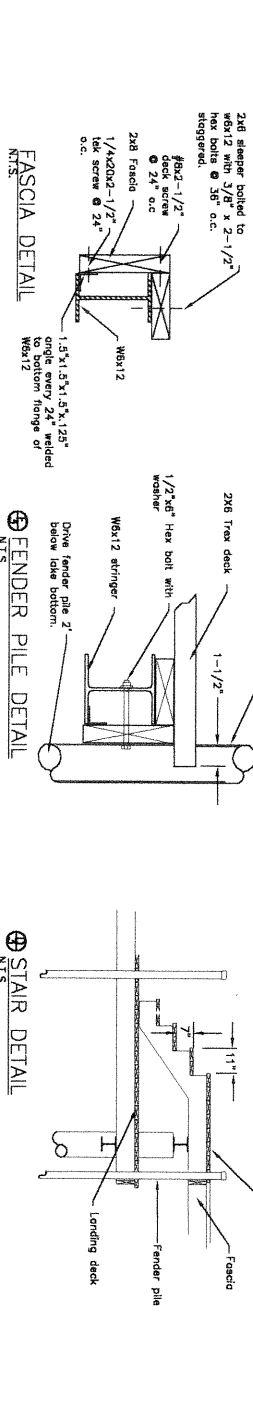
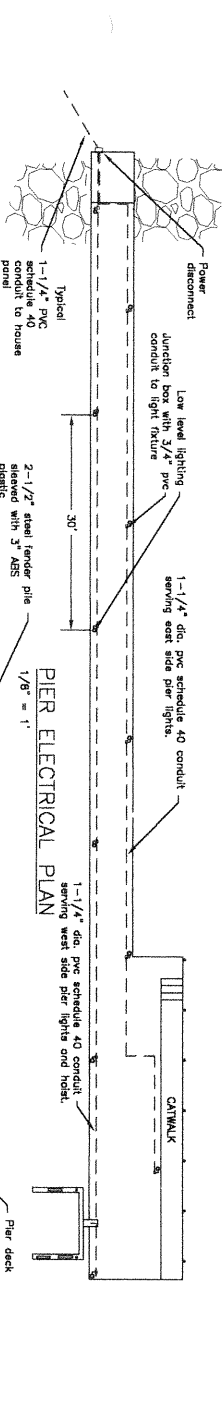
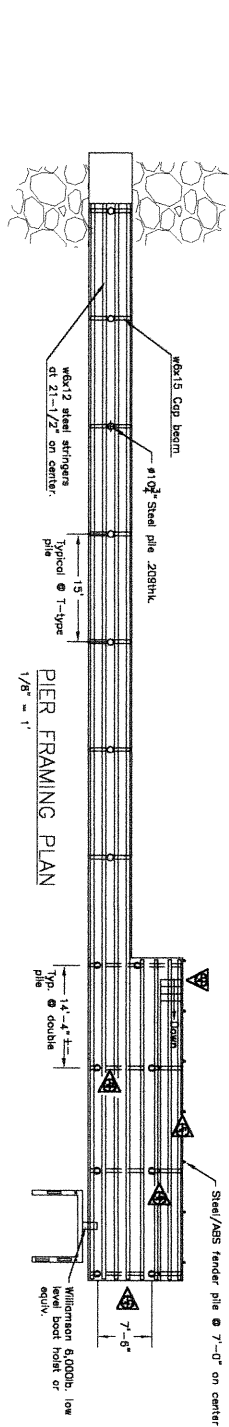
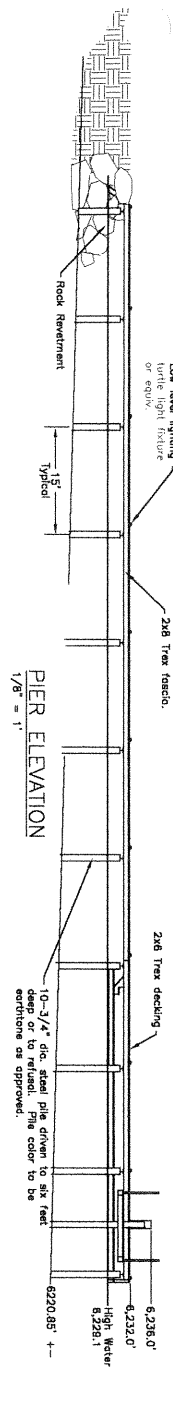
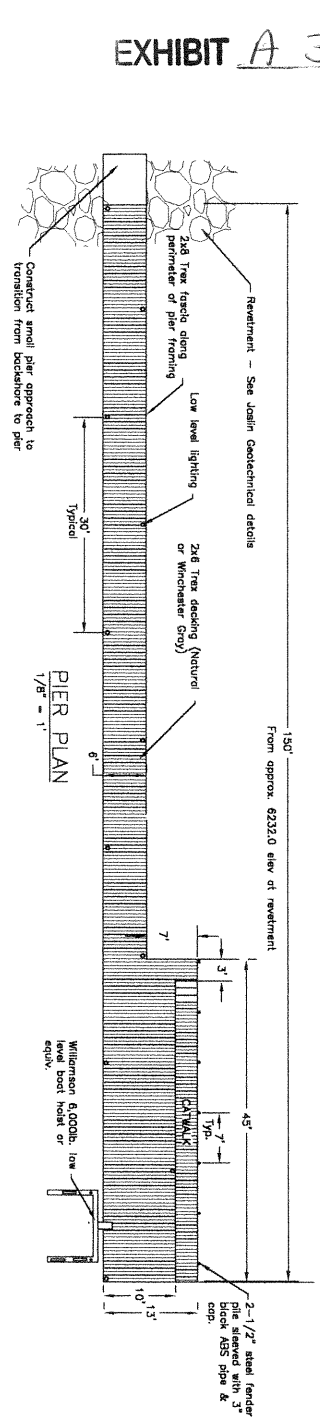


**CHAPLINSKY PIER**  
OWNER: ROB CHAPLINSKY  
PROJECT ADDRESS: 93 SHORELINE CIRCLE  
COUNTY: WASHOE COUNTY APN: 122-622-26

**Elevation Concepts Design & Drafting**  
1651 Oneida Street - So. Lake Tahoe, Ca 96150 - (530) 577-3613

**S2**





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LAHOE REGIONAL PLANNING AGENCY

LANDING CANTILEVER BEAM WELD DETAIL N.T.S.

STRINGER/CAP WELD DETAIL N.T.S.

PIER HEAD SECTION N.T.S.

**CHAPLINSKY PIER**  
 OWNER: ROB CHAPLINSKY  
 PROJECT ADDRESS: 93 SHORELINE CIRCLE  
 COUNTY: WASHOE COUNTY  
 DRAWING NO: 02-012  
 DATE: 11-08-02  
 SCALE: AS SHOWN

**Elevation Concepts** Design & Drafting  
 1651 Onedax Street - So. Lake Tahoe, CA 96150 (530) 577-2613

**D1**  
 PAGES

**BRADLEY PAUL ELLEY**  
ATTORNEY AT LAW

August 28, 2002

EXHIBIT D  
1 of 2

Tahoe Regional Planning Agency  
P. O. Box 1038  
Zephyr Cove, Nevada 89448

Sent via Fax to (775) 588-4527

RE: TRPA Governing Board August 28, 2002 9:30 a.m. meeting  
Consent Calendar Item No. 5  
Rob Chaplinsky, Boat Ramp Conversion to Pier, with Buoy Application, 93  
Shoreline Circle, Washoe County, Assessor's Parcel Number 122-162-26,  
TRPA File No. 2001-0765

To whom it may concern:

As attorney for the adjacent lakefront property owner, Mr. Edward A. Seykota, I am writing to formally object to the above-referenced fraudulent application.

My client contends that this entire project was reviewed based upon the intentionally false representation that the applicant's property borders the Burnt Cedar Beach facility owned by the Incline Village General Improvement District. In fact, applicant's adjoining Shoreline Circle property, Assessor's Parcel No. 122-162-25, is owned by my client and not by I.V.G.I.D.

My client's objections to the conditional approval include the obvious fact that the conditions imposed require improvements on my client's own property and the TRPA Staff Review process was obviously flawed because it did not consider my client's interests at all.

For example, scenic and navigation issues have not addressed my client's interests, as the proposed 150 foot pier will effectively deny my client access by water to his property and the view of such pier would dominate and be noxious to the lakeview from my client's property. Of course, there are several other issues that must be addressed in light of exposure of this defective application. A multi-use application for this pier permit appears to be the only means of a legitimate approval of applicant's project.

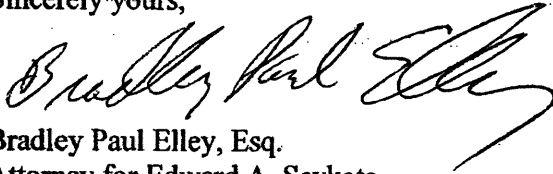
It has been represented to me late last evening by Leah Kaufman that because my client's ownership of the adjoining property has been previously overlooked, the applicant will be making a request to continue this matter for approximately one month.

August 28, 2002, letter to TRPA  
Page 2 of 2

EXHIBIT D  
2 of 2

Mr. Seykota and or I wish to speak at the time this matter is addressed if for any reason the matter has not been continued.

Sincerely yours,



Bradley Paul Elley, Esq.  
Attorney for Edward A. Seykota

BPE:pc  
Cc: Client  
Leah Kaufman

EXHIBIT E

RECEIVED

BY \_\_\_\_\_

AUG 8 2002

TAHOE REGIONAL  
PLANNING AGENCY

T.R.P.A.  
P.O. Box 1038  
Zephyr Cove, NV 89448

Proposed Project 93 Shoreline Circle, Incline Village #122-162-26

Dear Sirs:

This is my comment upon the above referenced project.

I have been here for 30 years and have seen to much destruction of our natural beauty in and around the lake. This project, I feel will yet again mess up the natural shoreline and natural beauty we have here at the lake.

This parcel has a very small frontage and already has a workable and sturdy ramp as well as a good natural breaker.

The shoreline is and has been already damaged by to many piers, uncontrolled building and structures not suitable for around the lake.

The house is on the market "For Sale". Why put on a pier and destroy the shoreline just to get more money for the home?

I am very much against this proposed project. I live on Shoreline Circle and wish to remain anonymous.

Sincerely,

  
\_\_\_\_\_

J. 16-02

**EXHIBIT** F

Ms. Doris Khashoggi  
89 Shoreline Circle  
PO Box 4372  
Incline Village, Nv. 89450

September 6, 2002

Tahoe Regional Planning Association  
Attention: Brenda Hunt, TRPA Planner  
PO Box 1038  
Zephyr Cove, Nevada 89448

Dear Ms. Hunt:

RE: File #APN 122-162-26 Washoe Co.  
Robert Chaplinsky  
93 Shoreline Circle, Incline Village, Nv.  
TRPA File #2001 0795

I am the next door neighbor of Robert Chaplinsky and I have not been notified of the proposed pier project of Robert Chaplinsky.

I have just today heard about it and since I am within 300 ft of his property, I would like to be advised of the scope of the project and how it will impact my property, especially the scenic view.

Thank you for your attention.

Sincerely,

  
Ms. Doris Khashoggi

CC: Mary Marsh Linde, Attorney



EXHIBIT 9  
1 of 5

February 13, 2003

Mr. Juan Palma, Executive Director  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448

RE: Chaplinsky Pier, 93 Shoreline Circle (APN 122-162-26)

Dear Mr. Palma:

As you are aware, the IVGID Board of Trustees have a keen interest in the TRPA's pending action relative to the referenced pier project. After hearing this matter for the second time at the regular meeting of February 12, the IVGID Board of Trustees voted unanimously in support of a Finding of Significant Impact based on visual and safety concerns for the proposed pier. Further, the Trustees directed Staff to file an objection to the issuance of a pier permit by the TRPA Governing Board and appear before your Board at their next meeting of February 27. This letter shall serve to notify TRPA that IVGID strongly opposes the project as currently proposed and would respectfully urge the TRPA Governing Board to deny the requested permit.

The IVGID Board would like to reiterate that they represent approximately 8,300 residents and parcel owners, 7,700 of which have access to Burnt Cedar Beach for swimming, picnicking, and general recreation purposes. As the proposed pier is about 50 feet from IVGID's swimming beach, the Board feels that they have standing in this matter and their concerns should be heard and considered by the TRPA Governing Board before a final decision is made on the proposed pier.

The visual and safety issues are addressed in the attached staff memo dated January 24, 2003. In summary, the major objections arise from:

Visual and Noise

- A 150-foot long pier constructed 50 feet to the east of the existing public beach will detrimentally affect views for beach and park visitors looking east and southeast out over the Lake and of the east shore.
- The pier will stand 9 feet out of the water at low water level and be particularly obtrusive to views, particularly with boat hoist apparatus.
- Increased boating activity will increase noise levels at Burnt Cedar Beach Park.

Mailing address for all departments:

893 Southwood Boulevard, Incline Village, Nevada 89451-9425 [www.ivgid.org](http://www.ivgid.org)

021803A

Administrative Services

Physical Address: 893 Southwood Boulevard  
775.832.1100 • FAX: 775.832.1122

Community Services

Physical Address: 893 Southwood Boulevard  
775.832.1100 • FAX: 775.832.1122

Public Works

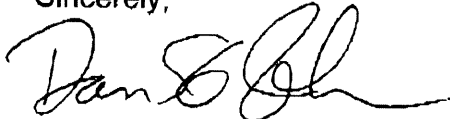
Physical Address: 920 Incline Way, Suites B & C  
775.832.1267 • FAX: 775.832.1331

Safety

- The pier will attract boat traffic to within close proximity to the existing swim area, particularly with the proposed boat hoist on west side of pier.
- With an easterly wind, errant boats could easily be blown into the swim area.
- The existing rock jetty to the west of the proposed pier could pose a navigational hazard, further exacerbating safety issues.
- Existing TRPA ordinance and Nevada law restricts boat speed near shore and near swim areas, however compliance is inconsistent. Therefore these laws are not sufficient to assure boater safety near the swim beach.

We appreciate the opportunity to express our position on the matter and would respectfully request that the TRPA Governing Board seriously consider IVGID Board's strong objection to the referenced permit action. Please call me if you need any clarification of the position taken or views expressed by the IVGID Trustees.

Sincerely,



Dan St. John, P.E.  
Assistant General Manager  
Public Works

C: Dave Solaro, Chairman  
IVGID Trustees  
Bill Horn, General Manager  
Scott Brooke, General Council  
DR File  
Reading

## MEMORANDUM

EXHIBIT 6  
3 of 5

**TO:** Board of Trustees  
**THROUGH:** William B. Horn  
General Manager  
**FROM:** Dan St. John, P. E.  
Assistant General Manager  
**SUBJECT:** Chaplinsky Pier, 93 Shoreline Circle (APN 122-162-26)  
**DATE:** January 24, 2003

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### **I. RECOMMENDATION**

The Board heard testimony relative to the proposed pier project at the January 29 meeting and therefore the Chair may wish to limit comment to new information, or a change in the project scope.

Board has had a chance to evaluate the potential impact of the proposed Chaplinsky Pier on Burnt Cedar Beach operations, including visual and noise impacts to beach visitors and safety concerns related to increased boating activity within proximity of the swim area and the rock jetty. These impacts are caused by the proposed pier on operations of the beach properties. After further deliberation of the issue, the Board may wish to direct Staff to communicate Board concerns and objections to the TRPA prior to there decision on the pending permit application for the pier. Such direction may include one of the following options:

1. Finding of significant impact. Direct staff to file strong objection with TRPA on pending permit action for subject project and voice strong objection at next TRPA meeting where project is scheduled for action.
2. Finding of some detrimental impact, seek possible mitigation measures such as a) painting pier to neutral color, b) placing boater safety buoys and appropriate signage to safeguard swim area, c) lower pier height to near high water line to help obscure behind existing rock jetty, d) other means as deemed appropriate.
3. . Finding of no significant impact, no objection noted.

### **II. BACKGROUND**

The Chaplinsky Pier project is subject to TRPA Governing Board action as early as the February meeting, after being first considered in December. Staff expressed

2003\122-162-26 Chaplinsky Pier



concern at the December TRPA meeting that IVGID had not had the opportunity to fully review the project and evaluate potential impacts on visitors of Burnt Cedar Beach. Faced with objections from a neighbor and other concerns, the Board postponed action in December. After a brief report on the subject at the last IVGID Board meeting, the Chair directed staff to review the matter and place in on the next meeting agenda for action.

The proposed pier would be located about 50 feet east of Burnt Cedar on the other side of a low rock jetty. Extending about 150 feet into the Lake, the pier will feature a boat hoist on the west side and have a deck level of 6232' above mean sea level (MSL) which is 3 and 9 feet above high and low water level, respectively. The next pier is about 160 feet to the east. A project aerial, two visual simulations, a plan sheet, and a number of photographs are available for review.

Potential impacts include:

❖ Visual and Noise

- Simulation 1 shows the view looking onshore. No impact discerned.
- Simulation 2 shows the view from about 1/3<sup>rd</sup> the distance from the jetty to the east property line. Most of the pier is either obscured by the existing rock jetty or has the next pier in the background. While the pier can generally be seen from the beach, it isn't extremely obtrusive.
- Photos show the view to the east from a sitting and standing position on the beach. The pier will be less apparent while sitting because of rock jetty.
- Pier will appear very close to swim area, especially during lower water levels.
- Boat noise will increase to beach goes, especially if high performance boats use pier.
- TRPA regulations establish the maximum pier deck elevation of 6232 MSL but do not set a minimum elevation
- Potential Mitigation: Thin deck profile, neutral color, lower deck elevation.

❖ Swim Area Safety

- Boat operations will increase, albeit at low speeds, in proximity to the roped off swim area.
- Boats will be within 50 feet of swim lifelines, especially as lines are set lake ward during low water years.

- Existing jetty will tend to route boat traffic away from swim area. However, jetty may create additional hazard to boat traffic, making navigation more difficult.
- NRS 488.600 makes it a misdemeanor to operate any vessel in excess of 5 MPH within 200 feet of a swimming area.
- TRPA requires boats to operate at no-wake when within 600 feet of shore.
- Potential Mitigation: Safety buoys placed waterward of swim lines, appropriate signage, funding for appropriate enforcement activities, i.e. patrols. Restricting the pier to only one of the three parcel within the cove limits the ability to realign the pier eastward away from the public swim area.

# TAHOE REGIONAL PLANNING AGENCY

308 Doria Court  
Elks Point, Nevada  
29 August 2002

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(775) 588-4547  
Fax (775) 588-4527  
Email: trpa@trpa.org

**COPY**

EXHIBIT   #  

Bradley Paul Elley  
Attorney at Law  
120 Country Club Drive, Suite 25  
Incline Village, Nevada 89451

**RE: CHAPLINSKY, BOAT RAMP CONVERSION TO PIER, 93 SHORELINE CIRCLE,  
WASHOE COUNTY, ASSESSOR'S PARCEL NUMBER 122-162-26, TRPA FILE NO.  
20010765**

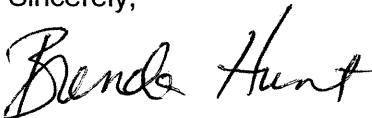
Dear Mr. Elley:

This letter represents a formal response to your letter dated 28 August 2002 relating to the Chaplinsky shorezone project referred to above.

As the Associate Planner reviewing the project I wish to inform you the matter has been continued to the September Governing Board Meeting. In the interim, I believe it is prudent for all parties to meet and discuss the issues you brought forward in your letter. I would like to set up a meeting for all parties to attend. In order to meet the deadline for the September Governing Board Meeting we will have to meet prior to 10 September. My preferred days are Wednesday 4; Thursday 5; or Monday 9 of September. Please discuss these dates with your client and get back to me as soon as possible.

In my discussions with your client, Mr. Seykota, at the Governing Board meeting on Wednesday, I was informed that you have based your objection solely on the Joslin Geotechnical Report. TRPA files are public record and I urge you to review the files relating to this project. I have attached my staff summary and the draft permit for your review.

Sincerely,



Brenda Hunt  
Associate Planner

CC w/o enclosures:

Leah Kaufman (PO Box 253 Carnelian Bay, CA 96140)  
Rob Chaplinsky (3237 Novara Way Pleasanton, CA 94566)  
Bob Joslin (PO Box 193 Dutch Flat, CA 95714)  
Lyn Barnett  
Jerry Wells  
Jordan Kahn

EXHIBIT I  
1 of 2

December 13, 2002

Mary Marsh Linde  
Attorney at Law  
9628 Rolling Rock Way  
Reno, NV 89511

Re: Chaplinsky; New Pier

Dear Mary,

The purpose of this letter is to reduce our recent negotiations to writing, and to again indicate our willingness to enter into a joint use agreement as to the pier. As you know, my client has consistently been willing to enter into such an arrangement, and has tried to approach negotiations with your client since last spring. However, we simply don't believe that your last offer reflects fair compensation for a deeded pier right.

As you know, access to a pier is a valuable commodity in today's real estate market. It adds significant value to the property that has such a right. We had offered to sell your client the rights to a joint use pier, contingent upon approval by the regulators, for a price equal to half of the increase in value to your client's property. We believed that such an accommodation would clearly be in both of our client's interest. We had further offered to have an independent appraiser determine the amount of that increase, and had offered to engage the services of a mutually agreeable mediator to assist us in finding common ground.

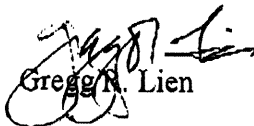
In October, it appeared that we were very close to reaching an agreement. You had offered to pay \$200,000 plus half of the cost of construction if your client's home sold for the anticipated sales price (\$8.4M) or more, and alternatively, \$125,000 plus half the cost of construction if the home sold for less than the anticipated sales price. You will recall that at that time my client was willing to sell for a price of \$250,000 and share equally in the cost of construction. Again, we were willing to have an appraiser determine the increase in value to your client's property and verify that such an amount was equal to half of the increase in value, or adjust the price accordingly.

I didn't hear from you for quite some time thereafter, and I called you on several occasions to find out if you were still interested in attempting to reach an agreement. While you said that you believed your client was interested you had nothing specific for me until last Friday. At that time, you presented an offer that was far less than your previous offer. Your client apparently is now only willing to pay for the cost of the pier and associated permitting, up to a maximum of \$150,000. Your last offer was also premised upon "no cash up front", and payable only upon sale of your client's property or two years whichever came first. Obviously, this amounts to the ability for your client to reap a windfall profit upon sale of her home equal to at least \$500,000 in exchange for no cash whatsoever. From my client's perspective, this would result in an absolute loss of value to his home compared to the value of a single use pier, or even the value of his current boat ramp, which must be removed as part of the project.

We appreciate that you have the right to object at next week's hearing before the TRPA Governing Board. You have explained that unless your offer is accepted, you will plan to do so. You explained that one of your primary objections is that the location of the pier will interfere with your client's ability to have her own pier should the rules be changed to permit that. Once again, understand that my client is willing to locate his pier in such a manner as to minimize any impacts. Any constructive requests will be addressed to the extent that we are able.

Again, our preference is to reach agreement on a joint use pier. We urge you to talk to your client and urge her to reconsider her position. We were close to an agreement before, and I am confident that there is a zone of potential agreement between our respective clients that enable each of them to enhance their value and utility of their properties. Please let me hear from you soon.

Very truly yours,

  
Gregg R. Lien

Cc: Mr. Rob Chaplinsky  
Ms. Leah Kaufman



# TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court  
Elks Point, Nevada  
[www.trpa.org](http://www.trpa.org)

P.O.Box 1038  
Zephyr Cove, Nevada 89448-1038

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Email: [trpa@trpa.org](mailto:trpa@trpa.org)

## MEMORANDUM

February 26, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Recommendation to lower the Individual Parcel Evaluation System (IPES) Line in Douglas County to 106 and in El Dorado County to 693

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Proposed Action: Per Subsection 37.8.C, TRPA considers adjusting the IPES numerical level defining the top ranked parcels each year. Staff requests the Governing Board lower the IPES Line in Douglas and El Dorado Counties to 106 and 693 respectively and take no action in the other jurisdictions.

Staff Recommendation: Staff recommends that the findings required for lowering the IPES line be made for Douglas and El Dorado County and action should be taken to lower the numerical level in those two jurisdictions. Washoe County has already reached the bottom of the numerical level for that jurisdiction and no further IPES line analysis will be done for that jurisdiction. No action should be taken regarding the IPES line in Placer County, as the required findings cannot be made in that jurisdiction.

APC Recommendation: The TRPA Advisory Planning Commission unanimously recommended approval of the proposed action at their February 12, 2003 meeting.

Background: The IPES Land Capability System was developed and implemented to respond to the apparent limitations of the Bailey System. This system was created through a consensus process in 1987 specifically to evaluate the suitability of vacant lots proposed for single-family housing development. Parcels were initially scored and ranked; those parcels with scores of 726 and higher were deemed suitable for development. This system as provided for by TRPA code subsection 37.8.C provides a method by which parcels with scores below the cutoff score of 726 could become eligible by means of an annual analysis. The action proposed in this staff summary is the result of this annual review. Chapter 37.8.C identifies the five findings, which must be made for the IPES line to be lowered for a jurisdiction. Those findings are:

1. All parcels included in the top rank are otherwise eligible for development under the applicable state water quality management plan for the Lake Tahoe Basin (the "208 Plan") and other legal limitations;
2. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were

2/26/03  
TH

AGENDA ITEM IX.A.

identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages:

- (i) El Dorado County - 20 percent
  - (ii) Placer County - 20 percent
  - (iii) Douglas County - 33 percent
  - (iv) Washoe County - 33 percent
3. The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring plan;
  4. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction; and
  5. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory.

The above findings are further defined in Volume I of the 1988 TRPA 208 Plan (see pages 118-120, attached as Attachment C).

In 1994, the Governing Board began to lower the line in the Nevada jurisdictions. The line has been lowered in Washoe County every year since and in Douglas County every year but one. In January 1999 the Governing Board lowered the IPES line to 639 in Douglas County and 325 in Washoe County. In December 2000 the Governing Board lowered the IPES line to 606 in Douglas County but did not lower the IPES line in Washoe County because the IPES line reached the bottom of the numerical level for that jurisdiction. In February 2001 the line lowered again in Douglas County to 408. This year's recommendation for IPES line adjustment in Douglas County to 106 will result in that jurisdiction's reaching the bottom of its numerical level.

Discussion: Staff has compiled the necessary information from the preceding calendar year (2002), as appropriate, for consideration of lowering the line in Douglas County, Nevada and El Dorado County, California in 2003. As before, Placer County is ineligible because the vacant lot equation finding cannot be made. The vacant lot equation is presented for all jurisdictions below.

#### FINDING 1. ELIGIBILITY UNDER THE 208 PLAN

Staff recommends making the first finding regarding eligibility and legality of IPES parcels below the IPES line for development because the TRPA 208 Plan, which includes implementation of the IPES and the potential for lowering the line, was certified by both states and approved by US EPA in 1989. The 1990 TRPA amendment to the 208 Plan redefining "in place" monitoring, was certified by Nevada in 1990, by California in 1992, and approved by US EPA in August 1993.

#### FINDING 2. VACANT LOT EQUATION

The "vacant lot equation" requires that the number of parcels with IPES scores below the line (725 or less), divided by the number of parcels deemed sensitive (i.e., land



capability districts 1, 2 and 3) on January 1, 1986, cannot exceed 20 percent in the California counties and 33 percent in the Nevada counties.

Numerator = Number of vacant parcels with IPES scores of 725 or less in each jurisdiction.

Denominator = Number of vacant parcels deemed sensitive (Bailey 1, 2 or 3) on January 1, 1986 in each jurisdiction.

The current calculations are based on the January 2002 IPES inventory. The denominators are taken from a September 1986 memorandum to the Governing Board from then Executive Director William Morgan and do not change over time.

Douglas County:  $5/1067 = 2.8$  percent      Washoe County:  $8/2350 = .3$  percent  
Placer County:  $605/1667 = 36.2$  percent      El Dorado County:  $827/4363 = 18.9$  percent

For informational purposes, last year's percentages for Douglas, El Dorado and Placer counties were:

Douglas County:  $30/1067 = 2.8$  percent      El Dorado County:  $986/4363 = 22$  percent  
Placer County:  $686/1667 = 41.15$  percent

Staff recommends making this finding for Douglas and El Dorado Counties. This finding cannot be made for Placer County.

### FINDING 3. MONITORING

The monitoring finding requires a monitoring program pursuant to Chapter 32 and the TRPA monitoring plan to be in place in a given jurisdiction. "In place" is defined in the 208 Plan, Volume I, p.119, as amended, as:

*... This monitoring program shall be in place in a local jurisdiction, and shall characterize water quality conditions, before the numerical level defining the top rank for the jurisdiction is lowered. (Goals and Policies, p.VII-25). The term "in place" means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for the previous water year. The monitoring program, to be effective, should remain in place on a continuing and long term basis. It is the intent of TRPA to collect, on a long term basis pursuant to stringent QA/QC procedures, improved tributary water quality data which will be used to better assess average and existing conditions and to understand water quality trends and compliance with state and federal water quality standards.*

Additional detail and description of the IPES-related monitoring program are found in Volume I, pp.118-119 of the 208 Plan (Attachment C).

In summary, the program consists of permanent monitoring stations at the mouths of ten streams, stream flow gauges and monitoring at upstream locations on five of the ten streams (Incline, Trout, Ward and Edgewood Creeks and the Upper Truckee River), and

eleven additional upstream sites in Nevada on both the monitored streams and in other watersheds (developed and undeveloped). The monitoring program meets the requirements of the 208 Plan and the Monitoring Sub-element in the Goals and Policies.

The expanded tributary monitoring program has been in place in Nevada since the spring of 1991. Samples have been collected for at least four previous water years (WY 98-99, WY 99-00, WY 00-01 and WY 01-02). The monitoring program is identical (in Nevada) to the program which was in place in 1993 and 1994 at the time the Governing Board lowered the IPES line in Washoe County.

Staff recommends finding that an adequate monitoring program is in place in Douglas and El Dorado Counties.

#### FINDING 4. CIP PROGRESS

The CIP finding requires that a jurisdiction make demonstrable progress on capital improvement programs for water quality within that jurisdiction. The 208 Plan defines demonstrable progress as requiring one of the two following findings to be made:

1. (Finding #1) Funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year. (High priority projects are projects with substantial water quality benefit.); OR
2. (Finding #2) The performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established in the 1996 Evaluation under the Environmental Compliance Form for Water Quality (WQ-2-A). Under WQ-2-A, an indicator for total expenditures on CIP projects is set for each local unit of government, for the period from January 1, 1997 to December 31, 2001. The target for Douglas Counties is \$4.0 million for the 5 year period or \$800,000 per year.

THREE-YEAR PERIOD ALTERNATE CIP FINDING (Finding #1): Following is the list of CIP projects for Douglas and El Dorado Counties for the applicable three year period of 2000-2002 and the anticipated projects for 2003.

#### **Douglas County**

##### **2002 (Complete)**

U.S. 50, Skyland to Cave Rock, \$10,500,000, Erosion Control Project

##### **2001 (Complete)**

Cave Rock Erosion Control Project, 300,000

Zephyr Cove Erosion Control Project, 279,000

Lake Parkway Water Quality Improvement Project, 2,236,581

##### **2000 (Complete)**

Kingsbury Village Erosion Control Project, \$2,055,891

Cave Rock Estates Erosion Control Project, \$870,000

Round Hill GID Erosion Control Project, \$1,600,000  
NDOT South Shore Casino Core Urban Runoff Treatment, \$2,500,000

**El Dorado County (includes the City)**

**2002 (Complete)**

Regina Road Water Quality Improvement-BMP Project, \$180,000  
Cascade Creek Erosion Control Project, \$1,800,000

**2001 (Complete)**

Cove East SEZ Restoration, \$7,000,000  
Industrial Tract SEZ Restoration, \$650,000  
Saxon Creek Stream Restoration, \$135,000  
Heavenly CWE-BMP Project, 280,000

**2000 (Complete)**

Angora Creek Stream Restoration, \$1,700,000  
Pioneer Trail Erosion Control Project, \$850,000  
Hekpa Erosion Control Project, \$790,000  
Heavenly CWE-BMP Project, \$205,000

Note: Douglas County has addressed all its Priority 1 and 2 water quality CIP projects as listed in the 208 Plan although there remains substantial additional work to be done.

**Projected 2003 CIP Projects in El Dorado County**

Woodland/Tamarack/Lonely Gulch Erosion Control Project  
Angora Creek Subdivision SEZ Restoration

**Projected 2003 CIP Projects in Douglas County**

Oliver Park-Kahle Drive SEZ Restoration  
Lake Ridge GID Erosion Control Project (Phase I)  
Skyland GID Erosion Control Project  
Lower Kingsbury Erosion Control Project (Phase II)  
Logan Creek GID Erosion Control Project  
NDOT Binwall 10 Erosion Control Project (Phase II)  
NDOT Binwall 2/3 Erosion Control Project

**Projected 2003 CIP Projects in the City of SLT**

Park Avenue Water Quality Treatment Basins  
Rocky Point ECP (Phases 1 & 2) and North Ditch Outfall Improvements  
Glorene & 8th Street Erosion Control Project

TRPA staff has compiled and provided the necessary information to satisfy Finding #1 and therefore recommends making Finding #1 and not Finding #2 for both Douglas and El Dorado Counties.

FINDING 5. COMPLIANCE WITH PROJECT CONDITIONS

A "satisfactory level of compliance" with conditions of project approvals, within the jurisdiction, is the last required finding for lowering the line. The four criteria listed in the 208 Plan are used as indicators of the level of compliance within a jurisdiction. The Governing Board has set numerical performance standards for the four criteria in Resolution 93-19 (see Attachment D).

TRPA's Compliance Division prepared a report (Attachments A and B) which demonstrates that for 2002 Douglas and El Dorado Counties have maintained the numerical standards set forth in Resolution 93-19. Staff therefore recommends making the compliance finding for Douglas and El Dorado Counties.

MOVING THE LINE: Douglas and El Dorado are the only jurisdiction's which have met all of the required findings, staff requests the Governing board recommend moving the line down to 106 in Douglas County and 693 in El Dorado County.

If there are any questions regarding this staff summary, please contact Tim Hagan at (775) 588-4547.

**TAHOE REGIONAL PLANNING AGENCY**

308 Dorla Court  
Elks Point, Nevada  
www.trpa.org

P.O.Box 1038  
Zephyr Cove, Nevada 89448-1038

Phone: (775) 588-4547  
Fax (775) 588-4527  
Email: trpa@trpa.org

MEMORANDUM

December 31, 2002

To: Tim Hagan  
From: Brian Judge  
Subject: Audit Results From Compliance Review of 2002 Douglas County Residential Projects

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TRPA AUDIT INSPECTION RESULTS  
(Individual score sheets are available upon request)

Ten percent, or minimum five, of Residential projects were audited in three categories: pregrade inspections, intermediate/winterization inspections, and final security return inspections. Inspections were completed during the 2002 field season. Pregrades and winterization audit inspections were done on projects commenced within the last year. Final audit inspections were done on projects started dating back as far as 1999. To obtain the final score for each category, the scores were averaged.

<u>Douglas County</u>	<u>Range</u>	<u>Score</u>
Number of Sites Audited: 15		
Pregrade Inspections:	90-100	96%
Intermediate/Winterization Inspections:	85-95	91%
Final Inspections:	90-100	95%
Averaged Score:		94%

Summary of Conclusions: Douglas County scores average at or above 90 percent.

Questions regarding this report should be directed to Brian Judge, Senior Environmental Specialist, Compliance Division, (775) 588-4547 extension 262.

MEMORANDUM

December 4, 2002

To: Performance Review Committee  
From: Brian Judge, Senior Environmental Specialist  
Subject: Audit Results From Compliance Review Of MOU Implementation For Residential Delegation

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TRPA DELEGATION MOU AUDIT INSPECTION RESULTS  
(Individual score sheets are available upon request)

Ten percent of MOU Residential projects were audited in three categories: pregrade inspections, intermediate/winterization inspections, and final security return inspections. Inspections were completed in October and November of 2000. Pregrades, winterization, and final audit inspections were done on projects where the MOU inspection date was completed within the last year. To obtain the final score for each category, the scores were averaged.

<u>City of South Lake Tahoe (CSLT)</u>	<u>Range</u>	<u>Score</u>
Number of Sites Audited: 17		
Pregrade Inspections:	70-100	89%
Intermediate/Winterization Inspections:	80-100	92%
Final Inspections:	90-100	96%
Averaged Score:		92%

Compliance MOU Audit  
 December 4, 2002  
 Page2

<u>Placer County</u>	<u>Range</u>	<u>Score</u>
Number of Sites Audited: 21		
Pregrade Inspections:	55-100	86%
Intermediate/Winterization Inspections:	60-100	85%
Final Inspections:	75-100	94%
Averaged Score:		88%
<u>El Dorado County</u>	<u>Range</u>	<u>Score</u>
Number of Sites Audited: 42		
Pregrade Inspections:	90-100	92%
Intermediate/Winterization Inspections:	80-100	96%
Final Inspections:	90-100	99%
Averaged Score:		96%
<u>Washoe County</u>	<u>Range</u>	<u>Score</u>
Number of Sites Audited: 15		
Pregrade Inspections:	65-100	88%
Intermediate/Winterization Inspections:	60-100	79%
Final Inspections:	90-100	95%
Averaged Score:		87%

Compliance MOU Audit  
December 4, 2002  
Page 3

<u>Douglas County</u>	<u>Range</u>	<u>Score</u>
Number of Sites Audited: 15		
Pregrade Inspections:	90-100	96%
Intermediate/Winterization Inspections:	85-95	91%
Final Inspections:	90-100	95%
Averaged Score:		94%

Summary of Conclusions: Each County qualifies for one or two enhancements depending on the scores in the project review portion of the compliance audit.

Questions regarding this report should be directed to Brian Judge, Senior Environmental Specialist, Compliance Division, (775) 588-4547 extension 262.



## ***TRPA 208 Plan, Volume I***

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TRPA shall rate all vacant residential parcels numerically and rank them from most suitable to least suitable, by jurisdiction. TRPA shall also establish a level in the ranking immediately above the most sensitive parcels, based on recommendations from the IPES technical committee. Only parcels above this level, as it may be subsequently adjusted, comprise the “top rank” and may pursue a building permit (Goals and Policies, p. VII-6).

The numerical level defining the top rank for any jurisdiction shall be lowered annually by the number of allocations utilized in that jurisdiction during the previous year, provided that the following conditions are met: (Goals and Policies, pp. VII-6, -7)

- All parcels in the top rank are otherwise eligible for development under state water quality plans and other legal limitations,
- A monitoring program for that jurisdiction is in place as set forth in the Monitoring and Evaluation Subelement of the TRPA Goals and Policies,
- Demonstrable progress is being made on the Capital Improvements Program for water quality within that jurisdiction,
- There is a satisfactory rate of reduction in the inventory of vacant parcels; the IPES line shall not move down in any jurisdiction unless the number of parcels below the line in that jurisdiction, compared to the number deemed sensitive on January 1, 1986, does not exceed 20 percent in El Dorado and Placer Counties, or 33 percent in Washoe and Douglas Counties, and
- The level of compliance with conditions of project approvals within that jurisdiction is satisfactory.

With respect to the requirement that a monitoring program be in place in a given jurisdiction, the Goals and Policies require TRPA to monitor representative tributaries to provide a basis for evaluation the relative health of the watershed within which development is contemplated and progress toward meeting thresholds. The monitoring program will monitor stream flows and concentrations of sediments and dissolved nutrients to determine annual pollutant loads. This monitoring program shall be in place in a local jurisdiction, and shall establish baseline water quality conditions, before the numerical level defining; the top rank for the jurisdiction is lowered (Goals and Policies, p. VIII-25). The term “in place” means that a TRPA-approved monitoring system, with established procedures and responsibilities, is physically located on the selected tributaries, and samples have been collected and analyzed for a least one representative water year.

The location of sampling sites, frequency of sampling, and financial responsibilities for monitoring will be set forth in TRPA's Monitoring Program pursuant to the Goals and

Policies (p. VIII-25) and the TRPA Code of Ordinances (section 32.10), based on the recommendations of the TRPA Monitoring Committee. The objectives of the monitoring program are to:

- (1) Characterize the water quality of streams drainage affected residential areas in relationship to the overall water quality observed in the watershed.
- (2) Identify short-term changes in water quality from affected residential areas, and
- (3) Ensure that TRPA and state water quality standards are being attained and maintained.

The monitoring program will include quality control and quality assurance (QA/QC) procedures to ensure that the data accurately represent the actual water quality conditions.

Monitoring will normally occur not only at the mouths of streams, but also at locations in closer proximity to residential subdivisions. While the stream mouth monitoring will generally cover the entire year, monitoring at other locations higher in the watershed will be geared toward the spring snowmelt period and the fall storm season to contain costs. In addition to the presently established monitoring stations, TRPA estimates that 30 to 40 additional stations will be required throughout the Region to support the IPES conditions.

With regard to the requirement that demonstrable progress is being made on the Capital Improvements Program within a given jurisdiction, TRPA's evaluation will be based on the programs adopted in Volumes III and IV of the 208 plan, including lists of SEZ restoration and capital improvement projects for erosion and runoff control, with priority designations, for each jurisdiction. Pursuant to the Goals and Policies, TRPA has established benchmarks against which the progress can be evaluated (Goals and Policies, pp. VII-26). These benchmarks are found in Section I, Chapter VII of this volume, Plan Evaluation and Revision.

To make a finding of demonstrable progress in a local jurisdiction, TRPA will review the progress of that jurisdiction over a three-year period covering the previous year, the current year, and the upcoming year. For the demonstrable progress criteria to be met, TRPA must make one of the following findings: (1) funding is committed and there is a strong likelihood that construction will commence on one or more high priority watershed improvement projects in the current or upcoming year and construction of one or more high priority projects has taken place in the previous or current year, or (2) the performance of the local jurisdiction on implementation of SEZ restoration and capital improvement projects is consistent with progress necessary to meet the benchmarks established on pp. 183 and 184. In this context, the term "high priority project" means a project with a substantial water quality benefit.

To determine whether the level of compliance in a jurisdiction is satisfactory, TRPA will evaluate: (1) the percentage of projects which commenced construction three or more years earlier but which have not had their securities returned for water quality-related practices, (2) the number of projects which are behind approved schedules in project approvals for BMP retrofit, compared to those on schedule, (3) the number of projects which required TRPA's issuance of cease and desist orders for failure to observe conditions of approval within the previous fiscal year, as compared to the number of projects inspected, and (4) the number of projects on which violations remain unresolved, compared to the number resolved. TRPA will review compliance data at the end of the 1989 building season, and will then set specific numerical performance standards for the four criteria above. The specific numerical performance standard shall reflect TRPA' goal of achieving a very high level of compliance with conditions of project approval.

Since it is possible (though unlikely) that individual appeals of IPES scores may result in a significant shift in the number of single-family parcels eligible to pursue construction permits by virtue of being in the top rank, TRPA shall, in a given local jurisdiction, and provided that IPES appeals increase the size of the top rank in that jurisdiction by three percent or more, subtract the number of parcels added to the top rank by appeals during the first year from the number of parcels which would be added to the top rank any year that the IPES line is lower, until the number of parcels added to the top rank by appeals equals the number of parcels which would have been added to the top rank due to the lowering of the IPES line.

For TRPA to approve a project on a parcel rated and ranked by IPES, the parcel must be served by a paved road, water service, sewer service, and electric utility. However, Chapter 27 of the TRPA Code of Ordinances sets forth provisions for waiver of the paved road requirement, as provided for in the Goals and Policies (p. V11-8).

TAHOE REGIONAL PLANNING AGENCY  
RESOLUTION NO. 93-19

RESOLUTION SETTING NUMERICAL PERFORMANCE STANDARDS  
FOR DETERMINING A SATISFACTORY LEVEL OF COMPLIANCE  
WITH PROJECT CONDITIONS OF APPROVAL AS RELATED TO IPES

WHEREAS, the 1987 Regional Plan and Code of Ordinances adopted a new system for evaluation and determining eligibility for development of vacant residential parcels, which system is titled Individual Parcel Evaluation System ("IPES"); and

WHEREAS, a key component of IPES is the potential for annually lowering the numerical level defining the top ranked parcels (IPES line) in a given jurisdiction; and

WHEREAS, the numerical level defining the top rank in a given jurisdiction cannot be lowered unless TRPA makes five certain findings as set forth in Chapter 37 of the TRPA Code of Ordinances; and

WHEREAS, one of the five required findings is a finding that the level of compliance with conditions project approval is satisfactory; and

WHEREAS, the 1988 Water Quality Management Plan for Lake Tahoe Region (1988 TRPA 208 Plan) adopted by TRPA, certified by California and Nevada and approved by U.S. EPA, mandated the evaluation of four criteria and the setting of numerical performance standards as a precursor to making the compliance finding; and

WHEREAS, the numerical standards are to reflect TRPA's goal of achieving a high level of compliance and will be the standards used by each jurisdiction in the annual consideration of lowering the IPES line; and

WHEREAS, instead of two years of compliance data for the four criteria, as contemplated by the 1988 TRPA 208 Plan, TRPA has now collected four to five years of compliance data; and

WHEREAS, TRPA has conducted several noticed public hearings in both 1990 and 1993 on the setting of the numerical performance standards; and

WHEREAS, the APC has recommended the setting of the numerical performance standards as set forth in the minutes of their October 13, 1993 meeting; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency hereby sets the numerical performance standards for the four criteria in Volume I, of the 1988 TRPA 208 Plan, page 120, as follows:

- (1) The percentage of project securities which were posted within a calendar year at least three years earlier and which are currently not being returned for water quality reasons shall not exceed 30 percent of the number of project securities which were posted within that calendar year.
- (2) The percentage of BMP retrofit plans behind approved schedules shall not exceed 30 percent of the number of projects which have BMP retrofit

schedules as a condition of project approval and which have reached either the five-year or ten-year deadlines set in Chapter 25.

- (3) The percentage of projects which had Cease & Desist orders posted during the previous fiscal year for failure to observe conditions of approval shall not exceed 20 percent of the number of projects which were inspected the previous fiscal year.
- (4) The percentage of projects which were issued notices of violation or were identified as alleged violations, and which are unresolved at the end of the fiscal year, shall not exceed 20 percent of the number of projects which were issued notices of violation or were identified as alleged violations within the fiscal year. Noticed or alleged violations which are resolved within 90 days of being noticed or identified shall not be counted as unresolved, even if the resolution occurs in the next fiscal year. Filing litigation shall be deemed a resolution of a violation for purposes of this finding.

BE IT FURTHER RESOLVED that the Governing Board shall reconsider the foregoing numerical standards at such time as reconsideration may be appropriate or required, including but not limited to, reconsideration based on the 1992 amendments to Chapter 25 requiring mandatory BMP retrofit by certain dates.

PASSED AND ADOPTED this 27<sup>th</sup> day of October, 1993 by the Governing Board of the Tahoe Regional Planning Agency by the following vote:

Ayes: Westergard, Upton, Kanoff, Klein, Lau, Sevison, Bradhurst, Neft, DeLanoy, Waldie, Bennett, Hagedorn, Cronk

Nays: None

Abstain: None

Absent: Chimarusti

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John E. Upton, Vice Chairman  
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY  
RESOLUTION 03 -

RESOLUTION LOWERING THE NUMERICAL LEVEL DEFINING  
THE TOP RANKED PARCELS IN DOUGLAS COUNTY

WHEREAS, the 1987 Regional Plan and Code of Ordinances implemented a system for evaluating and determining eligibility for development of vacant residential parcels, which system is titled the Individual Parcel Evaluation System ("IPES"); and

WHEREAS, a component of IPES is the potential for annually lowering the numerical level defining the top ranked parcels ("IPES line") in a given jurisdiction; and

WHEREAS, the IPES line cannot be lowered in any given jurisdiction unless TRPA makes the five findings set forth in Chapter 37; and

WHEREAS, the five findings are further defined in Volume I of the 1988 Water Quality Management Plan for the Lake Tahoe Region ("208 Plan"); and

WHEREAS, the Governing Board has conducted noticed public hearings on the five required findings; and

WHEREAS, the Governing Board has set numerical performance standards for the four criteria used to determine the level of compliance with conditions of approval in TRPA Resolution 93-19;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board finds, based on substantial evidence in the record, that:

- (1) all parcels in Douglas and El Dorado Counties included in the top rank, as defined below, are otherwise eligible for development under the applicable state water quality management plans for the Lake Tahoe Basin (208 Plans) and other legal limitations;
- (2) the monitoring program for Douglas and El Dorado Counties are in place pursuant to Chapter 32 and the TRPA monitoring program, and that water quality samples have been collected and analyzed for at least the previous year;
- (3) demonstrable progress is being made on capital improvement programs for water quality within Douglas and El Dorado Counties as evidenced by their funding and construction of at least one high priority water quality project in 2002, and their funding and commitment to construct as least one high priority water quality project in 2003, consistent with Volume IV, of the 208 Plan for Douglas and El Dorado Counties;
- (4) in Douglas County, the number of vacant parcels below the level defining the top ranked parcels, which is 5, divided by the number of vacant parcels deemed sensitive on January 1, 1986 which is 1067, equates to 2.8 percent and therefore does not exceed 33 percent; and in El Dorado County, the number of vacant parcels below the level defining the top ranked parcels, which is 827, divided by the number of vacant parcels deemed sensitive on January 1, 1986 which is 4,363, equates to 18.9 percent and therefore does not exceed 20 percent; and

(5) that El Dorado County and Douglas County have satisfactory levels of compliance with project conditions of approval as evidenced by their meeting and exceeding the numerical performance standards set for the four criteria listed on page 20, Volume I, TRPA 208 Plan.

BE IT FURTHER RESOLVED that, applying the standard set forth in Subsection 37.8.C, lowering the numerical level defining the top rank by the number of parcels equal to the number of residential allocations used the previous year, and defining "used allocations" as one for which a complete application was filed, or allocation transfer was completed, by December 31 of the previous year, the Governing Board hereby lowers the numerical value defining the top rank in Douglas County by 2 parcels to 106, such that parcels scored 106 or better are now within the top rank of parcels in Douglas County, and the Governing Board further hereby lowers the numerical value defining the top rank in El Dorado County by 121 parcels to 693, such that parcels scored 693 or better are now within the top rank of parcels in El Dorado County.

BE IT FURTHER RESOLVED that in accordance with the condition of certification by the California State Water Resources Control Board and the condition of approval by the U.S.E.P.A., the Governing Board hereby gives notice of its intent to lower the IPES line in both Douglas County and El Dorado County, effective 90 days from the date of adoption of this Resolution, which date is May 27, 2003 and directs the transmittal of this Resolution to both states and to the U.S.E.P.A.

BE IT FINALLY RESOLVED THAT, SINCE THE Governing Board has previously determined that the current system of distribution qualifies as random selection, Subsection 37.8.D does not limit the percentage of allocations distributed to parcels at or below the initial line of 725.

PASSED AND ADOPTED this 26<sup>th</sup> day of February 2003, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

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David Solaro, Chairman  
Tahoe Regional Planning Agency





**TAHOE REGIONAL PLANNING AGENCY**

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**MEMORANDUM**

February 13, 2003

To: TRPA Governing Board  
From: TRPA Staff and Performance Review Committee  
Subject: Recommendation for 2003 Residential Allocations

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**2003 RESIDENTIAL ALLOCATIONS**

Proposed Action: As required by Chapter 33 of the Code of Ordinances, approve the attached resolution (Attachment A) setting forth the number of 2003 residential allocations for each jurisdiction.

Staff and Performance Review Committee Recommendation: TRPA staff and the Performance Review Committee recommend Governing Board adoption of the proposed resolution which sets the number of 2003 residential allocations for each local jurisdiction as follows:

City of South Lake Tahoe . . . . .	41 allocations
Douglas County . . . . .	13 allocations
El Dorado County . . . . .	111 allocations
Placer County . . . . .	46 allocations
<u>Washoe County . . . . .</u>	<u>37 allocations</u>
Total	248 allocations

APC Recommendation: The APC recommends that the Governing Board approve the attached resolution.

At their February meeting, the APC asked for confirmation that jurisdictions would have additional time to submit information that might justify an adjustment to the allocation numbers recommended above. Staff clarified that the Performance Review Committee recommendation included an extension until February 21, 2003 for local jurisdictions to submit additional information. Any adjustment to the allocation distribution will be brought back to the APC and Governing Board in March.

The APC also asked that staff clarify that 10 percent of the allocations distributed to the jurisdictions would be retained by TRPA to be distributed to parcels with IPES scores below the eligibility line. The Code requires that 10 percent of each jurisdictions annual allocation be distributed to parcels below the eligibility line. The allocations are required to be transferred to an eligible parcel in exchange for permanently retiring the ineligible parcel or, the allocation may be returned to TRPA. Returned allocations will be forwarded to the local jurisdiction for distribution to an eligible parcel. The Placer County APC representative expressed concern that the Transit Level of Service criteria did not award local jurisdictions for maintaining existing transit service. The TLOS criteria does not

increase or decrease the number of allocations based on maintaining TLOS. Staff discussed the process of submitting equal or superior proposals by local jurisdictions, which may provide a means for greater recognition of maintaining TLOS, and the role that the Tahoe Transportation District (TTD) will play in evaluating these proposals.

The Placer County representative also expressed concern that the number of baseline allocations awarded to Placer County was based in part on their average use of allocation in the past. The representative indicated that the County was essentially being penalized for not building as much residential development as possible under the old allocation system. Placer County did not vote to forward staff's recommendation on this item. The representative indicated that his vote would probably be in favor of the proposal if the Placer County allocation were enhanced to recognize additional work on the part of Placer County staff. Placer County has recently submitted information pertaining to the BMP linkage and staff anticipates forwarding a recommendation on potential allocation enhancements at the March APC and Governing Board meeting.

## **Background**

In July 2002, the TRPA Governing Board took action to change the base number of residential allocations from 300 to 150 with the ability to vary from a minimum of 78 to a maximum of 294 based on performance criteria in four areas: permit compliance, EIP Implementation, BMP Retrofit and transit. The action was included in the adoption of the 2001 Threshold Evaluation, which is performed every five years to evaluate TRPA's progress towards achieving the environmental thresholds for the Lake Tahoe Region. The 2001 Evaluation concluded that sufficient progress was not being made towards meeting the thresholds and that the rate of implementing environmental improvement and projects needed to be increased. These projects are known collectively as the TRPA Environmental Improvement Program (EIP) and its complete and timely implementation is an essential part of the Basin-wide cooperative effort to achieve the environmental thresholds. As a result of the Evaluation findings, staff was directed to develop a system that links environmental projects to the allocation of additional development. The TRPA Code requires recommendations be included in the Threshold report to ensure progress toward attainment and maintenance of all thresholds. Development of a linkage system was the recommended approach since the TRPA Goals and Policies states that "The timing and phasing of both new development and remedial measures must, therefore, be carefully linked to ensure steady progress toward the environmental thresholds" (Chapter IIV, Implementation Element, Development and Implementation Priorities).

## **Chapter 33 Code Amendments Adopted in December 2002**

In December 2002 the TRPA Governing Board adopted amendments that created the system for linking environmental improvements to the allocation of additional residential development. The amendment language was the result of several TRPA sponsored stakeholder-focused workshops and numerous public hearings that were designed to solicit public input into the development of the new allocation system. The amendments reflected changes that the Performance Review Committee recommended to staff at the November 14, 2002 meeting. As a result of those workshops and hearings it was determined that additional residential development would be linked to:

- Increased efforts in the areas of Best Management Practice (BMP) retrofits
- Accelerated Water Quality/Air Quality/SEZ Restoration EIP implementation
- Increased Transit Level of Service (TLOS)
- Memorandum of Understanding (MOU) monitoring and compliance

TRPA worked with sub-groups of the larger stakeholder group and staffs of the local jurisdictions to further define the linkage system that allows for the distribution of allocations ranging from a possible minimum of 78 to a maximum of 294.

The ordinance language includes performance targets that have been evaluated in determining the annual number of residential allocations distributed to the local jurisdictions. Allocation enhancement or deduction increments represent the jurisdictions' proportional share of the historic annual allocations. Each jurisdiction has a baseline number of allocations that represents the starting point from which additional allocations will be awarded or deducted. The following Allocation Performance Table was adopted as part of the ordinance amendments:

Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Base Allocation	Enhancement Increments	Maximum Allocation with Enhancements
Douglas	9	-1	13	1	21
Washoe	13	-3	25	3	49
EI Dorado	27	-7	55	7	111
CSLT	11	-3	23	3	47
Placer	18	-4	34	4	66
Total	78		150		294

Note: One deduction or enhancement increment equals the number of allocations shown for individual jurisdictions.

The four linkages are briefly described as follows:

1. **Increase Transit Services:** In an effort to increase level of service for transit operations, jurisdictions will be awarded or deducted allocations for surpassing or failing to approve Transit Level of Service (TLOS) targets and for increasing or decreasing funding levels to meet those targets. Because each jurisdiction's transit needs are different, the TLOS targets are jurisdiction specific although the criteria are common to all.

For the 2003 allocation distribution, local jurisdictions will receive one unit of enhancement for committing, by letter of intent/resolution, to increase FY 2003-04 total funds by at least 5% above FY 2002-03 total funding levels for projects/programs aimed at improving TLOS. Two units of enhancement will be given for a 10% increase in funding.

2. **EIP Implementation:** In an effort to increase the rate of implementation of air and water quality EIP projects, jurisdictions will be awarded or deducted allocations for surpassing or failing to meet linkage targets such as through the submittal of EIP project lists or achieving project goals. This performance criteria is similar to the existing performance review requirements, however, it has been expanded to include air quality projects and SEZ restoration projects.

For 2003, local jurisdictions will be awarded one unit of enhancement for submittal of a 5-year EIP project list and a Maintenance Efficiency Plan (MEP) which has been approved by TRPA. Two units of enhancement will be awarded for submittal of a 5-year EIP project list and an MEP which has been approved by TRPA, *and* the demonstration of good performance in

completing EIP projects contained on their lists submitted in 2000. One unit of enhancement will be deducted for failing to submit a five-year project list or an MEP.

- 3. BMP Retrofit Implementation:** In an effort to increase the rate of BMP implementation, jurisdictions will be awarded additional allocations based on the establishment of programs designed to meet the annual BMP targets and for the achievement of program goals and targets. Allocations will be deducted for failing to meet those program goals. The program includes the following four elements: 1) public outreach and education 2) BMP site evaluations 3) technical resource assistance and 4) final inspections. The program recognizes that several steps must be taken to achieve successful BMP implementation.

For 2003, jurisdictions will receive one unit of enhancement for developing a program that will meet the BMP targets. Two enhancements will be given for also committing an adequate amount of resources to implement the program. A unit of deduction will be imposed if annual BMP targets are not established.

- 4. Permit Monitoring and Compliance:** This linkage rewards jurisdictions that issue permits and perform compliance inspections in conformance with adopted TRPA Memoranda of Understanding. Penalties or deductions will occur where audits show permits and inspections have not been performed in conformance with the MOU. This component is part of the existing system and remains essentially unchanged. An average audit score of 70% is expected, with many jurisdictions previously scoring near 90%. Jurisdictions receiving scores below 65% in both categories shall be incrementally decreased. Jurisdictions scoring above 75% and 90% in both categories shall be awarded one and two additional increments, respectively.

In Douglas County where there is no MOU, TRPA's performance in issuing permits and performing inspections for projects in Douglas County will be used to determine the level of allocation enhancements or deductions.

#### **Performance Review Committee:**

In May 1997, the TRPA Governing Board adopted amendments to Chapter 33 of the TRPA Code of Ordinances. These amendments created the Performance Review Committee (PRC), made up of a representative from each local jurisdiction receiving allocations and a TRPA representative. The PRC is charged with reviewing each of the local jurisdiction's performance in the four linkage categories and making recommendations to the APC and GB on the distribution of allocations for the following year.

On January 16, 2003, the PRC members (excepting the Douglas County representative who was absent) met to determine their recommendation for the number of 2003 residential allocations for each local jurisdiction based on the performance criteria.

During the January 16 meeting members discussed the need to recognize that there still may be different approaches towards recognizing local jurisdiction's performance in the linkage categories. For example, it was suggested that enhancements should be given to jurisdictions for maintaining existing Transit Level of Service. The current system requires maintenance of existing TLOS in order to receive no deductions of allocations. Staff discussed the ability of the local jurisdictions to submit "equal or superior" programs in the future that meet the goals of the adopted linkages. Adoption of "equal or superior" programs may allow for further adjustments to allocations this year. Any proposed modifications to allocations will be brought back to the APC and Governing Board for review and

consideration.

PRC members also discussed ways to improve baseline information regarding BMP targets and the need to coordinate the issuance of Certificates of Completion with the local jurisdictions. A suggestion was made to allow the local jurisdictions with TRPA MOUs to issue Certificates of Completion once they have performed security return inspections on behalf of TRPA. Staff concurred with this suggestion and is currently working to make the necessary database changes so the local jurisdictions will be able to issue certificates during the 2003 building season.

The PRC unanimously recommended the 2003 residential allocation assignments discussed below. It should be noted that although the Douglas County representative was not present at the meeting the representative indicated to staff before the meeting that Douglas County was in agreement with the staff's recommendation. Also, the motion was made to forward staff's recommendation to the APC to include a caveat that the jurisdictions would have until February 21, 2003 to submit additional information that may allow for further allocation enhancements based on the existing linkage program requirements. Any modifications to the allocation distribution summarized below will require review and considerations by the APC and Governing Board in March.

### **2003 Performance Evaluation Results:**

**City of South Lake Tahoe** – Base number of residential allocations is 23.

Transit Level of Service A letter of intent was not submitted and therefore no enhancements will be awarded in this category.

Permit Monitoring The City of South Lake Tahoe scored 93.5 percent on the project review portion of the performance audit and scored 94 percent on the compliance portion. Therefore, two units of enhancement (six allocations) will be awarded in this category since the audit scores in both categories exceed 90%.

CIP Project List and Water Quality Project Maintenance A CIP Project List and MEP was submitted to TRPA. In addition, the City has demonstrated good performance in completing EIP projects since 2000. Therefore, two additional units of enhancement (six allocations) will be awarded in the category.

BMP Retrofit Implementation The City of South Lake Tahoe has developed a program that is expected to achieve the BMP retrofit targets and has committed an adequate amount of resources to implement the program. Therefore, two additional units of enhancement (six allocations) will be awarded in the category.

Summary Staff recommends that the City of South Lake Tahoe receive a total of 41 residential allocations in 2003.

**EI Dorado County** – Base number of residential allocations is 55.

Transit Level of Service A letter of intent was submitted and funding levels were increased more than 10% for projects and programs aimed at improving transit level of service and therefore two enhancements (fourteen allocations) will be awarded in this category.

Permit Monitoring EI Dorado County scored 93.6 percent on the project review portion of the performance audit and scored 96 percent on the compliance portion. Therefore, two units of

enhancement (14 allocations) will be awarded in this category since the audit scores in both categories exceed 90 percent.

CIP Project List and Water Quality Project Maintenance A CIP Project List and MEP was submitted to TRPA. In addition, El Dorado County has demonstrated good performance in completing EIP projects since 2000. Therefore, two additional units of enhancement (14 allocations) will be awarded in this category.

BMP Retrofit Implementation El Dorado County has developed a program that is expected to achieve the BMP retrofit targets and has committed an adequate amount of resources to implement the program. Therefore, two additional units of enhancement (14 allocations) will be awarded in this category.

Summary Staff recommends that El Dorado County receive a total of 111 residential allocations in 2003.

**Placer County** – Base number of residential allocations is 34.

Transit Level of Service A letter of intent was not submitted and therefore no enhancements will be awarded in this category.

Permit Monitoring Placer County scored 84.5 percent on the project review portion of the performance audit and scored 88 percent on the compliance portion. Therefore, one unit of enhancement (4 allocations) will be awarded in this category since the audit scores in both categories exceed 75 percent.

CIP Project List and Water Quality Project Maintenance A CIP Project List and MEP was submitted to TRPA. Therefore, one additional unit of enhancement (4 allocations) will be awarded in this category.

BMP Retrofit Implementation Placer County has developed a program that is expected to achieve the BMP retrofit targets. Therefore, one additional unit of enhancement (4 allocations) will be awarded in this category.

Summary Staff recommends that Placer County receive a total of 46 residential allocations in 2003.

**Washoe County** – Base number of residential allocations is 25.

Transit Level of Service A letter of intent was not submitted and therefore no enhancements will be awarded in this category.

Permit Monitoring Washoe County scored 95 percent on the project review portion of the performance audit and scored 87 percent on the compliance portion. Therefore, one unit of enhancement (3 allocations) will be awarded in this category since the audit scores in both categories exceed 75 percent.

CIP Project List and Water Quality Project Maintenance A CIP Project List and MEP was submitted to TRPA. In addition, Washoe County has demonstrated good performance in completing EIP projects since 2000. Therefore, two additional units of enhancement (6 allocations) will be awarded in this category.

BMP Retrofit Implementation Washoe County has developed a program that is expected to achieve the BMP retrofit targets. Therefore, one additional unit of enhancement (3 allocations) will be awarded in this category.

Summary Staff recommends that Washoe County receive a total of 37 residential allocations in 2003.

**Douglas County** – Base number of residential allocations is 13.

Transit Level of Service A letter of intent was not submitted and therefore no enhancements will be awarded in this category.

Permit Monitoring Douglas County scored 88 percent on the project review portion of the performance audit and scored 94 percent on the compliance portion. Therefore, one unit of enhancement (1 allocation) will be awarded in this category since the audit scores in both categories exceed 75 percent.

CIP Project List and Water Quality Project Maintenance A CIP Project List and MEP were not submitted to TRPA. Therefore, one unit of deduction (1 allocation) will be assessed in this category.

BMP Retrofit Implementation Douglas County has not developed a program that is expected to achieve the BMP retrofit targets. Therefore no enhancements will be awarded in this category.

Summary Staff recommends that Douglas County receive a total of 13 residential allocations

The results are summarized in the following table:

	Douglas	Washoe	El Dorado	City SLT	Placer	Total
<b>Base (150)</b>	<b>13</b>	<b>25</b>	<b>55</b>	<b>23</b>	<b>34</b>	<b>150</b>
Permit Compliance	1	3	14	6	4	
EIP Implementation	-1	6	14	6	4	
BMP Retrofit	0	3	14	6	4	
Increase TLOS	0	0	14	0	0	
<b>Total</b>	<b>13</b>	<b>37</b>	<b>111</b>	<b>41</b>	<b>46</b>	<b>248</b>
<b>Maximum Possible</b>	<b>21</b>	<b>49</b>	<b>111</b>	<b>47</b>	<b>66</b>	<b>294</b>
<b>Minimum Possible</b>	<b>9</b>	<b>13</b>	<b>27</b>	<b>11</b>	<b>18</b>	<b>78</b>

Environmental Documentation: Staff have completed an Initial Environmental Checklist (IEC) for the proposed resolution and proposes a Finding of No Significant Effect (FONSE).

Required Action: To implement the proposed 2003 residential allocation assignments, the Governing Board must take the following actions:

1. A Finding of No Significant Effect; and
2. A motion to adopt the attached resolution (Attachment A).

If you have any questions or comments on this matter, please contact Paul Nielsen, at (775) 588-4547, Extension 249.



TAHOE REGIONAL PLANNING AGENCY  
RESOLUTION 2003-\_\_

RESOLUTION TO SET THE NUMBER OF 2003 RESIDENTIAL ALLOCATIONS

WHEREAS, Chapter 33 of the TRPA Code of Ordinances was amended on December 18, 2002, to modify the performance-based allocation system; and

WHEREAS, the amendments to Chapter 33 included the previously established Performance Review Committee which includes one member from each local jurisdiction receiving residential allocation; and

WHEREAS, the amendments to Chapter 33 charged the Performance Review Committee with determining the number of residential allocations based on the general guidelines provided by the Governing Board; and

WHEREAS, the Performance Review Committee used the adopted criteria in January 2003 to evaluate the performance of each local jurisdiction receiving allocations, and recommended the assignment of 2003 residential allocations based on these criteria; and

WHEREAS, the Performance Review Committee presented their recommendations for assignment of 2003 residential allocations to the Governing Board on February 26, 2003.

WHEREAS, based on the Performance Review Committee recommendation TRPA will reconsider the allocation assignments if additional performance information is submitted by the local jurisdictions by February 21, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board, based on the recommendation of the Performance Review Committee and substantial evidence in the record, hereby sets the number of 2003 residential allocations for each local jurisdictions for each year as follows:

City of South Lake Tahoe . . . . .	41 allocations
Douglas County . . . . .	13 allocations
El Dorado County . . . . .	111 allocations
Placer County . . . . .	46 allocations
<u>Washoe County . . . . .</u>	<u>37 allocations</u>
Total	248 allocations

Passed and adopted this 26 day of February 2003 by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

\_\_\_\_\_  
David A. Solaro, Chairman  
Tahoe Regional Planning Agency

/



## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

February 13, 2003

To: TRPA Governing Board

From: Melissa Joyce, Associate Planner, Project Review Division

Subject: Notice of Preparation, Environmental Impact Statement/Environmental Impact Report (EIS/EIR), University of California, Davis, Scoping for Tahoe Environmental Research Facility Project and Related Regional Plan Amendments

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The University of California, Davis (UC Davis) has re-initiated the environmental review process for a proposed threshold-related research facility to replace their existing facility at the old fish hatchery building in Lake Forest.

UC Davis is now considering two alternative sites for the facility as well as a "no project" alternative through an EIR/EIS. One site is an existing Tahoe City Public Utility District (TCPUD) campground adjacent to the fish hatchery. The second site is an undeveloped parcel owned by the California State Parks within Lake Forest Village south of Lake Forest Road. Both project alternatives include reuse of the existing fish hatchery building as an education center. The EIR/EIS will evaluate the three alternatives as well as the required Regional Plan amendments (Plan Area statement amendments and Code of Ordinance amendments) for each alternative.

UC Davis and TRPA will serve as joint lead agencies for the EIR/EIS. UC Davis will serve as the lead agency for the EIR under the California Environmental Quality Act (CEQA), and TRPA will serve as the lead agency for the EIS under Chapter 5 of the TRPA Rules of Procedure.

A Notice of Preparation for the EIR/EIS was sent to interested parties on January 31, 2003. The public comment period for scoping the document began on January 31, 2003 and closes March 3, 2003. The purpose of the NOP is to gather input from both public and private entities regarding issues and concerns that should be addressed in the environmental document. The TRPA Advisory Planning Commission discussed and took public comments at their meeting on February 12, 2003.

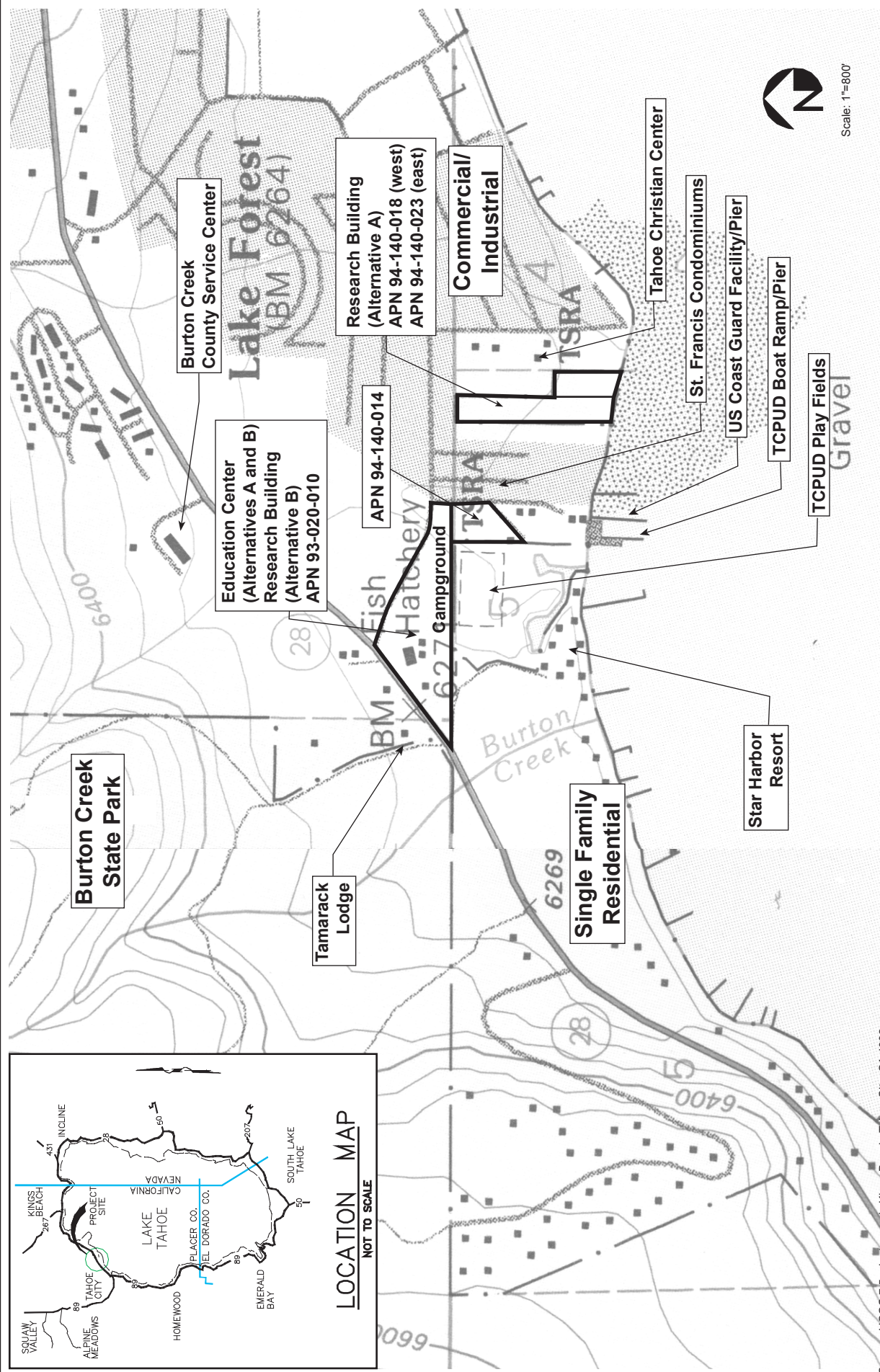
Staff requests that the Governing Board assist in the scoping of the EIR/EIS. In addition, staff is requesting that the Governing Board solicit public comments at the meeting. No action is required at this time.

/MJ  
2/13/03

AGENDA ITEM IX.C.

A project history and description, draft Initial Environmental Checklist IEC and proposed plans are included for your review. These documents are also available for review on our website at [www.trpa.org](http://www.trpa.org). The applicant will be present to provide a brief presentation of the project. If you have any questions or comments regarding this agenda item, please call Melissa Joyce at (775) 588-4547, Extension 244. If you wish to comment in writing, please send all comments to:

Melissa Joyce, Associate Planner  
Project Review Division  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448



Source: USGS 7.5 minute quads Kings Beach, Tahoe City, CA 1992

UC Davis  
Tahoe Environmental  
Research Center Project

# LOCATION MAP

PARSONS

Figure 1

# **UC DAVIS TAHOE ENVIRONMENTAL RESEARCH CENTER**

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## **DRAFT INITIAL ENVIRONMENTAL CHECKLIST/ INITIAL STUDY**

**January 31, 2003**

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**PARSONS**

**Sacramento, CA**

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- Appendix B - Alternative B – Plans for the Campground/Fish Hatchery Sites
- Appendix C - CEQA and TRPA Checklists Comparison



# **DRAFT INITIAL ENVIRONMENTAL CHECKLIST AND INITIAL STUDY**

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for the

## **UC DAVIS TAHOE ENVIRONMENTAL RESEARCH CENTER**

### **PROJECT NAME AND DESCRIPTION**

The University of California, Davis (UC Davis) proposes to construct and operate the Tahoe Environmental Research Center (TERC) to provide facilities for the ongoing study of the physical, chemical and biological effects of human development on the ecology of freshwater lakes, streams and their watersheds in California and Nevada. UC Davis established the Tahoe Research Group (TRG) for limnological research and water quality data collection. Since 1975, TRG has been operating out of the fish hatchery building located at the intersection of State Route 28 and Lake Forest Road in Tahoe City, CA. Two alternative sites are being considered for the construction and operation of a proposed TERC research facility. One site (Alternative A) is located approximately 1,000 feet east of the fish hatchery on a parcel owned by the California Department of Parks and Recreation (California State Parks). The second site (Alternative B) is located adjacent to the existing fish hatchery on an existing campground.

A detailed description of the proposed alternatives is included in the attached document. The proposed project includes the following components:

- a new research building and support building;
- approximately 1,800 square feet of office space for California State Parks Sierra District's Resource Management Unit within the research building on the California State Parks site (would not be developed in the research building at the campground site);
- the adaptive reuse of the existing fish hatchery building into an Education Center;
- a new parking lot for the Research Building and parking modifications for the Education Center;
- new access from Lake Forest Road;
- walkway and bike trail reconfigurations; and
- the demolition of five existing ancillary buildings (a residence, two cabins, and two storage sheds) located to the west, south, and east of the fish hatchery building.

### **LEAD AGENCY**

UC Davis will serve as the lead agency under the California Environmental Quality Act (CEQA) and Tahoe Regional Planning Agency (TRPA) will serve as the joint lead agency under Chapter 5 of the TRPA Rules of Procedure. An Environmental Impact Report/Environmental Impact Statement (EIR/EIS) will be prepared for the proposed TERC project. This EIR/EIS will specifically evaluate the probable environmental effects of the project in the areas of: land, air

quality, water quality and hydrology, vegetation, wildlife, noise, land use, risk of upset, housing, transportation/circulation, public services, utilities, human health, scenic resources/community design, recreation, and cultural resources.

## **PUBLIC REVIEW**

The public review of the proposed project will be accomplished with the circulation of this document, public scoping meetings during the circulation of this document, preparation of the Draft EIR/EIS and hearings during the circulation of the Draft EIR/EIS, and during hearings held to consider certification of the Final EIR/EIS and approval of the proposed action.

The Initial Environmental Checklist for the proposed project will be circulated for public and agency review from January 31, 2003 to March 3, 2003. Copies of the document are available during normal operating hours at the TRPA office on 308 Dorla Court in Zephyr Cove, NV; at the UC Davis Office of Resource Management and Planning, 376 Mrak Hall on the UC Davis campus; at Reserves in Shields Library on the UC Davis campus; at the Placer County Library branches in Tahoe City (740 North Lake Boulevard), Auburn (350 Nevada Street); and Kings Beach (301 Secline Drive); and online at <http://www.ormp.ucdavis.edu/environreview/>. Copies of all documents referenced in the Initial Environmental Checklist are available at California State Department of Parks and Recreation, Sierra District Office, Sugar Pine Point State Park, 7360 West Lake Boulevard, Tahoma, CA.

Comments on this document must be received by 5:00 p.m. on March 3, 2003. They can be e-mailed to [environreview@ucdavis.edu](mailto:environreview@ucdavis.edu) or sent to:

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Vice Chancellor - Resource Management and Planning  
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One Shields Avenue  
376 Mrak Hall  
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Melissa Joyce  
Assoc. Planner – Project Review Division  
Tahoe Regional Planning Agency  
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308 Dorla Court  
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The public is also invited to attend a scoping meeting at the TRPA Advisory Planning Commission and Governing Board:

### **TRPA Advisory Planning Commission Meeting**

**When:** February 12, 2003, begins at 9:30 AM

**Where:** North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, CA

**Agenda:** Visit [www.trpa.org](http://www.trpa.org) one week prior to the meeting

### **TRPA Governing Board Meeting**

**When:** February 26, 2003, begins at 9:30 AM

**Where:** Horizon Casino Resort Hotel, Highway 50 at Stateline, NV

**Agenda:** Visit [www.trpa.org](http://www.trpa.org) one week prior to the meeting

If you have further questions or require additional information regarding this matter, please contact Sid England, UC Davis Director of Environmental Planning at (530) 752-2432.

# 1 PROJECT DESCRIPTION

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The University of California, Davis (UC Davis) proposes to provide facilities for the UC Davis Tahoe Environmental Research Center (TERC) to support the ongoing study of the physical, chemical, and biological effects of human development on the ecology of freshwater lakes, streams, and their watersheds in California and Nevada. The proposed project includes the following components:

- a new research building and support building;
- approximately 1,800 square feet of office space for California State Parks Sierra District's Resource Management Unit within the research building on the California State Parks site (would not be developed in the research building at the campground site);
- the adaptive reuse of the existing fish hatchery building into an Education Center;
- a new parking lot for the Research Building and parking modifications for the Education Center;
- new access from Lake Forest Road;
- walkway and bike trail reconfigurations; and
- the demolition of five existing ancillary buildings (a residence, two cabins, and two storage sheds) located to the west, south, and east of the fish hatchery building.

## 1-1 PROJECT HISTORY

### Summary of Project History

An extensive public involvement program and scoping process was instituted for the TERC project in 1999. The original project description included the construction of a new research laboratory on the campground located adjacent to the existing fish hatchery building and renovation of the fish hatchery as an education center. The Fish Hatchery and Campground sites are located within a disturbed stream environment zone (SEZ). As part of the Public Involvement Program for the project, UC Davis formed an Ad Hoc Committee, including members from regulatory agencies and the North Tahoe business community. The committee was formed to help direct the development of the project description and the preparation of an EIR/EIS. During the preparation of the EIR/EIS, public committee meetings were held, a Notice of Preparation/Notice of Intent was circulated, and a public scoping meeting was held before the TRPA Advisory Planning Commission. However, prior to completion of the Draft EIR/EIS for the proposed project, an alternative site selection process was initiated at the suggestion of several regulatory agencies.

The alternative site selection process, discussed in more detail below, ended with the recommendation to study a California State Parks site for the research laboratory and to continue to renovate the fish hatchery building for use as the education center. An Initial Study/Environmental Assessment and Mitigated Negative Declaration was prepared in June 2002 for the California State Parks site and circulated to the public and regulatory agencies. Comments received on the California State Parks environmental document suggested that the site would not be consistent with adjacent land uses and would result in impacts to adjacent

properties. Based upon the public controversy and issues that were raised regarding the California State Parks, it was decided that an EIR/EIS should be prepared to analyze the project at the two alternative sites: the State Parks site and the Campground site. This Initial Environmental Checklist/Initial Study has been prepared to identify issues that will be discussed in detail within the EIR/EIS.

### **Previous Public Involvement for the Campground Site**

The TERC Ad Hoc Committee was established in 1999 to facilitate communication between UC Davis and the community regarding ideas and concerns about the project. Representatives from the following agencies were notified of Ad Hoc Committee meetings:

- TRPA,
- California Tahoe Conservancy,
- Lahontan Regional Water Quality Control Board,
- Placer County,
- North Lake Tahoe Resort Association,
- Tahoe City Breakfast Club,
- Lake Forest Glen Homeowners Association,
- Dollar Point Homeowners Association,
- North Lake Tahoe Historical Society,
- League to Save Lake Tahoe,
- Tahoe City Public Utilities District,
- California State Historic Preservation Office,
- North Tahoe Municipal Advisory Council,
- Lake Tahoe Water Quality and Transportation Coalition,
- Tahoe-Truckee Regional Economic Coalition,
- Tahoe Sierra Board of Realtors,
- North Tahoe Municipal Advisory Council,
- Star Harbor Homeowners Association, and
- Tahoe Sierra Board of Realtors.

UC Davis staff members met with the Ad Hoc Committee and other members of the public on several occasions to provide information about the proposed TERC project and to gain input. The meetings were open to the general public. The meetings included:

- An August 1999 Open House/Ad Hoc Committee meeting to involve the Committee and general public early in project design, to educate the Committee and general public about the project, and to solicit their opinions about issues and opportunities regarding the project.
- A September 1999 Open House/Ad Hoc Committee meeting to present answers to issues raised previously, to present refined site plans, and to solicit additional comments on opportunities and issues.

- An October 1999 Site Visit/Ad Hoc Committee meeting to present answers to issues raised previously, to illustrate proposed site plan on the ground, and to solicit additional comments on opportunities and issues.

On December 12, 2000, an Initial Environmental Checklist/Initial Study was circulated for the Campground site EIR/EIS. A Notice of Preparation/Notice of Intent (NOP/NOI) of an EIR/EIS was distributed to public agencies and interested individuals in the community for thirty days. Comments were received on the NOP/NOI and included suggestions to identify an alternative site for the proposed research facility.

The TRPA Advisory Planning Commission (APC) held a public scoping meeting on the TERC project at its December 2000 hearing. UC Davis prepared a presentation to describe the proposed action and to discuss the key environmental issues that were identified in the TRPA Initial Environmental Checklist/Initial Study. Comments from TRPA APC members included suggestions to identify an alternative site for the proposed research facility that would be located outside of an SEZ.

### **Alternative Site Selection**

Based upon input received during project scoping for the Campground site EIR/EIS, UC Davis, in coordination with TRPA, initiated an alternative site selection process to look for another site for the proposed research laboratory. When looking for potential alternate project sites, UC Davis used the following screening criteria.

- The site must facilitate on-going data collection protocols. Tahoe Research Group data collection has been based on access to the north shore for over 25 years. Sampling protocols have been developed based on access from this part of the lake. The continuity of the long-term data set used to assess lake conditions is critical to the success of research efforts.
- A reliable source of unchlorinated, high quality water is required for research. Many aquatic organisms are highly sensitive to residual chlorine levels required in public water systems.
- Lake water must be available to the site. Thus, the site must be located where it is feasible to draw water directly from the lake.
- The site must be in close proximity to the lake. It is important to be able to assess lake conditions before proceeding with various research protocols, especially when traveling on the lake. The research facility must be near a marina where research vessels can be kept for efficient transport of supplies, samples, and equipment.
- The site must be available as soon as possible. Expanded research on Tahoe Basin environmental issues is urgently needed as quickly as possible due to the short time frames available for addressing many critical issues.
- Research facilities and the educational center must be located near each other. One of the objectives of the project is to facilitate the transfer of information from researchers to other persons using the educational center. Close proximity would facilitate this interaction.
- The site must have easy and reliable access. Processing of time-critical samples will need to be performed at other research facilities. Thus, the site must be easily and

- reliably accessible from UC Davis and from major metropolitan areas with airports, including Sacramento, the Bay Area, and Reno.
- The site must be in close proximity to a community where necessary supplies and services are available.

The alternative site selection process included the review of 11 potential sites. Table 1 documents alternative sites that were considered and rejected during the alternative site selection process. None of these sites would meet the purpose and need for the project.

**Table 1**

**Alternatives Considered and Rejected**

<b>Alternate Site</b>	<b>Reason(s) for Elimination</b>
CA State Parks Skylandia Park	This State Park-owned site was rejected because of water rights issues, quality of the forested site, and its current use as a key community-wide recreational site.
California Tahoe Conservancy (CTC) Keyhole Parcel	Site was purchased with Burton-Santini funding that does not allow for development.
CTC Firestone Property	Controversy over previous proposals for the use of this publicly owned site.
Tamarack Lodge	Site acquisition would be too expensive.
Obexer's Marina	Distance from the fish hatchery and north shore research sites and presence of dilapidated buildings and potential hazardous materials.
Sierra Boat Works and adjacent parcels	Site acquisition would be too expensive, site has poor logistics, and a number of other uses are already proposed.
Meek's Bay Resort and Marina	Distance from the fish hatchery and north shore research sites and lack of land area to construct needed TERC facilities.
Thierot Property	Lack of land area to construct needed TERC facilities and lack of fresh water supply for research uses.
Logan Shoals	Distance from fish hatchery and north shore research sites and cost of site acquisition.
U.S. Coast Guard Lake Tahoe Station	U.S. Coast Guard does not want to relinquish the site.
Sunnyside Lane Property	Property owners were not interested in selling and had reached agreement that sites along Sunnyside were not to be developed.

Source: Parsons, 2002

Each of the alternate sites listed in Table 1 could potentially accommodate some of the goals of the TERC program. However, analysis of the sites uncovered flaws at each location that would conflict with the development and operation of the TERC program. The flaws of each site are identified above. A review of parcels in Tahoe City was conducted; however, no appropriate sites could be identified. The potential sites in Tahoe City were either too small to accommodate the project, did not have adequate access to lake water, did not have adequate access to the lake, or were not readily available.

During the alternative site evaluation and discussions with the California State Parks regarding the Skylandia Park site, UC Davis learned of another California State Parks-owned site located between Lake Forest Road and Lake Tahoe. After review of parcel mapping and potential land coverage mapping, the site was selected for consideration in an environmental document.

### **Previous Public Involvement for the California State Parks Site**

UC Davis conducted public and agency meetings on April 29 and 30, 2002, to present the California State Parks alternative site to the interested public and members of the Ad Hoc Committee. The meeting agendas included an overview of the project history, a review of the proposed project, a discussion of impacts to be addressed in the environmental document, and an overview of the project schedule.

The public was able to comment on the Draft Initial Study and Environmental Assessment and Proposed Mitigated Negative Declaration submitted June 13, 2002 for the California State Parks site alternative. The document was circulated to public agencies and interested individuals in the community for 30 days ending July 15, 2002. The public was also invited to attend an informational open house regarding the California State Parks site alternative on June 26, 2002 at the Fish Hatchery building. Comments were received on the State Parks site, including opposition from adjacent landowners.

## **1-2 UPCOMING PUBLIC INVOLVEMENT**

The public involvement process for the preparation of an EIR/EIS for the Fish Hatchery/Campground and California State Parks sites will be accomplished with the circulation of this Notice of Preparation (NOP), an Advisory Planning Commission hearing during circulation of the NOP, circulation of the Draft EIR/EIS, public hearings held during the circulation of the Draft EIR/EIS, and during hearings held to consider certification of the EIR/EIS. The public involvement process is described in detail on Page II of this document under the heading of "Public Review."

## **1-3 PROJECT OBJECTIVES AND NEED**

As early as 1959, researchers at UC Davis were alarmed by the decline in water quality in Lake Tahoe. They established the Tahoe Research Group (TRG) for limnological research and water quality data collection. Since 1975, TRG has been operating out of the fish hatchery building located at the intersection of SR 28 and Lake Forest Road.

During the last 10 to 15 years, the need for modern research facilities and additional space at the Lake Tahoe laboratory has become urgent because of: (1) the growing awareness that the Tahoe ecosystem is fragile and in danger of incurring irreparable damage, (2) the necessity that state and federal agencies implement water quality policy at the watershed level, and (3) the university's commitment to address basic and applied questions in land, air, and water science in the basin. The hatchery (constructed in 1920) was not designed as a research facility and does not provide adequate space or facilities to accommodate the existing and future research programs proposed.

The goals of the TERC program are to:

- Serve as a nucleus for scientific and sociological research in the northern Sierra region;
- Promote a broad awareness of the importance of ecological interactions in the Lake Tahoe Basin to human welfare and foster a greater public concern for the conservation of natural resources and environmental quality everywhere;
- Provide environmental sciences research training to graduate and undergraduate students in advanced limnology and ecology for career-track positions in education, government, and industry;
- Help attract distinguished scientists from the U.S. and abroad for the purpose of collaboration and the exchange of scientific ideas;
- Conduct both basic and applied research in the environmental sciences using state-of-the-art techniques as well as developing new innovative approaches;
- Enhance ongoing management strategies to reverse the degradation of Lake Tahoe's water clarity and water quality;
- Establish and maintain long-term experimental and reference studies of the Lake Tahoe ecosystem;
- Provide scientific data that serves as a sound basis for the development of the most cost-effective government regulations; and
- Aid students, agency personnel, conservation professionals, landowners, and decision-makers in the understanding and management of natural and impacted ecosystems.

In addition to housing the UC Davis research program, the proposed new research building, if located on the California State Parks site, would also accommodate approximately 1,800 square feet of office space for California State Parks. The office space to be utilized by California State Parks in the proposed research facility would be occupied by the Sierra District's Resource Management Unit. This unit is comprised of resource specialists in hydrology, watershed management, wildlife management, botany, prescribed burning, forestry, and Geographical Information Systems (GIS). The Sierra District of California State Parks has an active and growing resource management program. Currently, the staff of the Resource Management Unit utilizes a small state park residence house as their office. The approximately 1,000-square-foot house, built in the 1950s, is too small to accommodate the staff, which can reach up to 10 people during the summer. In addition, the house is limited in terms of phones and electrical hook-ups needed to run a modern office that includes internet and GIS capabilities. Finally, the house is needed to house State Park employees, given the high-cost housing market of the Lake Tahoe Basin. It should be noted that office space for California State Parks employees would not be provided if the research building were constructed on the Campground site.

## **1-4 PROJECT LOCATION**

The proposed TERC facilities would consist of a new research building on either the California State Parks site or the TCPUD campground located adjacent to the Fish Hatchery site, and the renovation of the existing fish hatchery building (Figure 1 – Location Map). The existing land uses in the vicinity of the project sites include a variety of uses such as: single-family and multi-



family residential uses, commercial and office uses, a church, a campground and other developed recreation uses, vacant/open parcels, a boat launch, a coast guard facility, a venue for special events, and parking areas.

### **California State Parks Site**

The California State Parks site is owned by the California State Department of Parks and Recreation, and ownership would be transferred to the University of California. The site consists of approximately 4.69 acres at an elevation of 6,225 to 6,260 feet (Photos 1 through 3). Less than one third of the site would be used by the project. The site includes assessor's parcel numbers (APNs) 94-140-018 and 94-140-023. Located on the north shore of Lake Tahoe in Placer County, the site is within Lake Forest Village south of Lake Forest Road. The lowermost end of the property adjoins the shore of Lake Tahoe midway between Burton Creek and Dollar Point. There is some informal recreation use currently on the site; the public can use a trail that crosses the site to access and use a Lake Tahoe beach. Adjacent uses include the Tahoe Christian Center to the east, the St. Francis Condominiums and a residence to the west, and an office building to the north. The site is managed by the Tahoe City Public Utility District as part of the Tahoe State Recreation Area.

The northern portion of the California State Parks site contains land capability Class 5 lands, the middle of the site contains primarily land capability Class 3 lands, and the lower portion of the site near the lake consists primarily of land capability Class 1b, or Stream Environment Zone (SEZ), lands. TRPA defines a stream environment zone (SEZ) as a biological community that derives its characteristics from the presence of surface water or a seasonal high groundwater table. Stream environment zones exhibit the ability to rapidly incorporate nutrients into the usually dense vegetation and moist to saturated soils. An SEZ is delineated by the presence of drainages and floodplains, and is important for its ability to cleanse runoff, provide wildlife habitat, enhance scenic quality, and protect the soil resource. A more precise definition of how to identify and delineate SEZ boundaries is provided in the TRPA Code of Ordinances, Sections 37.3.B and C. Much of the land use planning for the Lake Tahoe Basin rests on a land capability study that was conducted by the USDA Forest Service in cooperation with the Tahoe Regional Planning Agency (Bailey, 1974). Land capability classifications range from 1 to 7 with 1 having the highest hazard potential and 7 having the lowest hazard potential. The site is located within TRPA Plan Area Statement 008 – Lake Forest.

**Figure 1 – Location Map**



***State Parks Site***

*Photo 1 – View (to south towards Lake Tahoe) from the northern portion of the California State Parks site in the vicinity of the proposed research laboratory building area.*



***State Parks Site***

*Photo 2 – View (to south) of Lake Tahoe from the southern portion of the California State Parks site.*



***State Parks Site***

*Photo 3 – View (to north, away from Lake Tahoe) from the southern end of the California State Parks site.*

## **Fish Hatchery and TCPUD Campground Sites**

The approximately 7.5 acre project site is identified as APNs 93-020-10 and 94-140-14, and is located between Lake Forest Road and North Lake Boulevard (SR 28) east of Tahoe City, CA (Photos 4, 5, and 6). Parcel 93-020-10 contains the fish hatchery and the campground. The Campground alternative would establish a research building and support building within the campground portion of the site. Parcel 94-140-14 is located between the campground and the boat ramp parking lot and will not be developed with new structures. Existing uses on the

project site include the fish hatchery building that is used for research by the TRG, a residence that is occasionally used by students and researchers, and four fish hatchery support buildings. The 20-unit Lake Forest Campground operated by the Tahoe City Public Utility District is located immediately to the east of these buildings on the parcel. Use of the campground only occurs during the summer, with a \$10 fee. Water and flush toilets are located at the Boat Ramp, just south of the campground. The property is all publicly owned by The Regents of the University of California and the California Department of Fish and Game. Transfer of ownership of parcel 93-020-10 from the Department of Fish and Game to The Regents has been approved by the Wildlife Conservation Board. The project would result in the restoration of the fish hatchery building and reconfiguration of the existing parking lot. Existing service buildings located to the south of the fish hatchery building would be removed and the underlying site restored.

The fish hatchery and TCPUD campground property includes TRPA land capability Classes 5, 3, and 1(b). The property is primarily classified as an SEZ (Class 1b), with two unnamed creeks flowing through or immediately adjacent to the site. The site is located within TRPA Plan Area Statements 005 – Rocky Ridge and 006 – Fish Hatchery.



***Fish Hatchery Site***

*Photo 4 – View (to south) of the fish hatchery building from SR 28, west of the intersection with Lake Forest Road.*



***Campground Site***

*Photo 5 – View (to south) of the Campground from Lake Forest Road*



***Fish Hatchery/Campground Site***

*Photo 6 - Aerial view of the fish hatchery and campground site. Highway 28 forms the northwest property boundary and Lake Forest Road the northeast. Star Harbor Resort, Pomin Park and the Lake Forest Boat Ramp are located along the southern property boundary.*

## 1-5 PROJECT ALTERNATIVES

The proposed TERC project consists primarily of the construction and operation of a new research building and the restoration of the existing fish hatchery building for use as an education center with associated site improvements. Figures that depict the action alternatives are located in Appendices A and B. Three Alternatives are being considered and are discussed in detail below. These Alternatives include:

- Alternative A – California State Parks and Fish Hatchery Sites;
- Alternative B – TCPUD Campground and Fish Hatchery Sites; and
- Alternative C – No Project/No Action Alternative.

### **ALTERNATIVE A – CALIFORNIA STATE PARKS SITE AND FISH HATCHERY RENOVATION**

#### **Research Building (California State Parks Site)**

TERC facilities proposed for the California State Parks site include a two-story research/office building, a one-story support building, a parking lot (35 vehicle spaces and two covered boat spaces) and roadway, and pedestrian walkways and trails (Figures C1.1, C1.2, L1.1, A1.1, and A1.2 in Appendix A). The 13,500 gross square foot (GSF) research building would provide approximately 7,800 assignable square feet (ASF), which is the area of the building that can be used by staff (excluding hallways, restrooms, janitorial closets, etc.). The 2,470 GSF support building would include approximately 2,100 ASF. Proposed land coverage for the TERC facilities are included in Table 2.

The research building would include the following uses: laboratories, laboratory support rooms, a conference room, graduate student work stations, a kitchen, office space, a reception and operations area, and support areas (Figures A2.1 and A2.2 in Appendix A). A covered porch and gabled facade would clearly mark the main entrance to the research building. Another entrance for staff members would be provided at the east end of the research building. Research activities that would take place in the building would address lake biology and chemistry, GIS work, soil studies, and other studies of lake health.

The support building (Figures A1.1 and A2.4 in Appendix A) would be located north of the research building and would include vehicle and equipment storage areas, a restroom, and a scuba locker. The support building would have a covered patio entrance and separate entrances for vehicle storage through roll-up doors.

The design of the new buildings would reflect the local architecture of the Lake Tahoe Basin. Materials would be selected based upon their ability to endure the mountain climate and would include rough wood siding with a wood stain finish, rough board-formed stained concrete, composition-shingle roofing, and tapered log columns. Elevations and sections of the research and support buildings are shown on Figures A3.11, A3.12, and A3.21 in Appendix A.

### ***Access and Parking***

The research building would include one vehicular access point from Lake Forest Road. The adjacent Tahoe Christian Center currently uses this existing access point. Parking for the research building would be provided between the access roadway and the building on the northern end of the parcel. The parking lot at the research building would provide 35 vehicle parking spaces, including accessible handicap parking. Two boat parking spaces would also be provided within the parking lot near the support building and access entry. An easement across a portion of parcels 094-140-017 and 093-033-004 would be required to accommodate adequate roadway access to the site. Land coverage estimates required for the offsite access improvements are included in Table 3. An easement currently exists on the parcels to allow for the existing access roadway. The documents conveying ownership of parcels 094-140-023 and 094-140-018 provide a right of access from the parcels to Lake Forest Road through a portion of parcels 5 (1,500 square feet) and 5A (6,000 square feet). The easement through these properties is for ingress and egress to and from the property and for utility pipes, telephone lines, and electric power lines to serve the parcels.

### ***Paths and Trails***

Paved paths proposed for the State Parks site would include connections from the parking lot to the entrances of the research and support buildings. Land coverage estimates required for the paths and trails are included in Table 2. The existing hiking trail that leads to Lake Tahoe would be stabilized with decomposed granite. The trail would also be realigned from the southwestern portion of the proposed parking lot, around the research building, to its existing alignment south of the research building. The realignment would result in an overall increase of trail coverage as shown in Table 2.

### ***Major Equipment***

To facilitate proper functioning of the research building, major equipment such as an emergency generator, transformer, condensing unit, fume hoods, and exhaust fans would be installed. An outdoor diesel emergency power 150-kilowatt generator would be provided in a weatherproof enclosure with a 300-gallon-base fuel tank. In order to operate properly during extreme cold weather situations, the generator would be provided with a jacket water heater, an alternator heater, and a control panel heater. The research building would have a pad-mounted transformer and would be equipped with a condensing unit and a chilling unit. The condensing unit would serve the "Cold Room" and would be one part of a refrigeration system that includes an evaporator and associated piping and control systems. The chiller unit is a Trane RTAA 80-ton unit, occupying 884 cubic feet.

All exhaust fans would be located within the building envelope, with exhaust louvers leading outside. Exhaust fans would include one 350-pound, 5-horsepower exhaust fan for the support building; two 1,200-pound, 20-horsepower, 2,300-cubic-feet-per-minute exhaust fans for fume hoods; one 300-pound, 1-horsepower, 1,000-cubic-feet-per-minute exhaust fan for radioisotope fume hoods; and six small exhaust fans with side-wall

louvers for individual room exhausts within the bathroom, program, and utility rooms. All of these pieces of equipment would generate some external noise.

A non-potable well would also be developed on the California State Parks site to provide non-treated water to the research facility for laboratory use. The well would be equipped with a pump and piping and would be located near the generator and chiller enclosure (on the northeast side of the site). The maximum annual use volume is estimated to be 80,000 gallons per year, with peak flows of 20 gallons per hour during summer experiment periods.

### ***Lake Intake System***

An untreated lake water supply is needed for the Research Building. Untreated water is required to evaluate the actual content of the water and provide a suitable element for scientific research (i.e., studies of living micro and macro organisms simulating the lake environment). Potable water from the tap is cleaned, treated, and may have additives that would not be found in untreated ground or surface water. Studying and using treated water would not result in an accurate scientific study of the lake environment.

The lake intake line serving the research building would be placed at a bottom elevation of 6211.5 feet (approximately an 8-foot depth during low water conditions) within the lake so that water samples would be representative of the lake and not the disturbed shorezone.

Supply needs can be met though a 10-gallon per minute submersible pump that would discharge lake water into small storage tanks for holding. The pump is 30.4 inches in length and 3 inches in diameter. The pump would be mounted on a metal skid and a check valve would be located at the intake to prevent the line from draining back into the lake once pumping has ceased. Dimensions for the pump mount would be approximately 48 inches long, 36 inches wide, and 18 inches high.

A 1/3 horsepower motor would power the pump, with a supply cable placed next to the intake line within black conduit. The power supply at the State Parks site would originate at the Research Building and would run adjacent to the intake line within the proposed sewer pipeline trench and under the existing access trail.

The intake line would consist of a 1.25-inch high-density polyethylene black pipe. The pipe would have thermally fused butt ends and transition fittings as needed. The pipe would be exposed along the lake wall and buried at the high water line. Portions of the pipe that are exposed beneath the water would be weighted with bolted concrete that would sandwich the pipe. The anchors would be approximately six inches in height and would be eight inches wide by 18 inches long. To reduce visibility in the water, the pre-cast concrete halves would be a black shade. Anchors would be placed at approximately 20-foot intervals along the line.

A 60-gallon tank would be located at the Research Building to provide 50 gallons of stored water plus 10 gallons of space reserved for pump control switches. When the pump is initially operating, average rates should be approximately one gallon per minute,

with hourly replenishment from the intake pump. The future peak use rate of 10 gallons per minute could be met directly by the pump or taken from the storage tanks with concurrent replenishment from the pump.

The lake intake line would run from the shoreline to the proposed sewer pipeline connection with the existing sewer connection stub. The intake line would be located within the same trench as the sewer line and under an existing trail until it reaches the southwest corner of the Research Building. At that point, the intake line would run outside the sewer trench, parallel to the rear wall to the laboratory portion of the building. The length of the intake line from within the lake to the mean low water or shoreline is 1,950 feet. The length from the shore to the Research Building is 795 feet. This alignment is shorter than the alignment to the Campground site (Alternative B), but is located partially within undisturbed SEZ instead of existing trails and roadways.

### ***Permits and Approvals***

A number of permits and approvals are required since lake water will be diverted, and the intake line will cross through state-owned property. Notice of lake water diversion must be sent to the State Water Resources Control Board (SWRCB), Water Rights Division. The California State Parks site has riparian ownership and may divert water with notification to the SWRCB.

A shorezone permit is required by TRPA, which includes submission of an application, fees, and implementation of permit conditions. The State Lands Commission owns and administers the portion of the lake bottom below the mean low water mark and requires notification indicating the location of the line and prior TRPA approval. If authorization is given by the TRPA and State Lands Commission, the U.S. Army Corps of Engineers requires submission of a permit application and public notice. Authorization is routinely granted by the U.S. Army Corps of Engineers following approval by TRPA and the State Lands Commission. Since water would be diverted from the lake, riparian rights would need to be obtained from the California State Parks Department, which administers shoreline riparian ownership on the California State Parks Site.

### ***Land Coverage***

The proposed research building would result in approximately 31,000 square feet of total land coverage at the California State Parks site. The existing land coverage on the site includes the Tahoe Christian Center access driveway and paths (approximately 3,040 square feet) and the trail that leads to Lake Tahoe (approximately 560 square feet). The allowable and proposed land coverage totals for the California State Parks site are listed in Table 2. As shown in Table 2, the total land coverage proposed for the site would be within allowable coverage limits for the two parcels.



**Table 2**

**On-Site Land Coverage (square feet) – California State Parks Site**

<b>APNs 094-140-023/094-140-018</b>	<b>Class 5</b>	<b>Class 3</b>	<b>SEZ (1b )</b>	<b>Total</b>
<b>EXISTING COVERAGE</b>				
Buildings	0	0	0	0
Paths	1,047	0	0	1,047
Roads and Parking	1,997	0	0	1,997
Trails	458	57	46	561
<b>TOTAL EXISTING COVERAGE</b>	<b>3,502</b>	<b>57</b>	<b>46</b>	<b>3,605</b>
<b>ALLOWABLE COVERAGE</b>				
Land Area	126,683	16,401	61,316	204,400
Percent Cover Allowable	25%	5%	1%	–
<b>ALLOWABLE COVERAGE</b>	<b>31,671</b>	<b>820</b>	<b>613</b>	<b>33,104</b>
<b>PROPOSED COVERAGE*</b>				
Buildings	10,377	0	0	10,377
Paths	642	0	0	642
Roads and Parking	19,052	0	0	19,052
Trails	551	127	46	724
Garbage Enclosure and Utility Pads	151	0	0	151
<b>TOTAL PROPOSED COVERAGE</b>	<b>30,773</b>	<b>127</b>	<b>46</b>	<b>30,946</b>

Source: BSA Architects, January 2003

\*These numbers include existing coverage and represent total coverage with development of the project.

An existing access road would also be widened as a result of this project. The access roadway crosses two off-site parcels between the State Parks site and Lake Forest Road. The existing and proposed coverage for the two off-site parcels (Parcel 5A to the north and Parcel 5 to the west) are listed on Table 3. Proposed coverage for Parcel 5 would be within allowable coverage limits. However, new coverage for Parcel 5A would further exceed allowable coverage limits for this parcel. The portions of Parcels 5 and 5A in which the access roadway would be developed are within an existing easement. Approval of the proposed coverage on these off-site parcels would either require their inclusion in the TRPA Project Area or a transfer of the smaller parcel (Parcel 5A) to the County as a public right-of-way.

**Table 3**

Off-Site Land Coverage (square feet) – California State Parks Site

Parcel and Use	Existing Coverage	Proposed Additional Coverage	Total Coverage with Project (% coverage)
<b>Parcel 5) 094-140-017 (3.7 acres)</b>			
Buildings	1,899	0	1,899 (1%)
Roads & Parking	9,479	122	9,601 (6%)
<b>(Parcel 5A) 093-033-004 (0.11 acres)</b>			
Roads & Parking	1,390	1,441	2,831 (59%)
Total Off-Site Coverage	12,768	1,563	14,331

Source: BSA Architects, January 2003

Note: Land capability has not been verified for these off-site parcels. Preliminary estimates indicate parcel 5 is under allowable coverage limits and parcel 5A is over allowable coverage limits. Land capability will be determined for inclusion in the Draft EIR/EIS.

**Tree Removal**

There are approximately 217 trees (greater than 6 inches dbh) on the California State Parks site. Approximately 64 trees would be removed for construction of the buildings, parking lot, and public access road. Five of the trees to be removed would be located off-site within the proposed access roadway on Parcel 5A (north of the State Parks parcels). The remaining 59 trees to be removed would be located on the California State Parks site. Of the trees to be removed, two would be over 30 inches in diameter at breast height (dbh). Table 4 summarizes tree removal on the California State Parks site.

Trees located outside of the construction area would be protected with fencing around the drip line of the tree. Temporary disturbance areas would be restored to natural conditions following construction.

**Drainage**

Runoff from building rooftops would fall into percolation facilities that would encircle the perimeter of the buildings. Sidewalk areas would drain into the adjacent landscaped areas. A 1,200-gallon sand-oil separator, located north of the research building, would treat runoff from the parking lot. Water filtered through the sand-oil separator would be held in a 700 cubic foot vegetated terminal treatment pond, located between the parking lot and the northwestern edge of the research building. A second pond located south of the research building would be capable of storing 1,300 cubic feet of runoff. A 50 foot long rock and vegetation overflow area would be located directly south of the 1,300 cubic feet treatment pond. The additional runoff from the filtration system would be filtered through rock and vegetation for overland dispersion on the site. The two ponds have a combined drainage detention capacity of 2,000 cubic feet to treat 1,794 cubic feet of runoff.

**Table 4**

Tree Removal – California State Parks Site (APN 94-140-018)

Size (dbh)	Trees to be Removed	Trees to Remain
Less than 10 inches	16	16
10 – 13.9 inches	13	14
14 – 17.9 inches	9	13
18 – 23.9 inches	15	48
24 – 29.9 inches	4	39
Over 30 inches	2	28
TOTAL	59	158

Source: BSA Architects, January 2003

**Landscaping**

Landscaping at the California State Parks site would consist of native grass, shrub, and tree species. Ornamental plantings would not be used. Areas adjacent to the parking lot and support building would be restored to match existing vegetation conditions. Trees would be planted on the north, east, and west sides of the proposed development, which would help screen the view of the buildings from adjacent parcels. In accordance with TRPA requirements, only TRPA approved species would be used, and would be non-invasive with little watering or fertilization requirements. The plant species would be similar to those removed or found within the general area. There are no provisions indicating a tree replacement ratio is applicable to this project. If SEZ is disturbed during construction, the SEZ would be replaced at a 1.5:1 ratio. A revegetation plan would be prepared and submitted to TRPA for approval, indicating the size and type of vegetation to be used, irrigation methods, and other materials to be used, among other factors listed in Section 77.4 of the TRPA Code of Ordinances.

**Utilities**

The proposed research building would connect to the Lake Forest Water Company (potable water) (Lake Forest Water Company, March 29, 2002), the Tahoe City Public Utility District (TCPUD) (sewer) (TCPUD, March 21, 2002), Pacific Bell (communications), Sierra Pacific Power Company (electricity), and Southwest Gas Company (natural gas) (Southwest Gas Company, July 5, 2002) from connection lines located adjacent to or along Lake Forest Road. An emergency generator would be installed to provide energy during power outages or maintenance activities. The 150-kilowatt outdoor diesel emergency power generator would be provided in a weatherproof enclosure with a 300-gallon-base fuel tank, located at the eastern edge of the parking lot, near the southeastern portion of the support building. For operation in extreme cold weather situations, the generator would be provided with a jacket water heater, an alternator heater, and a control panel heater.

### ***Water System Improvements***

The Lake Forest Water Company would provide water and fire flow water service to the California State Parks site. Since the site is not currently served, an extension of the water line is necessary. Currently, water pressure in this area is low, although there is adequate supply. In order to provide adequate pressures to the site, the project would include the development of a new, larger water main adjacent to the existing 4-inch main that currently runs in the vicinity of the site. The new line would improve operating pressures for other customers as well. Approximately 2,895 feet of pipe would be installed within a trench 55 inches beneath roadways and roadway shoulders. Starting at the water tank, the line would be located within 150 feet of compacted dirt roadway to the Old Mill Road. This area is forested with little existing disturbance. The line would be beneath pavement for a distance of 210 feet within the Old Mill Road. Power poles, trees and possibly other utilities are located within the shoulder of this road. Next, the line would be bored under SR 28 and would follow the road for 500 feet to Lake Forest Glenn. This portion of the line would be within pavement, backyard easements, and the Lake Forest Glenn common area. The main would be installed for 700 feet within roadway pavement and parking areas through the condominium complex, temporarily affecting service to 12 units in the complex. Leaving the Lake Forest Glenn property, the line would enter an unpaved portion of land near Aspen Road. This area is used as dirt parking for Green Thumb Nursery vehicles. Approximately 75 feet of this parking area would be temporarily affected during construction. Following within the pavement of Aspen Road, the line would run to Lake Forest Road for 400 feet. The main line would then follow Lake Forest Road for 1,000 feet within the roadway pavement to the project site.

### ***Staffing***

The proposed research building has been designed to provide laboratory, office, and meeting spaces for UC Davis and California State Parks staff. The estimated maximum capacity of the research laboratory is approximately 72 people. Building occupants would include approximately 10 full time State Parks employees, and eight full time UC Davis employees, as well as several short-term seasonal employees and visitors. The ten California State Parks staff that would be accommodated at the facility are presently working at a private residence in Tahoe City, California. Five of the seven current full-time UC Davis employees and all of the current UC Davis short-term staff and researchers would be relocated to the proposed facility from the Fish Hatchery. UC operation of the proposed research facility would increase full-time staffing in the Tahoe Basin by approximately three full-time employees and would increase short-term seasonal staffing by up to 23 people. The majority of these additional seasonal researchers would work at the proposed facility during the summer months, with stays in the basin ranging from a few days to a maximum of approximately three months.

### **Education Center (Fish Hatchery Site)**

The Fish Hatchery building would be renovated for use as an education center (Figures C2, L1.2, A1.3, A2.5 in Appendix A). The education center would occupy the existing building, with minor exterior modifications to the building entrance.

The education center would include an environmental library, exhibits and displays, a multi-purpose room, a reception and entry area, a seminar/conference room, a public education center, storage facilities, a California Department of Fish and Game (CDFG) office, and a student work room. Special events with up to 100 visitors would be held at the education center in the evenings after 5:00 p.m. and on weekends. Due to parking limitations, some special event visitors would be shuttled to the site from the research building parking area. Special events would include exhibits, environmental presentations and training, research fundraisers, and social events involving, for example, project donors, conference gatherings, or other program-related activities. Pursuant to the TRPA Code of Ordinances (Chapter 2, "Definitions"), the education center may be used for "temporary activities" that serve more than 100 visitors, but these activities would be limited to no more than four events per year.

### ***Structural Changes***

The Tahoe Fish Hatchery appears to be eligible for listing in the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP) (JRP 1998), and maintaining the architectural integrity and historic character of the original building is a primary goal of the renovation of the Fish Hatchery for use as an education center.

The building would be structurally strengthened and restored to correct deterioration and damage and to upgrade the building to meet all current safety codes. All structural upgrades would be done within the shell of the existing building, and worn materials would be replaced in-kind or with materials similar in color, texture, and style to those used in the original building construction. Front and side elevations and sections of the education center are shown on Figures A3.31 and A3.32 in Appendix A.

### ***Roofing***

Due to extensive deterioration, most of the Fish Hatchery building's exterior (wall framing, sheathing, bark siding, roof sheathing and shingles, and roof framing at the east and west wings) would be removed and replaced. The exposed high-pitch roof sheathing, composition shingles, and bark siding would be replaced to match the existing elements, while unexposed deteriorated items would differ from the original. The steep-pitch roof and shed dormers would receive R-30 insulation and an ice-and-water shield on the exterior side of the sheathing. These additions would deepen the roof assembly, requiring the replacement of fascia boards and soffits. The dormers would be fitted with wood siding. Decayed portions of the roof on the east and west wings would be replaced and plywood sheathing and batt insulation would be installed. The roof sheathing of the steep-pitched roof, roof shingles, and bark siding would be replaced with materials that match the existing elements, including green composition shingles. Although wood shingles were used for the original roofing material, green composition roofing has been used for such a long period of time that they now contribute to the historic character of the building.

### ***Exterior Repairs***

To allow additional insulation and provide better support, the 2-by-4 framing on the existing building would be replaced by 2-by-6 framing. The stonework at the base of the building would be repaired using hand tools and soft mortar, and the original wood windows would be replaced with custom-made wood windows that match the original windows in configuration and profile. The single door on the east wing would be converted to a window, with a new stone base filling the bottom portion of the original door opening. The garage door on the west wing would be converted back to the single door that was originally planned for the structure.

### ***Entries***

Although the office in the north wing of the Fish Hatchery building would be removed and reconstructed according to the original structural and design plans, the original north entry would remain intact (see Figure A2.5 in Appendix A). The log support posts for this entry indicate decay from water and snowmelt. In order to stabilize the support posts, the bases of the logs would be removed at approximately 15 inches above grade and replaced with a 15-inch concrete base. A new entry terrace would be constructed to allow for wheelchair access. The entry terrace would be constructed in the same location as the existing entry. Portions of the northern entry would be regraded.

### ***Interior***

The interior of the Fish Hatchery building would be adapted for use as an environmental education center, with an open central core for the “Great Hall” assembly, exhibit, and reception area. In addition, there would be enclosed spaces in the corners of the open space for restrooms, storage and electrical closets, and an entry vestibule and lobby. A library, conference room, and student center would be located in the east and west wings of the building. The north office area would be used for a lobby. The interior stone base and exposed heavy timber trusses, roof framing, and support posts would remain within the Great Hall space, with the addition of retrofitting and the addition of steel support plates. Gypsum board would cover all of the non-bearing perimeter walls, new interior partitions, and ceilings in the wings and other enclosed spaces. A new floor slab with a subsurface drainage system would replace the existing concrete floor slab. The interior design of the education center is illustrated in Figure A2.5 in Appendix A.

### ***Fish Hatchery Residence and Garage***

The residence and garage located on the southwestern edge of the Fish Hatchery (Figure L1.2 in Appendix A) site would remain to support the education center and research building. The residence and garage would be cleaned and organized as needed to provide adequate temporary living space.

### ***Structure Removal***

There are five uninhabited ancillary structures surrounding the Fish Hatchery building. These buildings are not eligible for listing in the CRHR or the NRHP (JRP 1998) and would be removed. These structures include sheds, cabins, and storage structures. Each

of these structures would be demolished, and the approximately 4,200 square feet of SEZ once covered by the structures would be restored. Removal of these structures and restoration of the land would improve the quality and quantity of the SEZ.

### ***Access and Parking***

The existing access point to the Fish Hatchery building from North Lake Boulevard would continue to be used with minor modifications to improve bicycle safety (as discussed below under Paths and Walkways). Parking for the education center would be provided in the existing location, with minor modifications to improve circulation. The parking lot at the education center would provide accessible handicap parking. A total of 15 parking spaces would be provided in the education center lot and two parking spaces would be available at the existing residence.

### ***Paths and Walkways***

The existing bicycle path along the northern side of the Fish Hatchery site would stay in place. Minor improvements would be made to this bike trail to reduce potential conflicts with vehicles entering and exiting the education center site. Currently, the bicycle path is not clearly delineated at the intersection of North Lake Boulevard, Lake Forest Road, and the entry to the Fish Hatchery building. A section of pathway and bollards (vertical roadway barriers) would be added between the east side of the Fish Hatchery entrance and the west side of Lake Forest Road. This would clearly connect the portion of the path along the western edge of the Fish Hatchery site with the section traversing north of Lake Forest Road and through the campground south of Lake Forest Road. Bollards and visual delineation markings would be added to clearly indicate where the path crosses a roadway.

### ***Major Equipment***

The education center would have a pad-mounted transformer that would generate some external noise.

### ***Land Coverage***

The proposed education center and associated land uses would result in approximately 16,730 square feet of total land coverage at the Fish Hatchery site. The project would reduce existing coverage by approximately 4,300 square feet and would include approximately 4,200 square feet of SEZ coverage restoration. Table 5 documents the existing, allowable, and proposed land coverage totals for the education center project area. As shown in Table 5, the land coverage proposed for the site would be reduced compared to existing land coverage numbers.

**Table 5**

Land Coverage (square feet) – Fish Hatchery Site

APN-93-020-10	CLASS 5	CLASS 3	SEZ (1b)	TOTAL
<b>EXISTING COVERAGE</b>				
Buildings	4,434	1,170	2,649	8,253
Decks	0	224	0	224
A/C/paving, Concrete	8,238	282	2,129	10,649
Gravel	0	0	1,929	1,929
TOTAL EXISTING COVERAGE	12,672	1,676	6,707	21,055
<b>ALLOWABLE COVERAGE</b>				
Land Area	19,449	22,098	89,318	130,865
Percent Cover Allowable	25%	5%	1%	--
ALLOWABLE COVERAGE	4,862	1,105	893	6,860
<b>PROPOSED COVERAGE</b>				
Education Building	4,030	0	440	4,470
Residence and Garage Buildings	0	1,170	0	1,170
Parking and Roads	7,397	282	2,069	9,748
Walkways / Bike Trails and Patios	1,117	224	0	1,341
TOTAL PROPOSED COVERAGE	12,544*	1,676	2,509*	16,729

Source: BSA Architects, January 2003

\*Represents a reduction in coverage compared with existing conditions.

**Tree Removal**

Temporary disturbance areas would be restored to natural conditions following construction. Three trees (less than 12 inches dbh) would be removed from the Fish Hatchery site to allow for modifications to the parking area.

**Drainage**

Drainage would encircle the perimeter of the building to carry roof water away from the structure. To treat runoff from the parking lot, two 320-gallon sand-oil separators would be located on both the west and east side of the education center. Water filtered through the separator on the west side of the building would be held in the treatment pond located on the west side of the building. Water filtered through the separator on the east side of the building would be filtered through rock and vegetation for overflow into willow wattles and the SEZ. The facine/willow wattle rows would be located to the south of the Fish Hatchery building.



### ***Stream Environment Zone (Class 1b) Restoration***

The portions of the onsite SEZ that are not used for the project would be restored or enhanced. The existing paving, gravel, and buildings that would be removed include two cabins, a residence, and two sheds totaling approximately 4,200 square feet of land coverage. The goal of the restoration is the creation of a more functional SEZ to the south of the Fish Hatchery building. The SEZ restoration would be conducted using the methods described below.

#### ***Implementation Methods***

Willow branches would be used to create willow wattles. Willow wattles would be prepared no more than seven days prior to installation. Materials used to create the willow wattles would consist of cuttings from healthy, dormant, live branches of willow within the project area. Butt ends for wattling bundles would not exceed 1 inch in diameter and should be placed alternately in each bundle to maintain even composition. Willow bundles would be tied with a non-slipping knot of two wraps of binder twine or heavier non-plastic material on not more than 15-inch centers. Each bundle would be tied and compressed firmly, so as not to exceed 8 to 10 inches in diameter. Wattling stakes may be made of live willow stems with diameters over 1/2 inch, or construction stakes that are 1 inch by 2 inches by 24 inches or longer or 2 inches by 4 inches by 24 inches or longer. Once willow wattles are installed in the trench with ends overlapping at least 12 inches, seedbeds would be prepared and sod would be placed within the trench rings, covering the willow wattles. The area would be watered and maintained for a year following installation.

#### ***Materials***

All seed would conform to all laws and regulations pertaining to the sale and shipment of seed required by the California Food and Agricultural Code of 1982, Regulations of 1983, and the Federal Seed Act. Seed would be TRPA-approved species. Seed would be delivered to the site tagged and labeled in accordance with the State Agricultural Code and would be acceptable to the county Agricultural Commissioner.

Seed would be of a quality having a minimum Pure Live Seed as specified. Weed seed would not exceed 0.5 percent of the pure live seed and inert material. All seed is subject to inspection, and tags would be submitted to the Engineer/Restoration Specialist (E/RS) for approval and acceptance. Species and/or varieties of the Proposed Restoration Seed Mix may be substituted upon the written approval of the E/RS.

Seed would be of local sources or approved substitute. Restoration seed would consist of the following: Yarrow (*Achillea millefolium*); Mountain Brome (*Bromus carinatus*); Hairgrass (*Deschampsia cespitosa*); Blue wildrye (*Elymus glaucus*); Slender wheatgrass (*Elymus trachycaulus*); Red fescue (*Festuca rubra*); Meadow barley (*Hordeum brachyntherum*); Creeping wildrye (*Leymus triticoides*); Whorled penstemon (*Penstemon rydbergii*); Kentucky bluegrass (*Poa pratensis*); and Cinquefoil (*Potentilla gracilis*).

Plants would be from a Tahoe Basin, High Sierra, or other approved source. Plants propagated outside the Basin would be acclimated on site two weeks prior to installation. Plant health would be maintained while stored on site. Plants would be well rooted in the containers and easily removed intact. Bark of trees and shrubs would be free of damaged bark, with all minor cuts and abrasions showing healing tissue. Foliage, roots, and stems of all plants would be of vigorous health and normal habit of growth for its species. All plants would be free of insect infestations and diseases. Top growth would be proportionate to bottom growth.

The hydraulic wood fiber mulch would consist of degradable green-dyed wood-cellulose fiber of 100 percent recycled long-fiber pulp from newsprint, chipboard, and/or corrugated cardboard, free of weeds or other foreign matter toxic to seed germination. Tackifier would consist of organic, plant-derived material containing psyllium or guar gum. These materials would form a transparent 3-dimensional film-like crust that is permeable to water but non-toxic to seed germination.

### ***Landscaping***

A detailed landscaping plan will be prepared for the site that would reintroduce native vegetation in the areas surrounding the Fish Hatchery building and reconfigured parking lot.

### ***Utilities***

Existing utility connections would be used for the education center including: TCPUD water connections from a 12-inch water main under SR 28 to the Fish Hatchery building and residence; TCPUD sewer connections from an 8-inch sewer line that crosses the site between the residence and Fish Hatchery building; overhead Pacific Bell (communications) and Sierra Pacific Power Company (electricity) connections; and Southwest Gas natural gas connections to the main line under SR 28 from the Fish Hatchery site structures

### ***Staffing***

The education center has been designed to serve as an exhibition hall ("Great Hall"), an environmental library, conference room, and student center. For traffic analysis purposes, it is assumed that two staff and one CDFG employee would occupy the education center on a daily basis, and a maximum of six people would use the residence on the site for overnight lodging. The CDFG employee would be relocated from an existing office in the area to an office in the education center.

## **ALTERNATIVE B – CAMPGROUND SITE AND FISH HATCHERY RENOVATION**

This alternative generally includes the same components that are included under Alternative A. However, under this alternative, the location of the Research Building would be adjacent to the Fish Hatchery building on a campground operated by the Tahoe City Public Utility District and no office space would be provided to California State Parks in the Research Building. Components would include:

- a new research building;
- the adaptive reuse of the existing Fish Hatchery building into an Education Center;
- a new parking lot for the Research Building and Education Center;
- a new access roadway between the Research Building and Education Center;
- two access driveways from Lake Forest Road;
- walkway and bike trail reconfigurations; and
- the demolition of five existing ancillary buildings (a residence, two cabins and two storage sheds) located to the west, south, and east of the Fish Hatchery building.

Figure A1.1 in Appendix B shows the site plan for the Education Center and Research Center buildings. Table 6 summarizes the land coverage associated with the proposed project. There are three types of land coverage addressed in this table. Existing coverage refers to structures, pavement, or other soil coverage currently on the site, such as the hatchery building, parking lot, campground pads, and residence. Banked coverage refers to pavement, gravel, or other soil coverage that historically and legally existed (per TRPA) and is no longer considered coverage as it has become overgrown with vegetation, such as the edges of campground pads. New coverage refers to coverage that would not be located over existing or banked coverage, such as portions of the research laboratory and parking lot. Figure L-3 in Appendix B shows where existing, banked, and new coverage would occur on the site.

### **Research and Service Buildings (Campground Site)**

The Research Building will be a one-story structure with patios on either side of the entry. The Research Building will include approximately 9,500 GSF and 6,300 ASF. The building will be located completely within the SEZ land coverage area (currently occupied by a TCPUD operated campground). The Service Building will be located southeast of the Research Building. The Service Building will include approximately 2,800 GSF and 2,050 ASF. Due to land coverage reductions required for development in the SEZ, the Research and Service Buildings will require the retirement of existing or banked SEZ coverage. A detailed land coverage breakdown is shown in Table 6. The building will include the following uses: laboratories, laboratory support rooms, a conference room, graduate student work stations, a kitchen, office space, a reception and operations area, and support areas.

Demonstration landscape gardens or outdoor experimental research plots will be located in front of the research building, offering educational and interpretive opportunities for the public. A covered porch and gabled facade will clearly mark the main entrance to the building and facilities. Two other entrances for staff will be provided at each end of the research building.

**Table 6**

Land Coverage (square feet) – Fish Hatchery and Campground Site

APNs 093-020-10 and 094-140-14	Class 5	Class 3	Class 1(b) Existing Coverage 1:1	Class 1(b) Banked Coverage 1:1	Class 1(b) New Coverage (incl. 1:1.5 restoration)	Total
<b>EXISTING COVERAGE</b>						
Buildings	4,046	1,170	2,116	0	--	7,332
Decks	0	224	0	0	--	224
Paving/Concrete	8,238	282	14,259	0	--	22,779
Campground	0	0	15,385	26,952	--	42,337
Gravel	0	0	505	1,426	--	1,931
<b>TOTAL EXISTING COVERAGE</b>	<b>12,284</b>	<b>1,676</b>	<b>32,265</b>	<b>28,378</b>	<b>--</b>	<b>74,603</b>
<b>ALLOWABLE COVERAGE</b>						
Land Area	19,449	22,098	340,889	28,378	--	382,436
Percent Allowable	25%	5%	1%	1%	--	--
<b>ALLOWABLE COVERAGE</b>	<b>4,862</b>	<b>1,105</b>	<b>3,409</b>	<b>284</b>	<b>--</b>	<b>9,660</b>
<b>PROPOSED COVERAGE</b>						
Research Building	0	0	4,551	124	4,206 x 1.5 = 6,309	10,984
Service Building	0	0	967	360	1,414 x 1.5 = 2,121	3,448
Education Building	3,886	0	424	0	0	4,310
Porch	0	0	398	0	437 x 1.5 = 656	1,054
Residence and Garage Buildings	0	1,170	0	0	0	1,170
Parking and Roads	5,920	282	6,596	2,407	10,946 X 1.5 = 16,419	31,624
Walkways/Biketrails and Patios	624	224	3,810	128	2,456 x 1.5 = 3,684	8,470
<b>TOTAL PROPOSED COVERAGE</b>	<b>10,430</b>	<b>1,676</b>	<b>16,746</b>	<b>3,019</b>	<b>19,459 x 1.5 = 29,189</b>	<b>61,060</b>

Source: BSA Architects, January 2003

Research labs facing the entry side of the building will have windows that will allow the public or docent led school groups to view first hand the research work being performed on site. At the south side of the building, directly opposite the main entry, a small outdoor terrace can be used by the research staff as a break area in good weather. The main offices and conference spaces upstairs overlook this area with views out to the restored habitat and wetlands areas located to the south of the facility.

The architecture of the research building will emulate the character and materials of the fish hatchery in a contemporary fashion. The design of the new buildings will reflect the local architecture of the Lake Tahoe basin. Materials will be selected based upon their ability to endure the mountain climate. Elevations of the Research Building are shown on Figure A3.1-R in Appendix B.

### **Education Center (Fish Hatchery Site)**

The Education Center will be renovated as described in Alternative A. The same structural changes and repairs would occur under this alternative. However, under Alternative B, there would be differences for access, parking, and entry to the Education Center. These differences are a result of the Research Center being located to the east of the Education Center, with a new access roadway connecting the two buildings. Alternative B will include two expansions within the SEZ. These include a new entrance and a porch on the south side of the building. The main entry to the Education Center would be relocated to the south side of the building, accessible from the new vehicle/pedestrian driveway. The south side of the building would provide a more visible entry from the research building and would provide better conditions for snow removal during winter months. Adjacent to the entry will be a 3-season outdoor terrace where guests can gather for casual group meetings or events overlooking the restored wetlands area.

Although the office in the north wing will be removed and reconstructed according to the original structural design plans, the original north entry will remain intact. This alternative proposes to create a new covered southern entry porch with a steep-pitch roof supported by log posts within a stone base. This new entry will replace a set of existing windows so as not to disturb the overall look of the building. This southern entry will be used as the main entry and will be surrounded by a stone patio and low stone wall. Portions of the northern entry will either be regraded or the stonework at the structure's base will be waterproofed where the grade exceeds floor level. To avoid destruction of historic materials, the new south entry will maintain the overall historic character, but will contain modern elements to discourage this entry from being mistaken as the original entry. These changes include square, dressed timber posts, and standing seam metal roofing. It will also be constructed in a manner that allows the entry to be removed in the future without damaging the original building.

### **Access and Parking**

The Research Building will include two vehicular access points from Lake Forest Road and a vehicle/pedestrian driveway to the renovated Fish Hatchery building. Twenty parking spaces would be provided adjacent to the Research Building. The existing access point to the Fish Hatchery building from North Lake Boulevard would remain intact. Figures CG-2, CG-3, and A1.1 in Appendix B show the conceptual site plan for the Education Center and Research Center Building.

Primary vehicle arrival to the site will enter from Lake Forest Road to improve circulation and access to the current Fish Hatchery entrance at the intersection of Lake Forest Road and North Lake Blvd. Signage will be posted at the north entrance on Lake Forest Road to indicate visitor entranceways. Service vehicle parking for the research building will be located at the eastern end of the site, away from the main parking lot. The service area will be screened from the main parking lot and building entry.

Access for the Education Center will be provided using the vehicle/pedestrian driveway that will connect the main parking lot with the reconfigured parking lot for the Education Center and the existing entry driveway. The new driveway will be designed to accommodate pedestrians as well as occasional service and emergency vehicles. The driveway will include a bridge to span the stream that runs between the Education Center and research building. The parking lot at the Education Center will provide accessible handicap parking. A total of 12 parking spaces will be provided in the Education Center lot. All other parking will be located in the main parking lot near the research building. This configuration will require the majority of visitors, research staff and graduate students to access the Education Center from the main parking lot by foot. The parking configuration would allow the main parking lot to be used by the Wildlife Conservation Board for boat parking during overflow conditions at the Lake Forest Boat Ramp. In exchange for providing overflow boat parking, the Wildlife Conservation Board would allow UC Davis to use the boat ramp parking lot during certain special events.

The existing entryway located near the intersection of North Lake Blvd and Lake Forest Road would be maintained but with controlled access for emergency and overflow vehicles only. All non-emergency service vehicles will access the Education Center from the main parking lot.

### **Paths and Walkways**

An existing bike trail crosses the site from North Lake Boulevard to the TCPUD campground. The bike path would be relocated to follow along Lake Forest Road, past the northern entrance to the exit driveway from the main parking lot (southern driveway). At this point, the bike path would follow an existing roadway that leads to the boat ramp parking lot. The existing bike trail along North Lake Boulevard would remain in place. The bike trails will be approximately eight feet wide, yet reduced in width from the original configuration in order to reduce SEZ coverage.

The new vehicle access entry driveway would also be used to provide pedestrian access between the Education Center and new research building. A raised causeway would connect the access driveway to the new Education Center entry. The causeway would be constructed of a slab resting on four steel piles. There would be two steel piles on either side of the channel raising the causeway 4-feet, 6-inches above the channel. The stream crossing would be located between a cluster of mature trees and will provide a “gateway” to the Education Center. The bridge would also provide views of the riparian environment with opportunity for interpretive displays and signage.

A detailed land coverage breakdown by land classification is shown in Table 6.

### **Residence and Other Ancillary Buildings**

The residence and garage located on the southwestern edge of the Fish Hatchery site would remain to support the Education Center and research building. The residence and garage would be cleaned and organized as needed to provide adequate temporary living space. Five ancillary buildings located to the west, south, and east of the Fish Hatchery will be removed. These buildings include an unused residence, two cabins, and two storage sheds. Each of these buildings is located within the SEZ, is not eligible for listing in the CRHE or the NRHP, and is in a state of disrepair. Demolition of the structures would lead to the restoration of approximately 4,200 square feet of SEZ.

## Major Equipment

To facilitate proper functioning of the Research Building and Education Center, major equipment such as an emergency generator, transformers, condensing unit, and exhaust fans would be installed. An outdoor diesel emergency power generator would be provided in a weatherproof enclosure with a 300-gallon base fuel tank. In order to operate properly during extreme cold weather situations, the generator would be provided with a Jacket Water Heater, an Alternator Heater, and a Control Panel Heater. The Research Building and Education Building would each have a pad-mounted transformer. In addition, the Research Building would be equipped with a condensing unit and a chilling unit. The condensing unit would serve the "Cold Room" and would be one part of a refrigeration system that includes an evaporator and associated piping and control systems. The chiller unit is a Trane RTAA 80-ton unit, occupying 884 cubic feet. All exhaust fans would be located within the building envelope with exhaust louvers leading outside. Exhaust fans include: one 350 pound, 5 horsepower exhaust fan for the support building; two 1,200 pound, 20 horsepower, 2,300 cubic feet per minute exhaust fans for fume hoods; one 300 pound one horsepower, 1,000 cubic feet per minute exhaust fan for radioisotope fume hoods; and six small exhaust fans for individual room exhausts within the bathroom, program, and utility rooms with side wall louvers. All of these pieces of equipment would generate some external noise. A lake water intake line would be installed to draw lake water for research purposes. This piece of equipment would include a pump and pipeline.

## SEZ Restoration

As noted above, the Research Center and parking lot are proposed within a disturbed SEZ area that is currently utilized as a campground. The portions of the campground that are not used for the project would be restored or enhanced as shown in Figure L-2 in Appendix B. The buildings that would be removed include two cabins, a residence, and two sheds, totaling approximately 4,200 square feet. Existing concrete, asphalt, and gravel paving would be completely removed from the campground and partly reduced around the fish hatchery building. Fill material remaining in the cleared areas would be removed down to the natural grade. The project plans would include a detailed restoration plan component that would incorporate measures for topsoil protection and reuse, site recontouring, and planting of native grasses, reeds, and other native vegetation. The goal of the restoration is the creation of a more functional SEZ.

Restoration efforts would increase the size of the total width of the SEZ, and would result in a meandering channel through the center of the expanded wetland (APN 94-140-14). Most of the restoration work would occur in the southeastern portion of the site currently occupied by camping spaces, access roads, and bike paths. The bike path would be relocated to the perimeter and the campground pads and access roads would be removed. This would allow the meandering channel to extend to the edge of the existing bike path on the north end of the property and to the boat ramp access road to the east. The channel would allow water to flow above bank levels and flood the restored meadow. Along with general site engineering, the bankful flow event would determine the width and depth of the restored channel. Restoration work completed by a Class A contractor with a C-27 license would consist of all topsoil, plant and sod salvaging, mulch harvesting, seed bed preparation, topsoil application, seedling, mulching, willow wattling, willow fencing, replanting wetland sod, willow and alder clumps, and maintaining the area.

In addition, SEZ restoration includes the following:

- Removal of fill materials adjacent to the fish hatchery pond and restoration of the small spring channel and adjacent wetlands;
- Removal of fill material and restoration of adjacent wetlands to the south of the old hatchery building;
- Removal of fill from the southern half of the campground and restoration of adjacent wetlands; and
- Removal of hydraulic connectivity between Polaris Creek and the old spawning channel that flows to the northwest branch of Star Harbor.

### ***Implementation Methods***

SEZ restoration would begin with mowing approximately 44,000 square feet of the meadow sod and stockpiling mulch. The area to be mowed would be staked to avoid disturbance in adjacent vegetation areas. Next, the sod, topsoil, willows, and alders would be salvaged. Sod to be harvested would be staked and removed in 3 by 6-foot sections at a depth no less than six inches from the root crown to maintain root health. Harvested sod consists of above and below ground plant materials including leaves, roots, and soil bound by roots. The sod should have 80 percent cover consisting of living plants, thatch, and plant detritus, with uniform root distribution and of healthy quality. Excess sod or sod discarded due to insufficient quality or root mass would be disposed of at an approved site. Sod should be stored unstacked on the site under moistened burlap. Approximately 44,000 square feet of sod would be removed and salvaged for use within the willow rings, wetland restoration, or wetlands channel restoration. Salvaged topsoil would be contained onsite within a silt fence or straw bale enclosure until reuse. Approximately 321 cubic yards of topsoil would be salvaged. Large willow and alder clumps would be removed and stockpiled during initial grading. As much of the root ball would be removed intact as possible, and wrapped in burlap to protect the plant roots. Prior to removal, plants would be pruned so that branches do not exceed three feet. All pruning would be clean cuts made one-fourth inch above the node. Approximately 100 willow and alder clumps would be removed of which 30 percent may be salvaged, with the remainder chipped and used for landscaping. Soil mycorrhizal inoculants consisting of spores, mycelium, and mycorrhizal root fragments would be applied to the soil through an organic material carrier such as vermiculite, perlite, or other approved material.

Once seedbeds are prepared through a process of loosening topsoil and raking the ground smooth, salvaged wetland sod would be installed and the salvaged willows and alders would be replanted. The area designated for sod would be graded six to eight inches below the final plan grade and sod would be placed snugly with native topsoil filling in any exposed joints. Additional seed would be applied by hand raking or harrowing in the fall prior to snow accumulation and ground freeze. Native mulch would be applied evenly as needed, with wood fiber mulch and tackifier anchoring the mulch. These elements would be applied with the following mixture: 500 pounds per acre of wood-cellulose fiber mulch; 130 pounds per acre of tackifier; and water as needed. The area would be watered and maintained for a year.



In addition to restoring the vegetation, the stream that crosses the site would need to be restored to ensure water quality. A treatment pond and overflow weir would be located southwest of the Education Center. This area would be affixed with a rock lined discharge apron. Three other areas would also have treatment areas of rock lined discharge aprons to maintain water quality. One apron would be located west of the Research building and two aprons would be located near the exit driveway on Lake Forest Road. After removing any beaver dams along the channel, concentric trenches would be excavated in a "V" shape at a depth of three feet south of the rock lined discharge aprons. Willow brush fencing would be installed, and trenches would be backfilled.

Willow branches pruned during the willow removal process would be used to create willow wattles. Willow wattles would be prepared no more than seven days prior to installation. Materials used to create the willow wattles would consist of cuttings from healthy, dormant, live branches of willow within the project area. Butt ends for wattling bundles would not exceed 1 inch in diameter and should be placed alternately in each bundle to maintain even composition. Willow bundles would be tied with a non-slipping knot of two wraps of binder twine or heavier non-plastic material on not more than 15-inch centers. Each bundle would be tied and compressed firmly, so as not to exceed 8 to 10 inches in diameter. Wattling stakes may be made of live willow stems with diameters over 1/2 inch, or construction stakes that are 1 inch by 2 inches by 24 inches or longer or 2 inches by 4 inches by 24 inches or longer. Once willow wattles are installed in the trench with ends overlapping at least 12 inches, seedbeds would be prepared and sod would be placed within the trench rings, covering the willow wattles. The area would be watered and maintained for a year following installation. Approximately 590 lineal feet of willow wattles would be installed.

Landscape plantings and screening would also be installed. Salvaged topsoil and seed would be applied to seed beds. Containerized plants would also be established and 100 percent guaranteed by the contractor for a year following planting. All planting would be conducted in the fall prior to snow accumulation and ground freeze. Landscaping would be watered and maintained for one year to decrease the risk of erosion.

### ***Materials***

**Seed.** All seed would conform to all laws and regulations pertaining to the sale and shipment of seed required by the California Food and Agricultural Code of 1982, Regulations of 1983, and the Federal Seed Act. Seed would be TRPA approved species. Seed would be delivered to the site tagged and labeled in accordance with the State Agricultural Code and would be acceptable to the county Agricultural Commissioner.

Seed would be of a quality having a minimum Pure Live Seed as specified. Weed seed would not exceed 0.5 percent of the pure live seed and inert material. All seed is subject to inspection and tags would be submitted to the Engineer/Restoration Specialist (E/RS) for approval and acceptance. Species and/or varieties of the Proposed Restoration Seed Mix may be substituted upon the written approval of the E/RS.

Seed would be of local sources or approved substitute. Restoration seed would consist of the following:

<b>Class 1b Restoration Area (39,800 sq. ft.)</b>		
<b>Botanical Name</b>	<b>Common Name/Variety</b>	<b>Percent of Mix (by weight)</b>
<i>Achillea millefolium</i>	Yarrow	1%
<i>Bromus carinatus</i>	Mountain Brome	16%
<i>Deschampsia cespitosa</i>	Hairgrass	8%
<i>Elymus glaucus</i>	Blue wildrye	17%
<i>Elymus trachycaulus</i>	Slender wheatgrass	16%
<i>Festuca rubra</i>	Red fescue	8%
<i>Hordeum brachyntherum</i>	Meadow barley	8%
<i>Leymus triticoides</i>	Creeping wildrye	17%
<i>Penstemon rydbergii</i>	Whorled penstemon	1%
<i>Poa pratensis</i>	Kentucky bluegrass	8%
<i>Potentilla gracilis</i>	Cinquefoil	1%
<b>Total</b>		<b>100 %</b>

**Plants.** Plants would be from a Tahoe Basin, High Sierra, or other approved source. Plants propagated outside the Basin would be acclimated on site two weeks prior to installation. Plant health would be maintained while stored on site.

Plants would be well rooted in the containers and easily removed intact. Bark of trees and shrubs would be free of damaged bark, with all minor cuts and abrasions showing healing tissue. Foliage, roots, and stems of all plants would be of vigorous health and normal habit of growth for its species. All plants would be free of insect infestations and diseases. Top growth would be proportionate to bottom growth. Wetland plugs or salvaged sod are currently proposed for wetland restoration. Species and types of plantings would be further refined in subsequent documents. The following species may be used:

<b>Demonstration Area Plantings (11,500 square feet)</b>		
<b>Botanical Name</b>	<b>Common Name</b>	<b>Percent of Planting</b>
<i>Amelanchier alnifolia</i>	Serviceberry	15%
<i>Lonicera involucrate</i>	Twinberry	5%
<i>Ribes nevadense</i>	Sierra currant	10%
<i>Ribes roezlii</i>	Sierra gooseberry	5%
<i>Rosa woodsii</i>	Woods rose	25%
<i>Rubus parviflorus</i>	Thimbleberry	15%
<i>Symphoricarpos albus</i>	Mountain snowberry	15%
<i>Symphoricarpos mollis</i>	Creeping snowberry	10%
<b>Total</b>		<b>100 %</b>

Reforestation and Screening Plantings (18,900 square feet)		
Botanical Name	Common Name	Percent of Planting
<i>Arctostaphylos patula</i>	Greenleaf manzanita	15
<i>Arctostaphylos uva-ursi</i>	Bearberry	10
<i>Ceanothus cordulatus</i>	Whitethorn	10
<i>Ceanothus velutinus</i>	Tobaccobrush	15
<i>Quercus vaccinifolia</i>	Huckleberry oak	10
<i>Pinus jeffreyi</i>	Jeffrey pine	40%
<b>Total</b>		<b>100 %</b>

Wetland Restoration Plantings (73,100 square feet)		
Botanical Name	Common Name	Percent of Planting
<i>Carex arthrostrachya</i>	Sedge	5%
<i>Carex nebrascensis</i>	Nebraska sedge	25%
<i>Carex praegracilis</i>	Slender sedge	10%
<i>Carex utriculata</i>	Beaked sedge	25%
<i>Juncus balticus</i>	Wiregrass	25%
<i>Juncus ensifolius</i>	Equitant rush	5%
<i>Juncus nevadensis</i>	Nevada rush	5%
<b>Total</b>		<b>100%</b>

The hydraulic wood fiber mulch would consist of degradable green-dyed wood-cellulose fiber of 100% recycled long-fiber pulp from newsprint, chipboard, and/or corrugated cardboard, free of weeds or other foreign matter toxic to seed germination. Tackifier would consist of organic, plant-derived material containing psyllium or guar gum. These materials would form a transparent 3-dimensional film-like crust permeable to water, but non-toxic to seed germination.

#### *Future Site Restoration Potential*

Implementation of the proposed project on the Campground site would not physically hinder any potential restoration efforts on adjacent parcels that are not included in this project. Restoration could occur on adjacent properties through the extension or continuation of the channel design, dimensions, and SEZ development. The mouth of the new Polaris Creek alignment could be moved to the east of Star Harbor and west of the existing boat ramp. This would require the removal of park and boat ramp restrooms, widening the park access bridge, and removing a portion of the boat ramp parking lot in order to provide adequate width for the channel and SEZ. Future effects could restore up to 800 feet of linear channel and SEZ. Another option is to fill in the artificial hatchery spawning channel to complete the restoration. Such additional restoration efforts and

their potential effects to park and boat ramp facilities are not included in this project and would require environmental review and approval outside this project.

## **Utilities**

The proposed research building would connect to the Tahoe City Public Utility District (TCPUD) (potable water and sewer) (TCPUD, June 25, 2001), Pacific Bell (communications), Sierra Pacific Power Company (electricity), and Southwest Gas Company (natural gas) (Southwest Gas Company, July 5, 2001) from connection lines located adjacent to or along Lake Forest Road. An emergency generator would be installed to provide energy during power outages or maintenance activities. The 150-kilowatt outdoor diesel emergency power generator would be provided in a weatherproof enclosure with a 300-gallon-base fuel tank. For operation in extreme cold weather situations, the generator would be provided with a jacket water heater, an alternator heater, and a control panel heater.

## **Lake Intake System**

An untreated lake water supply is needed for the Research Building under this alternative as well as for Alternative A. Refer to the "Lake Intake System" discussion under Alternative A for further details about the need for lake water. Details specific to the Campground site are provided below.

The electrical supply for the intake to the research building at the Campground site may be obtained through a new metered service at the sewage pump station adjacent to the launching ramp parking lot. Tahoe City Public Utility District owns and operates the station. This would reduce the need for a long electrical line and would keep the power equipment compact.

The lake intake line would run from the shoreline adjacent to the launching ramp access pier to the ramp entry road. From this point, it would follow along the bike path to the TERC exit drive. The length of the intake line from within the lake to the mean low water or shoreline is 1,460 feet. The length from the shore to the Research Building is 1,496 feet. This alignment is located within existing trails or roadways, but is longer than the line to the California State Parks site (Alternative A).

## ***Permits and Approvals***

A number of permits and approvals are required since lake water will be diverted, and the intake line will cross through a number of properties. Notice of lake water diversion must be sent to the SWRCB, Water Rights Division. The Campground site is not located on the lake and does not have established riparian right to lake waters. The parcel between the campground and the lake is owned by the State of California and is administered by the Wildlife Conservation Board. The Campground site may be eligible for water acquisition under State riparian ownership since the University is a subdivision of the State of California.

A shorezone permit is required by TRPA, which includes submission of an application, fees, and implementation of permit conditions. The State Lands Commission owns and administers the portion of the lake bottom below the mean low water mark and requires

notification indicating the location of the line and prior TRPA approval. If authorization is given by the TRPA and State Lands Commission, the U.S. Army Corps of Engineers requires submission of a permit application and public notice. Authorization is routinely granted by the U.S. Army Corps of Engineers following approval by TRPA and the State Lands Commission. As stated above, the land between the lake and the Campground site is administered by the State Wildlife Conservation Board, which would need to approve any intake development plans. The Tahoe City Public Utility District manages the launching ramp property through agreement with the Wildlife Conservation Board. An encroachment permit would be required by the Tahoe City Public Utility District.

## **Staffing**

The proposed research building has been designed to provide laboratory, office, and meeting spaces for UC Davis staff. The estimated capacity of the research laboratory is approximately 72 people. The capacity is larger than proposed full-time staff to accommodate seasonal staff and visitors, particularly during peak summer months. Building occupants would include approximately eight full time UC Davis employees, as well as several short-term seasonal employees and visitors. Five of the seven current full-time UC Davis employees and all of the current UC Davis short-term staff and researchers would be relocated to the proposed facility from the fish hatchery. UC operation of the proposed research facility would increase full-time staffing in the Tahoe Basin by approximately three full-time employees and would increase short-term seasonal staffing by up to 23 people. The majority of these additional seasonal researchers would work at the proposed facility during the summer months, with stays in the basin ranging from a few days to a maximum of approximately three months.

## **Drainage**

Runoff from building rooftops would fall into percolation facilities that would encircle the perimeter of the buildings. Sidewalk areas would drain into the adjacent landscaped areas. In order to reduce the runoff volume, UC Davis would install roof drip line infiltration trenches and convey all 20-year, 1-hour storm runoff from paved roads and parking to proposed on-site disposal facilities. The runoff would be disposed of by evaporation, evapotranspiration, and infiltration in ponds created behind rows of fascine/willow wattles located south of the proposed Research Building and east of the parking lot and in a sedimentation/treatment pond northeast of and adjacent to the proposed Education Building as shown in Figures CG-2 and CG-3 in Appendix B. A sand-oil separator and rock discharge apron would be located southeast of the parking lot. Farther south, four rows of fascine/willow wattles would provide additional filtration. A silt barrier would also be placed around the buildings. A 500-gallon infiltration pond would be located west of the research building. The pond would include a rock discharge apron and three rows of willow wattles and silt barrier. A 320-gallon infiltration pond would be located west of the Education Center. This pond would also include a rock discharge apron and silt barriers. Drains would be located throughout the parking areas to collect runoff.

## **ALTERNATIVE C - NO PROJECT/NO ACTION ALTERNATIVE**

The No Project/No Action Alternative would retain the existing conditions on the project sites. No new facilities would be constructed at this time. Current land use direction would be maintained, and the sites would remain available for future development or restoration as permissible. Under this alternative, UC Davis would continue to operate from the existing Fish Hatchery Building. Many of the research components included in the TERC Program would continue to go unmet by the existing facility and restoration of the disturbed campground SEZ would not occur.

## 2 ENVIRONMENTAL ANALYSIS

The following analysis has been prepared using an expanded version of the TRPA initial environmental checklist form. Issues covered with this checklist also include all issues required by CEQA (Appendix G). Appendix C provides a table that compares the questions from the CEQA checklist (Initial Study) with those from the TRPA checklist. Each of the checklist items have been evaluated and those items checked as “Yes”, “No with Mitigation”, and “Data Insufficient” will be further analyzed in the EIR/EIS. Those issues marked as “No” will not be further evaluated in the EIR/EIS because they have been fully evaluated and they indicate that no impact would occur to require further analysis. Where necessary, mitigation measures have been identified that would reduce potentially significant impacts to a less than significant level. The checklist addresses each alternative. The Alternatives include: Alternative A – State Parks/Fish Hatchery; Alternative B – Campground/Fish Hatchery; and Alternative C – No Project/No Action. The Alternatives are differentiated by their corresponding letter (A, B, and C) in the significance table and in the italicized analysis and mitigation text that follows each table.

### SCOPE OF THE EIR/EIS

The environmental factors checked below would be potentially affected by this project, involving at least one impact that could potentially occur as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/>	Land	<input checked="" type="checkbox"/>	Land Use	<input type="checkbox"/>	Energy
<input checked="" type="checkbox"/>	Air Quality	<input type="checkbox"/>	Natural Resources	<input checked="" type="checkbox"/>	Utilities
<input checked="" type="checkbox"/>	Water Quality/Hydro	<input checked="" type="checkbox"/>	Risk of Upset	<input checked="" type="checkbox"/>	Human Health
<input checked="" type="checkbox"/>	Vegetation	<input type="checkbox"/>	Population	<input checked="" type="checkbox"/>	Scenic Resources/Design
<input checked="" type="checkbox"/>	Wildlife	<input checked="" type="checkbox"/>	Housing	<input checked="" type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Noise	<input checked="" type="checkbox"/>	Transportation/Circulation	<input checked="" type="checkbox"/>	Cultural Resources
<input type="checkbox"/>	Light and Glare	<input checked="" type="checkbox"/>	Public Services	<input checked="" type="checkbox"/>	Mandatory Findings

Based on the analysis presented in this Initial Environmental Checklist/Initial Study, it has been determined that for the resource areas that are not checked above, the proposed project would not result in any significant impacts (light and glare, natural resources, population, and energy). The proposed project could result in new potentially significant or mitigable impacts in the areas of land, air quality, water quality and hydrology, vegetation, wildlife, noise, land use, risk of upset, housing, transportation/circulation, public services, utilities, human health, scenic resources/community design, recreation, cultural resources, and mandatory findings of significance. An EIR/EIS will be prepared to further address these impacts and mitigation measures for each alternative (A, B, and C).

## 2-1 PROJECT NAME OR IDENTIFICATION

UC Davis Tahoe Environmental Research Center

Assessor Parcel Number(s):

Alternative A: 094-140-018 and 094-140-023 (California State Parks Site) and  
093-020-10 (Fish Hatchery Site)

Alternative B: 093-020-10 (Fish Hatchery/Campground Site) and 094-140-14

## 2-2 ENVIRONMENTAL SETTING AND IMPACTS

The following checklist has been completed based on project data, surveys, personal communications (letters, phone conversations), and other public information as discussed in the Environmental Setting. The Environmental Setting provides a description of the existing environment at the proposed project sites and is provided following each section heading. The No Project/No Action Alternative would result in the creation of no new environmental impacts. However, restoration of the Fish Hatchery site may not occur, and the research goals of the TRPA Environmental Improvement Program would not be met because the existing research facilities would remain inadequate. All checklist answers include written comments. The checklist combines CEQA Appendix G with the TRPA Environmental Checklist and contains all of the topics and issue items from both checklists. This checklist utilizes the TRPA checklist format and adds or expands upon the issue items and topics with the CEQA Appendix G-specific issues to ensure that a comprehensive analysis is achieved.

### 1 Land

#### *Tahoe Basin*

Although the northern and central portion of the Sierra Nevada is not in an active uplift stage, earthquake history suggests that a major earthquake with a magnitude of 7.0 or 8.0 on the Richter scale should be considered a probable future occurrence in the Truckee Basin. It is estimated that a 7.0-magnitude shock will occur about every 110 years on average; however, no earthquakes of that magnitude have occurred in the Truckee Basin in the past 200 years. An earthquake in the Truckee Basin has the potential to affect the Tahoe Basin.

There are three unnamed faults in or near the project area (Saucedo, 1992), but no earthquakes have been centered there in the past 90 years of seismic recording (University of California, 2001). The unnamed faults are from the quaternary period (700,000 to 1,600,000 years ago) and have not experienced movement in at least the last 200 years, if not more. According to the Alquist-Priolo Hazards Map for the area, the northern area of the Tahoe Basin is not considered a high hazard area.



*California State Parks Site*

The California State Parks site consists of approximately 4.69 acres at an elevation of 6,225 to 6,260 feet above mean sea level (msl). The northern portion of the site is relatively flat, but the central and southern portions slope to the west and south to Lake Tahoe. Drainage from the site empties toward the lake.

According to the USGS Soil Survey Report for the Lake Tahoe Basin (1974), onsite soils consist of gravelly alluvial land (Gr) on the southern portion of the site, Jabu coarse sandy loam, shallow variant (JeC) on the central portion of the site, and Jabu stony sandy loam (JhC) on the northern portion of the site (see Table 7). Gravelly alluvial land consists of small areas of recent alluvium deposits near stream channels and in meadows with 0 to 5 percent slopes. This soil type is somewhat poorly to poorly drained with moderate permeability, slow runoff, and slight erosion hazard. Gr soils have a capability subclass of IVw and a land capability class of 1b, allowing only 1 percent land coverage.

Jabu stony sandy loam with a moderately fine subsoil variant at 2 to 9 percent slopes is found on alluvial fans extending from Tahoe City to King's Beach. This soil has a low shrink-swell potential, is well-drained, surface runoff is slow, and the erosion hazard is slight. JhC soils have a capability subclass of IVe and a land capability class of 5, allowing for 25 percent coverage.

**Table 7**

**Soil Capability of the State Parks Site**

Soil Type	Parent Material	Runoff	Erosive-ness	Perm-eability	Drainage Class	Avail. Water Capacity	Lateral G Water Flow	Bailey Class	SCS Class
Jabu (JhC) stony sandy loam, 2-9% slopes	Glacial Outwash	Slow	Slight	Moderate to slow	Excessive to moderately good	3-5 inches	Yes	5 (low hazard land)	IVe
Jabu (JeC) coarse sady loam, shallow variant, 5-15% slopes	Glacial Outwash	Medium	Moderate	Slow	Excessive to moderately good	3-6 inches	No	3 (moderate hazard land)	IVe
Marsh (Mh)	--	Ponded	Slight	Variable	Somewhat poor to very poor	2+ inches	--	1b (high hazard land)	VIIw

Source: U.S. Dept. of Agriculture, Soil Conservation Service Soil Survey, 1974

Jabu coarse sady loam, shallow variant at 5 to 15 percent slopes is found on alluvial fans. This soil has a low shrink-swell potential, is well-drained, surface runoff is moderate, and

the erosion hazard is moderate. JeD soils have a capability subclass of IVE and a land capability class of 3, allowing for 5 percent coverage.

Although the northern portion of the California State Parks site is relatively flat, the central portion of the site has a gentle slope downward toward the lake. A low bench area is located near the lake. This bench consists of a foot drop between the lake beach and the property. Such a formation is clearly the result of lake levels and natural erosion.

Harding ESE conducted a geotechnical investigation at the California State Parks site. Based upon soils borings conducted as part of the geotechnical investigation, surface soils consist of fine-grained clayey silt and silt that are soft and wet to a depth of approximately 4 – 4.5 feet. At that depth the soil changes to firm to hard silty clay/silt. This material continues with pockets of sand and lean clay to boring depths of about 20 feet. The relative impermeability of the harder layer at the 4-foot depth is apparently keeping the surface soil layer saturated. The surface soils in the proposed project area have poor drainage, poor permeability, variable runoff potential (depending on their state of saturation) and a moderate erosion hazard. The soil is not expansive.

#### *Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site is located at an elevation of approximately 6,200 feet above msl. The site slopes to the southeast away from SR 28, towards Lake Tahoe. Two small streams flow on each side of the old hatchery buildings and are lined with dense vegetation.

The geology of the Fish Hatchery/Campground site is dominated by volcanic rocks of the Miocene, Pliocene, and Pleistocene (Division of Mines and Geology 1992). These rocks are primarily andesites and basalts. There are also remnants of lake deposits, particularly in the area immediately surrounding Tahoe City (Division of Mines and Geology 1992). The soils within project boundaries are characterized by recent gravelly alluvium adjacent to stream channels and meadows, and Fugawee very stony, sandy loam in the more forested areas (United States Department of Agriculture 1974). The alluvial deposits are variable in color and consist of stratified gravelly, sandy loams that become more gravelly with depth. These soils are poorly drained, moderately permeable, with seasonal high water at depths of 12 inches to 24 inches. Fugawee soils consist of dark gray-brown very stony sandy loams that become light brown gravelly loams and eventually light yellowish-brown gravelly clay loams with depth. These soils are found on latitic and andesitic flows and support forest development (United States Department of Agriculture 1974).

The soils at the Fish Hatchery/Campground site consist of glacial deposits and lake bed sediments. The soils in the glacial deposits have developed on gentle slopes overlying weakly developed pans and compacted till that inhibit the downward percolation of water. The stream alluvium comprises sandy loams and loamy coarse sands with moderately poor to very poor drainage. Soils and soil types are shown in Table 8.

**Table 8**

Soil Capability of the Fish Hatchery/Campground Site

Soil Type	Parent Material	Runoff	Erosive-ness	Perm-ability	Drainage Class	Avail. Water Capacity	Lateral G Water Flow	Bailey Class	SCS Class
Jabu (JhC) stony sandy loam, 2-9% slopes	Glacial Outwash	Slow	Slight	Moderate to slow	Excessive to moderately good	3-5 inches	Yes	5 (low hazard land)	IVe
Marsh (Mh)	--	Ponded	Slight	Variable	Somewhat poor to very poor	2+ inches	--	1b (high hazard land)	VIIw

Source: U.S. Dept. of Agriculture, Soil Conservation Service Soil Survey, 1974

Jabu (JhC) stony sandy loam is derived from andesitic sources and was deposited during the Pleistocene. This soil is well-drained and typically is about 40 inches deep over a dense fragipan. Surface erosion is slow and the erosion hazard is only slight.

Marsh (Mh) is characteristic of poorly drained and ponded meadows. Its permeability varies, runoff is ponded, and the erosion hazard is slight.

**1. Land. Will the proposal result in:**

- a. **Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

A) *As shown in Tables 2 and 5 (Section 1.5), development proposed for the project sites would be within the land capability and coverage limits. The coverage on the California State Parks site and the adjacent parcels on which a portion of the access road would be constructed are within the land capability limits (assuming that the offsite parcels can be included in the overall TRPA project area or transferred to the County). The Fish Hatchery site would reduce the overall coverage levels through the removal of over 4,200 square feet of existing paving and ancillary structures. The new water main would be located underground with either no coverage or under existing pavement. The lake water intake line would be located below ground and would not result in land coverage. This issue will be evaluated further in the EIR/EIS.*

**Mitigation Measure 1.a.i:** *UC Davis shall obtain land coverage agreements to allow for the expansion of the access roadway on the offsite parcels (Parcels 5 and 5A).*

B) *The lake water intake line would be located beneath existing pavement and would not result in additional land coverage. As shown in Table 6, development proposed for the project site would*

reduce existing coverage. Much of the eliminated land coverage would be located in SEZ. However, land coverage at the project site would still exceed allowable limits. According to TRPA Regional Plan Goals and Policies - Land Use 3.B, parcels with existing coverage in excess of the Bailey Coefficients may utilize a mitigation program which reduces the coverage amount in accordance with the cost of the land uses changes. From the TRPA list of allowable mitigation measures, the project would mitigate for excess coverage by using the "reducing coverage onsite" method. As part of the project, existing coverage will be reduced, resulting in the potential restoration of up to 21,420 square feet of disturbed SEZ. Combined with the restoration within other land capability classes, total site coverage would be reduced by up to 23,270 square feet. Based upon potential for SEZ restoration, the project would be able to meet TRPA land coverage requirements for relocated coverage. This issue will be further discussed in the EIR/EIS.

**Mitigation Measure 1.a.ii:** The project shall reduce existing land coverage at the Campground as required by the TRPA Code of Ordinances, Chapter 20.

C) No change in the existing coverage would occur.

**b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) Grading for road and building construction would result in permanent changes to the California State Parks site topography. The proposed construction area is relatively flat, but some trenching and excavation, approximately five feet below natural grade, would be necessary for the construction of the buildings. Some trenching and excavation would also be required at the fish hatchery to make the structure ADA accessible. The groundwork proposed for the fish hatchery may exceed 5 feet below natural grade. In order to be consistent with surrounding conditions, grading would be kept to the minimum amount necessary. The project would be set back from Lake Tahoe and Lake Forest Road to reduce the visibility of the topographic modifications from offsite locations. The modifications to the natural relief features of each of the sites would not be significantly visible. Only the areas to be developed or covered would be topographically altered. Therefore, the majority of the sites would retain their existing relief features. Installation of the new water main would require trenching; however, the trench would be repaved or regraded to match the surrounding topography. Likewise, trenching would be required for the lake intake and sewer lines; however the trench would be regraded to match existing contours.

B) Grading for road and building construction would result in permanent changes to site topography. However, site excavation would also be used to restore previously disturbed and filled SEZs to a more natural condition. The proposed construction area is relatively flat, but some trenching and excavation, approximately five feet below natural grade, would be necessary for the construction of the buildings. Some trenching and excavation would also be required at the fish hatchery to make the structure ADA accessible. Grading would not be at a level that is inconsistent with the natural topography. The lake water intake line trench would be filled and repaved according to the existing grade.

C) No change in the topography would occur.

**c. Unstable soil conditions, substantial soil erosion, or loss of topsoil during or after completion of the proposal?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

A) *There are two main types of soil present on the Fish Hatchery site: Jabu (JhC) and Marsh (Mh). Jabu (JhC) stony sandy loam is derived from andesitic sources and was deposited during the Pleistocene. This soil is well-drained and typically is about 40 inches deep over a dense fragipan. Surface erosion is slow and the erosion hazard is only slight. Marsh (Mh) is characteristic of poorly drained and ponded meadows. Its permeability varies, runoff is ponded, and the erosion hazard is slight. The site is relatively flat; therefore, there will not be a need to grade much of the project area. The new water main would be installed in a previously disturbed area, but would require erosion mitigation as presented for the other project construction areas. Best Management practices (Mitigation Measure 1c) should be implemented to reduce any impacts that would potentially cause erosion or loss of topsoil including vegetation protection fencing, erosion control fencing, and facine-willow wattles at drainages. Project construction on the California State Parks site would require excavation and grading on undisturbed lands. Engineered erosion control measures would be implemented as required to stabilize soils. However, existing slopes within the project sites are not excessive, and the use of temporary and permanent best management practices would control potential erosion. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 1.c:** *The project shall include temporary and permanent best management practices to reduce the potential for offsite erosion and degraded water quality. These include temporary boundary fencing or filter fabric fencing, silt barriers, sediment barriers, filter fences, soil stockpiles, contained areas for discharges of concrete truck washout, staging areas, immediate fuel spill cleanup, containment pallet storage for adverse construction materials, daily housekeeping, containment of dewatering, and permanent revegetation and curb, gutter, and road infiltration basins.*

B) *There are two main types of soil present on the project site: Jabu (JhC) and Marsh (Mh). Jabu (JhC) stony sandy loam is derived from andesitic sources and was deposited during the Pleistocene. This soil is well-drained and typically is about 40 inches deep over a dense fragipan. Surface erosion is slow and the erosion hazard is only slight. Marsh (Mh) is characteristic of poorly drained and ponded meadows. Its permeability varies, runoff is ponded, and the erosion hazard is slight. The site is relatively flat; therefore, there will not be a need to grade much of the project area. Best Management practices (Mitigation Measure 1c) should be implemented to reduce any impacts that would potentially cause erosion or loss of topsoil including vegetation protection fencing, erosion control fencing, and facine-willow wattles at drainages. This issue will be further evaluated in the EIR/EIS.*

C) *No change would occur.*

**d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

A) *Excavation for project facilities would result in changes to undisturbed soils, and may result in grading in excess of five feet in depth at the California State Parks site and at the Fish Hatchery site. The new water main trench would be 51-inches deep (4.25 feet) and would be located in a disturbed area, adjacent to the existing line. Trenching would also be required to install the sewer line and lake*

*water intake line within one trench. As addressed in Item 1.c, temporary and permanent BMPs would be used to control potential erosion. This issue will be further evaluated in the EIR/EIS.*

*B) Excavation for project facilities will result in changes to undisturbed soils and may require grading in excess of 5 feet (to be performed in accordance with Chapter 64 of the TRPA Code of Ordinances) depending upon final design. The lake water intake line would be placed within a trench no greater than 5-feet. However, as addressed above under item 1.c, temporary and permanent BMPs would be used to control potential erosion. This issue will be further evaluated in the EIR/EIS.*

*C) No change would occur.*

**e. The continuation of or increase in wind or water erosion of soils, either on or off the site?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

*A) Lands disturbed by construction activity would be covered or revegetated to prevent wind or water erosion. Mitigation 1c should be implemented during construction to prevent erosion. This issue will be further evaluated in the EIR/EIS.*

*B) Construction of the bridge that would connect the main parking lot with the Education Center would result in potential disturbance to the stream channel. Stream channel modifications could result in increased water erosion. Mitigation 1c should be implemented during construction to prevent erosion. This issue will be further evaluated in the EIR/EIS.*

*C) No change would occur.*

**f. Changes in deposition or erosion of beach sand or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>C</b>	<b>A</b>	

*A) Erosion control BMPs as described in Mitigation Measure 1.c would be implemented during construction to prevent siltation within the SEZ areas of each site. Installation of the lake water intake line may affect the lake sand; however, the placement and use of the line would not alter deposition rates or cause significant erosion. This issue will be further evaluated in the EIR/EIS.*

*B) See item 1.e. Construction of the bridge for Education Center access could alter the stream channel underneath. However, the project also includes measures to restore SEZ and enhance wetlands along lower Polaris Creek and its tributaries. The restoration would include increasing the width of the SEZ and developing a meandering channel through the center of the SEZ. As proposed, the width of the area encompassed by the meandering channel will be approximately 100 feet. The realigned channel will also be designed to allow flows above “bankfull” to flood the restored meadow and SEZ. Installation of the lake water intake line may affect the lake sand; however, the placement and use of the line would not alter deposition rates or cause significant erosion. This issue will be discussed further in the EIR/EIS.*

C) *No change would occur.*

**g. Exposure of people or structures to geologic hazards such as earthquakes, seismic ground shaking, liquefaction, expansive soil, landslides, backshore erosion, avalanches, mud slides, seiche, tsunami, ground failure, or similar hazards?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *Neither the California State Parks site, nor the Fish Hatchery site is listed within a hazardous geologic area. Three unnamed fault lines are located near, and possibly adjacent to portions of the project sites. However, these faults have been inactive for over 200 years and are not considered significantly hazardous. The development of the structures on the site, the installation of the new water main adjacent to the existing line, or the development of the lake water intake line and sewer line would not induce geologically hazardous events.*

B) *The project will not be located in an area where landslides, backshore erosion, avalanches, mud slides, or similar hazards would occur. The site is level and is not at risk of damage from land sliding. Due to the fact that firm to hard soils underlie the soils in the project area, hazards related to strong ground shaking would not substantially be affected by the construction of the project buildings. However, the quality of the SEZ soils for engineering purposes is unknown. A geotechnical study of the Campground site was prepared to properly design the building foundation. The proposed research building site may have post-earthquake liquefaction-induced total settlement on the order of 2 inches, with differential settlement between neighboring bays estimated to be on the order of 1 inch. These settlements would adversely affect a slab-on-grade floor and a lesser degree of mat, but they should not adversely affect pile foundations. Based on the column load of 250 kips with a column spacing of 21 feet by 24 feet over the building area, and static mat settlements estimated assuming a 2-foot thick concrete mat founded 1 foot below existing grade (net bearing pressure of 685 pounds per square foot acting on the subgrade), settlements are estimated to be on the order of 2 inches at the center, 1-1/4 inches at the edge and 3/4 inch at the corner. This potential impact is not a significant concern. While the marsh soils have varying shrink/swell potential, depending on other external factors to the soil, soils in the Jabu series have a low to moderate shrink swell potential. Since marsh areas usually contain high water content, the shrink swell potential is less of a concern than liquefaction. Structural engineering can reduce the risks associated with soil expansion. During a major earthquake in the vicinity of Lake Tahoe, seismic waves could generate an oscillatory wave, or seiche, in the lake that could cause inundation of low-lying areas and could damage the project site. The chances of a damaging seiche occurring on Lake Tahoe in response to a future earthquake are relatively small. Existing facilities are exposed to this remote risk and future uses would also be at risk. However, there is low risk of such an occurrence. (Summary report of Groundwater Investigation for the Tahoe Environmental Research center (TERC) Tahoe City, California, Harding ESE, February 21, 2001)*

C) *No change would occur.*

- h. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) Both the California State Parks site and the Fish Hatchery site would be served by a sewer system and would not contain septic tanks or alternative disposal systems.
- B) The Fish Hatchery/Campground site is and would continue to be served by a sewer system and would not contain septic tanks or alternative disposal systems.
- C) No change would occur.

## **2 Air Quality**

### *Tahoe Basin*

For the Tahoe Basin, the main criteria air pollutant of concern as described by the California Air Resources Board is carbon monoxide (CO). CO is an odorless gas that impairs the uptake of oxygen into the bloodstream by binding about 700 times stronger to respiratory tissues than oxygen. The effect on the human body is to cause chest pain in heart patients, headaches, and reduce mental awareness. The other criteria pollutant of concern as defined by the California Air Resources Board in the Tahoe Basin is ozone (O<sub>3</sub>). However, high ozone levels occur only in the Washoe County portion of the Basin. Although particulate matter (PM<sub>10</sub>) is also a monitored criteria air pollutant, PM<sub>10</sub> levels in the Tahoe Basin do not exceed state or federal standards.

In the 1980s, monitoring for CO in El Dorado County revealed concentrations exceeding the federal limit of 9.0 parts per million. Based on the data collected in El Dorado County, an EPA classification and determination of non-attainment for CO was made for all other locations in the Tahoe Basin. Current monitoring data has indicated that CO no longer exceeds standards. This reduction is primarily due to more advanced pollutant control technology on new vehicles, the retiring of old vehicles, and the reformulation of gasoline. However, even though the Tahoe Basin meets all the federal (and more stringent California and TRPA) CO standards, the EPA requires that clean data persist years into the future to ensure there is no relapse. This is called the “maintenance period” and requires designation as a maintenance area. The Tahoe area is designated as a maintenance area for CO until consecutive air quality tests reveal compliance. A maintenance area is subject to a conformity analysis just as if the area were still in non-attainment. This means that the air will be tested periodically and monitored regularly to track pollutant levels. No other air pollutants monitored by federal, state, or local agencies in the Tahoe Basin exceed federal, state, or local threshold standards.

Toxic air contaminants (TACs) are generated by various sources including: stationary sources such as dry cleaners, gas stations, and laboratories; mobile sources such as



automobiles and aircraft; natural sources such as dust and wildfires; and area sources such as agricultural and residential areas. TAC emissions may cause short-term and/or long-term adverse human health effects. Unlike criteria air pollutants (like CO and O<sub>3</sub>) discussed above), there are no specific minimum levels for TACs below which exposure can be considered safe; any exposure has the potential to cause adverse health effects. The Placer County Air Pollution Control District (PCAPCD) is primarily responsible for regulating air pollution emissions from stationary sources (e.g., factories) and from indirect sources (e.g., traffic associated with new development), and for monitoring ambient pollution concentrations in the project area. Rule 502 of the PCAPCD, New Source Review, indicates that an applicant shall apply Best Available Control Technology (BACT) to a new emissions unit or modification of an existing emissions unit. These BACTs apply when the increase in emissions equals or exceeds the levels specified in Table 9.

**Table 9**

**Rule 502 Threshold Emissions**

<b>Pollutant</b>	<b>Effect</b>	<b>Pollutant</b>	<b>Effect</b>
Reactive Organic Compounds	10 lbs/day	Vinyl chloride	5.5 lbs/day
Nitrogen oxides	10 lbs/day	Sulfuric acid mist	38 lbs/day
Sulfur oxides	80 lbs/day	Hydrogen sulfides	55lbs/day
PM10	80 lbs/day	Total reduced sulfur compounds	55 lbs/day
Carbon monoxide	550 lbs/day	Reduced sulfur compounds	55 lbs/day
Lead	3.3 lbs/day		

Source: Placer County Air Pollution Control District, Rule 502

Direct emissions from motor vehicles are regulated by the California Air Resources Board (ARB) and the EPA. California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS) are listed in Table 10. These standards regulate a variety of criteria air pollutants as shown in the table below.

**Table 10**

California Ambient Air Quality Standards and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	Federal Standards	
		Concentration	Primary	Secondary
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm (180 ug/m <sup>3</sup> )	0.12 ppm (235 ug/m <sup>3</sup> )	Same as Primary Standard
	8 Hour	-	0.08 ppm (157 ug/m <sup>3</sup> )	Same as Primary Standard
Respirable Particulate Matter (PM <sub>10</sub> )	Annual Geometric Mean	30 ug/m <sup>3</sup>	-	Same as Primary Standard
	24 Hour	50 ug/m <sup>3</sup>	150 ug/m <sup>3</sup>	
	Annual Geometric Mean	-	50 ug/m <sup>3</sup>	
Fine Particulate Matter (PM <sub>2.5</sub> )	24 Hour	No Separate State Standard	65 ug/m <sup>3</sup>	Same as Primary Standard
	Annual Arithmetic Mean		15 ug/m <sup>3</sup>	
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	None
	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		
Nitrogen Dioxide (NO <sub>2</sub> )	Annual Arithmetic Mean	-		
	1 Hour	0.25 ppm (470 ug/m <sup>3</sup> )	0.053 ppm (100 ug/m <sup>3</sup> )	Same as Primary Standard
Lead	30 days average	1.5 ug/m <sup>3</sup>	-	-
	Calendar Quarter		1.5 ug/m <sup>3</sup>	Same as Primary Standard
Sulfur Dioxide (SO <sub>2</sub> )	Annual Arithmetic Mean	-	0.030 ppm (80 ug/m <sup>3</sup> )	-
	24 Hour	0.04 ppm (105 ug/m <sup>3</sup> )	0.14 ppm (365 ug/m <sup>3</sup> )	
	3 Hour	-	-	
	1 Hour	0.25 ppm (655 ug/m <sup>3</sup> )	-	0.5 ppm (1300 ug/m <sup>3</sup> )

**Table 10**

California Ambient Air Quality Standards and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	Federal Standards	
		Concentration	Primary	Secondary
Visibility Reducing Particles	8 Hour (10 am to 6 pm, PST)	In sufficient amount to produce an extinction coefficient of 0.23 per kilometer – visibility of ten miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when the relative humidity is less than 70 percent.	No Federal Standards	
Sulfates	24 Hour	25 ug/m <sup>3</sup>		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 ug/m <sup>3</sup> )		

Source: California Air Resources Board (1/25/99)

The TRPA has established several environmental thresholds related to air quality. These thresholds are defined in the Tahoe Compact as “environmental standard[s] necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region.” The thresholds are generally expressed as regional or sub-regional environmental standards.

The TRPA has also adopted formal goals and policies that are intended to guide decision-making in a manner that will provide for attainment and maintenance of the environmental thresholds. While the thresholds and goals are regional in nature, the policies can be considered and/or implemented during decision-making regarding individual projects.

*California State Parks Site*

The California State Parks site does not contain any structures or activities that would result in the creation of air pollutants. Vehicles cross the site to gain access to the Tahoe Christian Center or the beach; however, the emissions expelled by the vehicles are not a direct result of the current uses of the California State Parks site. Residences surrounding the California State Parks site are considered to be sensitive receptors because they are non-commercial or non-industrial areas inhabited by people, including children and the elderly who are most sensitive to air pollutants, during all times of the day, thereby exposed to a greater health risk.

*Fish Hatchery/Campground Site*

The research activities at the Fish Hatchery/Campground site result in low air pollutant emissions because of the use of exhaust and filtration systems. Campground use

produces minor emissions from vehicle access and campfire activities. Vehicle emissions associated with trips to and from the facility would have only a minor effect on the overall quality of the air in the Tahoe Basin and are not individually significant. Operations at the fish hatchery do not currently result in significant air emissions. No specific testing on the site has been conducted to determine the actual air quality levels because the facility is not expected to emit harmful quantities of pollutants. There are no homes or schools in the immediate vicinity of the Fish Hatchery/Campground site that would be considered sensitive receptors.

**2. Air Quality. Will the proposal result in:**

**a. Substantial air pollutant emissions or exposure of sensitive receptors to substantial pollutant concentrations?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

A) *Construction activities at both project sites and within the water main trench would result in short-term air emissions, particularly particulate matter (PM<sub>10</sub>). Mitigation Measures 2ai and 2aii should be implemented. Existing laboratory work would move to the proposed research building, which would allow for an expansion of the research program on the California State Parks site and would include an emergency generator that would be used only during an electrical power outage. Therefore, the new project facilities could increase marginally the levels of toxic air contaminant emissions in the region. The research building would have six fume hoods. According to the project program, exhaust fans would be used to remove laboratory air through fume hoods (chemical and radioisotope fume hoods, polypropylene acid hoods), canopy hoods, safety cabinets, snorkels, and/or ceiling grilles. Dedicated exhaust systems within the ductwork system would be used when needed for materials requiring additional scrubbing or filtration. Exhaust air would be discharged vertically from safe stack heights (10 feet) to provide adequate dilution. At a minimum, lab exhaust fans would be Air Movement and Control Association (AMCA) Class C and coated with chemical resistant materials. HEPA filters would also be used where appropriate in the chemical lab. The exhaust system would also be equipped with an alarm to alert lab users if a malfunction has occurred, at which point all lab activities would cease until the system is operable. The exhaust system would prevent adverse concentrations of toxic emissions from laboratory operations. The emergency generator would meet both TRPA and Air Pollution Control District regulations.*

*An analysis of the potential TAC health risks associated with a recently approved laboratory building on the UC Davis main campus showed that the building's acute and chronic noncarcinogenic health risk hazard exposure indices would be 0.00929 and 0.00744, respectively. For acute and chronic non-cancer risks, a hazard index of less than 1.0 indicates that the toxicity would be considered a negligible effect. The total maximum theoretical cumulative cancer risk modeled for the main campus building was 0.0326 in one million. A cancer risk of less than one per one million is considered negligible (EIP 2000). The total laboratory space in the main campus building was estimated at approximately 58,800 assignable square feet, which is over seven times the space included in the entire proposed TERC research building (with a total of 7,900 assignable square feet, including laboratory and non-laboratory space).*

*A Health Risk Analysis will be performed to calculate potential air quality health risks associated with emissions from the proposed research facility. Findings from this study will be presented in the EIR/EIS. In addition, a wind tunnel analysis will be performed for the proposed TERC research building and nearby adjacent buildings to identify the patterns of exhaust emissions. If potential points of exhaust concentration or entrainment are identified, the exhaust system would be modified accordingly to provide adequate dilution. This issue will be discussed further in the EIR/EIS.*

Vehicle pollutants would also increase from the existing level due to the development of the new facility. The number of daily vehicle trips would increase by approximately 105 trips, adding vehicle emissions to the overall air quality. Pursuant to Chapter 93.3.C of the TRPA Code of Ordinances, an air quality mitigation fee, assessed at a rate of \$25 per daily vehicle trip-end, is required to offset the potential traffic and air quality impacts associated with the project. TRPA requires that the air quality impact mitigation fee be paid for any project that results in an increase of Daily Vehicle Trip Ends (DVTE) in the Tahoe Basin. Since the figures developed in this study result in an increase of 105 DVTE, an air quality mitigation fee of \$2,625 is required.

**Mitigation 2.a.i: Construction Equipment Emissions Control Plan** - To ensure that emissions from construction equipment exhaust will be reduced, the following measures will be implemented:

- Use alternative fuel construction equipment to the fullest extent possible.
- Minimize idling time (e.g., 5 minute maximum).
- Maintain properly tuned equipment according to equipment manufacturer's guidelines.
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use as specified for noise mitigation purposes.

**Mitigation 2.a.ii: Particulate Matter Control Plan** - To ensure that emissions of particulate matter will be minimized, the following feasible PM<sub>10</sub> control measures for construction activities will be implemented:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks or maintain at least 2 feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Hydro seed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Suspend excavation and grading activity whenever the wind is so high that it results in visible dust plumes despite control efforts.

B) Because the project includes the removal of an existing campground, it is anticipated that the project would not result in a net increase in vehicle trips (a net increase of 3 DVTE), unless the campground is relocated. However, project facilities may result in increased levels of toxic air emissions as described in the analysis for Alternative A. The laboratory will have four or five fume hoods and an emergency generator. As discussed above for Alternative A, a health risk analysis will be performed to evaluate potential air quality health risks associated with emissions from the proposed research facility. The results of this analysis will be presented in the EIR/EIS. Construction activities will temporarily increase fugitive dust emissions and PM<sub>10</sub> emissions. Mitigation Measures 2.a.i and 2.a.ii would be implemented to decrease construction emissions. This issue will be discussed further in the EIR/EIS.

C) No change would occur.

**b. Deterioration of ambient (existing) air quality, violate air quality standards, contribute substantially to an existing air quality violation (particularly in a non-attainment area) or conflict with or obstruct the implementation of an air quality plan?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

- A) Construction of the research facilities, water main, sewer line, lake water intake line, and renovation of the fish hatchery would result in a temporary increase in particulate matter, carbon monoxide, and potentially ozone. Operation of the facilities is not likely to increase pollutants to a level of non-compliance. Implementation of mitigation measures 2.a.i and 2.a.ii is required. This issue will be further evaluated in the EIR/EIS.
- B) As stated under Alternative A, construction of the research facilities, lake water intake line, and renovation of the fish hatchery would result in a temporary increase in particulate matter, carbon monoxide, and potentially ozone. Operation of the facilities is not likely to increase pollutants to a level of non-compliance. Implementation of mitigation measures 2.a.i and 2.a.ii is required. This issue will be further evaluated in the EIR/EIS.
- C) No change would occur.

**c. The creation of objectionable odors?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) Odors may result from the use of chemicals or other research activities in the laboratory. Fume hoods would dilute objectionable odors from the air being expelled from the laboratory. The use of the fume hoods mitigates the potential for odor emissions.
- B) Odors may result from the use of chemicals or other research activities in the laboratory. Fume hoods would dilute objectionable odors from the air being expelled from the laboratory. The use of the fume hoods mitigates the potential for odor emissions.
- C) No change would occur.

**d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) The project does not include activities or operations that would alter air movement or weather patterns in the local or regional area.

B) *The project does not include activities or operations that would alter air movement or weather patterns in the local or regional area.*

C) *No change would occur.*

**e. Increased use of diesel fuel?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The project would not result in significant use of diesel fuel burning equipment. A diesel backup generator would be provided for the research laboratory but would only be used during monthly testing or emergency situations. Some construction equipment would use diesel fuel; however this use would be temporary (only during the construction period) and would not create a permanent increase in the use of diesel fuel.*

B) *The project would not result in significant use of diesel fuel burning equipment. A diesel backup generator would be provided for the research laboratory but would only be used during monthly testing or emergency situations. Some construction equipment would use diesel fuel; however this use would be temporary (only during the construction period) and would not create a permanent increase in the use of diesel fuel.*

C) *No change would occur.*

**3 Water Quality and Hydrology**

*Tahoe Basin*

The Lake Tahoe Basin is a bowl-shaped watershed, characterized by steep, north/south trending mountain ranges to the east and west, with Lake Tahoe occupying nearly 40 percent of the area. Within the basin, 63 individual watersheds (110 when the intervening areas that flow directly to the lake are included in the count) contribute their flow to Lake Tahoe. The climate consists of long, relatively mild winters with short, dry summers. Most of the area's precipitation comes in the form of snow, with occasional thunderstorms during the summer months. The western portions of the basin receive between 35 and 80 inches of precipitation per year, while the eastern portions receive between 20 and 35 inches. Average precipitation in the project area is approximately 32 inches per year based on records for January 1931 through December 1992 for a Tahoe City vicinity gage. The higher amounts of precipitation occur in the upper elevations.

Lake Tahoe is one of the largest oligotrophic (low productivity) lakes in the world. Very low levels of plant nutrients, saturated oxygen conditions, and relatively small amounts of slowly decaying organic materials characterize the lake water. However, water near shore has shown recent substantial increases in nutrient levels. In addition, microscopic unicellular and filamentous algae have become common in shallow waters. There is an interdependent relationship between water, vegetation, and soils that has important consequences for water quality. In general, water quality is poorer off-shore from developed areas than from undeveloped areas.

Natural drainage systems surrounding Lake Tahoe convey surface and subsurface runoff from rain and melting snow that slowly erodes the land. Sediment, dissolved minerals, organic litter, and nutrients are transported through the drainage courses and stream environment zones (SEZ) to the lake. Delta marshes of tributary streams filter these sediments and nutrients whereby they are used for plant growth. Organic materials are decomposed in the oxygen-rich lake and stream waters and nutrients are used by aquatic biota. Water quality in Lake Tahoe and its tributaries can be adversely affected by runoff from surrounding lands. Suspended sediment can cause turbidity and result in sedimentation and suspended and dissolved nutrients can stimulate algal growth and deplete the lake of oxygen in the natural process of eutrophication (increasing biologic material and depletion of oxygen over time).

#### *California State Parks Site*

The California State Parks site drains southward toward Lake Tahoe, which forms the southern boundary of the parcel. The site's ground cover of meadow and heavy forest duff in combination with highly permeable soils, ensures low runoff and high infiltration. Drainage on this site is sheet flow, moving from the northern portion of the site to the southern portion and into the lake. There are no significant drainage or hydrological features on this site.

Harding ESE conducted a Geotechnical Investigation at the State Parks site. The report has not yet been compiled, but initial results regarding groundwater levels have been prepared. Based upon the consistency of the data from boring to boring, the development area is relatively uniform in soil and groundwater configuration. In a 61-foot-deep boring, groundwater stabilized after several hours at 31 feet. This level would likely rise approximately 5 feet over a longer stabilization time.

#### *Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site drains in a southerly direction at approximately a 3 to 4 percent slope towards Lake Tahoe. Drainage enters from the northeast, where the primary channel of Polaris Creek traverses between the fish hatchery and campground (Personal communication, Earl Hagadorn, Consulting Civil Engineer, January 13, 2000). Above its terminus at Star Harbor, the Polaris Creek watershed encompasses approximately 350 acres. Drainage also enters from the north of the Fish Hatchery/Campground site at two culverts that cross North Lake Boulevard: a 24-inch-diameter culvert located near the intersection of Lake Forest Road and North Lake Boulevard (East Culvert) and a 24-inch-diameter culvert located approximately 300 feet to the west (West Culvert). The two culverts convey flows from two spring-fed tributaries to Polaris Creek. The Polaris Creek subwatershed tributary to the two culverts encompasses approximately 50 acres (Personal communication, Earl Hagadorn, Consulting Civil Engineer, January 13, 2000). The approximate elevation of the Fish Hatchery/Campground site is 6,200 feet above msl.

The two spring-fed tributary branches of Polaris Creek, which enter the site from the northwest, meet near the southern boundary of the site. The channel continues in an easterly direction along the southern boundary and then turns south and continues along



the eastern boundary of Pomin Park to its confluence with the primary channel of Polaris Creek. From that location, Polaris Creek continues to Lake Tahoe via the northeastern arm of Star Harbor.

The confluence of the two spring-fed channels (near the southern boundary of the site) is also the source of an artificial spawning channel, which flows southerly through Pomin Park to the northwestern branch of Star Harbor. The artificial channel was constructed in the late 1960's by the Star Harbor project and extends to the west of the Star Harbor anchorage. CDFG extended the channel onto the fish hatchery property. The spawning system was constructed to be sustained by the spring-fed tributaries to Polaris Creek (Swanson 2001).

Significant flood flows are not expected from this on-site meadow area that exhibits high infiltration capacity. The channels downstream from the culverts could handle high flows if care was taken not to obstruct them. In addition, calculations performed to estimate the runoff volume from the Fish Hatchery/Campground site under existing conditions indicate that the estimated runoff that would result from a 20-year, 1-hour storm would be approximately 6,000 cubic feet (Hagadorn 11/19/01 memorandum).

In September 1999, Harding ESE (HLA) drilled six borings to a depth of approximately 20 feet and installed groundwater monitoring wells in each. Borings B-1, B-2, and B-3 were drilled in the vicinity of the old fish hatchery building. Well 1 has a minimum depth to groundwater of 0.9 feet and a maximum of 3 feet. Well 2 has a minimum depth to groundwater of 0.8 feet and a maximum of 2 feet. Well 3 has a minimum depth to groundwater of 0 feet and a maximum of 1.2 feet. No hydrocarbon odors were detected and no visual staining was observed at these locations. Harding ESE attributes the high suspended solids concentrations observed in the groundwater during the September sampling to fine soils that were washed out of the surrounding soils when the monitoring wells were hand-purged by manual bailing prior to sampling (Personal communication, Steve Ritchie, Harding ESE, November 28, 2001).

**3. Water Quality and Hydrology. Will the proposal result in:**

- a. **Changes in currents, or the course or direction of water movements?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

A) *Installation of the lake water intake system would not likely affect lake water movements, however further studies of lake water movements and the intake system are needed to determine the full extent of this potential impact. This will be evaluated further in the EIR/EIS.*

B) *The construction of a bridge may result in a disturbance to the stream channel that could lead to increased erosion from wind or water. Further, the project may include a demonstration hatchery and water quality treatment facilities on one of the onsite streams that would modify the existing current. While these project components are proposed to allow for the study of water treatment facilities that may benefit future water quality management programs, there is a possibility that they would result in local changes to the existing stream current. Installation of the lake water intake system would not likely affect lake water movements, however further studies of lake water movements and the intake*

system are needed to determine the full extent of this potential impact. This will be evaluated further in the EIR/EIS.

C) No change would occur.

**b. Changes in absorption rates, drainage patterns, stream courses, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site; erosion, siltation, or flooding occur; or that capacity of existing or planned drainage systems would be exceeded?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) Approximately 31,000 square feet (0.71 acre) of coverage would be developed on the 4.69-acre California State Parks site. Since only 15 percent of the site would be covered and an infiltration pond would collect storm water runoff, surface water runoff would be contained on the site and absorption rates would not be significantly impacted. Drainage patterns would be maintained with water running south toward the lake. Coverage at the Fish Hatchery site would decrease by approximately 4,300 square feet with the removal of existing paving and the demolition of the ancillary structures currently located in the SEZ. This restoration would improve absorption rates and would return the site to its natural drainage pattern. Grading for the new entry terrace would not cause a significant change in drainage patterns on the site. The fish hatchery would also have an infiltration pond and an area of willow wattles to hold and filter runoff. The new water main would not affect absorption rates as the line would be placed below existing pavement. The new sewer line and lake water intake line would not result in new coverage that would alter existing absorption rates.

B) Approximately 51,330 square feet (1.18 acres) of coverage would remain on the 8.8-acre Campground/Fish Hatchery site following project development. With the project, existing and TRPA-banked coverage would be reduced by approximately 23,270 square feet. Further, the project would result in the restoration of up to 21,420 square feet of existing or banked SEZ coverage, which exceeds TRPA requirements for coverage relocation. This restoration may improve absorption rates and partially return the site to its natural drainage pattern. Infiltrations ponds would catch additional waters and filter runoff before entering the SEZ. The new lake water intake line would be located beneath existing pavement and would not affect existing absorption rates or drainage patterns.

C) No change would occur.

**c. Alterations to the course or flow of 100-year flood waters?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) The project sites are not located within a 100-year flood zone. The Fish Hatchery site is near the boundaries of a flood zone, but renovation would not cause an alteration to the flow of floodwaters.

B) *The project sites are not located within a 100-year flood zone. The Fish Hatchery site is near the boundaries of a flood zone, but renovation would not cause an alteration to the flow of floodwaters.*

C) *No change would occur.*

**d. Change in the amount of surface water in any water body?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *A water intake pipe would draw water from Lake Tahoe to the laboratory for research purposes. A 60-gallon tank would be located at the Research Building to provide 50 gallons of stored water plus 10 gallons of space reserved for pump control switches. When the pump is initially operating, average rates should be approximately one gallon per minute, with hourly replenishment from the intake pump. The future peak use rate of 10 gallons per minute could be met directly by the pump or taken from the storage tanks with concurrent replenishment from the pump. Water usage and pumping rates would not affect the lake level. Studies conducted at the research building would not use lake resources in a way that would negatively affect the lake itself.*

B) *A water intake pipe would draw water from Lake Tahoe to the laboratory for research purposes. A 60-gallon tank would be located at the Research Building to provide 50 gallons of stored water plus 10 gallons of space reserved for pump control switches. When the pump is initially operating, average rates should be approximately one gallon per minute, with hourly replenishment from the intake pump. The future peak use rate of 10 gallons per minute could be met directly by the pump or taken from the storage tanks with concurrent replenishment from the pump. Water usage and pumping rates would not affect the lake level. Studies conducted at the research building would not use lake resources in a way that would negatively affect the lake itself.*

C) *No change would occur.*

**e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity or violate any water quality standards or waste discharge requirements?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

A) *Water used for research activities would be discharged directly into the sanitary sewer system. The lake water intake system would be equipped with a check valve to prevent the line from draining back into the lake once pumping has ceased. Increased coverage through construction or renovation of buildings and parking lots would increase the amount of runoff and decrease the quality of runoff on the proposed sites. Runoff from the parking lots may contain oils and other contaminants. As part of the project, two 320-gallon sand-oil separators would be installed at the southern end of the parking lot on the Fish Hatchery site. The water would be drawn into the infiltration pond and treated before it is expelled through a filtration system into the natural vegetation on the site. A 1,000-gallon sand-oil separator would be located at the eastern edge of the parking area on the California State Parks site and would be maintained by UC Davis. The runoff would be treated in an 800 square foot infiltration pond. Therefore, storm water would be treated and contained on the site and would not require further mitigation. Construction activities would increase the potential for discharge into*

adjacent surface waters, including the onsite creeks at the fish hatchery and Lake Tahoe at the California State Parks site. Mitigation Measure 3e shall be implemented to reduce impacts caused by construction activities. UC Davis would also be required to file a Notice of Intent for coverage of the project under the State General Construction Activity Storm Water Permit. The project contractor would be required to comply with applicable permit requirements. This issue will be further evaluated in the EIR/EIS.

**Mitigation Measure 3.e.** Implement Mitigation Measure 1.c and construct adequate runoff treatment facilities. BMPs shall be identified on the final construction plans for review and approval of TRPA and Lahontan.

B) Water used for research activities would be discharged directly into the sanitary sewer system. The lake water intake system would be equipped with a check valve to prevent the line from draining back into the lake once pumping has ceased. The site currently receives drainage from a portion of SR 28 and existing impervious surfaces, including the bikepath, surrounding roadways, parking areas, and campground pads. The runoff would be disposed of by evaporation, evapotranspiration, and infiltration in ponds created behind rows of fascine/willow wattles located south of the proposed Research Building and east of the parking lot and in a sedimentation/treatment pond northeast of and adjacent to the proposed Education Building. A sand-oil separator and rock discharge apron would be located southeast of the parking lot. Further south, four rows of fascine/willow wattles would provide additional filtration. A silt barrier would also be placed around the buildings. A 500-gallon infiltration pond would be located west of the research building. The pond would include a rock discharge apron and three rows of willow wattles and silt barrier. A 320-gallon infiltration pond would be located west of the Education Center. This pond would also include a rock discharge apron and silt barriers. Drains would be located throughout the parking areas to collect runoff. UC Davis would also be required to file a Notice of Intent for coverage of the project under the State General Construction Activity Storm Water Permit. The project contractor would be required to comply with applicable permit requirements. Implementation of Mitigation Measure 3e would further prevent discharge into area waters. This issue will be further evaluated in the EIR/EIS.

C) No change would occur.

**f. Alteration of the direction or rate of flow of groundwater?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>A, C</b>		

A) Construction of the research building would require grading to a depth of approximately five feet. Grading the entry of the fish hatchery building for ADA compliance would be to a depth of less than five feet. Trenching for the new water main would be to a depth of approximately 4.25 feet and the line would be located adjacent to the existing main. Likewise, the new lake water intake line and sewer line would be trenched to a depth no greater than 5-feet. Based upon the results of geotechnical reports, groundwater is not expected to be present at this depth. Therefore, construction activities are not likely to encounter groundwater or alter its direction and rate of flow.

B) Groundwater monitoring has been performed at the project site. Based upon the results from soil borings and monitoring wells, average depth to groundwater is assumed to equal approximately 3 feet in the area of the proposed Research Building and parking lot. Groundwater may be encountered during construction. Excavation and construction, particularly SEZ restoration, have the potential to alter some areas of groundwater flow. This issue will be further evaluated in the EIR/EIS.

C) No change would occur.

**g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project would include a new well at the California State Parks site. The well would be used to provide untreated water for laboratory use. UC Davis has estimated that approximately 80,000 gallons of water would be taken from the well in an average year, with a peak demand of 20 gallons per hour. The quantity of water provided by the well would not adversely affect the quantity of groundwater in an aquifer.*
- B) *The project does not include the use of any new sources of groundwater that would exceed available allocations.*
- C) *No change would occur.*

**h. Substantial reduction in the amount of water otherwise available for public water supplies?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project would not demand public water supplies in excess of the available water capacity. Water would be used for laboratory activities, restrooms, kitchen facilities, and fountains. Both the Tahoe City Public Utility District (TCPUD, March 21, 2002 and May 7, 2002) and the Lake Forest Water Company (March 29, 2002) have indicated that there is an adequate water supply to serve the project. Since the Lake Forest Water Company has the rights to serve the California State Parks site, they would be the water service provider for the site. However, to serve the site, a water line would need to be extended to the site and the existing main line would need to be replaced with a larger diameter line. The new main line would be installed alongside the existing 4-inch main within area roadways and roadway shoulders. None of these improvements would reduce the amount of water otherwise available for public water supplies. In fact, the new main line would improve the water conveyance system to the area. This issue is discussed further under Item 16 - Utilities.*
- B) *The project will not use substantial amounts of public water supplies. The Tahoe City Public Utility District (TCPUD, March 21, 2002 and May 7, 2002) has indicated that there is an adequate water supply to serve the project.*
- C) *No change would occur.*

**i. Exposure of people or structures to water related hazards such as flooding and/or wave action from 100-year storm occurrence, seiches, tsunamis, mudflows, or flooding as a result on failure of a levee or dam, or place within a 100-year flood area structures that would impede or redirect flood flows?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project buildings are not located near the lake edge or within the 100-year floodplain. The Fish Hatchery site is located in both a no flood risk zone and 500-year flood risk zone. Only the southeastern most portion of the California State Parks site is located within the 100-year flood zone. The structures that would be developed on the site would be well outside of any flood zone areas. The proposed project would not be subject to seiches, tsunamis, or mudflows, nor would it be subject to flooding as a result of the failure of a levee or dam.*
- B) *The Fish Hatchery and Campground sites are not located adjacent to the lake or within the 100-year floodplain. The proposed project would not be subject to seiches, tsunamis, or mudflows, nor would it be subject to flooding as a result of the failure of a levee or dam.*
- C) *No change would occur.*

**j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality or violate any water quality standards or waste discharge requirements?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

- A) *Water used for research activities would be discharged directly into the sanitary sewer system. Construction activities have the potential to accidentally discharge or leak oils or other contaminants that could affect groundwater quality. UC Davis would also be required to file a Notice of Intent for coverage of the project under the State General Construction Activity Storm Water Permit. The project contractor would be required to comply with applicable permit requirements. To prevent contamination, BMPs and other mitigation measure 3e and 3j shall be implemented. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 3.j. Best Management Practices to Protect Groundwater.** *In order to prevent groundwater degradation, UCD will accomplish the following:*

1. *Store, maintain construction equipment (except fueling by truck) at designated staging areas;*
2. *Maintain spill cleanup equipment with fuel trucks. Cleanup fuel spills immediately;*
3. *Minimize the amount and duration of construction materials stored onsite. Store all construction materials that could adversely affect groundwater quality (e.g. paint, solvents, and fuels) on containment pallets or similar facilities that would prevent discharges to the ground in the event of a spill or leak;*

4. *Maintain spill cleanup materials onsite. Respond to spills and leaks immediately to contain and remove the pollutants from the site; and*
  5. *All water resulting from construction dewatering activities shall be contained on site with barriers and basins and not allowed to enter natural drainage courses. These waters that have not evaporated will be reused during construction backfilling or disposed of through the sanitary sewer.*
- B) *Water used for research activities would be discharged directly into the sanitary sewer system. As discussed under items 3.b and 3.e, new impervious surfaces, including parking lots, will be constructed within the project site, resulting in modifications to site drainage. Construction activities have the potential to accidentally discharge or leak oils or other contaminants. To prevent contamination, BMPs (Mitigation 3e, 1c) and other mitigation measures (Mitigation 3j) shall be implemented. It is likely that project construction will require dewatering due to the shallow perched groundwater located beneath much of the site. Construction activities will require temporary storage of construction materials onsite (including fuels, paints, and solvents) that could impact groundwater water quality in the event of a spill. UC Davis would also be required to file a Notice of Intent for coverage of the project under the State General Construction Activity Storm Water Permit. The project contractor would be required to comply with applicable permit requirements. This issue will be further evaluated in the EIR/EIS.*
- C) *No change would occur.*

## **4 Vegetation**

### *Tahoe Basin*

The Tahoe Basin contains a broad diversity of montane vegetation associations. The current distribution of forest associations and other vegetation associations within the Basin is determined largely by the local physical environment. Vegetation associations range from grassland and montane riparian associations to Jeffrey pine and alpine dwarf shrub. The Basin also contains a number of special-status plant species, including threatened and endangered species. These species are protected through TRPA, FESA, CESA, CDFG, and/or the California Native Plant Society. Land use or activity restrictions occur in areas inhabited by these species.

### *California State Parks Site*

The California State Parks site is forested by second growth Jeffrey pine (*Pinus jeffreyi*) and white fir (*Abies concolor*), with less than 40 percent canopy cover. The understory consists of 20 percent cover, including three brush species: bitterbrush (*Purshia tridentata*), creeping snowberry (*Symphoricarpos mollis*), and manzanita (*Arctostaphylos patula*). Less than 10 percent of the forest floor is littered with downed timber and woody debris.

The only SEZ on the site is at the lake's edge and on the bench just above the high water mark of the lake. This SEZ is vegetated with a Baltic rush (*Juncus balticus*) flat with pockets of Lemmon's willow (*Salix lemmonii*) spaced several feet apart in wetter portions of the bench. A grove of quaking aspen (*Populus tremuloides*) occurs immediately to the west of the site near Lake Tahoe. The SEZ may provide suitable habitat for special-status plant species. However, no suitable habitat for special-status plant species occurs on the site outside of the SEZ.

### *Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site is a mixture of SEZ and montane plant communities. Plant communities identified within the Fish Hatchery/Campground site include upper montane mixed coniferous forest, montane riparian scrub, montane wet meadow, and ruderal/disturbed. These plant communities occur throughout the campground site and adjacent to the fish hatchery building. Small inclusions of emergent marsh are associated with the wet meadows and the montane riparian scrub (JSA 1998). Special-status plants and wildlife with the potential to occur on the Fish Hatchery/Campground site include American manna. A member of the grass family (Poaceae), American manna grass is a rhizomatous perennial that inhabits bogs and fens, meadows, marshes and swamps (streambanks and lake margins) (CNPS 2001). On August 28, 1998, a JSA botanist conducted a floristic survey of the fish hatchery and campground site in accordance with the CDFG protocol for rare plant surveys (Nelson 1987). No special-status plants, including American manna, were observed during this survey (JSA 1998). Although not previously observed within the project area, the availability of potentially suitable American manna habitat for the plant within the project area warrants its discussion here.

Upper montane mixed coniferous forest is composed of various conifer species forming an overstory ranging from relatively dense to open. The understory often contains scattered broadleaved shrubs and small trees. Within the fish hatchery/campground site, Jeffrey pine (*Pinus jeffreyi*), white fir (*Abies concolor*), and sporadic incense cedar (*Calocedrus decurrens*) comprise the overstory. Plants identified within the understory include antelope bitterbrush (*Purshia tridentata*), greenleaf manzanita (*Arctostaphylos patula*), pallid serviceberry (*Amelanchier alnifolia* var. *pumila*), mountain dogbane (*Apocynum androsaemifolium*), coyote mint (*Monardella odoratissima* ssp. *pallida*), onion grass (*Melica bulbosa*), and blue wild-rye (*Elymus glaucus* ssp. *glaucus*) (JSA 1998).

Montane riparian scrub is a broadleaved, winter-deciduous community dominated by various species of willow (*Salix*), alder (*Alnus*), or dogwood (*Cornus*). Within the fish hatchery/campground site, this community is composed of pure or mixed stands of Lemmon's willow (*Salix lemmonii*), shining willow (*Salix lucida*), other willow species (*Salix* spp.) and mountain alder (*Alnus incana* ssp. *tenuifolia*) (JSA 1998). Lodgepole pines (*Pinus contorta* ssp. *murrayana*) also occur at scattered locations within the community. Plants found in the understory include interior rose (*Rosa woodsii* var. *ultramontana*), glandular willowherb (*Epilobium ciliatum* ssp. *glandulosum*), California corn-lily (*Veratrum californicum*), common horsetail (*Equisetum arvense*), meadow-rue (*Thalictrum fendleri* var. *fendleri*), small-fruited bulrush (*Scirpus microcarpus*), and various sedges (*Carex* spp.) (JSA 1998).

Montane wet meadows are found on more or less permanently moist or wet fine-textured soils. This community is typically characterized by a dense growth of sedge, rush, wetland grass, and other perennial herb species. Plants identified within this community include creeping wild-rye (*Leymus triticoides*), meadow barley (*Hordeum brachyantherum*), tufted hairgrass (*Deschampsia cespitosa*), golden-fruited sedge (*Carex aurea*), slender-beaked sedge (*Carex athrostachya*), Pacific rush (*Juncus effusus* var. *pacificus*), sword-leaved rush (*Juncus ensifolius*), water-plantain buttercup (*Ranunculus*



*alismifolius* var. *alismifolius*), scarlet Indian paintbrush (*Castilleja miniata* ssp. *miniata*), primrose monkeyflower (*Mimulus primuloides* ssp. *primuloides*), and springback clover (*Trifolium wormskioldii*) (JSA 1998). The montane wet meadow is found to the south and east of the campground.

Ruderal/disturbed communities within the project site are composed of a mixture of native and non-native herbaceous and shrub species. Plants identified within this community include wheatgrass (*Elytrigia* sp.), orchard grass (*Dactylis glomeratum*), California brome (*Bromus carinatus*), paniced willow-herb (*Epilobium brachycarpum*), prickly lettuce (*Lactuca serriola*), chicory (*Cichorium intybus*), and salsify (*Tragopogon* sp.) (JSA 1998). These species are located on both the fish hatchery and the campground sites.

**4. Vegetation. Will the proposal result in:**

**a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability system/IPES system?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *Vegetation disturbance will be limited to the area required for roadways, pathways, buildings, pipeline trenching and parking. Other vegetation disturbance will be restored following proposed construction activities, as discussed under the Landscaping and SEZ headings in section 1-5.*

B) *The project will include best management practices that require the protection of undisturbed areas outside of the proposed project footprint. Further, the project will provide for the restoration or enhancement of up to 21,420 square feet of previously disturbed SEZ areas that will not be used for project structures, driveways, or parking, as described in section 1-5.*

C) *No change would occur.*

**b. Have a substantial adverse effect on wetlands (as defined by Section 404 of the Clean Water Act), riparian vegetation, or other vegetation associated with critical wildlife habitat through direct removal, filling, hydrological interruption or other means?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>C</b>	<b>A</b>	

A) *The elimination of the accessory structures on the Fish Hatchery site and associated SEZ restoration would have a positive impact on the SEZ. A small section of the SEZ on the California State Parks site may be disturbed by the extension of the sewer utility line located near the lakeside of the property and the lake water intake line, but implementation of Mitigation Measure 4.b would reduce this impact. No critical habitat would be impacted by the project as none exists on the site. The SEZ disturbance issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 4.b:** Connection to the TCPUD sewer system at the California State Parks site should avoid SEZ areas where possible. Where SEZ disturbance is required to connect to the sewer system, UC Davis shall restore the disturbed area following pipeline construction. Prior to construction, the SEZ shall be surveyed so that post-construction restoration can match existing conditions. The survey will inventory the boundaries of the SEZ and the types of vegetation existing in the SEZ. The portions of the SEZ removed during construction of the sewer line will be retained on site for reuse once the pipeline is installed. In addition, a construction corridor will be established with fencing and signage to protect areas of the SEZ where construction is not needed. BMPs such as filter fabric fencing and other techniques will be used to reduce erosion and sedimentation impacts in the SEZ. The SEZ shall be revegetated with native plants following the installation of the pipeline.

B) The project will include the removal of riparian habitat for the construction of an access roadway and bridge between the Education Center and Research Building. Restoration of the SEZ may also affect the area through temporary disturbance and activity. The long-term effect of the project may be beneficial, however, short-term disturbance will occur. The bridge however, would be a permanent disturbance and would involve the placement of fill adjacent to the waterway. The lake water intake line would be located beneath existing pavement and would not affect critical habitat. This issue will be further evaluated in the EIR/EIS.

C) No change would occur.

**c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) New vegetation used for revegetation and landscaping purposes would be native to the area. The native species used for revegetation and landscaping would be able to survive in the existing environment without excessive fertilizer or water as they naturally occur within the Basin.

B) New vegetation used for revegetation and landscaping purposes would be native to the area. The native species used for revegetation and landscaping would be able to survive in the existing environment without excessive fertilizer or water as they naturally occur within the Basin.

C) No change would occur.

**d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora, and aquatic plants) or have a substantial adverse direct or indirect effect on any species identified as a candidate, sensitive, or special status species?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) *The installation of the new water main may affect some small shrubs along the roadway shoulders, but would not significantly affect the distribution of vegetation. With the demolition of the ancillary buildings at the fish hatchery, the SEZ south of the fish hatchery building would be restored with native vegetation as discussed in the Project Description. Approximately 84 trees and additional vegetation would be removed at the California State Parks site for construction of the project, including the lake water intake line and the sewer line. However, the removal of this vegetation would not significantly change the diversity and distribution of vegetation on the site. Native species would be used for project landscaping. American manna is the only listed plant species that has the potential to exist in the area. However, surveys for the species, which is listed as 2 (Plant species that are rare, threatened, or endangered in California, but are more common elsewhere) by the California Native Plant Society, did not reveal the presence of American manna on the project sites. Therefore, development of the facilities would not affect this species.*

B) *The project will include the removal of some areas of undisturbed vegetative cover. However, the project will include the restoration of up to 21,420 square feet of SEZ/riparian habitat areas. These areas will be restored using native plant species typical of the area. The lake water intake line would be located beneath existing pavement and would not affect vegetation. Therefore, an overall beneficial impact would occur.*

C) *No change would occur.*

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The SEZ on the Fish Hatchery site would be restored to benefit species and improve habitat quantity and quality. No unique, rare, or endangered plant species were observed on the portion of the California State Parks site that would be developed by the project. The sites provide suitable SEZ environments to support unique, rare, or endangered species of plants; however, no unique, rare, or endangered plant species were observed during vegetation reconnaissance surveys on each of the sites including the SEZ.*

B) *No unique, rare, or endangered species of plants have been identified on the sites. A complete inventory of plants located on the project site is available in a Biological Resources Assessment prepared by Jones and Stokes Associates, Inc, October 16, 1998. Unique SEZ habitat would be enhanced.*

C) *No change would occur.*

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

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>A, C</b>		

A) *Construction activity would not occur within streambank areas. Such vegetation would not be affected by the project.*

B) *The project would include the removal of some streambank vegetation (i.e., willows) and other ground vegetation and trees (willows) within the existing campground. However, the project will also include the restoration of up to 21,420 square feet of SEZ/riparian habitat areas that are located on the Fish Hatchery and Campground sites. These areas will be restored using native plant species typical of the area. Impacts to SEZ vegetation will be evaluated in the EIR/EIS.*

C) *No change would occur.*

**g. Removal of any native live, dead, or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) *Two trees of 30 inches or greater in diameter at breast height would be removed at the California State Parks site. These trees are located within the proposed development footprint, in an area where they cannot be avoided. The California State Parks site is classified as residential. Tree removal is permissible within the residential land use classification. Removal of trees 30 inches or greater in diameter at breast height would not conflict with TRPA's land classification regulations. Standard TRPA measures for tree replacement, such as tree size and health, are included in the project landscape plan. Restoration of the fish hatchery and removal of the accessory structures would not result in the removal of any large trees (over 12 inches dbh). No tree removal is necessary for the construction of the new water main.*

B) *There are currently 18 conifers on Fish Hatchery and Campground site with a dbh equal to or exceeding 30 inches. All trees of this size would be protected during project construction. All trees currently slated for removal in conjunction with the proposed project are below 12 inches in dbh.*

C) *No trees would be removed.*

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

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) *The vegetation on the California State Parks site represents a second growth ecosystem. The Fish Hatchery site also does not contain an old growth ecosystem.*

B) *The site does not contain an old growth ecosystem.*

C) *No change would occur.*

**i. Conflict with any local policies or ordinances protecting biological resources or with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved conservation plan?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project would not conflict with TRPA policies protecting listed species, or species of local importance. TRPA policies protect trees in the area by limiting where trees may be removed and the size of trees that may be removed. The California State Parks site is classified as residential. Tree removal is permissible within the residential land use classification. Removal of trees 30 inches or greater in diameter at breast height would not conflict with TRPA's land classification regulations. Standard TRPA measures for tree replacement, such as tree size and health, are included in the project landscape plan. Restoration of the fish hatchery and removal of the accessory structures would not conflict with TRPA policies.*
- B) *Restoration of the fish hatchery, development of the research building, and removal of the accessory structures would not conflict with TRPA policies. With the recent TRPA adoption of the amendments to PAS 005 and 006, and the incorporation of onsite SEZ restoration, the project would comply with the goals and policies developed by TRPA.*
- C) *No change would occur.*

**5 Wildlife**

*Tahoe Basin*

The Tahoe Basin provides habitat for over 250 species of resident and migratory vertebrate wildlife species. Each of these species of mammals (64), birds (168), and reptiles and amphibians (23) occurs in the region because a variety of habitats are available to meet their needs. The quality and size of these habitats generally determine the abundance if any one species or animal population. The Basin also contains a number of special-status wildlife, including threatened and endangered species. These species are protected through TRPA, FESA, CESA, and/or CDFG. Land use or activity restrictions occur in areas inhabited by these species.

*California State Parks Site*

No special-status wildlife species, or sign of their presence, were observed during the biological reconnaissance survey conducted on October 16, 2001. A number of broken top snags, potentially suitable for use as plucking posts by raptor species, are present within the site; however, no sign of use was observed. Factors that reduce the suitability of this site for special-status species include the relatively high level of human disturbance, close proximity to urban development, the fragmented/urbanized nature of the environment surrounding this site, and the lack of connectivity to other suitable areas. The site does not appear to provide suitable breeding habitat for any of the special-status wildlife species identified, with the possible exception of the California yellow warbler (*Dendroica petechia brewsteri*) and long-eared myotis bat (*Myotis evotis*).

California yellow warblers breed primarily in willow-dominated riparian communities that may also include cottonwoods, alders, aspens, and sycamores from sea level to 8,000 feet. In the Sierra Nevada, this species has also been reported to breed in montane chaparral and montane shrubbery in open coniferous forests (Dunn and Garrett 1997, Zeiner et al. 1990). The California yellow warbler is a migrant species that typically arrives at its breeding grounds by early May and departs for its wintering grounds by early September (Dunn and Garrett 1997). Riparian communities along the eastern and western peripheries (offsite) of the property likely provide the most suitable nesting habitat for this species; however, there is limited potential for the species to breed in the montane shrubbery present on site.

The long-eared myotis bat may be found in a variety of brush, woodland, and forest communities, from sea level to about 9,000 feet; but appears to show a preference toward coniferous woodlands and forests (Zeiner et al. 1990). This species forages in open environments, over water, and along vegetation community edges (Zeiner et al. 1990). Nursery colonies are typically located in buildings, crevices, spaces under bark, and snags. Caves are used primarily as night roosts (Zeiner et al. 1990). Mating likely occurs during the fall, with young being born from May through July (Zeiner et al. 1990). Potential roosting sites present on site include snags and possibly spaces beneath tree bark.

Osprey (*Pandion haliaetus*), American peregrine falcons (*Falco peregrinus anatum*), and bald eagles (*Haliaeetus leucocephalus*) might rest in trees on site, but it is unlikely that the site would provide suitable nesting habitat for these species because of the factors listed above. The site may also provide foraging habitat for a variety of bat species, including long-eared myotis bat, fringed myotis bat (*Myotis thysanodes*), and Yuma myotis bat (*Myotis yumanensis*). However, with the possible exception of the long-eared myotis bat, the California State Parks site does not appear to provide suitable roosting structures, such as mines and caves, for bat species.

#### *Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site may provide suitable habitat for two special-status wildlife species, mountain yellow-legged frog and California yellow warbler.

The mountain yellow-legged frog is a highly variably colored frog with a dorsal pattern ranging from discrete dark spots, to irregular lichen-like patches, or to a poorly defined reticulum (Zweifel 1955, Jennings and Hayes 1994). The belly and undersurface of the hind limbs are yellow or orange (Jennings and Hayes 1994, Stebbins 1985). It inhabits ponds, lakes, and streams associated with montane riparian, lodgepole pine, subalpine conifer, and wet meadow communities (Zeiner et al. 1988, Jennings and Hayes 1994, USFWS 2000). Site-specific surveys for mountain yellow-legged frogs were conducted at the Fish Hatchery/Campground site on August 24, 1998 (JSA 1998) and July 30, 1999 (Parsons 1999), during which no adults, tadpoles, or eggs were observed.

Site-specific surveys were conducted for the California yellow warbler at the Fish Hatchery/Campground site on August 24, 1998 (JSA 1998) and June 22 and June 23, 1999 (Parsons 1999). During the August 24, 1998, and the June 22, 1999, surveys, no

California yellow warblers were observed. During the June 23, 1999, survey, one pair of California yellow warblers was observed approximately 35 feet south of the residence cabin at the southeast corner of the hatchery building, and one additional male (possibly the same male noted above) was observed in dense willows along the creek approximately 115 feet southwest of the hatchery building. The male(s) was (were) observed singing at both locations (Parsons 1999).

**5. Wildlife. Will the proposal result in:**

- a. Change in the diversity or distribution of species, or numbers of any species of animals (birds and land animals, including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *Construction and operation of the project facilities would not alter the diversity of species existing in the area as no new species would be introduced and the structures would not significantly alter the habitat so that the numbers of species onsite are significantly altered.*
- B) *As previously noted, the project would include modifications to streamside vegetation (i.e., removal of willows) and development and restoration (up to 21,420 square feet) of SEZ located within the existing campground. The alteration of riparian habitat could impact the California yellow warbler. However, with proposed restoration of SEZ included, the project would likely increase the amount of total habitat available for wildlife in the long-term.*
- C) *No change would occur.*

- b. Have a substantial adverse effect, either directly or indirectly, on any candidate, sensitive, special-status, unique, rare or endangered species of animals?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>C</b>	<b>A</b>	

- A) *Surveys for special status species on June 23, 1999, identified California yellow warbler at the Fish Hatchery site. Surveys were also conducted for mountain yellow legged frog on August 24, 1998, and July 30, 1999, but no species were observed. Construction activity at the Fish Hatchery site would be limited primarily to previously disturbed areas and no potential habitat would be removed. No special-status species were found at the California State Parks site, although the site provides possible suitable roosting habitat for long-eared myotis bat and limited potential nesting habitat within the SEZ for California yellow warbler. Special-status wildlife species may be present on portions of the California State Parks site due to suitable habitat within the SEZ. The Environmental Setting provides additional detailed information on the surveys that have been conducted. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 5.b:** *In order to ensure that the project would not affect existing or potential special-status wildlife species at the California State Parks site, SEZ areas should be avoided where*

*feasible and tree removal should occur prior to the potential use of the trees as maternity roosts for special-status bat species (i.e., long-eared myotis bat).*

*Since SEZ areas would be disturbed for construction of the sewer connection, focused surveys for California yellow warblers should be conducted at the California State Parks site between May 1 and August 15, to ensure that breeding individuals, if present, are identified and protected. If yellow warbler is identified within the project area that would be disturbed for construction of the sewer pipeline, construction shall be timed so that it would not occur during the breeding season (May 1 to September 15).*

*To protect potential bat species that may use trees within the site, tree removal shall occur outside of the maternity roosting season (March 1 to July 31). Further, prior to tree removal operations, a biologist shall inspect the trees and bark to determine if special-status bats are present. If special-status bats are identified, tree removal operations shall be suspended until the bats can be safely removed under the direction of a bat specialist.*

- B) *See item 4.b. Because of the loss of riparian vegetation associated with the construction of an access roadway and bridge, habitat for the California yellow warbler may be reduced. This issue will be further evaluated in the EIR/EIS.*
- C) *No change would occur.*

**c. Introduction of new species of animals into an area, result in a barrier to the migration or movement of animals or impede the use of native wildlife nursery sites?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *Portions of the Fish Hatchery site SEZ would be restored and may benefit species migration. The California State Parks site vicinity is currently fragmented and disturbed by human presence, and does not currently provide good habitat for animal migration. The California State Parks and Fish Hatchery sites contain potential suitable nesting habitat for long-eared myotis and California yellow warbler, respectively. However, surveys for these species on the sites did not reveal the presence of nesting activity. Some tree removal would occur within the California State Parks site, which would reduce the number of roosting sites; however, use of the research building would not prevent future use of the trees to remain on the site. Restoration of the SEZ on the Fish Hatchery site would improve the quality and quantity of SEZ that may be used by California yellow warbler for nesting activity. Use of the education center and residence would not impede nesting activity on the Fish Hatchery site. No new species would be introduced to the area. Laboratory research activities would involve the use of aquatic invertebrates and fish. However, a majority of the research would involve the use of native species. Research animals would remain enclosed within the laboratory and would not be released into the wild unless the species is native and is undergoing rehabilitation. Use and disposal of other organisms would be conducted using standard laboratory procedures as established in the UC Davis Policy and Procedure Manual Section 210-30 – Use and Care of Animals in Teaching and Research (8/1/97), to ensure that they are not released into the environment. Based on University experience, implementation of the procedures would ensure against introduction of new species of animals into the area.*
- B) *According to the results of biological resources surveys conducted to date, the project site includes potential habitat for California yellow warbler and mountain yellow-legged frog. It is unlikely that*



*project facilities will result in a barrier to the migration or movement of these species. The proposed project includes construction of a new bridge (causeway) crossing between the Fish Hatchery and the proposed research building. The bridge will span a small spring fed stream, bisecting an existing riparian corridor (the stream is considered a travel corridor). Construction of the bridge will require the removal of two aspen clusters and the likely pruning of adjacent willows. The bridge will be 16 feet wide and span a distance of 48 feet. Four steel piles will be inserted into the stream channel to provide support for the bridge. Spanning the stream in this fashion prevents the necessity of incorporating a culvert into the design. Although this corridor does not likely provide a movement corridor essential to the completion of the life cycle of an entire population of a given species, it may provide a general travel corridor for a variety of small- to medium-sized animals, including the mountain yellow-legged frog. Construction of the bridge will result in a temporary blockage of the corridor during construction activities and will fragment the existing riparian vegetation. However, following completion, the bridge will allow these species to pass unobstructed. Research animals would remain enclosed within the laboratory and would not be released into the wild unless the species is native and is undergoing rehabilitation. Use and disposal of other organisms would be conducted using standard laboratory procedures as established in the UC Davis Policy and Procedure Manual Section 210-30 – Use and Care of Animals in Teaching and Research (8/1/97), to ensure that they are not released into the environment. Based on University experience, implementation of the procedures would ensure against introduction of new species of animals into the area.*

C) *No change would occur.*

**d. Deterioration of existing fish or wildlife habitat quantity or quality?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

A) *Based on surveys of the California State Parks site in October 2001, the portion of the site where development and vegetation removal would occur does not support special-status wildlife. A small section of the SEZ on the California State Parks site may be affected by the extension of the sewer utility line located near the lakeside of the property and the installation of the lake water intake system. Studies of the lake water intake system and location will be needed to further evaluate this issue, which will be analyzed in the EIR/EIS.*

B) *The Fish Hatchery site SEZ would be restored to benefit species and improve habitat quantity and quality. It is unknown how the lake water intake system will affect fish and wildlife habitat. Some SEZ habitat will be lost, but a larger amount of SEZ will be restored to create a net increase in habitat. Studies of the lake water intake system and location will be needed to further evaluate this issue, which will be analyzed in the EIR/EIS.*

C) *No change would occur.*

**e. Conflict with any local policies or ordinances protecting biological resources or with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved conservation plan?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The development of the project facilities would not conflict with TRPA policies protecting listed wildlife species, or species of local importance. Snags and downed logs would be retained where possible to maintain habitat as described in Chapter 78 of the TRPA Code of Ordinances. Restoration of the fish hatchery SEZ would not conflict with TRPA policies (TRPA Code of Ordinances, chapter 74).*
- B) *The development of the project facilities would not conflict with TRPA policies protecting listed wildlife species, or species of local importance. Restoration of the fish hatchery SEZ would not conflict with TRPA policies (TRPA Code of Ordinances, chapter 74).*
- C) *No change would occur and the provision within the Plan Area Statement to restore the SEZ areas of the campground and around the Fish Hatchery would not occur; however this would not result in a change from the existing conditions.*

## **6 Noise**

### *Tahoe Basin*

The primary noise source in the vicinity of the project areas is traffic on Lake Forest Road and SR 28. SR 28 is a two-lane facility linking Tahoe City in California to Stateline, Nevada. SR 28 terminates at the junction of SR 89 in Tahoe City. Within the vicinity of the proposed project areas, SR 28 is called North Lake Tahoe Boulevard, and the posted speed limit is 45 miles per hour. Overall, traffic volumes on SR 28 have remained relatively constant, with an average annual increase in traffic of about 0.3 percent between 1990 and 2000. SR 28 experiences seasonal fluctuations in average daily traffic (ADT). In general, traffic volumes are greatest during the summer months. Counts published by Caltrans for the year 2000 indicate an average annual daily volume of 12,100 ADT on SR 28 at Lake Forest Road, with a peak month ADT of 15,100.

Lake Forest Road is a two-lane facility that intersects SR 28 at two locations (a west intersection and an east intersection) and provides access to residential and low-intensity commercial land uses in the area known as "Lake Forest." Each SR 28 approach contains exclusive left-and right-turn lanes.

The TRPA has adopted and enforced certain regulatory restrictions affecting activities in the project area. TRPA thresholds, adopted in 1982, establish noise standards for the Lake Tahoe Basin. Thresholds are achieved and maintained through implementation of TRPA's regional plan, which includes environmental noise standards that apply to certain activities in the project area. Following the adoption of the Regional Plan, the TRPA-adopted PAS for approximately 174 areas within the Lake Tahoe Region. Each PAS addresses a specific land area and includes specific noise standards for that area.

In addition, the TRPA has adopted a Code of Ordinances to regulate single-event and cumulative noise levels. The Code establishes noise standards, interpretation of noise standards, and noise-measurement procedures. For high-density residential areas, the noise standard is a Community Noise Equivalency Level (CNEL) of 55 dBA. Hotel/motel facilities and urban outdoor recreation areas also have the same CNEL of 55 dBA as a noise standard. Low-density residential and rural outdoor recreation areas have a CNEL of 50 dBA as a noise standard. For commercial areas, the noise standard is a

CNEL of 65 dBA. Wilderness and roadless areas and areas with critical wildlife habitats have a noise standard CNEL of 45 dBA (since May 1997).

The TRPA Code of Ordinances requires that the noise produced by any activity or combination of activities within a Plan Area may not exceed the specific PAS CNEL standard or the CNEL known to exist in 1982 — whichever is lower. For this analysis, it is assumed that noise levels exceeding the PAS noise standards by 0.5 dBA or more represent a significant impact. This project is in Plan Areas 005, 006, and 008, where the maximum CNEL is 55 dBA. TRPA has set the allowable construction hours from 8:00 a.m. to 6:30 p.m. However, there is no defined construction noise limit.

#### *California State Parks Site*

Automobile traffic along Lake Forest Road and within the Lake Forest subdivision is the primary source of noise in the vicinity of the California State Parks site. Some noise is also generated by people recreating on the lake or beach area at the southern edge of the site. The Tahoe Christian Center is located east of the site and generates visitor traffic and activity in the area, while the parcel adjacent to the western side of the site is primarily vacant and buffers noise generated by the St. Francis Condominiums and the single residence west of the site. There are a number of residences along Lake Forest Road and scattered on the adjacent parcels. These cabins, the Tahoe Christian Center, and the St. Francis Condominiums are the nearest sensitive receptors in the project vicinity. The TRPA noise standard in the project area is a CNEL of 55 dBA.

#### *Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site is located near the intersection of Lake Forest Road and SR 28 east of Tahoe City. Adjacent land uses include the St. Francis Condominiums and the Star Harbor Resort. Surrounding land uses include Burton Creek State Park (undeveloped) and Tamarack Lodge to the north; a U.S. Coast Guard facility/pier, Tahoe City Public Utility District (TCPUD) boat ramp, and Pomin Park (TCPUD playfields/park) to the south; single-family residential units to the west; and light industrial/professional office uses along Lake Forest Road to the east, as well as the Burton Creek County Service Center located north of SR 28. Aircraft noise, though intermittent, is loud and widely broadcast. Motorized watercrafts also contribute noise to the project area, as do sporting events held in Pomin Park. Traffic on North Lake Boulevard (SR 28) and Lake Forest Road is the dominant source of ambient noise in this area. The posted speed limit is 25 miles per hour. Overall, TRG's current activities at the fish hatchery are estimated to generate 53 one-way vehicle-trips per day, consisting of 41 auto/truck trips and 12 van/bus trips. Campground activities are estimated to generate 149 vehicle trips per peak summer day. The TRPA noise standard in this area is 55 dBA CNEL.

**6. Noise. Will the proposal result in:**

- a. **Permanent or temporary increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan or beyond the existing noise levels in the vicinity?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B,</b>	

A) *Short-term noise impacts would result from construction activity on the California State Parks and Fish Hatchery project sites and along the alignment of the new water main. Based on standard noise levels emitted by the types of construction equipment to be used for this project, noise levels from these activities may range up to 75 dBA Leq intermittently outside the nearest uses to the project. TRPA has not established a standard for short-term noise disturbance, and therefore construction and demolition activities at each site would not conflict with a TRPA short-term noise standard. Activities in the education center, research building, and support building would not create significant operational noise. The laboratory parking lot, emergency generator, and 2,300-cubic-feet-per-minute (cfm) fume hood would contribute to existing noise levels in the project area. However, operational noise would not exceed the 55 dBA CNEL TRPA standard. In addition, noise impacts would be limited due to the distances between the parking lot and laboratory equipment and noise sensitive receptors such as residences (i.e., over 100 feet), with the exception of the temporary noise disturbance to Lake Forest Glenn during water main installation. Operation of the education center and residence would not create significant noise that would exceed the 55 dB CNEL threshold. Therefore, construction noise mitigation should be implemented for construction noise levels. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 6ai – Construction Noise Reduction Techniques**

- *All equipment shall be adequately muffled and maintained.*
- *No piece of equipment which generates maximum noise levels greater than 85 dBA measured at 50 feet shall be allowed on site.*
- *All pieces of equipment used on the site shall be certified as to noise emission.*
- *All construction activities shall be restricted to between the hours of 8:00 a.m. and 6:30 p.m. Monday through Saturday. No construction shall be allowed on Sundays and federal holidays.*

**Mitigation Measure 6.a.ii. - Construction Coordination**

- *With at least three weeks notice, Saturday construction shall be coordinated to minimize disruption to outdoor events at the adjacent Tahoe Christian Center.*

B) *Short-term noise impacts would result from construction activity. Based on standard noise levels emitted by the types of construction equipment to be used for this project, noise levels from these activities may range up to 75 dBA Leq intermittently outside the nearest uses to the project. TRPA has not established a standard for short-term noise disturbance, and therefore construction and demolition activities at each site would not conflict with a TRPA short-term noise standard. Therefore, construction noise mitigation (Mitigation Measure 6ai) should be implemented for construction noise levels. The project will replace a 20-unit campground with a Research Building and parking lot. The Research Building will include mechanical fume hoods. Activities in the education center, research building, and support building would not create significant operational noise. The laboratory parking lot, emergency generator, and 2,300-cubic-feet-per-minute (cfm) fume hood would contribute to existing noise levels in the project area. However, operational noise would not exceed the 55 dBA CNEL TRPA standard. This issue will be further evaluated in the EIR/EIS.*

C) *No change would occur.*

**b. Exposure of people to severe noise levels, including groundborne vibration or noise levels?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

A) *Noise would be generated at the project sites during project construction. Groundborne vibration would result from ground movement during construction, but would not be significantly noticeable to surrounding sensitive receptors (people), with the exception of the water main of which a portion would be installed near existing condominiums. Noise impacts created by construction equipment at both sites are considered potentially significant. Operation of the project would not create significant noise levels and is considered less than significant. Mitigation Measures 6.a.i and 6.a.ii shall be implemented to reduce short-term construction noise. This issue will be further evaluated in the EIR/EIS.*

B) *Noise would be generated at the project sites during project construction. Groundborne vibration would result from ground movement during construction, but would not be significantly noticeable to surrounding sensitive receptors (people). Mitigation Measure 6.a.i shall be implemented to reduce short-term construction noise. This issue will be further evaluated in the EIR/EIS.*

C) *No change would occur.*

**c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold or greater than those existing in the area without the project?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *Construction activities do not include the use of explosives or other materials that would cause a significant single event noise. Likewise, activities in the education center, research building, and support building would not create significant operational noise. Construction activities would temporarily increase noise levels; however, these noise levels would not exceed threshold limits.*

B) *Construction activities do not include the use of explosives or other materials that would cause a significant single event noise. Likewise, activities in the education center, research building, and support building would not create significant operational noise. Construction activities would temporarily increase noise levels; however, these noise levels would not exceed threshold limits.*

C) *No change would occur.*

**d. Exposure of people residing or working in the project area to excessive noise levels caused by a public or private airstrip?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *There are no public or private airstrips in the vicinity of the project sites, nor are the sites located within an airport land use plan. Therefore, persons working or residing at the project sites would not be exposed to excessive noise caused by air traffic.*

B) *There are no public or private airstrips in the vicinity of the project sites, nor are the sites located within an airport land use plan. Therefore, persons working or residing at the project sites would not be exposed to excessive noise caused by air traffic.*

C) *No change would occur.*

**7 Light and Glare**

*Tahoe Basin*

There are many sources of light and glare in the Tahoe Basin from urban land uses. Hotels, casinos, and other urban attractions are equipped with large amounts of lighting for architectural and safety purposes. To reduce light levels, the TRPA has developed a number of lighting design guidelines (Standards 30.8) to limit light splay into the night sky and on adjacent properties. The guidelines limit the direction of lighting, the amount of lighting, and even the type of lighting to reduce negative aesthetic effects of lighting and reduce glare and the trespass of light onto other areas.

*California State Parks Site*

Currently there are no light sources on the California State Parks site. Lighting from the Tahoe Christian Center and surrounding businesses and residences may be visible from the California State Parks site; however, the visual impact of these lighting sources is slight and is not invasive. Surrounding lighting does not create significant light pollution or glare in the area.

*Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site contains minimal lighting on the hatchery and some associated structures for safety purposes. Entry lighting is limited and cast downward to reduce light splay. Very few lights are located along the roadways bordering the site for traffic safety purposes. The Fish Hatchery/Campground site is not a significant source of light or glare, nor does the sight receive light pollution from surrounding land uses.

**7. Light and Glare. Will the proposal:**

**a. Include new or modified sources of exterior lighting that would adversely affect day or nighttime views in the area?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The research and support buildings and the parking lots at both the California State Parks and Fish Hatchery sites would include new sources of lighting. Existing lighting associated with the accessory shed and residences near the hatchery building would be removed when the structures are dismantled. New fixtures would be located at building entries and at 50- to 60-foot intervals in the parking lots. Approximately five fixtures would be located in the fish hatchery parking lot and nine fixtures would be located in the research building parking lot. Lighting would blend with the architecture and landscaping of the buildings and face downward with lighting shields to reduce glare and light pollution. In keeping with TRPA Guidelines, lighting would be limited and would consist of downcast walkway and parking lot lighting as well as minimal building lighting. Although some new lighting would result, installation and operation of lighting fixtures would be in accordance with the TRPA Guidelines to avoid offsite light spillage.*

B) *No new light sources will result from the residence. Existing lighting associated with the accessory shed and residences near the hatchery building will be removed when the structures are dismantled. A maximum of five fixtures would be located in the fish hatchery parking lot and eight fixtures would be located in the research building parking lot. Lighting would blend with the architecture and landscaping of the buildings and face downward with lighting shields to reduce glare and light pollution. In keeping with TRPA Guidelines, lighting would be limited and would consist of downcast walkway and parking lot lighting as well as minimal building lighting. Although some new lighting would result, installation and operation of lighting fixtures would be in accordance with the TRPA Guidelines to avoid offsite light spillage.*

C) *No change would occur.*

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *As stated in Item 7.a, new lighting would be associated with the development on the California State Parks site. However, this lighting would be minimal and downcast to prevent lighting spread onto other areas. Lighting is prevalent on the surrounding parcels from the Tahoe Christian Center, surrounding cabins, and the St. Francis Condominiums. Lighting on the California State Parks site would not be more substantial than other lighting in the area. Illumination at the Fish Hatchery site would remain unchanged except for the additional fixtures that would be installed at 50- to 60-foot intervals in the parking lot.*

B) *Although some new lighting will result from the research building, education center, and parking lots (a maximum of 13 total new fixtures), installation and operation of lighting fixtures will be in accordance with the TRPA guidelines to avoid offsite light spillage. Adjacent lighting comes from Star Harbor Resort, the Lake Forest Boat Ramp, the U.S. Coast Guard facility, and the St. Francis*

*Condominiums. Lighting on the project site would not be more substantial than other lighting in the area.*

C) *No change would occur.*

**c. Cause light from exterior sources to be cast offsite or onto public lands?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *As discussed in 7.a, above, all new lighting would be equipped with light shields and the light would be directed downwards to ensure that light splay is minimized.*

B) *Please refer to the analysis for Alternative A.*

C) *No change would occur.*

**d. Create new sources of glare through the siting of the improvements or through the use of reflective materials that would affect day or nighttime views in the area?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The new structures, and the renovated fish hatchery building would not use reflective materials other than clear windows and would not be located in areas that would create glare on the lake or surrounding roadways.*

B) *The project will be located within a heavily vegetated site. The new structure and the renovated fish hatchery building would not use reflective materials other than clear windows. No other reflective material would be used.*

C) *No change would occur.*

**8 Land Use**

*Tahoe Basin*

The Tahoe Basin contains a wide range of land uses, from timber harvesting and wilderness areas to tourist accommodations and residences. Land uses are regulated by the TRPA Plan Area Statements, LTBMU Forest Plan, and County zoning and general plans, among other regulatory instruments. Both the type and size of uses are regulated, limiting urban growth so as not to detract from the natural resources and aesthetic quality of the Basin. The land use regulations governing the Basin attempt to cluster urban developments such as commercial areas and higher density residential areas together to



minimize urban encroachment on the environment and to maximize efficiency in infrastructure and community development.

### *California State Parks Site*

The 4.69-acre California State Parks site is identified as APNs 94-140-18 and 94-140-23 and is located between Lake Forest Road and Lake Tahoe east of Tahoe City, California. The property includes land Classes 5, 3, and 1(b). The property is publicly owned by California State Parks and is managed by the Tahoe City Public Utility District as part of the Tahoe State Recreation Area. There is some informal recreation use currently on the site; the public can use a trail that crosses the site to access and use a Lake Tahoe beach. Adjacent uses include the Tahoe Christian Center to the east, the St. Francis Condominiums and a residence to the west, and an office building to the north.

The California State Parks site is located within PAS 008 – Lake Forest. A TRPA Plan Area Statement (PAS) limits land uses in various areas to achieve regional plan goals and objectives, environmental thresholds and land use objectives. PAS 008 is classified as residential.

An application for an amendment to PAS 008 was submitted to TRPA on March 29, 2002. This amendment would permit threshold related research facilities within PAS 008 as a special use. A Threshold Related Research Facility is defined in the TRPA Code of Ordinances, Chapter 18 – Permissible Uses as:

*Public or non-profit research establishments primarily engaged in implementing social, political and scientific research related to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem. The use includes laboratories, monitoring stations, scientific interpretive centers, research and training classrooms, and related support facilities. It does not include facilities not related to threshold-related research such as general college administrative offices and classrooms which are listed under Schools-College and government administrative offices which are listed under Government Offices or non threshold related research (which may be conducted under the Professional Office use). Overnight multi-person facilities, outside storage, and caretaker facilities may be considered as accessory to this use. [Amended 10/28/98]*

### *Fish Hatchery/Campground Site*

The 8.8-acre (382,436 square feet) fish hatchery/campground property is identified as APNs 93-020-10 and 94-140-14, and is located between Lake Forest Road and North Lake Boulevard (SR 28) east of Tahoe City, California. The property includes land Classes 5, 3, and 1b. The property is mostly classified as an SEZ, with two creeks flowing through and adjacent to the site. The property is all publicly owned by UC Davis. Existing uses on this site include the fish hatchery building used by the TRG for office and laboratory work, a bike trail operated by TCPUD, a house that is occasionally used by students and researchers and the 20-unit Lake Forest campground operated by the TCPUD, which is located immediately east of the fish hatchery. The campground is regularly used during the summer season.

The Fish Hatchery/Campground site is located within TRPA Plan Areas 005 — Rocky Ridge, which includes the residence and associated garage and 006 — Fish Hatchery, which includes the hatchery building and campground. PAS 005 is classified as residential and PAS 006 is classified as recreation.

In March of 2000, TRPA approved the amendment to PAS 005 and 006 to allow threshold-related research facilities as a permitted land use, which simply updates the land use classification of the PAS to recognize existing TRG uses on the parcel. Recognition of the existing research use of the hatchery permits future development and expansion of such uses within the PAS. The amendment also added special policies to PAS 005 and 006, requiring environmental improvement projects should the uses on the site expand. Since restoration and expansion of facilities on PAS 006 and 005 would occur, the PAS policies would apply to this project. The campground is permissible in PAS 006, but PAS 006 also recommends that the campground be removed and the SEZ upon which the campground is located, be restored.

**8. Land Use. Will the proposal:**

- a. Include uses that are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, Master Plan or applicable habitat conservation plan or natural community conservation plan?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

A) *The California State Parks site is located within TRPA PAS 008. The research facilities for the UC Davis TERC and research offices for the hydrology, watershed management, wildlife management, botany, prescribed burning, forestry, and Geographical Information Systems (GIS specialists) of the California State Parks Department Sierra District’s Resource Management Unit proposed for this site would not be consistent with the current PAS designation. UC Davis has submitted a Plan Area Amendment Application requesting that TRPA amend PAS 008 to include “Threshold-Related Research Facilities” and “Government Offices” designations, which would be consistent with the proposed land uses at the California State Parks site. The proposed research building site is currently owned by California State Parks. The General Plan for the Tahoe State Recreation Area Undeveloped Parcels Operated by the Tahoe City Public Utility District currently designates the parcel for passive recreation management. In order for the University to construct and operate the proposed project on this land, California State Parks must initiate administrative actions to transfer the parcel to University ownership. The Fish Hatchery site is located within TRPA PAS 005 and 006. The education center proposed for PAS 006 would include exhibit and display space, multipurpose and meeting space, and student workspace. These uses are consistent with the Plan Area 006’s “Public Service/Cultural Facilities” and “Public Service/Government Offices” permissible uses, which must be considered by TRPA under the provisions for a special use. This issue will be evaluated further in the EIR/EIS.*

**Mitigation Measure 8.a.i:** *UC Davis has submitted a Plan Area Amendment Application requesting that TRPA amend PAS 008 to include “Threshold Related Research Facilities” and “Government Offices” designations, which would be consistent with the proposed land uses at the California State Parks site. If the amendment were approved, no impact would occur. If the amendment were not approved, the research building proposal would be denied.*

*California State Parks will initiate administrative actions to transfer control of the project site to the University.*

**Mitigation Measure 8.a.ii:** *TRPA must approve the “Public Service/Cultural Facilities” and “Public Service/Government Offices” permissible special uses at the Fish Hatchery site. If the special uses were approved, no impact would occur. If the uses were not approved, the education center proposal would be denied.*

*B) The Plan Area Statement (006 – Fish Hatchery) includes Threshold Related Research facilities as a special use under public service. The existing research uses conform to the land use direction in the Plan Area. No offices for other agencies or organizations would be located on this site. With appropriate approvals and implementation of special policies (see Mitigation Measure 8.a.ii), the project would be consistent with allowable Plan Area uses. This issue will be evaluated further in the EIR/EIS.*

*C) No change would occur.*

**b. Expand or intensify an existing non-conforming use or physically divide an established community?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

*A) Development of the education center and research building or the associated structures or utilities would not expand or intensify a non-conforming use. The structures would not physically divide the community.*

*B) Development of the education center and research building or the lake water intake intake line would not expand or intensify a non-conforming use. The structures would not physically divide the community.*

*C) No change would occur.*

**c. Convert farmland, conflict with agricultural zoning and Williamson Act contracts, or involve changes to the environment that would induce farmland conversion to non-agricultural use?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

*A) The California State Parks site and the Fish Hatchery site are not used for farming activities. There are no farming activities or Williamson Act contracts on or surrounding these parcels. The project would not cause farmland conversion.*

*B) The Fish Hatchery/Campground site is not used for farming activities. There are no farming activities or Williamson Act contracts on or surrounding these parcels. The project would not cause farmland conversion.*

C) *No change would occur.*

**9 Natural Resources**

*Tahoe Basin*

Although there are no significant mineral or nonrenewable energy resources in the Tahoe Basin, timber resources are extensive.

*California State Parks Site*

There are no significant natural resources located on the California State Parks site. There are a few trees on the northern portion of the site; however, these trees do not represent a significant fuel stock. There are no known mineral resources on the California State Parks site.

*Fish Hatchery/Campground Site*

There are no significant natural resources located on the Fish Hatchery/Campground site. There are a few trees scattered throughout the site; however, these trees do not represent a significant fuel stock. There are no known mineral resources on the Fish Hatchery/Campground site.

**9. Natural Resources. Will the proposal result in:**

**a. A substantial increase in the rate of use of any natural resources, including mineral resources or result in the loss of availability of known mineral resources or delineated mineral resource recovery sites?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The use of any natural resources such as construction wood or metals, or gasoline would only increase slightly as the research activities would be expanded through the development of the new laboratory. Significant amounts of natural resources would not be consumed by the operation of the laboratory or education center. There are no significant mineral resources on the project sites that would be made unavailable through use of the sites.*

B) *The use of any natural resources such as construction wood or metals, or gasoline would only increase slightly as the research activities would be expanded through the development of the new laboratory. Significant amounts of natural resources would not be consumed by the operation of the laboratory or education center. There are no significant mineral resources on the site that would be made unavailable through use of the site.*

C) *No change would occur.*

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *Some non-renewable natural resources such as gas would be used in the construction and operation of the facilities; however, the construction and operation of the education center and research building would not consume substantial amounts of non-renewable resources.*
- B) *Some non-renewable natural resources such as gas would be used in the construction and operation of the facilities; however, the construction and operation of the education center and research building would not consume substantial amounts of non-renewable resources.*
- C) *No change would occur*

**10 Risk of Upset**

*Tahoe Basin*

The Tahoe Basin contains a wide variety of activities that have the potential to cause hazardous situations. The rural/wilderness areas are prone to wildfire, which could affect the environment, people, and structures in the area. Industrial and commercial operations, including gas stations and dry cleaning establishments could potentially emit pollutants into the ground, air, or water. Construction requiring the use of explosives could create potential emergency situations if not done properly. Like other communities, urban and rural activities in the area have the potential to create emergency situations.

*California State Parks Site*

The California State Parks site has been managed as an open space area by the TCPUD and has not been previously developed. This parcel is not expected to contain any hazardous debris or material from past uses. There are no underground tank sites or cleanup sites within 0.25 mile of the California State Parks site. A review of Placer County Building Department records did not reveal any hazard-related permits for this site. There are no items or activities currently on the site that would result in an explosion or release of hazardous materials. Development of the research building on the site would create situations in which a risk of upset could occur during construction or during operation with the use of chemicals and storage of vehicles on the site.

*Fish Hatchery/Campground Site*

The TRG performs chemical and biological analyses related to aquatic systems research. The analyses include water chemistry, nutrient analyses and biological algal and fish tissue analyses. Chemicals stored and used by the lab include small quantities of various reagents, several gallons of acids and flammable liquids (including acetone, methanol, ethyl alcohol, and formaldehyde). Radioactive carbon-14 is also used at the site, under a

Radiation Use Authorization issued by the EH&S. Chemical wastes from the research activities include waste solvents, acids and formaldehyde. Liquid and dry low-level carbon-14 waste is also produced. Chemical wastes are collected and transported to UC Davis by the EH&S for disposal. Waste chemicals are kept in appropriate containers until pick-up by the EH&S, which occurs about every three months. The current operation of the laboratory does not present health risks, as fume hoods are used to dilute contaminants from the air, and lab materials are stored and handled safely.

No activities occur within the campground that would cause an explosion or hazardous release. Barbeques may cause wildfires that could be a potential risk to existing facilities on the site and persons using the site for recreational or research purposes.

**10. Risk of Upset. Will the proposal:**

- a. **Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *Standard measures will be required during construction to ensure the proper handling of hazardous materials such as fuel and oil. Hazardous chemicals are currently used at the Fish Hatchery site. This use would expand and would be relocated to the California State Parks site for research activities. Chemicals stored and used by the lab would include small quantities of various reagents, several gallons of acids and flammable liquids (including acetone, methanol, ethyl alcohol, and formaldehyde). Radioactive carbon-14 and their radionuclides may be used in small quantities at the site, under a Radiation Use Authorization issued by the EH&S. Although expanded and new research facilities would increase the use of hazardous materials and generation of hazardous wastes, the newer facilities would provide as safe or safer conditions for using and storing hazardous materials and wastes than the current facilities. The new facility would handle only small quantities of hazardous materials and wastes, and thus spills and releases would only have a local effect (i.e. within the room or the building). An Injury and Illness Prevention Program (IIPP) would be required for the research building. IIPPs are a requirement of Labor Code Section 6401.7(a) and CCR Title 8 Section 3203. As part of the IIPP, a written program would be prepared; a responsible safety coordinator would be designated; occupant safety health hazards would be identified; a system of inspections, recording, and corrections would be implemented; a staff training and communication program would be developed; and a Chemical Hygiene Plan would be prepared. A hazardous materials business plan (annual chemical inventory) would also be required for the facility. The IIPP would follow campus regulations regarding environment, worker health and safety, and transportation regulations that are in accordance with state and federal hazard law. All campus policies would be applied for this project.*

B) *Standard measures will be required during construction to ensure the proper handling of hazardous materials such as fuel and oil. Hazardous materials are currently used in the operation of the existing TRG lab. This use would expand and would be relocated to the new research building on the Campground site, which would provide as safe or safer conditions for using and storing hazardous materials. Hazardous materials must be used and stored in compliance with existing State and Federal regulations, as discussed in the analysis for Alternative A. The discussion of this issue under*

*Alternative A would also apply for Alternative B and all campus hazardous materials regulations would be implemented through the IIPP.*

C) *No change would occur.*

**b. Involve possible interference with an emergency evacuation plan?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>B, C</b>		<b>A</b>

A) *Construction and operation of the buildings would not interfere with an emergency evacuation plan, particularly since no construction would occur within the roadway to cause traffic delays. However, construction of the new water main may interfere with emergency access in the area. This issue will be evaluated further in the EIR/EIS.*

B) *The project would not result in disruption of highway or local roadway traffic. Therefore, the project will not interfere with emergency evacuation plans. Construction of the lake water intake line would be located within an existing paved access, but would not disturb emergency evacuation.*

C) *No change would occur.*

**c. Expose people or structures to significant risk of wildfires?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The proposed project would be located in an area surrounded by existing developments. Although the area is forested, the location of the structures would not increase the risk of wildfire.*

B) *Please refer to the analysis of Alternative A.*

C) *No change would occur.*

**11 Population**

*Tahoe Basin*

Population growth in the North Lake Tahoe Region has been slow because of basin-wide growth-control measures, ongoing conversion of resident homes to second homes, urbanization outside the area, and increased employee commuting to communities outside of the Basin in Placerville and Nevada.

The population in the Tahoe City area was approximately 4,944 persons in 2000 (<http://www.digital-neighbor.com/city/ca/tahoecity247b.htm>, Tahoe City, California, November 2001), an increase of 200 persons since the 1990 U.S. Census, which reported a population of 4,744. This is a growth rate of approximately 4 percent over a 10-year period or less than half of a percent per year. Population growth in Tahoe City and the

surrounding region is expected to grow at the same low rate due to constraints on new housing development. Since only 300 new dwellings are permitted by TRPA annually in the entire Basin, a less than one half percent growth rate is expected to continue in the future.

*California State Parks Site*

The site does not presently contain uses that require the employment of persons at the site. Therefore, there is currently no population data for this the site.

*Fish Hatchery/Campground Site*

The existing population on the Fish Hatchery/Campground site consists of permanent full-time UC Davis TRG staff, temporary research scientists and graduate students, and temporary campers. The TRG staff is comprised of seven full-time campus employees, who are assigned to the TRG facility on a permanent basis. The staff members live in the vicinity and report to the TRG facility on most workdays. There is no variation in permanent staff by time of year.

Graduate students/researchers encompass a wide range of scientists who come to the TRG to conduct research. The number of graduate students/researchers that use the facility varies by time of year, with the greatest number in the peak summer season. Some current graduate students/researchers reside in the vicinity for extended periods, whereas others may stay for as little as one day. Many of the graduate students temporarily reside in a housing unit in Tahoe City, near the intersection of West Lake Boulevard (SR 89) and Olympic Drive.

The 20-unit campground only operates during the summer season. It does not provide any RV hookups to services, but can accommodate RVs of up to 20 feet in length. There are flush toilets and water at the Boat Ramp, located just south of the campground. At capacity, the campground may hold between 40 and 160 people, assuming two to four persons per camping space. There is a \$10 fee for use of the facility. Since the campground is only open during the summer, there are no permanent residents.

**11. Population. Will the proposal:**

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The construction of the new research facilities would increase full-time staffing in the Tahoe Basin by approximately 3 persons compared to existing operations. However, seasonal staffing would increase by up to 23. The temporary staffing associated with seasonal use of the research facility is not considered an adverse alteration of the location, distribution, density or growth rate of human population in the region because the population changes are merely temporary and do not represent a significant increase in the overall population or density in the region.*



B) *Please refer to the analysis of Alternative A.*

C) *No change would occur.*

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The Project would result in the demolition of the cabins on the Fish Hatchery site. However, these cabins are not suitable for habitation and have been vacant for many years.*

B) *Please refer to the analysis of Alternative A.*

C) *No change would occur.*

## **12 Housing**

### *Tahoe Basin*

According to the 2000 U.S. Census, there were approximately 2,102 housing units in the Sunnyside-Tahoe City area. Of those units, 789 were occupied and 1,313 were vacant, suggesting a large seasonal housing stock. The 2000 U.S. Census shows that 1,217 units were for seasonal, recreational, or occasional use. Approximately 58 vacant units were for rent, and only 8 units were for sale. Over 58 percent of the occupied housing units were owner occupied units.

Affordability and availability of housing are major issues nationwide and particularly sensitive issues in resort communities where housing costs are often high by national standards. The housing issues in the Lake Tahoe Basin are similar to the issues faced by many other western resort communities. In resort communities, the low supply of affordable housing available for rent or sale to area employees is often coupled with lower paying, seasonal positions, a combination that can lead to overcrowding, substandard accommodations or lengthy commutes.

Housing in the North Tahoe Region ranges from rental units and timeshares to million-dollar resort homes. While some homes are inhabited by owners, many homes are rented to locals or tourists. A review of home sales listings on realtor.com (November 2001) revealed 28 condominiums for sale ranging in price from \$55,000 to \$4,900,000. The listing also had 83 homes for sale ranging from \$299,000 to \$17,995,000. These listings show a broad range of for-sale units in the area, illustrating the local versus resort character of the area.

Data is available for nearby areas of North Lake Tahoe such as Tahoe Vista and Kings Beach. These areas experienced a 5.5 and 12.7 percent vacancy rate, respectively, in 2000 according to the 2000 U.S. Census. According to ehomes.com (November 2001), homes in the Tahoe City area range between \$90,000 and \$180,000. Other homes in the

North Tahoe area range in price from \$110,000 to \$1 million plus. A search of current rental vacancies showed three units in the Tahoe Vista area, which rent for \$850 per month (Tahoe.com, November 2001).

A review of 2000 U.S. Census data for the Sunnyside-Tahoe City area revealed that 24 percent of renters and 33 percent of homeowners pay more than 30 percent of their income on housing, which is considered overpayment by the Department of Housing and Urban Development.

#### *California State Parks Site*

The California State Parks site does not currently provide housing or employment opportunities. There are no residences on the California State Parks site. The site does not contain uses that require the employment of persons at the site. Therefore, there is currently no need for housing created by the use of the site. Adjacent land uses include the Tahoe Christian Center, cabins, and the St. Francis Condominiums. Residences are privately owned in the vicinity of the site, and not publicly subsidized.

#### *Fish Hatchery/Campground Site*

The existing employment on the Fish Hatchery/Campground site consists of permanent TRG staff and temporary research scientists and graduate students. The seven full-time campus employees who are assigned to the Fish Hatchery site on a permanent basis fund their own housing in Truckee, Reno, or elsewhere in the Basin. There are no persons employed to just operate the campground as the campground is serviced through a maintenance crew, operating throughout the area.

The number of graduate students/researchers that use the facility varies by time of year, with the greatest number in the peak summer season. Some graduate students/researchers reside in the vicinity of the Fish Hatchery site for extended periods, while others may stay for as little as one day. Many of the graduate students temporarily reside at a residence in Tahoe City, near the intersection of West Lake Boulevard (SR 89) and Olympic Drive.

There are currently two residences and two cabins on the Fish Hatchery site, only one of which is habitable and used for overnight lodging by facility staff (primarily graduate students). The campground does not contain any housing structures or permanent residences. Use of the campground is limited to the summer season. Seasonal use ranges from an estimated 40 to 160 persons, depending on the number of persons per camping space.

### **12. Housing. Will the proposal:**

- a. **Affect existing housing, or create a demand for additional housing? To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:**

**(1) Will the proposal decrease or displace the amount of housing in the Tahoe Region?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) Although cabins on the Fish Hatchery site would be demolished, they are of substandard quality and uninhabitable. The one usable residence on the Fish Hatchery site that is currently used to accommodate facility staff (primarily graduate students) overnight would be maintained. No new housing is proposed. The residence currently used for office space by California State Parks employees that would be relocated to the proposed research building would be reused as a residence for California State Parks employees.

B) Although cabins on the Fish Hatchery site would be demolished, they are of substandard quality and uninhabitable. The one usable residence on the Fish Hatchery site that is currently used to accommodate facility staff (primarily graduate students) overnight would be maintained. No new housing is proposed.

C) No change would occur.

**(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

Number of Existing Dwelling Units   1  

Number of Proposed Dwelling Units   1 (existing unit would remain)  

A) There is only one usable dwelling currently on the Fish Hatchery site. The project would maintain this building for residential use by TERC researchers. No new dwellings are proposed for the California State Parks or the Fish Hatchery sites. The residence currently used for office space by California State Parks employees that would be relocated to the proposed research building would be reused as a residence for California State Parks employees.

B) There is only one usable dwelling currently on the Fish Hatchery site. The project would maintain this building for residential use by TERC researchers. No new dwellings are proposed for the Fish Hatchery or Campground sites.

C) No change would occur.

**(3) Will the proposal require the employment of ten or more additional individuals?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

**Number of Existing Full-time Employees at the Fish Hatchery Building** 7

**Number of Proposed Full-time Employees at the Fish Hatchery Education Center Area** 2

**Number of Proposed Full-time Employees at the Campground Research Center** 9\*

**Number of Proposed Full-time Employees at the CA State Parks Research Center** 19\*\*

\* includes 1 CDFG and 5 UC Davis employees that would be relocated from the Fish Hatchery and 3 new full-time employees to the region.

\*\* includes 10 California State Parks, 1 CDFG, and 5 UC Davis employees that would be relocated from other areas in the region and 3 new full-time employees to the region.

- A) *There are seven individuals currently employed full-time at the Fish Hatchery laboratory. Five of these employees would be relocated to the proposed facility on the California State Parks site and three additional full-time UC Davis employees would be located at the research building. Ten full-time California State Parks employees and one CDFG employee who currently work in the Basin would be relocated to the proposed research building. Up to approximately 23 part-time, temporary employees, visiting scholars, or undergraduate and graduate students could reside in the area; however, due to their temporary status at the facilities, they would not require permanent or long-term housing. However, the number of part-time workers requires further verification and evaluation within the EIR/EIS.*
- B) *There are seven individuals currently employed full-time at the Fish Hatchery laboratory. Five of these employees would be relocated to the research building on the Campground site and three additional full-time UC Davis employees would be located at the research building. One CDFG employee who currently works in the Basin would be relocated to the proposed research building. Up to approximately 23 part-time, temporary employees, visiting scholars, or undergraduate and graduate students could reside in the area; however, due to their temporary status at the facilities, they would not require permanent or long-term housing. However, the number of part-time workers requires further verification and evaluation within the EIR/EIS.*
- C) *No change would occur.*

**b. Will the proposal result in the loss of housing for lower-income and very-low-income households?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project would demolish one vacant, uninhabitable residence and two vacant, uninhabitable cabins on the Fish Hatchery site. The loss of the uninhabitable units would not affect housing opportunities for low- or very low-income households. The project would maintain the one usable dwelling unit on the Fish Hatchery site. The residence currently used for office space by California State Parks employees that would be relocated to the proposed research building would be reused as a residence for California State Parks employees.*

- B) *The project would demolish one vacant, uninhabitable residence and two vacant, uninhabitable cabins on the Fish Hatchery site. The loss of the uninhabitable units would not affect housing opportunities for low- or very low-income households. The project would maintain the one usable dwelling unit on the Fish Hatchery site.*
- C) *No change would occur.*

### **13 Transportation/Circulation**

An updated traffic study will be prepared for the project by LSC Transportation Consultants. The following information has been summarized from previous traffic studies prepared for the project.

#### *Local Circulation System*

Lake Forest Road is a two-lane facility that intersects SR 28 at two locations (unsignalized west and east intersections). Each SR 28 approach contains exclusive left and right turn lanes. The posted speed limit along Lake Forest Road is 25 miles per hour. SR 28 (North Lake Boulevard) is a two-lane facility linking Tahoe City in California to Stateline, Nevada. SR 28 terminates at the junction of SR 89 in Tahoe City. Within the vicinity of the project sites, SR 28 is called North Lake Tahoe Boulevard and the posted speed limit is 45 miles per hour. A Class I bike path maintained by the Tahoe City Public Utility District is located along the northern portion of the Fish Hatchery site. Level of service ratings for the nearby intersections are shown in Table 10 below.

**Table 10**

Roadway Level of Service Ratings

<b>Intersection</b>	<b>Signalized/ Unsignalized</b>	<b>Worst LOS <sup>1</sup></b>	<b>Approach Delay (sec/veh)</b>
SR 28/Lake Forest Road West	Unsignalized	D	29.1
SR 28/Lake Forest Road East	Unsignalized	D	30.0

Source: Highway Capacity Software (HCS 2000) Version 4.1

Note: HCS unsignalized intersection software does not calculate movement delay for shared lane approaches

<sup>1</sup>The worst LOS consistently occurs at the minor left turn movement.

The travel delay for peak-hour turning movements at the SR 28/Lake Forest Road West intersection was monitored by LSC staff on Tuesday, August 31, 1999. The average delay on the northbound left turn approach was measured at 29 seconds. According to the *Highway Capacity Manual*, the base critical gap for a left turn movement from a minor street is 7.1 seconds. However, a critical gap of 5.7 seconds has been assumed for the study intersections along SR 28 in order to match the actual delay data and more accurately reflect travel delay conditions at this location.

*California State Parks Site*

The California State Parks site is located south of Lake Forest Road and east of Tamarack Road. The Lake Forest Road/State Parks site access intersection is an uncontrolled “T” intersection, with a shared left/through lane on the westbound approach, a shared through/right-turn lane on the eastbound approach, and a shared left/right-turn lane on the northbound approach. The access road to the California State Parks site provides access to the adjacent Tahoe Christian Center (east of the project site).

*Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site is located south of the intersection of SR 28 and Lake Forest Road. Access is provided to the site from Lake Forest Road via an existing driveway. The existing access to the site is an informal two-way drive just south of the SR 28/Lake Forest Road West intersection that is also used as part of the bike path. This intersection is an unsignalized T-intersection with a shared left/right turn lane on the eastbound approach, a shared left/through lane on the northbound approach and a through/right turn lane on the southbound approach. Because the UCD TERC Exit is located about 75 feet south of the SR 28/Lake Forest Road West intersection, vehicles exiting the site have limited sight distance. Bicycle and pedestrian access is provided by a bicycle trail located on the western and northern edges of the Fish Hatchery/Campground site. The campground area can be accessed from Lake Forest Road or the road leading to the boat ramp.

**13. Transportation/Circulation. Will the proposal result in:**

- a. **Generation of 100 or more new daily vehicle trip ends (DVTE) or exceeds service levels or capacity of street systems?**

Yes	No	No, with Mitigation	Data Insufficient
<b>A</b>	<b>C</b>		<b>B</b>

A) *Currently there are 49 DVTE generated by the use of the project sites. The project is estimated to generate 154 DVTE over a peak day, assuming no events occur at the education center. Approximately 228 DVTE would occur with a 100-person event at the education center. Of these trips, 127 are associated with typical staff uses, while 101 are associated with visitors. Comparing existing and proposed DVTE, the project would yield a net increase of 179 DVTE with an event at the Education Center, and 105 DVTE without an event at the Education Center. Although the project would result in over 100 DVTE, analysis of the LOS reveals that the increase would not cause service levels to significantly decrease. Without an event at the education center, the proposed project would not change the current level of service (LOS) of the study intersections along SR 28. The delay per vehicle at the minor left-turn movement of the Lake Forest Road/Fish Hatchery site access intersection would increase by 0.1 second, which would change the LOS from A to B. The Lake Forest Road/California State Parks Site Access intersection would operate at LOS A with the proposed project (without a Great Hall event). The LOS of the study intersections has also been evaluated for the “worst case” condition when an education center event exits during the peak-hour on a Saturday. The delay per vehicle at the minor left-turn movement of the Lake Forest Road/Fish Hatchery site access intersection would increase by 0.2 seconds, which would change the LOS from A to B. The Lake Forest Road/California State Parks Site Access intersection would operate at LOS A. In sum, the proposed project would result in a relatively small increase in vehicular delays at nearby intersections. However, all approaches to all intersections maintain an acceptable LOS for both the*

2001 and 2010 conditions, and the increase in delay does not exceed the standards of significance. As a result, the impact of increased trip generation can be considered to be less than significant. This issue will be further evaluated in the EIR/EIS.

- B) See item 2.a. The project will not result in the generation of 100 or more new daily vehicle trip ends. Currently, an average of 198 vehicle trips per day occur on the Fish Hatchery/Campground site. With the development of the project, 201 vehicle trips per day would occur on the Fish Hatchery/Campground site. Calculations show an increase of 3 vehicles per day. The small increase is a result of the conversion of the campground, which reduces the net increase of the project (proposed number of daily vehicle trips minus the existing number of daily vehicle trips). Relocation of the campground would result in a corresponding relocation of the existing vehicle trips. If the relocated trips were added to the project trip generation, it would result in the generation of more than 100 daily vehicle trip ends. However, at the present, it is unknown whether the campground uses would be relocated to another site. This issue will be further evaluated in the EIR/EIS.
- C) No change would occur.

**b. Changes to existing parking facilities, or demand for new parking or result in inadequate parking capacity?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

- A) There are currently no parking spaces at the California State Parks site and approximately 17 unmarked parking spaces at the Fish Hatchery site. The project would create more parking opportunities. Approximately 17 parking spaces would be available at the education center (including the two spaces at the residence) and 35 parking spaces and two boat spaces would be constructed at the research center. According to the Traffic Study prepared by LSC (June 2002), the proposed parking supplies on the project sites would meet the peak parking demand associated with the respective facilities without an event at the education center. If a 100-attendee event occurs at the education center after 5:00 PM on a weekday or on a weekend, then the combined parking supply at the education center and research building would be adequate. However, an event of essentially any size that occurs on weekdays wholly or partially before 5:00 PM would exceed the total available parking supply, generating a significant impact. This impact will be discussed further in the EIR/EIS.

**Mitigation Measure 13.b.i:** Events at the education center shall not be held before 5:00 PM on weekdays to avoid parking conflicts between visitors and research staff. If an event occurs either after 5:00 PM on a weekday or at anytime on a weekend, then signage and a parking control staff person should be provided to direct a portion of incoming vehicles to the California State Parks site parking lot. It should be noted that a minimum of two ADA-accessible parking spaces would need to be provided to accommodate a large education center event; these spaces should be provided at the Fish Hatchery site.

The following provisions will be required for any event with more than 100 planned attendees:

- Parking control will be provided in the UC Davis TERC facility parking lots.
- Offsite parking shall be provided in a facility with an adequate number of spaces available during the period of parking need for the event. This offsite parking area shall not be located in an area that requires access along residential streets.
- If the offsite parking spaces are more than 300 feet from the project site, then a shuttle service shall be provided. This shuttle service should be sized to accommodate the number of attendees using the offsite parking area within a one-hour period.

- *All attendees shall be provided with information (such as a flyer) in advance of the event indicating both directions to the location of the offsite parking lots and the availability of shuttle service. Parking at the Fish Hatchery site or the nearby California State Parks site shall be limited to a portion of event attendees, so that other arriving drivers proceed directly to the offsite parking area rather than first searching for parking within walking distance of the Fish Hatchery site.*
- B) *The project would require provisions for additional daily and special-event parking. The project would include 34 parking spaces for the daily Research and Education Center uses. Twenty spaces would be provided at the Research Center, 12 spaces would be provided at the Education Center and two existing spaces would remain at the residence. It is assumed that 2 spaces will be handicapped. A maximum 100-attendee Great Hall Event would generate up to 37 parked vehicles. Therefore, during special events, it is anticipated that additional offsite parking capacity will be required. UC Davis is working with the Wildlife Conservation Board to use boat ramp parking during times when ramp parking demand is low. It is proposed that UC Davis TERC overflow parking can be provided at the nearby Lake Forest Boat Ramp parking area during the off-peak season (between Labor Day and Memorial Day). UCD does not have access to the boat ramp parking area from May 22 to September 7 (between Memorial Day and Labor Day). Conversely, the UCD Research Center parking area can be used as overflow boater parking on weekends from May 22 to September 7. If a Great Hall Event is held on a weekend, then the parking demand is 37 spaces. It is assumed that no UC Davis staff are present on weekends. As it is also assumed that 7 boaters use the UC Davis TERC parking area for auto/trailer parking on summer weekends (using a total of 14 auto spaces), 20 spaces will be available for autos. As a result, there will be an on-site deficit of 17 parking spaces. Since UCD is not allowed to use the boat ramp area parking lot during the summer, the parking needs of the proposed project under this scenario will not be met. Considering the capacity of the on-site parking and the demand for uses other than Great Hall Events, the maximum attendance at a Great Hall Event during a summer weekend day that can be accommodated without generating a parking shortfall is 57. The project operation plan should include a parking management component to address the size and timing of special events, bus parking and parking for students, faculty and staff. This issue will be discussed further in the EIR/EIS.*

**Mitigation Measure 13.b.ii:** *During summer weekends, Great Hall Events shall be limited to a maximum attendance level of approximately 50 attendees. Great Hall Events shall not be held before 5:00 PM on summer weekdays. If a Great Hall Event occurs wholly or partially before 5:00 PM on an off-peak weekday, then signage should be provided to direct incoming vehicles to the boat ramp area parking lot. It is recommended that an area in the boat ramp lot be coned-off and designated as "UC Davis Event Parking". In general, considering the capacity of the boat ramp area parking lot and the boater parking demand, there should be plenty of boater parking spaces available whether or not a UC Davis Great Hall Event occurs. Therefore, signage is an adequate control measure for this scenario.*

*It is assumed that a "Special Event" exceeding the capacity of the Great Hall would be held once or twice a year at the proposed UC Davis TERC. The following provisions would be required for this type of Special Event:*

- *The project applicant shall provide parking control in the on-site parking lot;*
- *In the boat ramp area parking lot, an area should be coned-off, allowing adequate parking for boat ramp activities. The designated area should be signed as "UC Davis Event Parking" and staffed with parking attendants to direct incoming cars into the parking spaces efficiently and to prohibit event parking in other areas; and*
- *If additional parking is required, off-site parking shall be provided in a facility with an adequate number of spaces available during the period of parking need for the Special Event. This off-site parking area shall not be located in an area that requires access along residential streets. If the off-site parking spaces are more than 300 feet from the project site, then a shuttle service shall be provided. This shuttle service should be sized to accommodate the number of attendees using the off-site parking area within a one-hour period. All event attendees shall be provided with information (such as a flyer) in advance of the Special Event*



*indicating both directions to the location of the off-site parking lot and the availability of shuttle service*

C) *No change would occur.*

**c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>B, C</b>	<b>A</b>	

A) *As discussed in 13.a, the project would not have a substantial impact on existing highway or transit systems. However, the project would increase foot traffic between the Fish Hatchery and the California State Parks sites somewhat and would result in temporary delays along the roadways in which the new water main would be installed. At present, there is a path between the residence and the Pomin Field access roadway, but there is no path between the Pomin Field access roadway and the California State Parks site. Bicycle access between the two sites would share the vehicle travel lane along Lake Forest Road, while pedestrians would walk in the shoulder. On a typical day, it can be expected that some staff would walk between the Fish Hatchery site and the California State Parks site – particularly staff living in the Fish Hatchery site residence that work in the research building. The use of the California State Parks site as parking for events would generate up to 70 persons walking between the two sites. At the end of an evening event, these pedestrians could walk in the dark with limited street lighting. Given vehicular travel speeds and volumes along Lake Forest Road, bicycle use of the travel lane can be considered acceptable. However, the forecast level of pedestrian activity during events and lack of adequate facilities indicates that there would be a significant impact on pedestrian conditions. Construction of the new water main would cause traffic delays by reducing full access within the roadway lanes. However, this impact would be temporary while the new line is being constructed. This issue will be evaluated further in the EIR/EIS.*

**Mitigation Measure 13.c:** *With either of the following mitigation measures, the impact would be mitigated to a less than significant level:*

- *UC Davis shall provide a shuttle system between the California State Parks site and the Fish Hatchery site when education center events occur. The shuttle should be operated on a continual basis during the 30-minute period before the event and during the 30-minute period after the event. Signs should be placed at both the California State Park site parking lot and at the exit to the education center that indicate the availability of this shuttle service. Most if not all of the event-attendees that park on the California State Parks site would be expected to make use of this shuttle service.*

OR

- *UC Davis shall construct a paved pedestrian path along the south side of Lake Forest Road between the Pomin Field access road (which also provides access to the boat ramp and the US Coast Guard Station) at or opposite the end of the existing multi-use path and the California State Parks site access road. Specific design criteria for this pedestrian path shall be identified by the Placer County Department of Public Works. UC Davis shall analyze the impacts of such construction.*

B) *The project would include realignment of existing bike trails, new access driveways on Lake Forest Road, and minor increases to traffic at the SR 28/Lake Forest Road intersection. The project would improve bike/pedestrian circulation system. By making the bike path more visible/accessible and relocating site access away from the SR 28/Lake Forest Road West intersection, some bicyclists that*

currently use Lake Forest Road will use the bike path instead. This would also increase driver sight distance and increase the ability of vehicles to exit the site when a queue exists at the SR 28/Lake Forest West intersection. According to LSC intersection studies for the project, the LOS of the SR 28/Lake Forest Road intersection and the Lake Forest Road West/UCD TERC Exit intersection would not be changed by the project. The realignment of the bike trail and pedestrian access would improve existing facilities.

C) No change would occur.

**d. Alterations to present patterns of circulation or movement of people and/or goods?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) No roadway changes would occur. The bike trail on the Fish Hatchery site would be realigned and the existing access roads at both sites would be improved; however, these improvements would not alter circulation patterns.

B) The project will not result in the negative alteration of current circulation patterns. Existing roadways and bike trails would be maintained, although slightly realigned. The bike trail on the Fish Hatchery site would be realigned to improve safety and the existing access roads to the fish hatchery (Education Center) and the research building would be improved, creating a beneficial impact and improved circulation. Primary access to the site would be from entry and exit roads on Lake Forest Road. The Education Center would be primarily accessed through a bridge leading from the research building. The existing access road to the fish hatchery building from Lake Forest Road near SR 28 would be maintained for emergency vehicle access only.

C) No change would occur.

**e. Alterations to waterborne, rail or air traffic?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) The project would not modify waterborne, rail, or air traffic.

B) The project would not modify waterborne, rail, or air traffic.

C) No changes would occur.

**f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians or result in inadequate emergency access?**

Yes	No	No, with Mitigation	Data Insufficient
	B, C	A	

A) The trail on the California State Parks site would be realigned around the research building but would not increase hazard risks. The existing bike path on the Fish Hatchery site would be slightly altered in

*order to reduce conflicts between bicycles and automobiles. Currently, the path is not clearly delineated at the intersection of North Lake Boulevard, Lake Forest Road, and the entry to the fish hatchery. A section of pathway and bollards would be added between the east side of the fish hatchery entrance and the west side of Lake Forest Road. This would clearly connect the portion of the path along the western edge of the Fish Hatchery site with the pathways north of Lake Forest Road and through the campground south of Lake Forest Road. Bollards and visual delineation markings such as pathway lines would be added to clearly indicate where the path crosses a roadway. This alteration would improve safety and circulation. Construction may temporarily close existing bike trails and walkways when construction-related equipment and materials are delivered or to allow construction equipment to work in the vicinity. During project operation, the increase in vehicular traffic during education center events would increase the potential for accidents associated with egress of event attendees. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 13.f.i.** *Onsite trails and walkways shall be adequately fenced and signed during construction to reduce the chance of hazards between pedestrians, bikes, and construction equipment.*

**Mitigation Measure 13.f.ii.** *Unless a shuttle and signage are provided, a traffic control officer shall be provided to direct traffic during events at the education center site access/Lake Forest Road intersection.*

**Mitigation Measure 13.f.iii.** *UC Davis shall reserve the fish hatchery parking spaces for disabled persons and event staff only. Since the event staff would exit the Fish Hatchery site over a longer period than event attendees, the traffic activity at this location in any one period would not increase over existing levels.*

B) *The project will reduce traffic hazards at the intersection of Lake Forest Road and SR 28 by limiting access to the current Fish Hatchery driveway to emergency use only. The existing access driveway is located too close to SR 28 and conflicts with the existing bike trail crossing of Lake Forest Road. The current configuration places bicycles and pedestrians that use the adjacent bike trail in conflict with vehicles that enter and exit Lake Forest Road at SR 28. The project would eliminate this conflict by realigning the bike trail and including markers and safety barriers. Since the main entry would be from Lake Forest Road, hazards created by slow traffic pulling in and out of the existing entry on SR 28 would be avoided.*

C) *No change would occur.*

**g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The bike trail on the Fish Hatchery site would be realigned and the existing access roads at both sites would be improved. Bus turnaround areas would be included at the facilities and a shuttle system would be utilized during special events. Bicycle racks and pedestrian paths would also be included in the project at both sites. Therefore, the project would encourage the use of alternative transportation.*

B) *The bike trail on the Fish Hatchery/Campground site would be realigned and the existing access roads would be improved. Bicycle racks and pedestrian paths would also be included in the project. Therefore, the project would encourage the use of alternative transportation.*

C) *No changes would occur.*

**14 Public Services**

*Tahoe Basin*

The Tahoe Basin is served by a variety of public services, including numerous parks, local, state, and national recreation areas, emergency service providers, and schools. Each community within the Basin is served by local services, which can range from a city police force to a County agency to a State service agency, like the California Department of Forestry and Fire Protection. Public services in the Basin vary by jurisdiction, although most areas are served by a combination of local, state, and federal services. The specific services available in the project area are described in detail below.

*California State Parks Site*

The area is served by the Tahoe Truckee Unified School District. Public schools closest to the project sites include North Tahoe High School, North Tahoe Middle School, and Tahoe Lake Elementary School. Located on Grove Street, Tahoe Lake Elementary provides education for approximately 396 students in grades kindergarten through third. North Tahoe Middle School is located on Polaris Road and educates approximately 515 students in grades 6 through 8. North Tahoe High School is also located on Polaris Road and educates approximately 500 students in grades 9 through 12.

The project sites are served by the North Tahoe Fire Protection District and the Placer County Sheriff’s Department, North Tahoe Station. In addition, UC Davis provides for onsite security through locks and alarms at its facilities. The California Department of Forestry and Fire Protection (CDF) provides wildfire protection service to the area.

*Fish Hatchery/Campground Site*

As discussed in further detail above for the California State Parks site, the area is served by the Tahoe Truckee Unified School District, the North Tahoe Fire Protection District, and the Placer County Sheriff’s Department, North Tahoe Station. The CDF provides wildfire protection service to the area.

**14. Public Services. Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?**

a. **Fire protection?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>B, C</b>	<b>A</b>	

A) *The proposed project would include new structures and a renovated existing structure that could be susceptible to fires. However, the roofs of the structures would be fire resistant with a Class A rating, and the buildings would be fully equipped with sprinklers. Steve Hook of the North Tahoe Fire Protection District has indicated that this project would not negatively affect their operations (Personal communication, Steve Hook, North Tahoe Fire Protection District, September 10, 2001). Water will be provided to the site by the Lake Forest Water Company. As part of the project, a new*

water main would be required so that adequate water pressures can be provided. With this new water main, an adequate amount of fire flow water would be available at adequate pressures for fire protection services.

**Mitigation 14.a:** A new water main will be constructed to provide adequate fire flow water pressure to the project area. The water main will be constructed from the Lake Forest Water Company's storage tank to the project site. The new main will following existing rights-of-way and be placed within existing disturbance areas to the greatest extent feasible.

B) The Project is designed to comply with Public Resources Code and the Placer County Fire Safe Ordinance. According to Steve Hook of the North Tahoe Fire Protection District (9/10/01), fire flow from NTPUD lines is adequate and would not be an issue of concern. The North Tahoe Fire Protection District provided a "Will Serve" letter to the Project on June 27, 2001. The letter states that the Fire Protection District will be able to serve the project without any adverse effects to the District's capabilities. Conversations with Steve Hook revealed that the Project would not burden the District and would not result in the need for additional personnel or equipment.

C) No changes would occur.

**b. Police protection?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) UC Davis would provide onsite security including locks and alarm systems. Captain J. Kent Hawthorne of the Placer County Sheriff's Department has indicated that the project would not negatively affect their operations (Personal communication, Captain J. Kent Hawthorne, Placer County Sheriff's Department, February 1, 2001).

B) UC Davis would provide onsite security including locks and alarm systems. According to Captain J. Kent Hawthorne of the Placer County Sheriff's Office, the Sheriff's Office foresees no problems in serving the project during construction and regular operation. No additional personnel or funding are required to maintain service levels (Personal communication, Captain J. Kent Hawthorne, Placer County Sheriff's Department, February 1, 2001).

C) No changes would occur.

**c. Schools?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) The project would not increase demand for school resources as significant population growth would not result from the project. The education center would benefit schools by providing them with an additional educational resource.

B) The project would not increase demand for school resources as significant population growth would not result from the project. The education center would benefit schools by providing them with an additional educational resource.

C) *No changes would occur.*

**d. Parks or other recreational facilities?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

A) *The project would develop approximately 10,380 square feet of research and service buildings (excluding parking areas) on undeveloped State Park recreation land. The project would not create new park areas or increase the population level to require the development of new park areas through an increase in demand. The project would improve trails on each of the sites, improving existing recreational facilities and (on the California State Parks site) maintaining public access to Lake Tahoe. However, the California State Parks site is intended for recreation and any potential impacts will be further addressed in the EIR/EIS.*

B) *The bike trail would be reconfigured to provide better access around the site and improved circulation to other nearby recreational areas. The project would not significantly increase the number of residents in the area; therefore, it would not place greater demand on the existing parks located near the site. However, the Project would result in the elimination of 20 camping spaces on the Campground site. Under Plan Area Statement direction, these campground spaces should be eliminated for the rehabilitation of the SEZ. Although their elimination has been planned, the loss of camping spaces is significant considering the high demand in the area. The loss of these spaces will result in increased demand on existing camping spaces. This issue will be evaluated further in the EIR/EIS.*

C) *No changes would occur.*

**e. Maintenance of public facilities, including roads?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

A) *Construction activity could result in impacts associated with maintaining Lake Forest Road. With implementation of Mitigation Measure 14.e, this impact would be reduced to a less than significant level. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 14.e.** *Prior to construction, UC Davis shall document existing roadway conditions within the construction route, and submit this documentation to the Placer County Public Works Department. UC Davis shall be required to repair (to the same or better condition) any damage to Lake Forest Road or access driveways from Lake Forest Road that occurs as a result of construction activities related to the project.*

B) *Please refer to the analysis for Alternative A. This issue will be further evaluated in the EIR/EIS.*

C) *No changes would occur.*

**f. Other governmental services?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project would not change or increase the demand on governmental services as it would not significantly increase the population in the area.*
- B) *Please refer to the analysis for Alternative A.*
- C) *No changes would occur.*

## **15 Energy**

### *Tahoe Basin*

The Tahoe Basin is served by a variety of energy sources and providers, mostly natural gas and electricity. Electric utility companies in the Basin include Norcal Electric Supply of Truckee, Sierra Pacific Power Company, and Truckee Donner Public Utility District. Natural Gas service is provided through underground utility lines and cylinders. Natural Gas service providers include, but are not limited to, AmeriGas, Suburban Propane, Southwest Gas, and WP Natural Gas. Solar panels and other alternative energy mechanisms are also used in the area.

### *California State Parks Site*

Although there are no power lines on the California State Parks site, service is provided to the area by Sierra Pacific Power and Southwest Gas Company through lines located along Lake Forest Road. Sufficient capacity is available to serve the energy needs of the project.

### *Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site is served by overhead Sierra Pacific Power Company electric utilities. Propane is used for gas service onsite, but natural gas service by Southwest Gas Company is available nearby, with two gas mains near the project site along North Lake Boulevard and Lake Forest Road. Southwest Gas Company has adequate capacity to serve the project with no constraints (Personal Communication, Bruce Svenson, Southwest Gas Company, July 5, 2001).

There are two propane fuel tanks on the site west of the fish hatchery building that currently provide natural gas energy to the hatchery building. According to maps dated 1967 and interviews with Bob Richards of the TRG, a fuel tank may have been located on the site in the past. The storage shed east of the hatchery building may have been used for fuel storage as the 1967 map indicated a fuel pump located at the southwest corner of the shed. Currently, there is no indication of a fuel storage area on the site. There are no electrical or natural gas hook-ups in the Lake Forest Campground, other than electrical safety lighting on the roadways and adjacent Boat Ramp restroom.

**15. Energy. Will the proposal result in:**

**a. Use of substantial amounts of fuel or energy?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

- A) *The project would not use substantial amounts of fuel or energy. Some energy would be required to operate the facilities and conduct research, but the amount of energy used would not be significantly greater than the amounts of energy used by other developments in the area of a similar size. California Energy Commission Title 24 energy standards will be met by this project.*
- B) *The Education Center and Research Building would not result in the use of a substantial amount of fuel or energy as discussed in the analysis for Alternative A. California Energy Commission Title 24 energy standards will be met by this project.*
- C) *No changes would occur.*

**b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

- A) *A slight increase in energy demand may result due to the expansion of the laboratory facilities. This increase would not be substantial and would not require new sources of energy.*
- B) *Please refer to the analysis for Alternative A.*
- C) *No changes would occur.*

**16 Utilities**

*Tahoe Basin*

The Tahoe Basin is served by a variety of publicly and privately owned companies providing water, sewer, communications, trash disposal, and storm water collection services. Utility districts often provide full water, sewer, and storm water collection services, while smaller purveyors may only provide water service. More remote areas of the Basin may not be completely served and may rely on individual wells or septic systems. Since the Basin contains a variety of jurisdictions, utility service is highly dependent on location and physical constraints of the area.

*California State Parks Site*

A sewer line, operated by the TCPUD is located on the southern portion of the California State Parks site within the beach area. Two sewer stubs and one manhole are located off



of this 15-inch sewer line. A sewer main is also located in Lake Forest Road, north of the California State Park site. TCPUD also operates a 12-inch water line in Lake Forest Road that ends a few feet east of the State Parks parcel. TCPUD has the capability to provide sewer service for the proposed project (Personal communication, Bill Back, TCPUD, March 22, 2002). The Lake Forest Water Company provides water service to the area east of the St. Francis Condominiums, which includes the California State Parks site. The Lake Forest Water Company has indicated there is sufficient capacity to serve the project (Personal Communication, Rick Dewante, Lake Forest Water Company, March 29, 2002). However, the water main needs to be upgraded in order to provide adequate domestic and fire flow water. As part of the project, a new, larger water main would be constructed adjacent to the existing 4-inch water main. The line would run within the roadways and roadway shoulders from the tank and along Old Mill Road, Highway 28, Lake Forest Glenn, the unpaved Aspen Road, and Lake Forest Road, eventually ending at the project site. The new main line would be approximately 2,895 feet in length. A detailed description of this component of the project is discussed in the project description. It is unlikely that water service could be extended to the area by TCPUD because a release from the Lake Forest Water Company and a majority vote from the TCPUD Board would need to be obtained (Personal Communication, Robert Lourey, TCPUD, May 20, 2002). Although there are no overhead telephone lines on the California State Parks site, service is provided to the area by Pacific Bell through lines located along Lake Forest Road. Sufficient capacity is available to serve the communications needs of the project.

The Tahoe Truckee Sierra Disposal Company provides solid waste collection service to the area. As part of research center operations, solid waste would be divided according to hazard level. Waste items qualifying as average household-type wastes and recyclable materials would be collected by the Tahoe Truckee Sierra Disposal Company and taken to the nearest material recovery facility and transfer station. Waste collected by the Tahoe Truckee Sierra Disposal Company is disposed at the Lockwood Regional Landfill in Nevada. The Lockwood Landfill accepts trash from a number of Northern California and Nevada counties and cities. At 1,535 acres, it is one of the largest landfills in the nation. Operated by Reno Refuse, Inc., the Class I Lockwood Landfill accepts approximately 3,897 tons of garbage per day (CIWMB 2001). As of 1995, the Tahoe Truckee Sierra Disposal Company has a 30-year contract with the Lockwood Regional Landfill with an option to renew for an additional 30 years. Under this contract, the Lockwood Regional Landfill has a 200-year capacity (Personal communication, Ron Ratto, Tahoe Truckee Sierra Disposal Company, July 10, 2001). Items that are not acceptable, such as hazardous lab materials, or chemical waste materials, would be collected and transported to the UC Davis campus by the EH&S every three months.

#### *Fish Hatchery/Campground Site*

Water and sewer service is provided by the TCPUD. An 8-inch sewer line is located near the hatchery building, and an existing extension connects the hatchery to the main line at a point just south of the hatchery building. The extension wraps around the south and east portions of the hatchery where it connects with the north face of the fish hatchery building. TCPUD also provides water and sewer service to the campground through a connection from Lake Forest Road. The water line connects to a hose bib and the

restrooms. This sewer line will soon be repaired and improved as part of a separate project to provide better service to the campground. Water provided to the Fish Hatchery/Campground site is groundwater produced at the Tahoe City Wells, located two miles east of the project site. The fish hatchery and residence are also equipped with water from a spring on the north side of SR 28. The spring is housed in a shed and a pipeline connects the shed to the hatchery. There is also an existing water supply line that runs from the valve box at the hatchery building to the residence along Highway 28.

The site is served by overhead Pacific Bell telephone utilities and Sierra Pacific Power Company electrical lines, which are visible overhead along SR 28 and Lake Forest Road. A natural gas distribution system is located near the project site operated by Southwest Gas Company. Southwest Gas Company maintains two gas mains near the project site along North Lake Boulevard and Lake Forest Road. Service is provided from the existing distribution system in Lake Forest Road. The residence, hatchery, and accessory structures are currently equipped with electrical power supplied by Sierra Pacific Power Company. The existing lines are located on an overhead cable system along Lake Forest Road and North Lake Boulevard. There are no transformers on the site.

As discussed above for the California State Parks site, the Tahoe Truckee Sierra Disposal Company provides solid waste collection service to the project area. Items from research activities currently taking place on the Fish Hatchery site that are not acceptable, such as hazardous lab materials or chemical waste materials, are collected and transported to the UC Davis campus by the UC Davis EH&S every three months.

**16. Utilities.** Except for planned improvements, will the proposal result in a need for new systems, substantial alterations to existing systems, or exceed permitted capacity or applicable requirements associated with the following utilities:

a. Power or natural gas?

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) According to Bruce Svenson of Southwest Gas (Personal communication, Bruce Svenson, Southwest Gas, July 5 2001), there is adequate natural gas capacity to serve the research and education centers. Natural gas service would extend from the existing line in Lake Forest Road. Service will be provided from the existing distribution system in Lake Forest Road through piping of threaded Schedule 40 black steel. The pressure in this extension will be reduced to 7" WC unless higher pressure is required for equipment in the laboratories or to the water heater and HVAC equipment if needed. Electricity is currently provided by Sierra Pacific Power Company, which has adequate capacity to serve the project. Extension of natural gas and electrical lines from the nearby main lines can be accomplished during project construction. Construction of the new water main would be located near existing underground utility lines. These lines would be avoided during construction.

B) According to Bruce Svenson of Southwest Gas Company (Personal communication 7/5/01), there are no constraints to providing natural gas to the project. There is sufficient capacity to serve the project facilities. Service will be provided from the existing distribution system in Lake Forest Road through piping of threaded Schedule 40 black steel. The pressure in this extension will be reduced to 7" WC unless higher pressure is required for equipment in the laboratories or to the water heater and HVAC equipment if needed. Sierra Pacific Power Company has adequate capacity to serve the project.

*Extension of natural gas and electrical lines from the nearby main lines can be accomplished during project construction.*

C) *No changes would occur.*

**b. Communication systems?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) *Pacific Bell provides communication service to the area through overhead lines located along the roadway frontages. The fish hatchery is already served via a connection to these lines and a new underground extension would be required to provide communication service to the research building proposed for the California State Parks site. Extending connection lines is a standard practice with new developments and would not result in the need for a new communications substation or other expansion (Personal Communication, Tom Keatley, Pacific Bell, February 6, 2001). . Construction of the new water main would be located near existing underground utility lines. These lines would be avoided during construction.*

B) *Development of the research building would require additional communications connections. The existing connections at the fish hatchery would remain intact, and new connections would be extended and established for the research building. The existing lines connecting to the structures that are to be dismantled will be removed. However, it will not result in service demands that cannot be accommodated by Pacific Bell. Extending connection lines is a standard practice with new developments and would not result in the need for a new communications substation or other expansion (Personal Communication, Tom Keatley, Pacific Bell, February 6, 2001). The addition of a new communication connection to the research building would not result in the need for significant facilities other than the new line extension.*

C) *No changes would occur.*

**c. Water?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

A) *Rick Dewante of the Lake Forest Water Company, which serves the California State Parks site, indicated that adequate water could be provided to the research and support buildings; however the water main would need to be upgraded and extended to the site (Personal communication, Rick Dewante, Lake Forest Water Company, March 29, 2002). This extension and upgrade of the water main would be a part of the project and is described in detail in the project description. Bill Back of the Tahoe City Public Utility District (TCPUD) indicated that adequate water supply is available to serve the education center and that TCPUD is able to provide water for fire support to the education center at the Fish Hatchery site (Personal communication, Bill Back, TCPUD, June 25, 2001 and March 22, 2002). A well would also be located near the northeast corner of the research building to provide water for research activities. An estimated 80,000 gallons would be drawn from the well annually, with a peak demand of 20 gallons per hour during summer research activities. The well would not require any new facilities from utility providers.*

B) *The TCPUD provides domestic water to the project site. According to Bill Back, Director of Public Works, (6/25/01), TCPUD has sufficient capacity to serve the project's water demands. Therefore, the*

*project would not result in the need for new water facilities or increased water service costs. Service standards for water supplies can be adequately maintained with the development of this project*

C) *No changes would occur.*

**d. Sewage treatment?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The TCPUD has indicated that adequate sewer capacity exists to serve both project sites (Personal communication, Bill Back, March 22, 2002). The proposed facilities on the California State Parks site would connect to the sewer stub located on the southern portion of the property. The sewer line would connect from the research building to the sewer stub, following the existing footpath toward the lake on the project site. The existing sewer connection at the Fish Hatchery site is adequate to serve the education center and residence. Craig F. Woods of the Tahoe-Truckee Sanitation District, of which TCPUD is a member entity, indicated that there is sufficient capacity to serve the project sites (May 9, 2002).*

B) *The sewer connection would be extended to accommodate wastewater needs at the Research Building. The other project facilities would be served through additional extensions of the sewer line. The TCPUD provides wastewater service to the project site. According to Bill Back, Director of Public Works, (6/25/01), TCPUD has sufficient capacity to serve the project's wastewater demands. Therefore, service standards for wastewater treatment can be adequately maintained with the development of this project, and the project would not result in the need for new wastewater facilities or increased wastewater service costs.*

C) *No changes would occur.*

**e. Storm water drainage?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *The development and restoration plans for the project include the construction and operations of storm water drainage systems. Two 320-gallon sand-oil separators would be installed at the southern end of the parking lot on the Fish Hatchery site. Storm water would be drawn into the infiltration pond and treated before it is expelled through a filtration system into the natural vegetation on the site. A 500-gallon sand-oil separator would be located at the eastern edge of the parking area on the California State Parks site and would be maintained by UC Davis. The runoff would be treated in an 800 square foot infiltration pond. Therefore, storm water would be adequately treated and contained on the site.*

B) *The development and restoration plans for the project include the construction and operation of a 500-gallon infiltration pond and a 320-gallon infiltration pond. A sand-oil separator and rock discharge apron would be located southeast of the parking lot. Further south, four rows of fascine/willow wattles would provide additional filtration. A silt barrier would also be placed around the buildings. The 500-gallon infiltration pond would be located west of the research building. The pond would include a rock discharge apron and three rows of willow wattles and silt barrier. The 320-gallon infiltration pond would be located west of the Education Center. This pond would also*

*include a rock discharge apron and silt barriers. Drains would be located throughout the parking areas to collect runoff. Therefore, storm water would be adequately treated and contained on the site.*

C) *No changes would occur.*

**f. Solid waste and disposal?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

A) *According to Ron Ratto of the Tahoe Truckee Disposal Company (July 10, 2001), the project would not exceed solid waste and disposal services. The Tahoe Truckee Disposal Company would be able to provide service to the project facilities.*

B) *The Tahoe Truckee Sierra Disposal Company currently collects non-hazardous waste and recyclable materials from the existing fish hatchery facility. The addition of the research center would not exacerbate peak usage service levels or capacity at the landfill, nor would it create the need for a new landfill or material recovery and transfer stations (personal communication, Ron Ratto, Tahoe Truckee Sierra Disposal Company, 7/10/01).*

C) *No changes would occur.*

**17 Human Health**

*Tahoe Basin*

The Tahoe Basin contains a wide variety of activities that have the potential to cause hazardous situations. Past industrial, commercial, and even agricultural operations, including gas stations and dry cleaning establishments could potentially have dumped pollutants into the ground, creating future health hazards, particularly once these areas are excavated. Other urban activities in the area require the transport of chemicals to and from their establishments. The activity of transporting chemicals for use in a photo processing shop, gasoline to a boat storage facility, or chemicals to schools or hospitals may cause health hazards if a spill or leak should occur and enter waterways or soils. Following local, state, and federal regulations regarding the handling and use of these materials is required to reduce the risk of health hazards.

*California State Parks Site*

This parcel is not expected to contain any hazardous debris or material from past uses. The UC Davis Office of EH&S conducted a Phase I Site Assessment for the site in September 2001. Although some metal cans, plywood, and foam insulation were found on the site, these items are considered a non-hazardous nuisance. No potentially hazardous items or areas were observed on the site. A review of the Placer County Environmental Health Department records revealed no hazard listings for the site. There are no underground tank sites or cleanup sites within 0.25 mile of the California State Parks site. A review of Placer County Building Department records did not reveal any hazard-related permits for this site.

### *Fish Hatchery/Campground Site*

The Fish Hatchery/Campground site is currently developed with eight buildings, including a former fish hatchery, two houses, two small cabins, two storage buildings, and a garage, and a campground with no formal structures. The DFG used the hatchery building from 1920 to 1956 as a fish hatchery. Since the 1950s, the structures have been used for offices, storage, and laboratory research. The hatchery building currently contains the TRG laboratory. One residence on the site is currently used for short-term housing. The other houses and cabins on the site are vacant, although some are used for general storage purposes.

The TRG performs chemical and biological analyses related to aquatic systems research. The analyses include water chemistry, nutrient analyses and biological algal and fish tissue analyses. Chemicals stored and used by the lab include small quantities of various reagents, several gallons of acids and flammable liquids (including acetone, methanol, ethyl alcohol, and formaldehyde). Radioactive carbon-14 is also used at the site, under a Radiation Use Authorization issued by the EH&S. Chemical wastes from the research activities include waste solvents, acids and formaldehyde. Liquid and dry low-level carbon-14 waste is also produced. Chemical wastes are collected and transported to UC Davis by the EH&S for disposal. Waste chemicals are kept in appropriate containers until pick-up by the EH&S, which occurs no longer than every three months. The current operation of the laboratory does not present health risks, as fume hoods are used to dilute contaminants from the air, and lab materials are stored and handled safely.

Interviews with Bob Richards of the TRG and review of a map dated 1967 as part of a Phase I Site Assessment indicated that a fuel tank may have been present near the fish hatchery in the past. Mr. Richards reported that a storage shed east of the hatchery building may have been used for fuel storage. A map of the site, dated July 1967, indicates a “fuel pump” located at the southwest corner of the storage shed. A review of records on file at the Placer County offices in Tahoe City and Auburn did not reveal any record of an above- or under-ground storage tank for the subject site. Shallow (10 to 12 inches below ground surface [bgs]) screening soil samples were collected near the southwest corner of the storage shed. The samples were analyzed for Total Petroleum Hydrocarbons – Gasoline (TPH-G) and Total Petroleum Hydrocarbons – Diesel (TPH-D). No TPH-G or TPH-D was detected; however, an “unknown hydrocarbon” was reported at an estimated concentration of 170 mg/Kg. Further analysis of the unknown hydrocarbon yielded negative results. Therefore, no potentially hazardous spills associated with a fuel tank were identified on the Fish Hatchery site.

The site is currently connected to the Tahoe City Public Utilities District sanitary sewer. Prior to 1970, the site’s liquid waste from sinks and bathrooms was discharged to on-site septic systems. Records were not available documenting the closure of the septic systems.

Because of the age and construction of the buildings, asbestos is likely to be present in some building materials. Potential asbestos-containing materials include floor tiles, insulation in the houses, and gypsum wallboard in the laboratory area. Lead-based paint is also likely to be present due to the age of the buildings.

**17. Human Health. Will the proposal result in:**

- a. Creation of any human health hazard or potential health hazard (excluding mental health) through routine transport, use, emission, or disposal of hazardous materials, particularly within one-quarter mile of a school?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The research activities to be conducted at the proposed research building would not involve quantities of hazardous materials that would trigger the California Accidental Release Prevention Law requirements. Chemical wastes produced at the site would include waste solvents, acids and formaldehyde. Liquid and dry low-level radioactive carbon-14 and other radionucleid waste would also be produced. The nearest schools are over a half-mile from the project sites. UC Davis will prepare an Injury Illness Prevention Program (IIPP) in addition to implementing EH&S requirements for laboratory operations. IIPPs are a requirement of Labor Code Section 6401.7(a) and CCR Title 8 Section 3202. As part of the IIPP, a written program would be prepared; a responsible safety coordinator would be designated; occupant safety health hazards would be identified; a system of inspections, recording, and corrections would be implemented; a staff training and communication program would be developed; and a Chemical hygiene Plan would be prepared. The IIPP would include all relevant codes and regulations developed in the campus Policy and Procedure Manual in accordance with State and Federal law. A hazardous materials business plan (annual chemical inventory) would also be required under Chapter 6.95 of the California Health and Safety Code. The research facility would implement all measures identified in the IIPP and campus Policy and Procedure Manual to reduce the offsite consequences to a point at which the public would not be exposed to harmful levels of hazardous materials. All chemical wastes produced at the site would be contained and stored on site until they are transported back to the UC Davis campus for disposal by the EH&S. Chemical wastes shall be kept in appropriate containers until pick-up by the EH&S, which would occur about every three months. These required plans and operating procedures would reduce the risk of potential health hazards to a less than significant level.*
- B) *Please refer to the analysis for Alternative A.*
- C) *No changes would occur.*

- b. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 or expose people to potential health hazards associated with site contamination?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

- A) *The project sites are not included in the list compiled pursuant to Government Code Section 65962.5. Although there are no health hazards associated with the California State Parks site, there are potential hazards associated with site contamination on the Fish Hatchery site that may expose people to hazards during construction. This includes encounters with septic leachfields that might be present, and asbestos and/or lead paint in the existing structures. This issue will be further evaluated in the EIR/EIS.*

The following mitigation measures would reduce the risk of exposure of construction workers to hazards associated with potential contamination of the Fish Hatchery site:

**Mitigation Measure 17.b.i. Septic Tank Closure:** If septic tanks or leach fields are encountered during construction activities at the site, collection of soil samples shall be taken to document the condition of soil beneath the leach fields. The tanks would be properly closed by removing or crushing the top of the tank and filling it with sand. If remediation is required, subsequent remediation activity would be consistent with all applicable laws and regulations guiding such activities.

**Mitigation Measure 17.b.ii. Asbestos and Lead Remediation:** Prior to demolition or renovation, a survey including sampling of building materials should be performed to assess possible sources of asbestos and lead-based paint. If asbestos containing materials or lead-based paint is confirmed to be present, they must be remediated prior to any activities that would disturb the materials. Remediation would be consistent with all applicable laws and regulations.

- B) Please refer to the analysis and mitigation for Alternative A. This issue will be further evaluated in the EIR/EIS.
- C) No ground disturbance would occur.
- c. **Exposure of people residing or working in the project area to safety hazards caused by a public or private airstrip in the vicinity?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) There are no public airports or private airstrips in the vicinity of the project. People working or residing in the project area would not be exposed to airport-related hazards.
- B) Please refer to the analysis for Alternative A.
- C) There are no airstrips in the vicinity of the fish hatchery building.

## **18 Scenic Resources/Community Design**

### *Tahoe Basin*

The project sites are located within the SR 28 Scenic Roadway Unit 16 from Dollar Point to an area just east of Tahoe State Park and west of Burton Creek. Roadway Unit 16: Lake Forest is a "Rural Transition Visual Environment" with a travel route rating of 13 and a scenic quality rating of 2. The scenic quality rating is based on foreground, middle-ground, and background views, views to the lake from the roadway, and other special features. A score of 1 reveals a low scenic quality and a score of 3+ reveals an exceptionally high scenic quality rating. Since Unit 16 has a scenic quality rating of 2, the overall visual quality is considered average. Travel route ratings are based on views of the lake, man-made and natural features, distractions, and variety, with a score of 6 being low through 30 being high quality. Since Unit 16 has a travel route rating of 13,



the visual quality is considered below average. In general, Unit 16 is composed of intermittent development that disrupts the scenery, particularly in areas where the forest cover becomes sparse. TRPA recommends clustered development, landscape screening, and undergrounding utility lines to improve and maintain the scenic quality of the area. The project sites are not located within any major visual features or views.

“Scenic Shoreline 16: Lake Forest” includes the same visual area as Roadway Unit 16 and is characterized as a rural transition visual environment. The eastern portion of the shoreline has a greater visual quality than the western portions where the project is located because the western portion contains many residential and commercial developments along the shoreline. Portions of the project sites closest to the lake lie within visual subcomponent areas where the vegetation is of high aesthetic quality. TRPA recommends landscape screening, placing utility lines underground, and utilizing building materials and colors that blend with the surrounding nature.

#### *California State Parks Site*

The Lake Forest Subdivision, in which the State Parks site is located, is rated by TRPA as having an “acceptable” visual quality. The California State Parks site is considered an area of acceptable quality by TRPA. The site does not contain any structures. The southern portion of the site is visible from Lake Tahoe, but the site is not visible from SR 28. Photos 1, 2, and 3 above illustrate various views and scenic qualities of the site. Photos of the site were also taken at 300 feet and 0.25 mile offshore. Although the southern portion of the site is visible, the northern portion of the site where the research building would be located is not visible from greater than 300 feet offshore.

#### *Fish Hatchery/Campground Site*

The existing Fish Hatchery building, constructed in 1920, is located on land with a 4 percent slope and an extreme building pitch of 15:12 (Photos 4 and 5). The Fish Hatchery building is visible from SR 28, but not visible from Lake Tahoe. The height of the building is 42 feet and is below the conifer canopy level. The allowable height for a building of this design on such a slope is 37 feet. Therefore, the existing hatchery exceeds the allowable height limits by 5 feet. The Fish Hatchery building reflects the Romantic Revival style, typical of “Old Tahoe.” This style incorporates natural local materials and rustic architecture, including log posts, exaggerated rooflines, beam porches, intricate trusses, and bark siding. The “Old Tahoe” style refers to structures built between the 1890s and 1930s when structures were designed to blend with the natural surroundings and provide a resort or vacation theme. The existing green roof, bark siding, and stone work at the base of the structure mimic the surrounding trees and natural setting. The residence that will remain on the site is also visible from SR 28. The ancillary buildings surrounding the Fish Hatchery that are to be demolished are mostly screened from SR 28 by the fish hatchery, although portions of some structures may be visible. None of the buildings on the site are visible from the lake.

The campground consists of overgrown campsites with barbeques, picnic tables, and roadways leading to each campsite. There are no visual obstructions caused by the campground. From a distance, the campground area appears to be overgrown

undeveloped land and provides a view of natural wet meadow vegetation. Like the fish hatchery building, the campground is approximately 800 feet from the lake shoreline and is not visible from the lake or shoreline.

**18. Scenic Resources/Community Design. Will the proposal:**

- a. **Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>A, C</b>		

- A) *The fish hatchery is an existing building that is visible from SR 28. The improvements associated with the fish hatchery would be below the existing tree canopy. Renovation of the hatchery would not alter current views from this roadway. Removal of existing ancillary buildings may improve views from SR 28, although they are not currently clearly visible from the roadway. The California State Parks site is not visible from the highway or lake, and the proposed building would not be visible, from any state or federal highways. Landscaping on the California State Parks site would establish trees around the north, west, and east sides of the proposed development to help screen views of the building. The southern portion of the site is visible from Lake Tahoe. However, no development would occur on this portion of the site, with the exception of the sewer line and lake water intake line, which would be located underground. The research buildings would be located on the upper portion of the parcel and would be screened from Lake Tahoe by existing trees located on the southern portion of the site. Grading and tree removal on either of the project sites would not damage scenic resources within a state scenic highway.*
- B) *The lake water intake line would be located underground and would not be visible. The proposed research building and parking facilities would be visible from the adjacent bike trail, the roadways adjacent to the site (SR 28 and Lake Forest Road), and the recreation play fields south of the site. The site is not visible from the lake, as it is too far inland and screened by the conifers, aspens, and willows that are located on the site. Three trees (under 12 inches dbh) would be removed between Scenic Highway 28 and the fish hatchery building, 2 aspen clusters of diameter less than 6 inches would be removed at the east side of the creek crossing, and 47 small willow clusters would be removed where the lab building and parking lot would be located. The existing facility (education center), which is of historic interest and value, is currently visible from SR 28, the bike path, and the recreation area south of the site. Renovation of this building would not cause visual degradation as the structure already exists. While the visual quality of the site would improve through the removal of the existing accessory structures and the restoration of the SEZ, the new research building would create a new visual obstruction. The bike path would be realigned along Lake Forest Road and would be located near the research building and parking lot. While the view from the bike path along SR 28 would become less obstructed by buildings with the removal of the accessory structures, the view of the existing campground area from the bike path along Lake Forest Road would change from natural vegetation to man-made structures. Only the development of the research building on the campground would cause a significant visual impact. This impact will be further evaluated in the EIR/EIS*
- C) *No visual changes would occur.*

**b. Be visible from any public recreation area or TRPA designated bicycle trail?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>A, C</b>		

- A) *The existing fish hatchery is visible from the TRPA designated Class I bike trail along the northern edge of the site, as well as from the baseball fields to the south and the campgrounds to the east. Renovation of the building and modifications of the parking lot would not change the existing visual character. Removal of the ancillary structures near the fish hatchery building would improve the visual quality of the site. The research facilities at the California State Parks site would be located on state land that is currently used for passive recreational purposes and beach access. The structures and parking area would be visible from the northern portion of a beach access trail that crosses the site; however the structures would not be visible from the beach area as trees would screen views of the developed area. The water, sewer, and lake intake lines would be located underground.*
- B) *The lake water intake line would be located underground and would not be visible. The existing fish hatchery is visible from the TRPA designated Class I bike trail along the northern edge of the site, as well as from the baseball fields to the south and the campgrounds to the east. Renovation of the building and modifications of the parking lot would not change the existing visual character. Removal of the ancillary structures near the fish hatchery building would improve the visual quality of the site. The Research Building would be visible from the bike trail that parallels SR 28 (note: portions of the bike trail are located on the project site). The bike path would be realigned along Lake Forest Road and would pass by the research building and parking lot. While the view from the bike path along SR 28 would become less obstructed by buildings with the removal of the accessory structures, the view of the existing campground area from the bike path along Lake Forest Road would change from natural vegetation to man-made structures. This issue will be further evaluated in the EIR/EIS.*
- C) *No changes would occur that would alter views from the bike trail or adjacent recreation areas.*

**c. Block or modify an existing view of Lake Tahoe or other scenic vista?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>A, C</b>		

- A) *Please see the responses to 18.a and 18.b, above. The Research Building will be located on the northern portion of the site (roughly 600 feet from the shoreline), which is not visible from the lake viewpoints. Some tree removal would occur for the building and parking lot footprint; however numerous trees would remain south of the structure to provide screening from the southern portions of the site. The sewer line and lake intake line would be located on the southern portion of the site, but would be located underground and beneath an existing trail. No long-term visual alteration would occur as a result of the sewer and lake intake lines.*
- B) *Please see the responses to 18.a and 18.b, above. This issue will be further evaluated in the EIR/EIS. The Fish Hatchery and residence are existing structures that are not visible from the lake or shore as they are over 800 feet from the shoreline and screened by intervening vegetation. The campground is also approximately 800 feet from the shoreline and is not visible from the lake or shore as there are other structures and vegetation, as well as topography changes between the site and the lake. Development of the one-story Research Building would not be visible from the lake or shore. The lake intake line would be located within the shorezone but would be located underground and would not be visible. The project would be in compliance with TRPA Code of Ordinances Section 30.15.*
- C) *No visual changes would occur.*

**d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

A) Although the existing height of the fish hatchery exceeds TRPA limits according to Chapter 22 of the TRPA Code of Ordinances, the renovation of the historic structure exempts the hatchery from this requirement. The research building would be approximately 34 feet 11.5 inches from low point of natural grade to ridgeline (see Figure A3.11 in Appendix A). The roof ventilators would add an additional 4 feet 1.5 inches to the building height. The entire building including roof ventilators would be 39 feet 1 inch. The maximum allowable structure height is 31 feet 8 inches according to Chapter 22 of the TRPA Code, with a possible additional 4 feet due to the public service nature of the proposed building. The maximum additional height allowed for the roof ventilators are 3 feet, 6 inches (10 percent of the total height). Total allowable height would be 39 feet 2 inches. Therefore, proposed building heights would be in compliance with TRPA standards if TRPA grants the additional 4 feet of height. Mitigation Measure 18.d must be implemented. This issue will be further evaluated in the EIR/EIS.

**Mitigation Measure 18.d.i:** UC Davis shall submit a request for additional height to TRPA. Additional height of up to four feet may be granted for public service buildings under Chapter 22 Section 22.4.A of the TRPA Code of Ordinances. Findings would be required to allow the additional height. To allow additional height the building would need to be below the canopy or ridgeline when viewed from 300 feet; designed to minimize interference with existing views; and be consistent with surrounding land uses or be minimally sized according to the function of the structure. The design of the proposed research building is consistent with the required findings as the building would be located well below the tree canopy, would not be visible from Lake Tahoe, and would not block views from existing public viewpoints.

B) Although the existing height of the fish hatchery exceeds TRPA limits according to Chapter 22 of the TRPA Code of Ordinances, the renovation of the historic structure exempts the hatchery from this requirement. The research/support building would be approximately 28 feet 9 inches from low point of natural grade to ridgeline (see Figure A3.1-R in Appendix B). The roof ventilators would add an additional 7 feet 10 inches to the building height. The entire building including roof ventilators would be 36 feet 7 inches. The maximum allowable structure height is 29 feet 3 inches according to Chapter 22 of the TRPA Code, with a possible additional 4 feet due to the public service nature of the proposed building. The maximum additional height allowed for the roof ventilators are 3 feet, 4 inches (10 percent of the total height). Total allowable height would be 36 feet 7 inches. Therefore, proposed building heights would be in compliance with TRPA standards if TRPA grants the additional 4 feet of height. Mitigation Measure 18.d must be implemented. This issue will be further evaluated in the EIR/EIS.

C) No changes would occur.

**e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project facilities would not be visible from any TRPA scenic roadway or shoreline units and would not be inconsistent or negatively affect the SQIP or Design Review Guidelines.*
- B) *According to the Scenic Resource Inventory for Unit #16 - Lake Forest, the areas of concern along SR 28 do not include the project site, primarily because the site contains vegetative screening from the large pines that line the roadway. In addition, the eastern portion of the site is not located directly on the scenic route and is less visible from the roadway. The Design Review Guidelines require structures in the rural transition area to incorporate natural materials that blend with the natural vegetation and topography of the area. Use of stone, wood, and earth tone colors are encouraged. This project utilizes all of these features, including stone bases that mimic the ground, rough wood siding that mimics tree trunks, and green-colored roofing material that mimics the canopy.*
- C) *No changes would occur.*

## **19 Recreation**

### *Tahoe Basin*

There are a number of local and state parks in the vicinity of the project sites. The Tahoe State Recreation Area surrounds the sites and provides a variety of recreational opportunities, and includes Hillside and Lakeside campgrounds. Burton Creek State Park is located north of the sites. Lake Forest Beach is also close to the sites. Skylandia Park is east of the sites and provides general recreational opportunities.

### *California State Parks Site*

The California State Parks site is a part of the Tahoe State Recreation Area. An unmarked dirt trail crosses through the site north to south toward the beach area at the southern edge of the property. Since the site is undeveloped, it provides a variety of opportunities for passive recreation, such as nature observation. TCPUD manages the site as part of the Tahoe State Recreation Area.

### *Fish Hatchery/Campground Site*

A bike trail is located within the northern portion of the Fish Hatchery/Campground site that is part of the bike trail that encircles Lake Tahoe. In addition, there are 20 campsites immediately east of the fish hatchery building that are managed by TCPUD. These camping spaces are part of the general camping system on the north shore of Lake Tahoe and are used regularly during the summer season. The campground does not contain hook-ups, but can accommodate RVs of up to 20 feet in length. A \$10 fee is charged for use of the Lake Forest Campground. Construction of the research building on the Campground site would eliminate these 20 camping spaces.

**19. Recreation. Does the proposal:**

**a. Create additional demand for recreation facilities such that substantial physical deterioration of a facility would occur?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, C</b>	<b>B</b>	

A) *No significant population increase would occur as a result of this project that would increase the demand for recreation facilities.*

B) *No significant population increase would occur as a result of this project that would increase the demand for recreation facilities. However, the loss of 20 camping spaces at the Lake Forest Campground would cause overcrowding at other nearby facilities and would be inconsistent with attainment of TRPA's recreation threshold. The demand for surrounding campsites would increase, creating a demand that could not be met. Overcrowding at existing campsites could lead to deterioration of the facility and its surroundings. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 19.a.** *The 20 campsites shall be relocated within the vicinity of the existing Lake Forest Campground. An appropriate site will be identified and evaluated further in the EIR/EIS. The new campground will need to offer the same amenities and shall be of similar size. The relocated campsites shall remain open to public use. Timing for the relocation of the campground shall occur concurrently with the construction of the project to ensure no net loss of capacity.*

C) *No changes would occur.*

**b. Create additional recreation capacity or require construction or expansion of recreation facilities that might have an adverse physical effect on the environment?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, C</b>		<b>B</b>

A) *The trail leading down to the lake on the California State Parks site would be realigned around proposed development, would be improved with gravel, and would remain open to the public. The open area in the southern portion of the California State Parks parcel would also remain open to the public. The bicycle path traversing along the northern side of the Fish Hatchery site would be improved to reduce potential conflicts with vehicles entering and exiting the site. No additional recreation capacity would be created by the project. Existing recreational trails would be improved or realigned, but would not increase in capacity. These recreation improvements are evaluated in this document and would not have an adverse physical effect on the environment.*

B) *With the removal of the campground spaces on the Campground site, new campground sites will need to be constructed elsewhere in the vicinity because the number of public camping spaces is critical to meeting the recreational needs of the area. There is currently a deficit of camping spaces, and a loss of any spaces would be problematic. The redevelopment of these sites at a new location may affect the environment depending on the location and attributes of the new campground spaces. A new location has not been identified at this time. Mitigation Measure 19.a shall be implemented. This issue will be further evaluated in the EIR/EIS.*

C) *No changes would occur.*

**c. Have the potential to create conflicts between recreation uses, either existing or proposed?**

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>		<b>A, B</b>

- A) *The path improvements proposed as part of the project (discussed above in response to 19.b) would not cause conflicts between recreation uses. Trenching for the sewer line and lake water intake line would occur within this path, forcing closure of the area during construction. The lake intake line would be located underground and far enough beneath the water so as not to cause disturbance to lake recreation users. Noise may temporarily increase during construction at the campground. Construction noise mitigation measures would help reduce temporary impacts to recreation. However the site is currently intended for recreational use and would no longer be fully available for such purposes with the development of a portion of the site. This issue will be evaluated further in the EIR/EIS.*
- B) *The lake intake line would be located underground and far enough beneath the water so as not to cause disturbance to lake recreation users. The project would result in the removal of a 20-unit campground. With the removal of the campground, a conflict, if any, between the campground and surrounding recreational uses would no longer exist. However, the relocation of the 20 campsites has the potential to create a conflict depending on the relocation site. Until a relocation site is identified, it is unknown if this alternative will create a conflict. This issue will be evaluated further in the EIR/EIS.*
- C) *No changes would occur.*

**d. Result in a decrease or loss of public access to any lake, waterway, or public lands?**

Yes	No	No, with Mitigation	Data Insufficient
<b>B</b>	<b>A, C</b>		

- A) *Although ownership of a portion of the California State Parks site would be transferred to the University, existing trail access would remain and would be improved following construction of the research center at the California State Parks site. Access will be temporarily limited during the construction of the sewer and lake water intake lines, but this would not result in a permanent loss of access.*
- B) *The project would modify and maintain the bike trail that is currently located on the site. However, The project would also result in the loss of 20 public camping spaces. This issue will be further evaluated in the EIR/EIS.*
- C) *No changes would occur.*

**20 Cultural Resources**

*Tahoe Basin*

Nearly 45 years ago, Heizer and Elsasser began research in the north-central Sierra Nevada (Pacific Legacy 1998 and 2001:7). Their work identified and defined the classificatory units known as the Martis Complex and the Kings Beach Complex. Sites that represent most characteristics of a material culture, contain distinct stratigraphic

representations of occupation, identify well-dated materials of archaeological complexes, and compare and identify future discoveries are considered “type sites”, respectively. CA-Pla-5 (located near Truckee) and CA-Pla-9 (located along the north shore of Lake Tahoe), are “type sites” identified for the Martis and Kings Beach Complexes. Elsasser and Gortner, and Elston, attempted to refine the set of characteristics that define the Martis Complex and Kings Beach Complex and establish their chronological and geographical limits. The proposed project is located in the “heartland” of both the Martis and Kings Beach Complexes, which are discussed further below. Historic inhabitants of the area, the Washoe, and the history of Tahoe City are also discussed briefly below.

**Martis Complex.** Heizer and Elsasser’s initial characterizations of the Martis Complex (Heizer and Elsasser 1953 in Pacific Legacy 1998 and 2001:7) highlighted a preference for the use of basalt in the production of bifaces and projectile points; expanded base finger-held drills or punches; the rare use of chert and obsidian for tool production; the use of the mano and metate; and an economy that appeared to emphasize hunting of large game. Elsasser believed that there were no dominant point types to characterize the Martis Complex, and that they were not properly analyzed to be useful as “time markers,” but that Martis Complex projectile points generally resembled points occurring in the Middle Horizon of Central California and Pinto points of the Great Basin. He tentatively placed Sierran cultures in a temporal sequence based on dates proposed for other similar cultures in surrounding areas — beginning at approximately 2500 years before present (B.P.) and terminating at approximately 1500 B.P. Elston divided the Martis Complex into two phases, Early and Late Martis. Early Martis (5000–3000 B.P.) is characterized by Martis Contracting Stem, Martis Split Stem, and Steamboat points. Late Martis (3000–1500 B.P.) is characterized by Martis Corner Notched, Elko Corner Notched, and Elko Eared points.

**Kings Beach Complex.** Heizer and Elsasser’s initial characterizations of the Kings Beach Complex included a preference for obsidian in the production of small projectile points, the rare use of basalt, an absence of drills, the presence of bedrock mortars, and an economic emphasis on seed processing and fishing. The Kings Beach Complex is commonly divided into two periods: Early Kings Beach (1300–700 B.P.) and Late Kings Beach (700–150 B.P.). Early Kings Beach is thought to represent the initial phase of the Washoe ethnographic pattern. Circa 1500 B.P., shifts in the cultural patterns of the Martis Complex become evident in the archaeological record of the region, the result being the emergence of the Kings Beach Complex.

Alteration of the relatively stable cultural patterns associated with the Martis Complex seems to be related to both climatic change and increases in population size (Pacific Legacy 1998 and 2001:10). At around 2000 B.P., the climate of the region began to change from cool/moist conditions to warm/arid conditions. This change seems to have affected local cultural groups and altered their settlement and subsistence strategies, including the intensification in the exploitation of plant resources, such as the expanded use of various seeds, acorns, and piñon seeds. A return to arid conditions also reduced the size of the resource-rich mixed-forest environment exploited by the cultural groups of the Martis Complex (Pacific Legacy 1998 and 2001:11). Environmental change coupled with a general increase in the population size seems to have pushed groups exploiting the mid-elevation habitats of the Sierra Nevada into closer proximity, thus fueling



competition for potentially critical resources. This combination of conditions favored alterations to previous settlement and subsistence patterns including intensification of the exploitation of certain plant resources and development of demarcated territorial boundaries. These are the cultural patterns that are evident among the ethnographic groups resident in the area.

**Washoe.** Prior to the arrival of Euroamericans, the area surrounding Lake Tahoe was occupied by the Washoe. The Washoe historically inhabited the region east of the crest of the Sierra Nevada into Carson Valley, extending from the Walker River in the south to Honey Lake in the north, with peripheral territory extending to the mid-elevations of the west Sierran slope (Pacific Legacy 1998 and 2001:13). The Washoe fully exploited their territory by following a pattern of seasonal transhumance, acquiring different resources across a range of altitudes and environments.

**Tahoe City.** Tahoe City was established in 1863 by Captain Ernest Pomin, and was officially recorded as a town in 1868 (Pacific Legacy 1998 and 2001:18). The founding of Tahoe City is related to the construction of the Tahoe-Truckee Toll Road in 1860 by John Huntington, and the initial development of the north shore of Lake Tahoe. Economic development of the area continued, as witnessed by the improvement of the Tahoe-Truckee Toll Road and the use of the Placer County Emigrant Road that appears on an 1865 plat map of the area. This road either passed through or near the boundaries of the current project as it generally follows the current route of SR 28 around Lake Tahoe and Highway 89 to Truckee.

#### *California State Parks Site*

The California State Parks site is located within both the Martis and Kings Beach Complexes. The California State Parks site was purchased by the state in 1977 in part because it was considered an area of historic significance (TCPUD, 1982). The portions of the site near the beach were identified as part of a Native American historic site. Pilings were identified, and the soil near the beach contained several artifacts. The State Parks site reveals the period and cultural change between the Martis Complex and the Kings Beach Complex.

An archaeological records search was conducted for the California State Parks site. The records search did not identify any previous archaeological surveys at the site. However, the search revealed one previously identified prehistoric site on the property (CA-PLA-289). Artifacts such as scrapers, waste flakes, spent cores, hammerstones, and a shell button were identified. The site is also within an archaeologically sensitive area along the shores of Lake Tahoe (Pacific Legacy 2001:17). Recent pedestrian surface surveys of the California State Parks site conducted by Pacific Legacy in 2001 revealed the location of site CA-Pla-289 (Pacific Legacy 2001:20). The pedestrian surveys and subsurface auger probes on the site did not identify any other prehistoric or historic resources on the site (Pacific Legacy 2001:23). Pacific Legacy also conducted further site testing in June 2002. Site test excavations revealed 550 flakes, 5 cores, 4 basalt bifaces, 9 basalt biface fragments, 1 basalt projectile point base and 1 basalt projectile point in 2.95 cubic meters of excavated soil. "The results of the investigations suggest that the site is a lithic scatter associated with the Martis Complex. Very few diagnostic artifacts or tools were

recovered from the site, which limits its data potential. Therefore it does not seem that the site meets the criteria for inclusion in the CRHR or as a significant or unique archaeological resource following criteria in CEQA” (Pacific Legacy 2002).

### *Fish Hatchery/Campground Site*

Development of the Fish Hatchery/Campground site and its immediate vicinity began in the 1920s (Pacific Legacy 1998 and 2001:19). The DFG obtained the Fish Hatchery site in about 1917, when the DFG moved its fish hatchery operation from Tahoe City to the current Fish Hatchery site. The existing fish hatchery building and the residential buildings were constructed in 1920. The DFG operated the fish hatchery until 1956, and used the structure as a fisheries laboratory from 1960 to 1966. The Lake Tahoe Area Council Research Group renovated the structure as a laboratory in 1968 and operated the facility through 1972. The UC Davis TRG began using the laboratory and other facilities on the property in 1975. UC Davis now owns the fish hatchery parcel. The public campground adjacent to the fish hatchery building was developed in the 1980s and is currently operated by TCPUD. Water to the buildings was drawn from Walker Springs, located to the north, and was originally brought to the buildings in wooden pipes which are still in place near the springs. Wastewater was handled by three onsite septic systems until the mid-1970s when the buildings on the property were connected to the TCPUD sewer system.

The Tahoe Fish Hatchery Building appears to be eligible for the CRHR under Criterion 3 and the NRHP under Criterion C (JRP 1998). These criteria can be summarized as follows: A historic property that embodies the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possesses a high artistic value, or that represents a significant and distinguishable entity whose components may lack individual distinction. The Tahoe Fish Hatchery Building appears eligible because it embodies the unique characteristics of rustic resort architecture, once prevalent in the Tahoe Basin in the early 20<sup>th</sup> century. The Fish Hatchery on TRPA’s list of historical resources and is designated TRPA historic resource number 68.

The seven other buildings on the site, the Hatchery Shed, Assistant’s House, East Cabin, West Cabin, Superintendent’s Storage Shed, Superintendent’s House, Superintendent’s Garage do not meet the standard for eligibility under either the state CRHR or federal NRHP programs.

Archival research and records search information did not identify any previous archaeological surveys within the Fish Hatchery/Campground site boundaries.

**20. Cultural Resources**

- a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological, unique geological, paleontological or historical site, structure, object or building, including human remains?

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

A) *The fish hatchery building would be renovated for use as an education center. The Tahoe Fish Hatchery Building appears to be eligible for the CRHR under Criterion 3 and the NRHP under Criterion C (JRP 1998). Maintaining the architectural expression of the fish hatchery building and restoring the facility within the character of the original building is a primary goal of UC Davis for the renovation of the fish hatchery for use as an education center. However, a possibility exists that the renovation of the fish hatchery could conflict with historic preservation standards and guidelines. TERC facilities to be constructed on the California State Parks site include a research building, a support building, a parking lot and roadway, and pedestrian walkways and trails. A total of 64 trees would be removed for construction of the buildings, parking lot, and public access road at the State Parks site. A prehistoric site is located on the State Parks property (CA-PLA-289). Previous archaeological investigations of CA-PLA-289 have resulted in the discovery of limited sub-surface artifactual constituents and an initial determination by Pacific Legacy that the site does not meet the criteria for inclusion in the CRHR or as a significant or unique archaeological resource following criteria in CEQA. Plans at the State Parks site include the construction of a new sewer pipeline and lake intake line within an existing foot-path that crosses CA-PLA-289. The archaeological sensitivity of the area is high and the likelihood of disturbing subsurface cultural, archaeological, or historical resources during construction is also high. Therefore, the possibility exists that during future ground disturbing activities, the discovery of additional intact features may occur. This issue will be further evaluated in the EIR/EIS.*

**Mitigation Measure 20.a.i.: Fish Hatchery Site.** *Architectural Resources Group (ARG) has evaluated BSA Architects proposed adaptive reuse of the hatchery building and demolition of the ancillary buildings for compliance with state and local historical resource protection requirements (ARG 2001). The current plans would be consistent with state and local protection requirements (ARG 2001; ARG 2002). If final plans modify the renovation strategies, the Proposed repair and redesign of the fish hatchery could have a significant impact on the historic integrity of the building unless the repairs follow the Secretary of Interior’s Standards for the Treatment of Historic Properties, With Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. Demolition of the ancillary buildings (Buildings B through H) would have no impact.*

*UC Davis’ final plans for the renovation of the fish hatchery shall be reviewed by a qualified historian to ensure that they comply with applicable standards and guidelines. Overall compliance with The Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, and the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures would ensure the continued integrity of the significant architectural features of the Tahoe Fish Hatchery Building that make it eligible for listing on state and federal historic resource registers.*

**Mitigation Measure 20.a.ii: State Parks Site.** *In order to ensure that any disturbed artifacts are properly recorded, monitoring shall be required during all ground disturbing activity within the mapped boundary of CA-PLA-289. A qualified archaeologist shall conduct the monitoring. If ground disturbing activity results in the identification of sub surface artifacts, the artifacts shall be identified and evaluated by a qualified professional archaeologist.*

To limit the potential effects to CA-PLA-289, the new sewer line and lake intake line shall be placed within the location of the existing trail to reduce future impacts to any undiscovered or unknown archaeological constituents located within the boundaries of CA-PLA-289.

Adherence to the above mitigation plan would eliminate potential effects upon historical properties. Monitoring of construction during ground disturbing activity at the State Parks site would reduce potential impacts to unknown archaeological/historical resources.

B) The Tahoe Fish Hatchery Building appears to be eligible for the CRHR under Criterion 3 and the NRHP under Criterion C (JRP 1998). Maintaining the architectural expression of the fish hatchery building and restoring the facility within the character of the original building is a primary goal of UC Davis for the renovation of the fish hatchery for use as an education center. However, a possibility exists that the renovation of the fish hatchery could conflict with historic preservation standards and guidelines. Please refer to Mitigation Measure 20.a.i. This issue will be further evaluated in the EIR/EIS.

C) No changes would occur.

**b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?**

Yes	No	No, with Mitigation	Data Insufficient
<b>A, B</b>	<b>C</b>		

The fish hatchery and state parks sites include historical resources that are on TRPA list. The effects to these resources must be identified, and if necessary, mitigated to a less than significant level. This issue will be further evaluated in the EIR/EIS.

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>C</b>	<b>A, B</b>	

Please see the response to 20.a., above. This issue will be further evaluated in the EIR/EIS.

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>B, C</b>	<b>A</b>	

A) Please see the response to 20.a., above. This issue will be further evaluated in the EIR/EIS.

B) The Fish Hatchery and Campground sites are not known to have any unique ethnic cultural values.

C) No changes would occur.

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

Yes	No	No, with Mitigation	Data Insufficient
	<b>A, B, C</b>		

- A) *The project facilities would be designed and engineered to not restrict use of the historic portions of the California State Parks site. The fish hatchery building is not used for religious or sacred uses and was not designed or constructed for such purposes.*
- B) *The fish hatchery building and Campground site are not used for religious or sacred uses and were not designed or constructed for such purposes.*
- C) *No changes would occur.*

## **21 Findings of Significance**

- a. **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?**

Yes	No	No, with Mitigation	Data Insufficient
<b>A, B</b>	<b>C</b>		

- A) *As discussed in this environmental checklist, the proposed project may result in potentially significant impacts on land use, the quality of the environment, habitat for special-status species, and examples of major periods of California or Nevada history or prehistory. However, proposed mitigation measures would reduce some of the effects of such impacts to a point that clearly no significant impacts would occur. This issue will be further evaluated in the EIR/EIS.*
- B) *As discussed in this environmental checklist, the proposed project may result in potentially significant impacts on vegetation (SEZ), the quality of the environment, habitat for special-status species, and scenic resources. However, proposed mitigation measures would reduce some of the effects of such impacts to a point that clearly no significant impacts would occur. This issue will be further evaluated in the EIR/EIS.*
- C) *No changes would occur. However, the SEZ on the Campground and Fish Hatchery sites would remain disturbed and would not be restored.*

**b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

- A) *The project has the potential to achieve long-term environmental goals through the study of the lake environment. The project may result in short-term construction impacts that would achieve long-term goals of the Tahoe Basin.*
- B) *The project includes additional development and restoration (up to 21,420 square feet of SEZ restoration) of SEZ lands. The success of proposed SEZ restoration will not be known in the short-term. The project has the potential to achieve long-term environmental goals through the study of the lake environment and restoration of SEZ land.*
- C) *No goals would be achieved.*

**c. Does the project have impacts that are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

- A) *The project does not include impacts that are individually limited, but cumulatively considerable.*
- B) *The project does not include impacts that are individually limited, but cumulatively considerable.*
- C) *No impacts would occur.*

**d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Yes	No	No, with Mitigation	Data Insufficient
	A, B, C		

- A) *The project would not adversely affect humans. The project would positively affect humans through supporting a greater understanding of the environment and environmental improvements that help restore the lake and the basin.*
- B) *The project would not adversely affect humans. The project would positively affect humans through supporting a greater understanding of the environment and environmental improvements that help restore the lake and the basin.*
- C) *No effects would occur.*

## **2-3 CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

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*Signature of person completing this form*

*Date*

## **2-4 WRITTEN COMMENTS (INCLUDED IN THE BODY OF THE CHECKLIST)**

## 2-5 DETERMINATION

### CEQA Determination

On the basis of the evaluation presented in this document, UC Davis concludes that:

\_\_\_\_\_ The proposed project is exempt from CEQA pursuant to the general exemption, a statutory exemption, and/or a categorical exemption. If the project is categorically exempt, none of the exceptions to the exemption apply. A NOTICE OF EXEMPTION will be prepared.

\_\_\_\_\_ On the basis of the Initial Study, there is no substantial evidence that the project will have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.

\_\_\_\_\_ On the basis of the Initial Study and implementation of all proposed mitigation measures, there is no substantial evidence that the project as mitigated may have a significant effect on the environment. A MITIGATED NEGATIVE DECLARATION will be prepared.

  X   There is substantial evidence that the project may result in a significant environmental impact. An ENVIRONMENTAL IMPACT REPORT will be prepared.



## TRPA Determination

On the basis of this evaluation, TRPA concludes that:

- a. **The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.**

Yes	No

- b. **The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.**

Yes	No

- c. **The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.**

Yes	No
X	

\_\_\_\_\_  
*Signature of Evaluator*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Title of Evaluator*

### 3 REFERENCES/BIBLIOGRAPHY

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## **PERSONAL COMMUNICATIONS**

Bill Back, TCPUD, March 21, 2002.

Bill Back, TCPUD, March 22, 2002.

Bill Back, TCPUD, May 7, 2002.

Bruce Svenson, Southwest Gas Company, July 5, 2001.

Captain J. Kent Hawthorne, Placer County Sheriff's Department, February 1, 2001.

Craig F. Woods, Tahoe-Truckee Sanitation District, May 9, 2002.

Earl Hagadorn, Consulting Civil Engineer, January 13, 2000.

Rick Dewante, Lake Forest Water Company, March 29, 2002.

Robert Lourey, TCPUD, May 20, 2002.

Ron Ratto, Tahoe Truckee Sierra Disposal Company, July 10, 2001.

Steve Hook, North Tahoe Fire Protection District, September 10, 2001.

Steve Ritchie, Harding ESE, November 28, 2001.

Tom Keatley, Pacific Bell, February 6, 2001.

**Alternative A – Plans for the California State Parks/Fish Hatchery Sites**

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**Alternative B – Plans for the Campground/Fish Hatchery Sites**

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## APPENDIX C

### CEQA and TRPA Checklists Comparison

The following table lists each CEQA Checklist item and references the section in which it is addressed in the TRPA Initial Environmental Checklist within this document (TRPA IEC).

CEQA Checklist Item	TRPA IEC Number
<b>I. Aesthetics</b>	
a. Have a substantial adverse effect on a scenic vista?	18c
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	18a
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	18c
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	7a
<b>II. Agriculture</b>	
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	8c
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	8c
c. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	8c
<b>III. Air Quality</b>	
a. Conflict with or obstruct implementation of the applicable air quality plan?	2b
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	2b
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	2b
d. Expose sensitive receptors to substantial pollutant concentrations?	2a
e. Create objectionable odors affecting a substantial number of people?	2c
<b>IV. Biological Resources</b>	
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	4d, 4e, 5b, 5d
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	4b, 4f
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	4b



<b>CEQA Checklist Item</b>	<b>TRPA IEC Number</b>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	5c
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	4a, 4g, 4h, 5e
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	4i, 5e
<b>V. Cultural Resources</b>	
a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	20a, 20b, 20c
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	20a, 20b, 20c
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	20a, 20b
d. Disturb any human remains, including those interred outside of formal cemeteries?	20a
<b>VI. Geology and Soils</b>	
a.i. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	1g
a.ii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?	1g
a.iii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?	1g
a.iv. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?	1g
b. Result in substantial soil erosion or the loss of topsoil?	1c
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	1c
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	1g
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1h
<b>VII. Hazards and Hazardous Materials</b>	
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	10a, 17a
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	10a

<b>CEQA Checklist Item</b>	<b>TRPA IEC Number</b>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	10a
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	17b
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	17c
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	17c
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	10b
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	10c
<b>VIII. Hydrology and Water Quality</b>	
a. Violate any water quality standards or waste discharge requirements?	3e
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	3g
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	3a, 3b
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	3b
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	3b
f. Otherwise substantially degrade water quality?	3j
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	3i
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	3i
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	3i
j. Inundation by seiche, tsunami, or mudflow?	1g
<b>IX. Land Use and Planning</b>	
a. Physically divide an established community?	8b
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	8a

CEQA Checklist Item	TRPA IEC Number
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	4i, 5e
<b>X. Mineral Resources</b>	
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	9a, 9b
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	9a, 9b
<b>XI. Noise</b>	
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	6a, 6c
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	6b
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	6a
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	6a
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	6d
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	6d
<b>XII. Population and Housing</b>	
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	11a
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	12a, 12b
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	11b
<b>XIII. Public Services</b>	
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, or other public facilities?	14a, 14b, 14c, 14d, 14e, 14f
<b>XIV. Recreation</b>	
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	14d
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	19a, 19b

CEQA Checklist Item	TRPA IEC Number
<b>XV. Transportation/Traffic</b>	
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	13a, 13c
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	13a, 13c
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	13e
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	13f
e. Result in inadequate emergency access?	13f
f. Result in inadequate parking capacity?	13b
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	13g
<b>XVI Utilities and Service Systems</b>	
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	16d
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	16c, 16d
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	16e
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	16c
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	16d
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	16f
g. Comply with federal, state, and local statutes and regulations related to solid waste?	16f
<b>XVII. Mandatory Findings of Significance</b>	
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	21a
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	21c
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	21d

# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

February 18, 2003

To: TRPA/TMPO Governing Board

From: TRPA Staff

Subject: Presentation on Tahoe Basin Intelligent Transportation Systems (ITS) Strategic Plan

Proposed Action: No action is requested at this time. This item is an informational briefing on Intelligent Transportation Systems (ITS) and the Strategic Plan to incorporate ITS in to the Tahoe Basin transportation system.

Staff Recommendation: Staff is requesting the Governing Board provide any comments to staff regarding the Draft Final Tahoe Basin ITS Strategic Plan Report #2. Staff is planning to bring the Strategic Plan back to the March Governing Board meeting for adoption. Staff will make a presentation giving an overview of what is ITS, and an introduction to the Tahoe Basin ITS Strategic Plan.

Discussion: ITS uses advances in technology to more effectively utilize the existing transportation network. Examples of ITS include Changeable Message Signs, Highway Advisory Radio, Smart Traffic Signals, and Advanced Public Transit Systems. The TRPA received a planning grant from the California and Nevada Departments of Transportation to complete a Regional ITS Strategic Plan including a regional ITS architecture. The regional ITS architecture is a framework which ensures ITS integration between other regions. A regional ITS architecture is required in order to receive federal funding for any ITS project in the region. The Lake Tahoe Basin is an ideal location for ITS applications due to the heavy visitor volumes, and the environmental impacts that prohibit increasing roadway capacity. ITS will allow the Tahoe Basin to use it's existing transportation infrastructure more efficiently and reduce the transportation related impacts to Lake Tahoe.

The Tahoe Basin ITS Strategic Plan will go before the Tahoe Transportation District/Commission (TTD/C) in February to solicit comments on the Draft Final document, and will be brought back to the TTD/C Board meeting in March to provide the

TRPA/TMPO Governing Board a recommendation regarding the adoption of the Final Tahoe Basin ITS Strategic Plan.

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### MEMORANDUM

February 18, 2003

To: TRPA Governing Board

From: TRPA Staff

Subject: Appointment of City of South Lake Tahoe Member  
To the Advisory Planning Commission ("APC")

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Mr. Kevin Cole's two-year term as the City of South Lake Tahoe's lay member to the Advisory Planning Commission expired at the end of October 2002. Mr. Cole has served on the APC since October 1998. The City of South Lake Tahoe Council recommends that the Governing Board appoint Mr. Cole for an additional two-year term. If reappointed by the Board, Mr. Cole's term will expire at the end of October 2004.





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### MEMORANDUM

Date: February 18, 2003  
To: Governing Board Members  
From: Juan Palma, Executive Director  
Subject: Governing Board Subcommittees

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Proposed Action: Approve the enclosed subcommittees for the interim until a further discussion with the full Board on possible changes to committees and/or assignments.

Background: Because there were several vacancies on the Board over the last 60 days, it is critical that we make committee assignments to all incoming Board members.

Discussion: It is time that the full Governing Board engage in a dialogue regarding the types of committees we have. We have an opportunity to combine committees for greater efficiencies and to add committees where we see organizational areas where we want to add focus. At the March Governing Board meeting, I intend to bring a draft package that the Governing Board can look at and reach agreement on the types and kinds of committees.



Board Members	State	TRPA Governing Board Subcommittees								
		Legal	Finance	Rules	Local Government	Retirement	EIP Implementation	Shorezone Policy	New Building	
Reed Holderman	CA	x		x		x				
Hal Cole	CA				x - Chair	x	x			
Tom Quinn	CA		x				x	x		
Dave Solaro	CA		x		x	x				
Larry Sevison	CA				x		x	x - Chair	x	
Ron Slaven	CA		x	x		x			x	
Jerome Waldie	CA	x - Chair					x	x		
Shelly Aldean	NV		x		x	x				
Drake DeLanoy	NV	x				x - Chair	x		x	
Jim Galloway	NV		x - Chair	x - Chair	x			x		
Dean Heller	NV		x						x-Chair	
Wayne Perock	NV			x			x	x		
Tim Smith	NV	x			x	x	x - Chair			
Coe Swobe	NV	x		x				x		
Stuart Yount	FED		x				x	x		
TRPA Staff		Marshall	Adams	Chouinard	Shade	Chouinard	Hasty	Shade	Angelocci	
CA vs. NV Members		2 CA	3 CA	2 CA	3 CA	4 CA	4 CA	3 CA	2 CA	
		3 NV	4 NV	3 NV	3 NV	3 NV	4 NV	4 NV	2 NV	

Meeting Times: Legal:	8:30 a.m. on day of the Board meeting
(unless otherwise noted on agenda) Finance:	8:30 a.m. on day of the Board meeting
Rules:	during lunch on the day of the Board meeting
Retirement:	during lunch on the day of the Board meeting
Local Government:	first Friday of every month
EIP Implementation:	5:30 p.m. on the day before the Board meeting
Shorezone Policy:	9:00 a.m. on the day before the Board meeting
Bldg. Committee	To be determined