

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2008-(PROPOSED)

TAHOE CITY MARINA EXPANSION AND DREDGING PROJECT - EXEMPTION TO
A WASTE DISCHARGE PROHIBITION CONTAINED IN THE WATER QUALITY
CONTROL PLAN FOR THE LAHONTAN REGION

Placer County

WHEREAS, the California Water Quality Control Board, Lahontan Region finds:

1. Tahoe City Marina (the Facility) is owned by the Tahoe Yacht Harbor, LLC (Applicant). On behalf of the Applicant, Jim Phelan submitted information to the Regional Water Quality Control Board, Lahontan Region (Water Board) to complete a Report of Waste Discharge and an application for Clean Water Act Section 401 Water Quality Certification (WQC) for the Tahoe City Marina Expansion and Dredging Project (hereinafter referred to as the "Project"). The Applicant also submitted a Notice of Intent to be covered under the National Pollutant Discharge Elimination System (NPDES) General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Basin, Board Order R6T-2005-0015 (Marina General Permit). The Applicant proposes to place fill in discharge prohibition areas. This Resolution presents findings to exempt the Project from the discharge prohibitions in Chapter 5 of the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Executive Officer will issue a WQC Order and Notice of Applicability for coverage under the Marina General Permit subsequent to the Board's consideration if an exemption is granted.
2. The Project is located on the north shore of Lake Tahoe in Tahoe City, Placer County. The Project vicinity and Project site are shown in Attachment A, which is made a part of this Resolution.
3. The Applicant proposes to expand the Facility by adding 81 new boat slips ranging in size from 20 to 60 feet. The total number of boat slips at the Facility after the Project is complete will be 241. The Project also involves building a new 728-foot long public access dock and pier, relocating the existing fuel tanks away from the lake edge, relocating the boat-launching facility, and providing new sewage and bilge pumpout facilities. The public pier will sit partially upon a new ten-foot-wide crib wall that will extend 324 feet out into the lake. From the end of the crib wall, the floating public pier will extend diagonally another 404 feet and will be placed next to a new sheet pile wall that is also 404 feet long.
4. Maintenance dredging will be required in several locations just southwest of the existing marina in order to provide additional depth needed for the new boat slips. (See Attachment A, page 3.) The Water Board previously allowed dredging in the area southwest of the existing marina under Water Board Order No. 6-89-72. The Applicant is proposing to dredge in the area that was previously dredged, thereby qualifying the work as maintenance dredging. Pilings for the crib and sheet pile

walls will be installed prior to beginning dredging. These pilings will be used to secure turbidity curtains that will be installed around the entire perimeter of the dredging area prior to, during, and following the dredging activity. The Project will take approximately two years to construct and is scheduled for completion in 2009.

5. The Project entails filling and dredging activities related to the expansion of the Marina. The fill involves driving 286 pilings and 404 feet of sheet pile wall into the lakebed, and installing a rock-filled crib wall, 324 feet long by 10 feet wide, onto the lakebed. Lake bottom fill impacts associated with the pilings, rock crib wall and sheet pile wall are 188, 3,240 and 623 square feet (sf), respectively. Additional fill impacts totaling 692 sf will be caused by shoring up existing shoreline sheet pile wall with new sheet pile wall (432 sf) and placing rock mounds around holes at the bottom of the 404 foot-long sheet pile wall (260 sf) for the floating pier. Dredging will occur over two winter seasons and will remove an anticipated 2,600 cubic yards of sediment from the lake. Further details regarding the Project can be found in Attachment B.
6. The Water Board adopted the Basin Plan which specifies the following discharge prohibition in Chapter 5.2 (page 5.2-3):

The discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic or earthen materials, to lands below the high water rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited.

7. The Basin Plan contains provisions for the Water Board to grant an exemption to the above-mentioned prohibition for specific types of projects. As stated in Section 5.7 of the Basin Plan,

Before approving projects below the high water rim of Lake Tahoe or its tributaries, in areas which are not also considered SEZs [Stream Environment Zones], the Regional Board must make the 100-year floodplain exemption findings set forth in the section of this Chapter on 100-year floodplain protection.

8. The Water Board may grant an exemption to the above prohibition provided the following 100-year floodplain exemption criteria are met:

For public outdoor recreation facilities if:

- a. *The project is a necessary part of a public agency's long range plans for public outdoor recreation;*
- b. *The project, by its very nature, must be sited in a floodplain [below ordinary high water (OHW) level];*
- c. *There is no feasible alternative which would reduce the extent of encroachment in a floodplain [below OHW level]; and*
- d. *The impacts on the floodplain [below OHW level] are minimized.*

9. Below are the applicable findings and justification necessary for the Water Board to grant an exemption to the prohibition:

- a. *The project is a necessary part of a public agency's long range plans for public outdoor recreation;*

The Project is necessary to improve public recreation. Tahoe Regional Planning Agency's (TRPA) Regional Plan, Chapter 5 Recreational Element, has a goal (Goal #2) to provide for "appropriate type, location and rate of development of outdoor recreational uses." Under Goal #2, under Developed Recreation, "public boat launching facilities shall be expanded, where appropriate, and when consistent with environmental constraints" and "private marinas shall be encouraged to provide public boat launching facilities." According to the TRPA Regional Plan, there is a need for additional boat launching capacity on Lake Tahoe and this policy would "encourage expansion of existing facilities or conversion of private facilities to allow public use." TRPA requires marina expansion projects greater than ten new boat slips to prepare and obtain TRPA approvals for a Master Plan for the expansion project. The Tahoe City Marina Expansion Master Plan was developed and submitted to TRPA in November 2003. It was revised in June 2005 and approved by the TRPA Governing Board on February 23, 2005 along with the Environmental Impact Statement (EIS). Placer County certified the Environmental Impact Report (EIR) on March 30, 2005. The Project is a necessary part of long range plans of these agencies for public outdoor recreation.

- b. *The project, by its very nature, must be sited in a floodplain [below OHW level];*

The proposed Project is a water-dependent project and therefore, by its very nature, must be sited below the ordinary high water of Lake Tahoe (i.e., in the lakebed).

- c. *There is no feasible alternative which would reduce the extent of encroachment in a floodplain [below OHW level]; and*

Because the facilities associated with the expanded marina must be in the immediate proximity to the existing marina facility, there is no feasible offsite alternative for its location. Four alternatives were evaluated in the EIS/EIR including the proposed alternative and a no action alternative. A different configuration for the additional boat slips was evaluated in one of the alternatives; however, there was no reasonable alternative that would avoid the need for an exception by reducing encroachment to zero. There is no feasible alternative that would reduce encroachment while achieving project goals.

- d. *The impacts on the floodplain [below OHW level] are minimized.*

Based on the report of waste discharge and NOI filed, the Applicant will use appropriate Best Management Practices (BMPs) to ensure that any potential water quality impacts will be minimized or avoided. The Applicant will also

use the BMPs specified in the mitigation measures in the Tahoe City Marina Expansion Master Plan and EIR/EIS.

10. Placer County Board of Supervisors certified an EIR for the Project on March 30, 2005 (State Clearinghouse No. 2001062042) in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.). The Water Board has considered the EIS/EIR prepared for the Project and approved by the Placer County Board of Supervisors and TRPA. Placer County and TRPA identified the significant and potentially significant water quality impacts in the EIS/EIR. The Water Board finds the mitigation measures in the Final EIS/EIR to be adequate to reduce significant or potential significant water quality impacts to less than significant levels. The Water Board will file a Notice of Determination for the above-referenced Final EIR with the State Clearinghouse concurrently with the Notice of Applicability and WQC issuance.
11. The Water Board has notified the Applicant and interested agencies and persons of its intent to adopt this Resolution.
12. The Water Board, in a public meeting, heard and considered all comments and determined that the Project satisfies the exemption criteria stated above.

THEREFORE, BE IT RESOLVED THAT:

1. The criteria established for exemptions to the Basin Plan prohibitions stated in Finding No. 7 above are satisfied for the Tahoe City Marina Expansion and Maintenance Dredging Project.
2. The Water Board hereby grants an exemption to the Basin Plan prohibition stated in Finding No. 5 for the Tahoe City Marina Expansion and Maintenance Dredging Project.
3. Prior to construction, the Applicant must obtain an Order for Clean Water Act Section 401 Water Quality Certification and a Notice of Applicability for coverage under the Marina General Permit for maintenance dredging activities.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on **March 12, 2008**.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments: A. Project Vicinity and Site Maps
 B. Project Details and Description

ATTACHMENT A

Project Vicinity and Site Maps

Page 1 of 3: Location Map

Page 2 of 3: Proposed Marina Layout

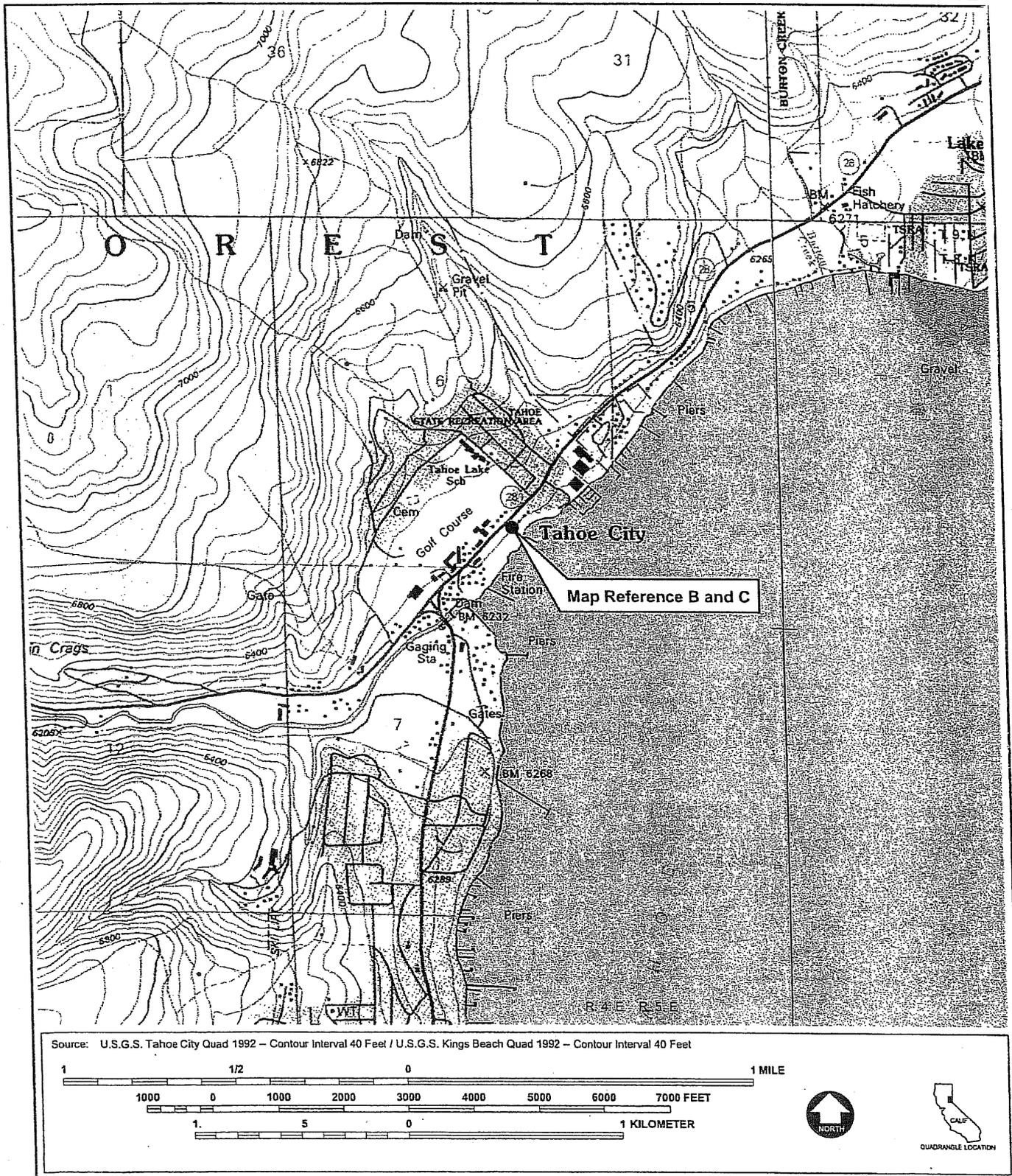
Page 3 of 3: Dredging Plan Map

Attachment A (pg. 1 of 3) – Location Map

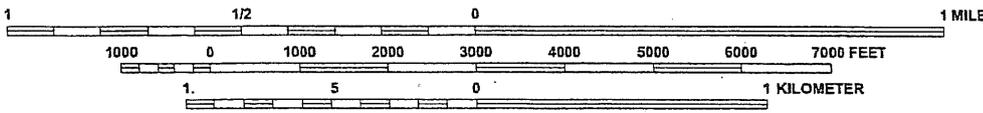
*Map Name: U.S.G.S. Tahoe City/Kings Beach Quads

*Scale: 1:24 000

*Date of Map: 1992

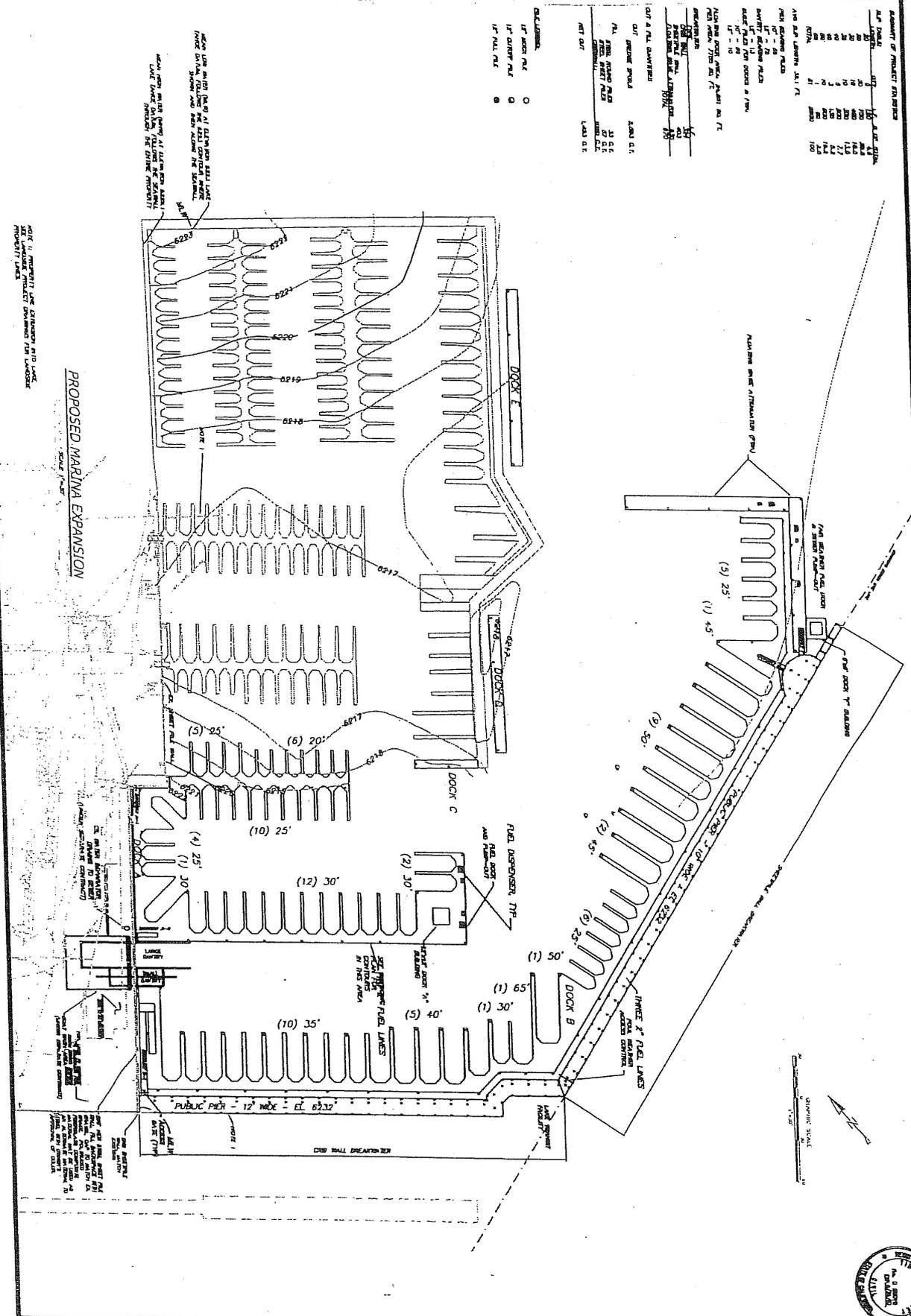


Source: U.S.G.S. Tahoe City Quad 1992 – Contour Interval 40 Feet / U.S.G.S. Kings Beach Quad 1992 – Contour Interval 40 Feet



QUADRANGLE LOCATION

Attachment A (pg. 3 of 3) – Dredging Plan Map



ACCOUNT OF PRODUCT QUANTITIES

ITEM	QTY	UNIT	AMOUNT
NO. 10 FUEL OIL	100	BARRELS	100
NO. 2 FUEL OIL	100	BARRELS	100
NO. 4 FUEL OIL	100	BARRELS	100
NO. 6 FUEL OIL	100	BARRELS	100
NO. 8 FUEL OIL	100	BARRELS	100
NO. 10 FUEL OIL	100	BARRELS	100
NO. 12 FUEL OIL	100	BARRELS	100
NO. 14 FUEL OIL	100	BARRELS	100
NO. 16 FUEL OIL	100	BARRELS	100
NO. 18 FUEL OIL	100	BARRELS	100
NO. 20 FUEL OIL	100	BARRELS	100
NO. 22 FUEL OIL	100	BARRELS	100
NO. 24 FUEL OIL	100	BARRELS	100
NO. 26 FUEL OIL	100	BARRELS	100
NO. 28 FUEL OIL	100	BARRELS	100
NO. 30 FUEL OIL	100	BARRELS	100
NO. 32 FUEL OIL	100	BARRELS	100
NO. 34 FUEL OIL	100	BARRELS	100
NO. 36 FUEL OIL	100	BARRELS	100
NO. 38 FUEL OIL	100	BARRELS	100
NO. 40 FUEL OIL	100	BARRELS	100
NO. 42 FUEL OIL	100	BARRELS	100
NO. 44 FUEL OIL	100	BARRELS	100
NO. 46 FUEL OIL	100	BARRELS	100
NO. 48 FUEL OIL	100	BARRELS	100
NO. 50 FUEL OIL	100	BARRELS	100
NO. 52 FUEL OIL	100	BARRELS	100
NO. 54 FUEL OIL	100	BARRELS	100
NO. 56 FUEL OIL	100	BARRELS	100
NO. 58 FUEL OIL	100	BARRELS	100
NO. 60 FUEL OIL	100	BARRELS	100
NO. 62 FUEL OIL	100	BARRELS	100
NO. 64 FUEL OIL	100	BARRELS	100
NO. 66 FUEL OIL	100	BARRELS	100
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NO. 70 FUEL OIL	100	BARRELS	100
NO. 72 FUEL OIL	100	BARRELS	100
NO. 74 FUEL OIL	100	BARRELS	100
NO. 76 FUEL OIL	100	BARRELS	100
NO. 78 FUEL OIL	100	BARRELS	100
NO. 80 FUEL OIL	100	BARRELS	100
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NO. 84 FUEL OIL	100	BARRELS	100
NO. 86 FUEL OIL	100	BARRELS	100
NO. 88 FUEL OIL	100	BARRELS	100
NO. 90 FUEL OIL	100	BARRELS	100
NO. 92 FUEL OIL	100	BARRELS	100
NO. 94 FUEL OIL	100	BARRELS	100
NO. 96 FUEL OIL	100	BARRELS	100
NO. 98 FUEL OIL	100	BARRELS	100
NO. 100 FUEL OIL	100	BARRELS	100

PROJECT	TAHOE CITY MARINA		2500 Via Cabrillo Marina, Suite 200 San Pedro, CA 90723 Tel: 310 548 3323 Fax: 310 548 1524	DRAWN BY: AW CHECKED BY: AW/TM DATE: TC	PROPOSED MARINA LAYOUT	1"=30' 06/13/06
						2302 L-2 4 of 26

ATTACHMENT B

Project Details and Description

Attachment B
Project Details and Description

Tahoe City Marina Expansion and Dredging Project

The following provides the details and description of the Project (in the sequence of installation):

- 1) One hundred and fifty-two (152) 10-inch diameter steel piles and one hundred and thirty-four (134) 12-inch diameter steel piles (188 square feet of fill) will be driven into the lake bottom using either the vibratory hammer method (the anticipated method) or the impact hammer method. If turbidity develops due to lake bottom disturbance, a hollow casing (larger pipe) will be lowered to surround the pipe and contain the turbidity while the pile is hammered into place. These pilings will be the support structure for the floating boat docks, the 728 feet-long fixed public pier, the crib wall that will extend perpendicular to the shoreline, and a sheet pile wall that begins at the end of the crib wall and makes a 58° turn to the east. The pilings will be installed throughout the duration of the project, as needed to support the pier, or anchor floats.
- 2) Next, the 404-foot long sheet pile wall, made up of interlocking sheet pile sections, will be installed beginning at a point 324 feet from the shore (starting where the crib wall ends) and continuing in an easterly direction following the Commons Beach line of site. The steel sheet varies in thickness from 0.6 to 0.75 inches and is bent in a zigzag pattern, thereby occupying a width of approximately 18.5 inches (623 square feet of fill). The sheet piles will be driven into the lake using a method similar to the steel piles (vibratory hammer method) and will use the steel pilings as a template against which the sheet pile sections can be aligned. The sheet pile will be installed in the first winter season.
- 3) A 10-foot wide crib wall will be constructed during the first winter season starting from approximately 180 feet southwestward from the southern extent of the existing marina and extending 324 feet into the lake. Pilings for the crib wall will be installed using similar methods cited above. Horizontal crib rails will be attached to the vertical pilings. The rock used to fill the crib wall will be collected from either the dredging area or from the area where rock has been stockpiled over the years along the existing seawall. Rocks will be placed, not dumped, into the crib wall structure only after the turbidity curtains are installed and dredging has begun. The smaller rocks (6" to 18") will be used for the crib wall, while the larger rocks (greater than 18" in diameter) will be placed along the inside of the sheet pile wall.
- 4) Mid-weight turbidity curtains will be installed around the entire perimeter of the area to be dredged and will attach to the crib wall and sheet pile wall on the south side and the existing marina on the north side. Two parallel turbidity curtains will be installed at the eastern opening of the marina where there are no support structures for the curtains. The turbidity curtains will remain throughout the project, but will be moved closer to the shore as the Project proceeds.
- 5) Dredging will occur in three main areas within the turbidity curtains as shown on Attachment 1: just south of the boat entrance to the existing marina, just north of

the proposed crib wall, and around the shoreline perimeter of the marina expansion. The volume of anticipated material to be dredged from these areas is approximately 2,600 cubic yards from 30,782 square feet of area (0.707 acre). The dredging operation will use a barge-mounted, long-arm excavator that will deposit material directly into lined trucks via a barge or conveyor. The transport of the dredged material over the lake will be within the turbidity barriers. The trucks will haul away the dredged material to an approved landfill (Eastern Regional Landfill in Truckee). Dredging in the existing marina is allowed to 6,216 feet, while maintenance dredging in the area west of the marina is allowed to dredge to 6,217 feet, according to Board Order No. 6-89-72.

- 6) Rock mounds will be placed around holes at the base of the sheet pile wall to allow for fish passage.
- 7) Two floating wave attenuators (FWA) will be installed at the north end of the sheet pile wall. FWAs are similar to floating docks, but have wing walls on the sides that extend a few feet deeper than a typical dock to provide energy dissipation for incoming waves. The first FWA will run parallel to the shore starting near the end of the sheet pile wall and the second FWA will run perpendicular to the shore starting at the end of the first attenuator. The FWAs will float on or remain in place via round steel piles, which will be driven into the lake by methods described above.
- 8) A nine-foot by nine-foot fair weather fuel dock and sewer pump-out dock will be installed near the end of the sheet pile wall and the beginning of the first FWA.
- 9) 260 feet of new sheet pile wall will be installed in front of old sheet pile wall parallel to the shoreline in the area of the new marina (400 square feet of fill).
- 10) Three floating docks (Docks C, D, and E) will be installed next to the existing marina. These docks and the FWAs will be lowered onto the lake and manipulated into position by a crane operating from a barge.
- 11) A gangway, small gantry and large gantry will be installed next to the existing marina at the north end of the new marina.
- 12) The public pier (12' and 10') will be installed on top of the crib wall and on the inside of the sheet pile wall.

The fill quantities are listed in the following table:

Project Descriptor	Square feet
10-inch Pilings (152)	83
12-inch Pilings (134)	105
Crib Wall	3,240
Sheet Pile Wall	623
Rock Mounds	432
260 feet of sheet pile wall parallel to shore	260
Total	4,743 ft² (0.109 acre)

Source: Bluewater Design Group



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GREG C. GATTO
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January 14, 2008

VIA E-MAIL AND FEDERAL EXPRESS

California Regional Water Quality Control Board
Lahontan Region
Attn: Tobi Tyler
2501 Lake Tahoe Blvd.
So. Lake Tahoe, CA 96150

**Re: Proposed Resolution R6T-2008
Tahoe City Marina Expansion and Dredging Project**

Dear Ms. Tyler:

On behalf of the Tahoe Boat Company Owners Association ("TBCOA"), Stoel Rives LLP hereby submits the following comments on Proposed Resolution R6T-2008, for the Tahoe City Marina Expansion and Dredging Project.

The TBCOA represents the interests of the 160 boat slip owners within the Tahoe City marina (APN Nos. 94-531-001-000 through 94-536-027-000). TBCOA has a deep concern for the water quality in the marina, and seeks to insure that the marina water quality is not negatively impacted by the proposed dredging project.

Section 5.2 of the Lahontan Region Basin Plan prohibits the discharge, attributable to human activities, of solid or liquid waste materials, to lands below the high water rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe, subject to certain exemptions. (Basin Plan, p. 5.2-3.)

One such exemption is for public outdoor recreation facilities, provided certain findings are made by the Board, including that the "impacts on the floodplain are minimized." (Basin Plan, p. 5.7-6.) The Proposed Resolution determines that the impacts of the project to Lake Tahoe are minimized based on the Applicant's representations that it will use appropriate Best Management Practices (BMPs) to ensure that any potential water quality impacts will be minimized or avoided, including the BMPs specified in the mitigation measures in the Tahoe City Marina Expansion Master Plan and EIR/EIS.



California Regional Water Quality Control Board

January 14, 2008

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In order to insure the effectiveness of the BMPs, TBCOA requests that the Lahontan Board adopt and participate in a monitoring plan prior to, during, and after dredging of the site, as is contemplated in the Tahoe City Marina Master Plan (see page 84), and in conformance with the Water Quality Monitoring Protocols and Sampling Guidelines for Lake Tahoe.

TBCOA also wishes to clarify several misstatements in the Proposed Resolution. On page 1, paragraph 3, the Resolution states that the Applicant proposes to expand the existing marina by adding 81 new boat slips to obtain a total of 241 boat slips. To clarify, of the 160 boat slips in the Tahoe City Marina, the Applicant currently owns only 16 slips. The remainder of the boat slips are owned by individual members of the TBCOA. Thus, the addition of 81 new boat slips would bring the total number of boat slips owned by the Applicant to 97.

In addition, paragraph 3 states that pilings for the sheet pile breakwater/wall will be installed prior to beginning maintenance dredging, and that the pilings will be used to secure turbidity curtains that will be installed prior to, during, and following the dredging activity. TBCOA would like to point out that, at this time, the Applicant has not received final approval, authorization, or construction permits from the appropriate agencies, including TRPA and the Army Corps of Engineers, to install the pilings. The pilings are not necessary to secure the turbidity curtains or for any dredging activity, but rather, are proposed as part of the larger marina expansion project. The placement of fill, in the form of 286 pilings, and the securing of the turbidity curtain on such pilings, cannot occur until separate approval is received. Further, the driving of 286 pilings into the lake bottom has the potential to create turbidity and other water quality issues. It is our understanding that the application being contemplated is for maintenance dredging rather than new construction dredging. Thus, to the extent that the Proposed Resolution allows maintenance dredging using the driven sheet piling breakwater prior to final approval for the Tahoe City Marina Expansion Project, it is premature.

Thank you very much for your consideration of the foregoing comments. Please do not hesitate to contact me with any questions.

Respectfully,



Greg C. Gatto

cc: Tahoe City Boat Company Owners Association, Board of Directors
Jason Ramos, Tahoe Regional Planning Agency



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

February 11, 2008

Greg Gato
Stoel Rives, LLP
P.O. Box 7336
Tahoe City, CA 96145

RESPONSE TO COMMENTS ON THE DRAFT RESOLUTION FOR TAHOE CITY MARINA'S EXPANSION AND DREDGING PROJECT, PLACER COUNTY – WDW NO. 6A310507002

The Regional Water Quality Control Board, Lahontan Region (Water Board) received and reviewed your timely comments on behalf of the Tahoe Boat Company Owners Association (TBCOA) regarding the above-cited draft Resolution. The Proposed Resolution will be brought to the Board on March 12–13, 2008 for approval. This letter is intended to respond directly to your comments, which are repeated below in italics, followed by our responses.

Comment 1: *"In order to ensure the effectiveness of the BMPs [Best Management Practices], TBCOA requests that the Lahontan Board adopt and participate in a monitoring plan prior to, during and after dredging of the site, as is contemplated in the Tahoe City Marina Master Plan (see page 84), and in conformance with the Water Quality Monitoring Protocols and Sampling Guidelines for Lake Tahoe."*

Response 1: The Water Board adopted a *Water Quality Control Plan for the Lahontan Region* (Basin Plan) that contained discharge prohibitions to lands below the high water rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The Project involves the discharge of fill below the 100-year high water line for Lake Tahoe. Therefore, an exemption to the Basin Plan prohibition is required. The Basin Plan contains provisions for the Water Board to grant an exemption to the above-mentioned prohibition for specific types of projects. The Proposed Resolution provides findings needed to grant an exemption. Staff has prepared a separate draft Order (Enclosure 4, Notice of Applicability and Water Quality Certification) for the Project to comply with Order R6T-2005-0015, *Discharges of Storm Water Runoff Associated with Marinas and Maintenance Dredging in the Lake Tahoe Hydrologic Unit* (Marina General Permit) and its Monitoring and Reporting Program. This Draft Order will be issued separately by the Executive Officer if the Board adopts the Resolution. This Order will impose monitoring and other requirements on Tahoe Yacht Harbor, LLC, the Discharger or Applicant. The Resolution must be adopted and the Order signed by the Executive Officer prior to any

California Environmental Protection Agency

discharge into Lake Tahoe below the ordinary high water to be allowed. The Order requires pre-project sampling as well as sampling throughout the dredging project. Copies of the Draft Notice of Applicability (NOA) and Clean Water Act Section 401 water quality certification (WQC) Order are included for your review or can be viewed at our website at www.waterboards.ca.gov/lahontan.

Comment 2: *"TBCOA also wishes to clarify several misstatements in the Proposed Resolution. On page 1 and paragraph 3, the Resolution states that the Applicant proposes to expand the existing marina by adding 81 new boat slips to obtain a total of 241 boat slips. To clarify, of the 160 boat slips in the Tahoe City Marina, the Applicant currently owns only 16 slips. The remainder of the boat slips are owned by individual members of the TBCOA. Thus, the addition of 81 new boat slips would bring the total number of boat slips owned by the Applicant to 97."*

Response 2: Staff emailed you to obtain clarification of this comment and received an email back requesting that the language in Finding No. 3 be changed as follows: "The existing Tahoe City Marina is owned by the Tahoe Boat Company Owner's Association in its entirety, with separate APN Nos. for the total marina and each individual boat slip. Of the 160 boat slips within the existing marina, the Applicant owns approximately 16. The Applicant is proposing to develop a new marina next to the existing marina, with 81 new boat slips ranging in size from 20 to 60 feet. This is a new development, which is not connected to the existing marina owned by Tahoe Boat Company Owner's Association."

Staff discussed your comments with Jim Phelan, who responded as follows: "Tahoe City Marina is in fact a dba of Tahoe Yacht Harbor, LLC. The TBCOA is an association of slip owners who are sub lessees of a master lease that exists between the TBCOA as the Lessee and the California State Lands Commission and the Tahoe Yacht Harbor, as the Lessors. The agreement reached in 1996 between the TBCOA and TYH clearly states the intention to 'expand the existing Harbor' with 'Harbor' being the designation of the facility that both the TYH and TBCOA share interests within. The Tahoe City Marina facility, 'Harbor' is indeed expanding the 'Harbor' from its current slip count of 160, (regardless who owns them) to a total slip count of 241 available slips regardless of ownership of the actual slips."

Based on these two descriptions of boat slip ownership at the Facility, Finding No. 3 of the Resolution has been changed to avoid the topic of boat slip ownership altogether as it is not pertinent to the issue of granting an exemption to the discharge prohibition.

Comment 3: *"In addition, paragraph 3 states that pilings for the sheet pile breakwater/wall will be installed prior to beginning maintenance dredging, and that the pilings will be used to secure turbidity curtains that will be installed prior to, during, and following the dredging activity. TBCOA would like to point out that, at this time, the Applicant has not received final approval, authorization, or construction permits from the appropriate agencies, including TRPA and the Army Corps of Engineer, to install the pilings. The pilings are not necessary to secure the turbidity curtains or for any dredging*

activity, but rather, are proposed as part of the larger marina expansion project. The placement of fill, in the form of 286 pilings, and the securing of the turbidity curtain on such pilings, cannot occur until separate approval is received. Further, the driving of 286 piling into the lake bottom has the potential to create turbidity and other water quality issues. It is our understanding that the application being contemplated is for maintenance dredging rather than new construction dredging. Thus, to the extent that the Proposed Resolution allow maintenance dredging using the driven sheet piling breakwater prior to final approval for the Tahoe City Marina Expansion Project, it is premature."

Response 3: The draft Resolution you commented on was expected to be brought to the Board in January. As mentioned in Finding No. 1 of the Proposed Resolution, an Order is being prepared separately that will include (1) Clean Water Act Section 401 Water Quality Certification, (2) a Notice of Applicability for the project to be regulated under the General Marina Permit, and associated Monitoring and Reporting Requirements. We believe these requirements adequately address your concerns with regards to monitoring. This Order will be signed by the Executive Officer if the Board adopts the Proposed Resolution, and is part of the public record in this matter. With regard to your comment that the application is for maintenance dredging and not new construction dredging, the Proposed Resolution discusses in Finding No. 4 the basis for referring to the Project as maintenance dredging.

If you have further comments or questions on the Proposed Resolution or draft Order, please submit your comments by **February 29, 2008**. Please contact me at (530) 542-5435, or Alan Miller at (530) 542-5430, if you need assistance or have any questions regarding this matter.



Tobi Tyler
Water Resource Control Engineer
North Basin Regulatory Unit



California Regional Water Quality Control Board Lahontan Region



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Arnold Schwarzenegger
Governor

Jim Phelan
P.O. Box 6510
700 Northlake Blvd.
Tahoe City, CA 96145

NOTICE OF APPLICABILITY FOR MARINA GENERAL PERMIT AND ORDER FOR WATER QUALITY CERTIFICATION FOR THE TAHOE CITY MARINA EXPANSION AND MAINTENANCE DREDGING PROJECT, PLACER COUNTY, GENERAL PERMIT NO. R6T-2005-0015-11, WDID NO. 6A318901009 (U.S. Army Corps of Engineers File Number 199900732)

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and a Notice of Intent to comply with the *National Pollutant Discharge Elimination System General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Basin*, Board Order R6T-2005-0015 (Marina General Permit) for the Tahoe City Marina Expansion and Maintenance Dredging Project (Project). We have reviewed these and other supplemental materials you provided on behalf of the Tahoe Yacht Harbor, LLC (Applicant) for the Project. Based on the information contained in your submittal, it is our determination this Project meets the required conditions to be approved under the Marina General Permit. All of the requirements contained in the Marina General Permit are applicable to your Project. You are hereby assigned Marina General Permit Order No. R6T-2005-0015-11 and Waste Discharger Identification (WDID) 6A318901009 for the Project. A copy of the Marina General Permit may be found at the California Regional Water Quality Control Board, Lahontan Region's (Water Board) website at <http://www.waterboards.ca.gov/lahontan/update20036.html>.

Project Description

The Applicant proposes to build 81 new boat slips, a new public access pier, and a new boat launching facility. The public access pier, which will be located southwest of the existing marina, will extend 728 feet into the lake. The Project will take approximately two years to construct. The Project requires dredging (approximately 2,600 cubic yards) in several areas just southwest of the existing marina to provide additional depth needed for the new boat slips (see plan diagram in Enclosure 1). The Water Board has previously allowed an area to the southwest of the existing

California Environmental Protection Agency



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marina to be dredged (Water Board Order No. 6-89-72). The bathymetry of the area proposed for dredging also indicates that dredging has previously occurred at the site. Therefore, the dredging associated with the expansion is considered maintenance dredging. The Project also involves the discharge of 4,743 square feet of fill associated with the placement of 286 pilings (188 square feet), rock crib wall (3,240 square feet), rock mounds (432 square feet), and sheetpile wall (883 square feet). See Enclosure 1 for the proposed dredging design and Enclosure 3 for Project details.

Prohibition Exemption

The Water Board adopted a *Water Quality Control Plan for the Lahontan Region* (Basin Plan) that contains discharge prohibitions to lands below the high water rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe. The Project involves the discharge of fill below the 100-year high water line for Lake Tahoe. Therefore, an exemption to the Basin Plan prohibition is required. On March 12, 2008, the Water Board adopted a Resolution to exempt the Project from the discharge prohibitions in Chapter 5 of the Basin Plan.

Dredging depth in the existing marina will be to the allowed depth of 6,216 feet, while the area west of the marina will be dredged to the allowed depth of 6,217 feet, according to Board Order No. 6-89-72.

CEQA Compliance

A Final Environmental Impact Statement (EIS) was prepared for the Tahoe City Marina Master Plan on behalf of the Tahoe Regional Planning Agency (TRPA) pursuant to Article VII of the Tahoe Regional Planning Compact and Chapter 5 of the TRPA Code of Ordinances, and a Final Environmental Impact Report (EIR) was prepared on behalf of Placer County pursuant to the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines. Placer County, as Lead Agency, certified a Final Environmental Impact Report (Final EIR) for the Tahoe City Marina Master Plan in February 2005. A Notice of Determination for the Tahoe City Marina Master Plan was filed with the State Clearinghouse (State Clearing House Number 2001062042) on March 30, 2005, by Placer County, pursuant to the California Environmental Quality Act (Public Resources Code sections 21108 or 21152).

The Water Board, acting as a CEQA Responsible Agency in compliance with California Code of Regulations, Title 14, section 15096 (g)(2), evaluated the significant and potentially significant impacts to water quality identified in the Final EIR for the Tahoe City Marina Master Plan. Water Board staff find the mitigation measures in the Final EIR to be adequate to reduce significant or potentially significant water quality impacts to less than significant levels. The Water Board will file a Notice of Determination for the above-referenced Final EIR with the State Clearinghouse concurrently with this Notice of Applicability.

I. AMENDMENT TO MONITORING AND REPORTING PROGRAM NO. R6T-2005-0015

It is your responsibility to ensure compliance with the Monitoring and Reporting Program (MRP) No. R6T-2005-0015. In accordance with Attachment Y of the MRP, you must adhere to the monitoring and reporting requirements specified for maintenance dredging. For the purposes of this Order, this is considered a simple maintenance dredging project.

The Project proponent must ensure that the performance of the turbidity curtains remain effective even in adverse conditions. If a sediment plume (turbidity noticeably above background level for Lake Tahoe) is detected outside the turbidity barrier, you must immediately measure (1) the turbidity inside the turbidity barrier and (2) the turbidity outside the turbidity barrier within the plume area no more than five feet from the perimeter of the turbidity barrier. You must also delineate the size of the affected area by visually documenting the extent of the plume with a series of at least six photographs. Turbidity measurements may be taken with a hand-held field meter. The sample location and sample results must be recorded in a logbook and faxed to the Water Board within 12 hours of taking the reading.

II. SECTION 401 WATER QUALITY CERTIFICATION

The Water Board has received information and all applicable fees from to complete a Clean Water Act (CWA) Section 401 Water Quality Certification application for this Project. Based on the information provided it is our determination that Section 401 Water Quality Certification for this Project would not be against the public interest.

Authority

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to waters of the United States, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. On behalf of Tahoe City Marina, Jim Phelan has submitted a complete application and the full fee required for Water Quality Certification under Section 401 for the Tahoe City Marina Maintenance Dredging Project. The U.S. Army Corps of Engineers will regulate the Project under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act.

California Code of Regulations (CCR) Title 23, Section 3831(e) grants the Water Board Executive Officer the authority to grant or deny water quality certification for projects in

accordance with Section 401 of the CWA. Maintenance dredging and filling activities qualify for such water quality certification.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are associated with this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330, and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR Section title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.
5. The Project must be constructed and operated in accordance with the Project described in the application for water quality certification that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted.

Additional Conditions

Pursuant to CCR title 23, section 3859(a), the following additional conditions are associated with this certification:

1. The applicant must remit to this office an additional **\$1,300.00** (for 260 linear feet of permanent shoreline impacts to Federal Jurisdictional Waters at \$5 per linear foot) to complete the filing fee for the Project application, pursuant to CCR section 2200. This payment must be made before commencing construction activities. The check should be made payable to the State Water Resources Control Board.
2. Storage of construction equipment along the shoreline is prohibited.

3. Turbidity curtains must be used during Project implementation to effectively contain and isolate wastes from dredging and prevent resuspension of lakebed sediments.
4. Turbidity curtain design and construction must represent the best available technology. These structures must be designed to treat the required volume of dredging and to withstand anticipated wind, current or storm runoff that may impact the operation. These structures must remain in place until the threat of sediment and nutrient transport ceases to exist, until the requirements under MRP No. R6T-2005-0015 as amended herein are satisfied, and all suspended materials have settled.
5. All water quality mitigation measures in the EIR/EIS must be implemented.
6. The dredging operation must be halted if inclement weather or wave and/or wind action threatens to damage the turbidity curtain or allows turbid water to escape from the containment area. The Project proponent must take action to ensure that the performance of the turbidity curtains remain effective even in adverse conditions, such as high winds, wave action or currents at all time.
7. Dredging operations are prohibited between May 1 and October 1 or as determined by site-specific assessment and determination by a qualified staff of the California Department of Fish and Game.
8. Wood preservatives used on wood in contact with lake water are prohibited. Spray painting and the use of paints or products containing tributyltin is prohibited.
9. Construction and mechanical equipment must be monitored for leaks, and removed from service if necessary to protect water quality. Mechanical equipment that will be submersed in Lake Tahoe during the dredging operation must be steam-cleaned and inspected for leaks prior to use. The equipment must be operated within the confines of the turbidity curtain or over dry land.
10. The lined or sealed dump trucks into which the dredged material will be directly deposited must be inspected after being loaded and prior to leaving the site to make sure that water is not escaping.
11. Prior to initiating construction of the Project, the Applicant must affirmatively document whether there are any subsurface utilities in the area of construction and submit such documentation to the Lahontan Water Board. This can be accomplished by: (1) contacting all utilities (both public and private) that provide service in the area, documenting these contacts and submitting such documentation to the Lahontan Water Board; (2) contacting Underground Service Alert, documenting this contact and submitting such documentation to

the Lahontan Water Board; or, (3) some other equivalent affirmative action to determine whether or not there are any subsurface utilities in the area of construction and submitting the results of such action to the Lahontan Water Board. The area of construction is defined as any area within the Project boundaries where there will be excavation, construction of borings or driving of piles. If subsurface utilities are located in the construction area, the Applicant must provide a utility avoidance plan that will be followed during construction.

12. This WQC Order authorizes maintenance dredging to a **lake bottom elevation of 6217 feet** Lake Tahoe Datum in the areas west of the existing marina and **6216 feet** within the existing marina.
13. An emergency spill kit must be at the Project site at all times.
14. Water Board staff must be notified by the Applicant 48 hours prior to commencement of the dredging operations.
15. A copy of this WQC, a copy of the complete WQC application submitted to the Water Board, and the utility avoidance plan (see Additional Condition No. 11, above) must be available at the Project site during construction of the Project.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
2. In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (State Water Board) or Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

SECTION 401 WATER QUALITY CERTIFICATION REQUIREMENTS GRANTED

I hereby issue an order certifying that any discharge from the Project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under NPDES General Permit for Industrial Activities and Maintenance Dredging at Marinas in the Lake Tahoe Basin (General Permit No. 6-00-36-22, WDID 6A090409003).

EXCEPT INsofar AS MAY BE MODIFIED BY ANY PRECEDING CONDITIONS, ALL CERTIFICATION ACTIONS ARE CONTINGENT ON (A) THE DISCHARGE BEING LIMITED AND ALL PROPOSED MITIGATION BEING COMPLETED IN STRICT COMPLIANCE WITH THE APPLICANT'S PROJECT DESCRIPTION AND THE TERMS SPECIFIED IN THIS WATER QUALITY CERTIFICATION ORDER AND (B) COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THE BASIN PLAN.

III. ORDER FOR TECHNICAL REPORT

To confirm that final dredged elevations are in compliance with the terms of the Orders, pursuant to Section 13267 of the California Water Code (CWC), you must provide to this office by **June 30, 2010** a technical report describing the actual final depths in the area of the dredging activities. This report must evaluate a statistically representative portion of the dredged area, and include a certification from a California licensed land surveyor or registered civil engineer that the elevations, as measured after dredging operations are completed, are as reported.

Failure to comply with the due date established above may result in enforcement action, including Administrative Civil Liability not to exceed \$1,000 per day for each day of failure to submit the requested information.

IV. GENERAL INFORMATION

1. You will be required to pay the annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) until the Notice of Applicability is officially revoked. To revoke coverage under the Marina General Permit, the Project must be completed according to submitted plans and you must submit a Notice of Termination (Attachment L in the Marina General Permit) to the Water Board office. The Notice of Termination must include: 1) a Final Monitoring Report that summarizes and neatly tabulates all of the sampling results associated with the Project, and 2) a certification letter from a

licensed CA surveyor or registered civil engineer that verifies the post-Project dredging depths. Your permit will be revoked provided the site is stable, dredge spoils have been hauled off site or stored appropriately, and there is no threat to water quality.

2. Failure to abide by the conditions of this NOA and WQC Order could result in an enforcement action as authorized by provisions of the Porter-Cologne Water Quality Control Act.
3. You are responsible for informing any contractors of the waste discharge requirements, the specific conditions contained in this NOA and WQC Order, and for verifying compliance with these requirements.

If you have any questions or comments regarding this permit, please contact Tobi Tyler, Water Resource Control Engineer at (530) 542-5435 or Alan E. Miller, Chief of the North Basin Regulatory Unit at (530) 542-5430.

HAROLD SINGER
EXECUTIVE OFFICER

Enclosure: 1) Site Map and plan diagram
2) Project Information
3) Project Details and Description
4) List of Best Management Practices (BMPs)

cc: Andy Winje / Bluewater Design Group /2500 Via Cabrillo Marina, Suite 200
Jason Ramos / TRPA
Mary Hays / California State Lands Commission
Bob Hosea / CA Dept. of Fish and Game, Rancho Cordova
Kevin Roukey / U. S. Army Corps of Engineers
Dave Smith / Wetlands Regulatory Office (WTR-8), USEPA, Region 9
Bill Orme / SWRCB, Division of Water Quality

ENCLOSURE 1

TO

DRAFT NOA / WQC

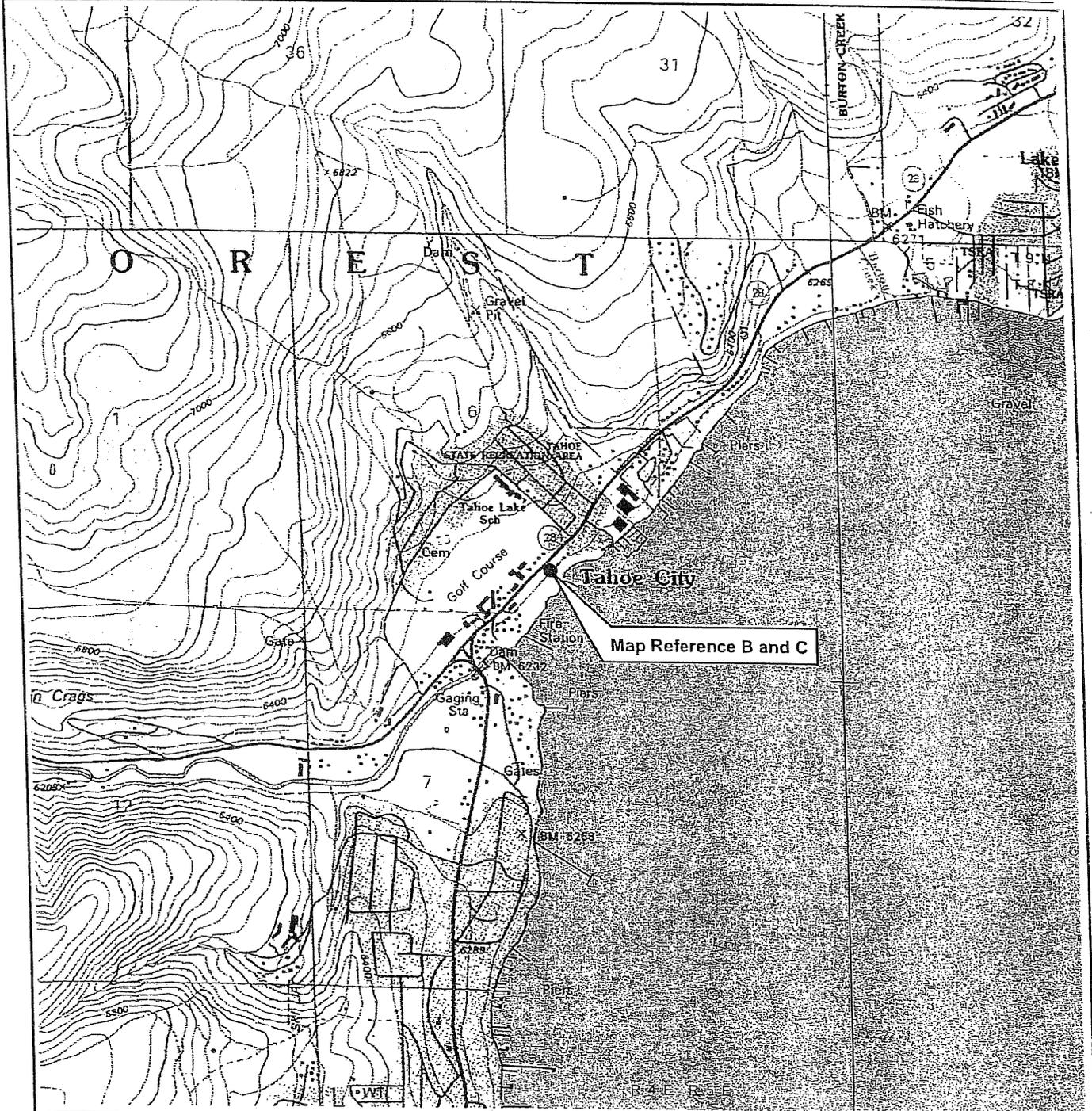
Site Map and Plan Diagram

Enclosure 1 (pg. 1 of 3) – Location Map

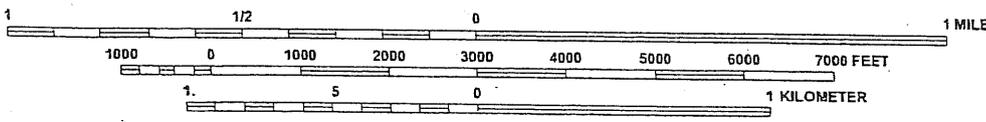
*Map Name: U.S.G.S. Tahoe City/Kings Beach Quads

*Scale: 1:24 000

*Date of Map: 1992



Source: U.S.G.S. Tahoe City Quad 1992 – Contour Interval 40 Feet / U.S.G.S. Kings Beach Quad 1992 – Contour Interval 40 Feet



QUADRANGLE LOCATION

ENCLOSURE 2

TO

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Project Information

Enclosure 2
Project Information

Application Date: July 27, 2005

Applicant: Tahoe City Marina (Tahoe Yacht harbor, LLC)
700 North Lake Blvd.
P.O. Box 6510
Tahoe City, CA 96145

Applicant's	Jim Phelan	Andy Winje
Representatives:	P.O. Box 6510 Tahoe City, CA 96145	Bluewater Design Group 2500 Via Cabrillo Marina, #200 San Pedro, C A90731

Project Name: Tahoe City Marina Expansion and Maintenance Dredging Project

Application Number: WDID 6A310507002

US. Corps File Number: Individual Permit Number # 199900732

Type of Project: Marina Expansion and Dredging Project

Project Location: Latitude: 39.17232 and Longitude: -120.13739.

County: Placer County

Receiving Water(s) (hydrologic unit): Tahoe Lake Body Hydrologic Area #634.30,
Lake Tahoe Hydrologic Unit #634.

Water Body Type: Lake

Designated Beneficial Uses: The Basin Plan for the Lahontan Water Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Groundwater Recharge (GWR); Navigation (NAV); Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2); Commercial and Sport Fishing (COMM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD); Preservation of Biological Habitats of Special Significance (BIOL); Migration of Aquatic Organisms (MIGR); and Spawning, Reproduction and Development (SPWN).

Project Description (purpose/goal): The Project consists of expanding an existing marina to include an additional 81 new boat slips for a total of 241 boat slips.

Preliminary Water Quality Concerns: The construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The Applicant (Tahoe City Marina) will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Applicant will conduct turbidity and settleable matter testing during in water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill Area: The fill will consist of rock, steel piles, and sheet pile walls, which will total 4,743 square feet (0.109 acre) as shown in the following table:

Project Descriptor	Square feet
10-inch diameter pilings (152)	83
12-inch diameter pilings (134)	105
Crib Wall	3,240
Sheet Pile Wall	623
Rock Mounds	432
260 feet of sheet pile wall along shoreline	260
Total	4,743 ft² (0.109 acre)

Fill length: Shoreline discharges of fill material total **260 linear feet**.

Dredge Volume: Dredging will consist of removing **2,600 cubic yards** of sediment from 30,782 square feet (0.707 acre) of lakebed area.

U.S. Army Corps of Engineers Permit Number: Individual Permit #199900732

Other State Permits:

- 1) **Department of Fish & Game Streambed Alteration Agreement:** The Applicant received a Streambed Alteration Agreement on xx xxxxxxxx 2007.
- 2) **Tahoe Regional Planning Agency:** To be determined at the Governing Board meeting on March __, 2008.
- 3) **California State Lands Commission:** To be determined at the State Lands Commission Hearing on March __, 2008.

Possible Listed Species: None

Status of CEQA Compliance: The Placer County approved the Final Environmental Impact Report for this project in March 2005 (State Clearinghouse # 2001062042).

Mitigation: Numerous Best Management Practices (BMPs) will be in place. (See Enclosure 4.)

Application Fee Provided: Total fees of \$1,800 have been submitted as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).

ENCLOSURE 3

TO

DRAFT NOA / WQC

Project Details and Description

Enclosure 3
Project Details and Description

Tahoe City Marina Expansion and Dredging Project

The following provides the details and description of the Project (in the sequence of installation):

- 1) One hundred and fifty-two (152) 10-inch diameter steel piles and one hundred and thirty-four (134) 12-inch diameter steel piles (188 square feet of fill) will be driven into the lake bottom using either the vibratory hammer method (the anticipated method) or the impact hammer method. If turbidity develops due to lake bottom disturbance, a hollow casing (larger pipe) will be lowered to surround the pipe and contain the turbidity while the pile is hammered into place. These pilings will be the support structure for the floating boat docks, the 728 feet-long fixed public pier, the crib wall that will extend perpendicular to the shoreline, and a sheet pile wall that begins at the end of the crib wall and makes a 58° turn to the east. The pilings will be installed throughout the duration of the project, as needed to support the pier, or anchor floats.
- 2) Next, the 404-foot long sheet pile wall, made up of interlocking sheet pile sections, will be installed beginning at a point 324 feet from the shore (starting where the crib wall ends) and continuing in an easterly direction following the Commons Beach line of site. The steel sheet varies in thickness from 0.6 to 0.75 inches and is bent in a zigzag pattern, thereby occupying a width of approximately 18.5 inches (623 square feet of fill). The sheet piles will be driven into the lake using a method similar to the steel piles (vibratory hammer method) and will use the steel pilings as a template against which the sheet pile sections can be aligned. The sheet pile will be installed in the first winter season.
- 3) A 10-foot wide crib wall will be constructed during the first winter season starting from approximately 180 feet southwestward from the southern extent of the existing marina and extending 324 feet into the lake. Pilings for the crib wall will be installed using similar methods cited above. Horizontal crib rails will be attached to the vertical pilings. The rock used to fill the crib wall will be collected from either the dredging area or from the area where rock has been stockpiled over the years along the existing seawall. Rocks will be placed, not dumped, into the crib wall structure only after the turbidity curtains are installed and dredging has begun. The smaller rocks (6" to 18") will be used for the crib wall, while the larger rocks (greater than 18" in diameter) will be placed along the inside of the sheet pile wall.
- 4) Mid-weight turbidity curtains will be installed around the entire perimeter of the area to be dredged and will attach to the crib wall and sheet pile wall on the south side and the existing marina on the north side. Two parallel turbidity curtains will be installed at the eastern opening of the marina where there are no support structures for the curtains. The turbidity curtains will remain throughout the project, but will be moved closer to the shore as the Project proceeds.
- 5) Dredging will occur in three main areas within the turbidity curtains as shown on Attachment 1: just south of the boat entrance to the existing marina, just north of

the proposed crib wall, and around the shoreline perimeter of the marina expansion. The volume of anticipated material to be dredged from these areas is approximately 2,600 cubic yards from 30,782 square feet of area (0.707 acre). The dredging operation will use a barge-mounted, long-arm excavator that will deposit material directly into lined trucks via a barge or conveyor. The transport of the dredged material over the lake will be within the turbidity barriers. The trucks will haul away the dredged material to an approved landfill (Eastern Regional Landfill in Truckee). Dredging in the existing marina is allowed to 6,216 feet, while maintenance dredging in the area west of the marina is allowed to dredge to 6,217 feet, according to Board Order No. 6-89-72.

- 6) Rock mounds will be placed around holes at the base of the sheet pile wall to allow for fish passage.
- 7) Two floating wave attenuators (FWA) will be installed at the north end of the sheet pile wall. FWAs are similar to floating docks, but have wing walls on the sides that extend a few feet deeper than a typical dock to provide energy dissipation for incoming waves. The first FWA will run parallel to the shore starting near the end of the sheet pile wall and the second FWA will run perpendicular to the shore starting at the end of the first attenuator. The FWAs will float on or remain in place via round steel piles, which will be driven into the lake by methods described above.
- 8) A nine-foot by nine-foot fair weather fuel dock and sewer pump-out dock will be installed near the end of the sheet pile wall and the beginning of the first FWA.
- 9) 260 feet of new sheet pile wall will be installed in front of old sheet pile wall parallel to the shoreline in the area of the new marina (400 square feet of fill).
- 10) Three floating docks (Docks C, D, and E) will be installed next to the existing marina. These docks and the FWAs will be lowered onto the lake and manipulated into position by a crane operating from a barge.
- 11) A gangway, small gantry and large gantry will be installed next to the existing marina at the north end of the new marina.
- 12) The public pier (12' and 10') will be installed on top of the crib wall and on the inside of the sheet pile wall.

The fill quantities are listed in the following table:

Project Descriptor	Square feet
10-inch Pilings (152)	83
12-inch Pilings (134)	105
Crib Wall	3,240
Sheet Pile Wall	623
Rock Mounds	432
260 feet of sheet pile wall parallel to shore	260
Total	4,743 ft² (0.109 acre)

Source: Bluewater Design Group

ENCLOSURE 4

TO

DRAFT NOA / WQC

List of Best Management Practices (BMPs)

List of BMPs for Marina Expansion Project – Lakeside Activity

I. Maintenance Dredging

In order to minimize the impacts associated by maintenance dredging all applicable best management practices (BMPs) will be employed. Attachment H to Board Order R6T-2005-0015 lists identified BMPs for maintenance dredging of marinas in the Lake Tahoe Hydrologic Unit. Of those listed, the following are applicable to this project and will be employed:

1. Pre-dredging analysis of lakebed material will be submitted to RWQB before dredging begins for determination of appropriate disposal site.
2. Discharge from spoils dewatering into the lake will be prevented by offsite hauling and disposal of dredged spoils.
3. Barge operators shall be familiar with proper use of equipment to minimize turbidity, such as appropriate cycle times, elimination of multiple "bites" of the bucket, careful bucket unloading to the scow, and careful transfer of material from the scow to the trucks.
4. All excavated sediments, shall be removed from the lake and disposed of above the high water rim of Lake Tahoe.
5. Lined trucks will be used to transport dredged material to prevent leakage of water contained in the sediments.
6. Temporary containment structures, namely silt curtains and oil booms, shall be designed, installed and maintained so that receiving water limitations are not violated outside of the project area. Structures will be designed to withstand anticipated wave loads. These structures will not be removed until the threat of nutrient, hydrocarbon and sediment transport has been eliminated.
7. All dredging activities shall cease if adverse weather conditions develop which threaten to transport disturbed sediments from the project area.
8. Perimeter berms or silt fences shall be placed around the truck loading area to capture and detain sediments spilled during truck loading. These silts will be cleaned up immediately and the truck loading area swept clean at the end of any loading day and prior to inclement weather.
9. Mechanical equipment such as the excavator arm and bucket shall be steam cleaned and inspected prior to placement in the lake.

10. Vehicle use will be limited to paved areas and to unpaved areas which will be re-stabilized and or re-vegetated as part of the concurrent Phase I expansion activities.

II. Construction Activity over Water

Procedures for the proper use, storage, and disposal of materials and equipment on barges, boats and temporary construction pads for work on piers, docks and other activities over or adjacent to a water course are described in the Caltrans Construction Site BMP Handbook, BMP NS-13 and NS-14. Of those listed, the following are applicable to this project and will be employed:

11. Use of drip pans and absorbent materials for equipment used on barges and over water. An adequate supply of hydrocarbon absorbing and spill cleanup materials will be maintained on site throughout construction.
12. Drip pans shall be placed under all vehicles and equipment placed on docks, barges and piers when the vehicle or equipment is expected to be idle for more than an hour.
13. Equipment and vehicles shall be maintained in accordance with BMP NS-10 and when a leaking line cannot be repaired that equipment shall be removed from over the water.
14. All materials subject to wind displacement into the water shall be secured.
15. Where feasible and not damaging to the final construction product, toe boards or watertight curbs or berms shall be provided to contain spills and prevent materials, tools and debris from leaving the barge, dock and pier.
16. Good housekeeping policies will be employed, including the immediate cleanup of all debris in the water and cleanup of all debris on structures or floating in the water at the end of every day and before any major storm event. Construction materials, tools and equipment in excess of what is needed for the day's work shall be stored on shore in accordance with equipment and material storage best management practices.
17. Applications of paints, sealers and coatings over water will be limited to those which must be done after the structure is constructed and in place, (e.g. touch-up due to construction efforts). Coatings shall be applied in advance and not over water in areas protected against spill contamination.

18. Spills shall be reported to the Regional Board within 48 hours and followed by written notice within seven days. Spill reporting procedures shall be outlined in the SWPPP.
19. Construction Manager shall be responsible for compliance with all necessary permits for construction within and near the lake.

III. Permanent BMPs for Marina Operations

General best management practices for environmental protection are discussed in a number of documents including EPA publications. Applications from this body of knowledge are made to the proposed project in the Master Plan and EIR/EIS which were recently prepared. As discussed those documents, the following BMPs have either been designed into the project or will be practiced by Marina personnel and management to provide protection to the environment while meeting overall project objectives discussed in the Master Plan:

20. Breakwaters present the potential to hinder flushing within the marina. They also help minimize violent stirring of the nearshore lakebed sediments which can increase turbidity. The breakwater system was designed in order to promote flushing, while providing the needed protection of the shoreline and boating activities. The crib wall portion of the breakwater allows for the flow of water between the rock bed and cribs throughout the water column. The sheet pile breakwater system will be built with large fish passages close to the lake bed. The sheet pile has some flexibility over its length allowing small amounts of wave energy to be transmitted to waters behind the sheet pile. The final piece of the breakwater is a floating wave attenuator, which allows transfer of water for nearly full depth. The layout and orientation of the breakwaters also lends itself to flushing since there is a large opening between structures which have foundations extending to the lakebed.
21. Boat and equipment maintenance areas are provided for on the land side of the lake and are mostly contained in a building on the property. Outdoor maintenance areas drain to oil/water separators and are further treated through the landside BMPs discussed under TRPA Permit No 20060978 Application.
22. The addition of 324 linear feet of rock crib wall will increase the available fish habitat compared to the existing condition. In addition, rocks will be placed around the fish passages at the toe of the sheet pile to provide additional habitat.

23. Boat sanitary pumpout capacity is being increased to provide access for more boaters. There will be no cost to boaters for this service. Pumpout effluent is directed to the sanitary sewer.
24. Bilge pumpout will occur only under the supervision of marina staff near the boat wash area. Effluent from the bilge pumpout will drain to an oil/water separator prior to treatment with effluent from the wash area effluent. Training for all appropriate spill prevention and response techniques will be provided to staff. Bilge pads disposal containers will be provided and bilge pads will be disposed of in accordance with petroleum guidelines.
25. Fueling facilities are being expanded as part of the marina's service to the boating community. The installation of a new fueling system will take advantage of the latest transfer and dispensing equipment designed to minimize and prevent spills. A leak detection and alarm system will be provided as required by local fire authorities.
26. Fueling operation will be attended by marina staff who will be fully trained in spill prevention, containment and cleanup procedures.
27. Spill containment equipment storage will be provided where it is easily accessible and clearly marked.
28. Fuel storage tanks are being relocated away from the edge of the lake and will be located within a containment structure.
29. A petroleum and hazardous material spill recovery plan will be developed and followed by marina staff.
30. Boatwash facilities are located out of the water. Runoff from boatwash facilities are collected and treated through a "no-effluent" recycling system. There is no discharge to the lake. Boat washing using detergents while moored will be prohibited.
31. Public information campaigns discussing the need for and implementation of clean boating practices will be continued by marina management and redeveloped as necessary.
32. The current practice of turning over the rental fleet every three years will be continued, taking advantage of the benefits of improved engine technology and reduced emissions.
33. Speed limits with the marina will be strictly enforced.
34. The marina will take part in an ONRW boat sticker program developed per the shorezone EIS.
35. Small boats moored to buoys and subject to wave overtopping will be required to have covers.
36. Marina personnel will regularly inspect boats docked in the marina for engine leaks, discharge of bilge, proper tuning, etc and will remove all non-compliant boats.