



Joe Lombardo, *Governor* James A. Settelmeyer, *Director* Jennifer L. Carr, *Administrator*

Clean Water Act Section 401 Water Quality Certification Application

Please refer to the "Clean Water Act Section 401 Water Quality Certification Application Guidance" document for assistance with completing this application.

A. Pre-	Filing Meeting
Please provide the date that a pre-filing meeting was requested from Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning (BWQP).	January 9th, 2024
Note: If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.	

B. Contact Information		
Project Proponent Information	on	
Company Name: Evergreen	Impact, LLC	Address: 50 Beale Street, Suite 2300
Applicant Name: Adam Durfe	ee	^{City:} San Francisco
Phone:	Fax:	State: CA
Email: ADurfee@iconiqcapit	al.com	Zip Code: 94105
Agent Information		
Company Name: Exline & C	ompany, Inc.	Address: P.O. Box 16789
Agent Name: Andrea Gonz	alez	^{City:} South Lake Tahoe
Phone: 760-575-0356	Fax:	State: CA
Email: general@exlinear	ndcompany.com	Zip Code: 96151

C. Project General Information			
Project Location			
Project/Site Name:		Name of receiving waterbod	y:
Evergreen Impact, LLC New Mu	ultiple-use Pier	Lake Tahoe	
Address: 0 & 44 Somers Loop City: Crystal Bay		Type of waterbody present apply): ☐ Perennial River or Strea ☐ Intermittent River or St	
County: Washoe County State:		□ Ephemeral River or Stream☑ Lake/Pond/Reservoir□ Wetland	
Nevada		☐ Other:	·
Zip Code: 89402			
Latitude (UTM or Dec/Deg):		Longitude (UTM or Dec/Deg)	:
39°13'28.7	4" N		120°0'5.74" W
Township: Range:		Section:	¼ Section:
16N 1	8E	30	

Project Details		Page 2 01 4	
Project purpose:	New multiple-use pier construc	ction lakeward of 0 & 44 Somers	
	Loop.		
Describe current site conditions:	Current site conditions include no existing structures with large granite boulders present along the shoreline. There are not current		
Attachments can include, but are not limited to, relevant site	residential structures on the up	bland parcel. The Crystal Bay	
data, photographs that represent current site conditions, or other relevant documentation.	sandy lake bottom substrate.		
Describe the proposed activity including methodology of each project element:	vehicle and/or barge. The (12	be performed from an amphibious 12" new pilings will be driven into the 10) feet, by drop hammer with steel vill be spaced at 14-ft apart.	
Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:	There are no proposed discharges.		
Provide the date(s) on which the proposed activity is planned to begin and end and the approximate date(s) when any discharge(s) may commence:	The exact construction dates are contingent upon gaining all agency authorization, however it is anticiapted to being in winter 2024/2025. Approximately 120 days (dependent on permit approval and weather) is the timeline for the construction of the new multiple-use pier with no anticiapated discharges.		
Provide a list of the federal permit(s) or license(s) required to conduct the activity which may result in a discharge into regulated waters (see mandatory attachments):	TRPA Shorezone Application (ERSP2019-1497); U.S. Army Corps of Engineers Letter of Permission and Section 10 of the Rivers and Harbors Act; NDEP 401 Water Quality Certificate; NDEP Working in Waters; and Nevada Department of State Lands applications and permits.		
Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization:	of Engineers Letter of Permissions and Section 10 of the Rivers and		
Total area of impact to regulated waterbodies (acres):	Lakebed disturbance of 9.92 s habitat mitigation). Total lakeb	q.ft (I-beam) and 12.25 sq.ft. (fish ed disturbance of 22.17 sq. ft.	
Total distance of impact to regulated waterbodies (linear feet):			
Amount excavation and/or fill discharged within regulated	Temporary: (4) I-beams = 9.92 sq.ft	Permanent:	
waters (acres, linear feet, and cubic yards):	(4) I-beams = 9.92 sq.ft (1) fish habitat pyramid = 12.25 sq. ft.	(4) I-beams = 9.92 sq.ft (1) fish habitat pyramid = 12.25 sq. ft.	
Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:	
waters (acres, illicar reet, and cubic yards).	None	None	
Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):	By nature pier is water depend thereby is not practical to avoi	lent and is supported by piling d temporary fill in U.S. waters.	

Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters:

Examples include sediment and erosion control measures, habitat preservation, flow diversions, dewatering, hazardous materials management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc.

Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:

Describe any compensatory mitigation planned for this project (if applicable):

The installation of the boat lift will be performed from the lake by an amphibious vehicle and/or barge to ensure minimal lakebed disturbance. All steel components for the boat lift and catwalk will be prefabricated and pre-painted off-site at an on-shore warehouse, transported by barge to the site, stored on the barge until installed onto the pier, thus reducing the opportunity for interaction with the waters of Lake Tahoe. Visual turbidity monitoring and the use of caissons or turbidity curtain will be utilized during the pile driving process, as directed by the TRPA inspector.

The contractor will store and maintain a spill response kit on the barge at all times, which will include spill booms and oil absorbent pillows will be on site in a marked storage container, ready to deploy in case of spill. All lubricants, fuels, paint or other petroleum products will be stored on the deck of the barge, which will serve as a spill reservoir. No materials or supplies will be stored on the shoreline. No containers of fuel, paint or other hazardous materials will be stored on the pier when not in immediate use.

In order to construct the multiple use pier, twelve (12) 12" open steel pilings will be driven into the lakebed and the four (4) boatlift I-beams will result in a lakebed disturbance of 9.92 sq.ft. The required fish habitat will be mitigated at 1:1 ratio, which will equate to one (1) 12.25 sq.ft. fish habitat pyramid. The fish habitat will be created by stacking clean small boulders and cobbles into a pyramid shape, which then creates void spaces for juvenile fish to escape and hide.

D. Signature	
Phone Number:	Date:
415-235-8035	03/27/2024

🗙 Adam Durfee

Signature of Responsible Official

Name and Title (Print):

Adam Durfee

Mandatory Attachments:

• Federal Permit or License Identification:

- Project proponents seeking a federal <u>general permit or license</u> must include a copy of the draft federal license or permit and any readily available water quality-related materials that informed the development of the draft federal license or permit, or;
- Project proponents seeking a federal <u>individual permit or license</u> must include a copy of the federal permit
 or license application and any readily available water quality-related materials that informed the
 development of the federal license or permit application.
- **Site Map** A map or diagram of the proposed project site including project boundaries in relation to regulated waters, local streets, roads, and highways.
- Engineered Drawings Engineered drawings are preferred to be submitted at the 70% design level. If only conceptual designs are available at the time of application, plans for construction should be submitted prior to the start of the project. Specific locations of the proposed activities and details of specific work elements planned

Internal Use Only: NV 401 - ___ - ___ Page 4 of 4

for the project should be identified (e.g., staging areas, concrete washouts, perimeter controls, water diversions, or other BMPs).

Submit the completed application materials to NDEP (ndep401@ndep.nv.gov) with the appropriate U.S. Army Corps of Engineers Regulatory Office copied on the communication (http://www.spk.usace.army.mil/Missions/Regulatory/Contacts/Contact-Your-Local-Office/).

Evergreen NDEP 401Application

Final Audit Report 2024-03-28

Created: 2024-03-27

By: Andrea Gonzalez (andrea@exlineandcompany.com)

Status: Signed

Transaction ID: CBJCHBCAABAA3_cDrMGEa3pd1YOygOTubdYPXSdvlsev

"Evergreen NDEP 401Application" History

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0 & 44 Somers Loop.

401 Water Quality Certificate for New Multiple-use Pier

Evergreen Impact, LLC APNs 123-032-18, -21, -22, 24

Exline and Company, Inc.
PO Box 16789
South Lake Tahoe, CA. 96150

Nevada Division of Environmental Protection Bureau of Water Quality Planning 901 S. Stewart St, Suite 4001 Carson City, NV, 89701







March 29, 2023

Zachary Carter
Environmental Scientist III
Nevada Division of Environmental Protection
Bureau of Water Quality Planning
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 4001
Carson City, NV 89701

Subject: 401 Water Quality Certificate - Evergreen Impact, LLC - New Multiple-use Pier on Lake

Tahoe, Lakeward of 0 & 44 Somers Loop, Washoe County, NV

APNs 123-032-18, -21, -22, 24

Dear Mr. Carter,

As discussed during our June 22, 2021 pre-filling meeting, please accept the attached 401 Water Quality Certificate Application for the proposed construction of a new multi-use pier for the benefit of Evergreen Impact, LLC located lakeward of 0 & 44 Somers Loop, Washoe County, NV and with respective APNs 123-032-18, -21, -22, 24.

The multiple-use parcel pier will serve four (4) littoral parcels located 44 Somers Loop (123-032-18), 0 Somers Loop (APN 123-032-21, 22, 24). The specific pier location straddles the common property line between the two northerly parcels, APNs# 123-032-22 and 24. The four (4) Subject Parcels are located in Shoreline Unit #22 in the Non-attainment status, the Scenic Character type is Visually Modified and the Tolerance District #3. According to the TRPA GIS, the proposed multi-use pier would be located in "Marginal" Fish habitat.

1. Name of the project proponent(s) and a point of contact:

The 401 Water Quality Certificate pre-filing meeting request and application is being submitted by Exline & Company, Inc. as the agent, on behalf of the applicants/property owners Evergreen Impact, LLC, for a new multiple-use pier.

Exline & Company, Inc. point of contacts include Melissa Bickenbach and Andrea Gonzalez.

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2. Identify the planned/proposed project location:

The proposed new multiple-use pier is located lakeward of 0 & 44 Somers Loops, Crystal Bay, NV, Washoe County, NV 89402, APN# 123-032-22 & 123-032-24. Approximate coordinates of the project location is 39°13'28.74" N & 120°0'5.74" W in the waters of Lake Tahoe.

3. Identify the applicable local, state, federal license or permits;

TRPA Shorezone Application (ERSP2019-1497); U.S. Army Corps of Engineers Letter of Permission and Section 10 of the Rivers and Harbors Act; NDEP 401 Water Quality Certificate; NDEP Working in Waters; and Nevada Department of State Lands applications and permits.

The TRPA Shorezone application under ERSP2019-1497 is currently in review. The conditional permit for the project as described within this application is anticipated to be finalized and received by April/May, 2024. The conditional permit and stamped plans may be supplemented within this application as requested.

4. Include the project type and brief description of anticipated project construction and activities;

Pier Dimensions & Amenities

The overall multiple-use pier will be 70.0-ft long or 67.0' from the High Water Line ("HWL") and extend to lake bottom elevation of approximately 6207'. The pier length will extend 30-ft beyond lake bottom elevation of 6219' and 15-ft shorter than the maximum length allowed for piers serving three or more primary residential littoral parcels, per TRPA Code 84.4.3.C.2.a.

The pierhead will be 15-ft wide and include a 3-ft wide center ramp within the center of the pierhead, which connects to a 3-ft wide, 15-ft long pierend catwalk. The pier will include two (2) 12,000 lb boatlifts, one on each side of the pier, which two authorized mooring buoys will be converted for the two new boatlifts, as shown on sheet D3.

The decking material will be composite Trex in gray or alternate color that conforms to earthtone and wood tone ranges to blend with the natural surroundings. The pilings will be painted flat black or alternate color approved by TRPA. For safety eight (8) low level "Turtle" LED lights are proposed and will be spaced every 15-ft.

Pier Deck Elevation

Due to the Crystal Bay bathymetry combined with the southwest wind and wave conditions, it is highly advised by pier contractors to raise the pier deck elevation to 6234'. An elevated pier deck will ensure the structural integrity of the pier and as well as aid in safe navigation to the pier and boatlifts. A local pier contractor reports that he has reconstructed multiple piers in the Crystal Bay area with pier decks elevations built at or below 6232', that have routinely lost pier decking and generally require more maintenance. Due to these reasons, the additional pier deck height is necessary per TRPA Code 84.4.3.C.2.h.

Fish Habitat

According to the TRPA GIS, the proposed multi-use pier would be located in "Marginal" Fish habitat. In order to construct the multiple use pier, twelve (12) 12" open steel pilings will be driven into the lakebed and the four (4) boatlift I-beams will result in a lakebed disturbance of 9.92 sq.ft. The required fish habitat will be mitigated at 1:1 ratio, which will equate to one (1) 12.25 sq.ft. fish habitat pyramid. The fish habitat will be created by stacking clean small boulders and cobbles into a pyramid shape, which then creates void spaces for juvenile fish to escape and hide.

Construction Methodology

The pier construction work will be performed from an amphibious vehicle and/or barge. The amphibious vehicle has low ground pressure tires which minimizes lakebed disturbance. The amphibian/barge will be parked adjacent to the shoreline or pier location during non-construction periods. Crew will access the pier either by barge or through the upland property and park along Somers Loop.

All pier steel components and decking will be pre-fabricated, pre-cut to length (except for the final cutting of steel joists lengths), pre-painted off-site at a on-shore warehouse and then transported by barge to the site. All construction staging and storage of material will occur on the amphibious and/or barge, no materials will be stored on the shoreline. Any material rubbish will be transported by barge and disposed of at a TRPA approved facility.

At the discretion of the TRPA inspector, the use of caissons or turbidity curtains may be employed, if deemed appropriate. The 12- 12" new pilings will be driven into the lakebed to a minimum of ten (10) feet, by drop hammer with steel rods to existing boulders and will be spaced at 14-ft apart. The pier location shoreline consists of large rocks and boulders and the lakebed substrate is coarse sand; therefore, there will be minimal to any sediment disturbance.

After the pilings have been laid out and driven into the lakebed, the girders and joists are welded, followed by the sleepers and composite decking. Welding will be performed by electrically powered welders whenever possible to minimize air and noise pollution. Additionally, all the decking will be pre-cut to length, off-site, for installation on the pier, eliminating sawdust.

The ramp will be installed within the center of the pierhead and the catwalk will be installed at the pierend. The above-deck electric hoist system will be installed to adjust the catwalk and boatlifts. The two (2) 12,000 lb. boatlifts will be attached to the pierhead on each side. Low-level "Turtle" LED lights are proposed to be installed onto the pier deck and the swim ladders.

The amphibious barge operated during the project shall be checked and maintained daily to prevent leaks of petroleum materials. The barge's bilges will have oil absorbent pillows to separate any oil from the bilge water. Fueling will take place off-site a minimum of 100 feet from the lakeshore. Fueling shall be supervised by a minimum of two (2) crewmembers experienced in such operations.

The contractor will store and maintain a spill response kit on the barge at all times, which will include spill booms and oil absorbent pillows will be on site in a marked storage container, ready to deploy in case of spill. All lubricants, fuels, paint or other petroleum products will be stored on the deck of the barge, which will serve

as a spill reservoir. No materials or supplies will be stored on the shoreline. No containers of fuel, paint or other hazardous materials will be stored on the pier when not in immediate use.

Please refer to Pacific Built, Inc. step-by-step Construction Methodology and Spill Response Prevention Plan.

5. Anticipated Implementation date(s)

Construction Schedule

Pacific Built, Inc. estatimed construction is as follows. The exact construction dates are contingent upon gaining all agency authorizations; however, anticipated to be winter 2024/2025.

USA Underground Utility Location Ticket	1 Day
Release of Permits:	
Pre-Grade Inspection	1 Day
Mobilization	1 Day
Site Prep / Layout	1 Day
Install (Drive) Piling	25 Days
 Installation of Steel Cap Beams & Stringer/Joists 	40 Days
Installation of Electrical Components	20 Days
Installation of Decking	30 Days
Construction Complete	Approx 120 Days

Start / Finish Dates Are Dependent On Permit Approval & Weather.

The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief and the project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Please contact us if you have any questions regarding this application request.

Sincerely,

Andrea Gonzalez Project Specialist

Andrea Gonzalez

Table of Contents

Signed Application & Authorization Form

New Multiple-use Pier Drawings

Photo Exhibit

Spill Prevention Plan



Photo Exhibit





Somers Loop New Multiple-use Pier (123-032-18; 21; 22; 24) Project Area Aerial





SOMERS LOOP - NORTH MULTIPLE USE PIER PROJECT





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SURVEY AND GENERAL NOTES

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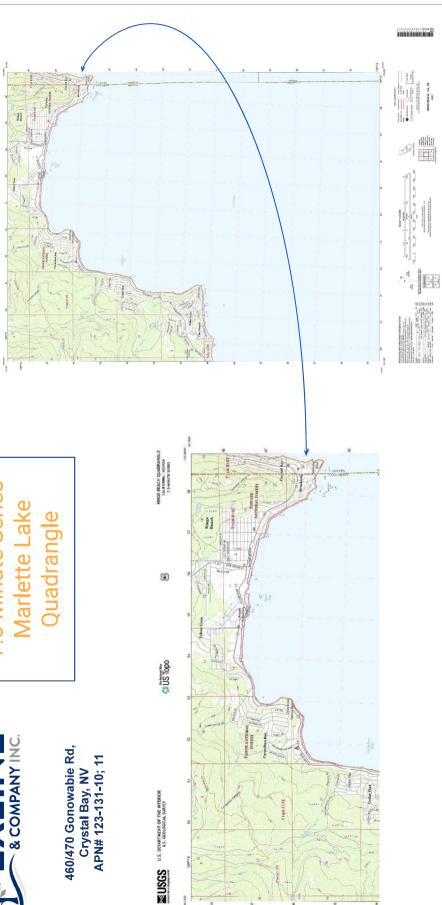


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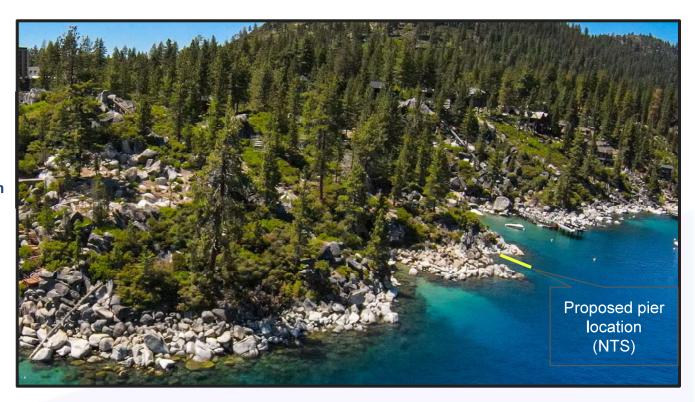


Somers Loop New Multiple-use Pier (123-032-18; 21; 22; 24) Approximate Proposed Pier Location





Somers Loop New
Multiple-use Pier
(123-032-18; 21; 22; 24)
Approximate Proposed Pier Location





Somers Loop New
Multiple-use Pier
(123-032-18; 21; 22; 24)
Approximate Proposed Pier Location



Spill Prevention Plan

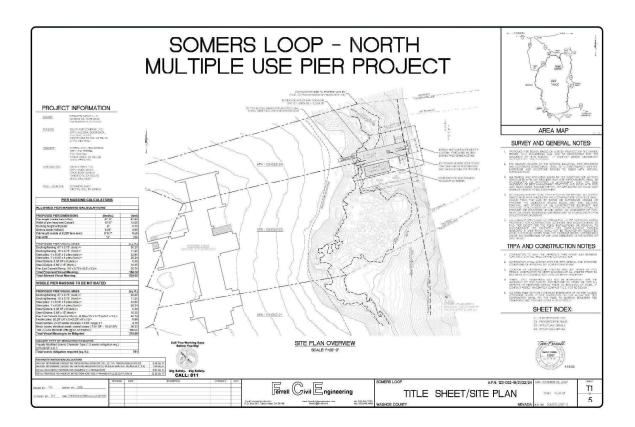




Spill Prevention Plan

Evergreen Impact, LLC New Multiple-use Pier

0 & 44 Somers Loop Drive, Crystal Bay, NV., WASHOE COUNTY, (APN) 123-032-18, -21, -22, 24



Purpose

The objective of this plan is to prevent the interaction of hazardous material or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring on the lake from a barge during the addition of a new boatlift on the existing multiple-parcel pier. One (1) existing authorized mooring buoy will be removed (GPS Coordinates: N 39`14.468, W 119`57.371 at lake bottom elevation 6214' and as identified on Sheet D2) will be converted to a 12,000 lb boatlift and installed on the west side of the multiple-use pier. Two 10-inch "H" beams will be driven by drop hammer into the lakebed at a depth of 6-ft to 8-ft and secured to the pier by weld connections to the girder and joist. The electrical components will be upgraded to accommodate for the boatlift addition.

Emergency Phone Numbers

Agency	Phone Number
Nevada Division of Environmental	775-687-4670
Nevada Dept. of Fish & Wildlife	775-688-1506
U.S. Fish & Wildlife Service	1-800-344-WILD
U.S. Army Corps of Engineers	202-761-5909
North Lake Tahoe Fire Protection District	911
Washoe County Sheriff	911

Construction Methodology

All work will be done via a barge and there will be no interaction with the shoreline of Lake Tahoe. The project will require minimal construction and will unlikely require the use of hazardous materials. In the rare instance that a spill occurs from the barge, the below includes the following spill prevention details.

The installation of the boatlift to the existing pier will be performed primarily from the lake by the means of a Larc V amphibious vehicle and/or barge. The amphibious vehicle has low ground pressure rubber tires which will ensure minimal lakebed disturbance. The amphibious vehicle will be parked adjacent to the shoreline during non-construction periods. Crew access will be through the upland property and crew will park in private driveways or along Lakeshore Boulevard.

At the discretion of the TRPA inspector, the use of caissions or turbidity curtain may be employed, if deemed appropriate. The contractor will constantly visually observe, while installing the two new "H" beams by drop hammer. Due to the coarse and sandy lake bottom substrate, it is anticipated there will be minimal to no lakebed disturbance or suspended lake bottom material.

All boatlift steel components will be pre-fabricated, pre-cut and pre-painted off-site at an on-shore warehouse and transported to the site by barge. Welding will be performed by electrically powered welders whenever possible to minimize air and noise pollution.

The amphibious barge operated during the project shall be checked and maintained daily to prevent leaks of petroleum materials. All lubricants, fuels, paint or other petroleum products will be stored on the deck of the barge, which will serve as a spill reservoir. No materials or supplies

will be stored on the shoreline. No containers of fuel, paint or other hazardous materials will be stored on the pier when not in immediate use. Fueling will take place off-site a minimum of 100 feet from the lakeshore. Fueling shall be supervised by a minimum of two crewmembers experienced in such operations. Depending on weather conditions, the installation of the boatlift will take approximately one to two weeks. It is anticipated that construction will commence in Spring 2024 upon receiving all agency authorizations.

The permittee will ensure that all temporary Best Management Practices (BMPs) are installed and functioning throughout the duration of this project. If in the very unlikely event that hazardous material comes into contact with the waters of Lake Tahoe, the permittee will contact the appropriate agency established in the Contact List immediately.

Spill Prevention Measures

It is of utmost importance to have strong spill prevention measures in place, due to the sensitive environment of the Tahoe Basin. The following are prevention measures that will be in place at the project site:

- 1. Perform proper vehicle/equipment maintenance and inspections
 - All machinery found to be a potential source of a future spill shall be removed from the construction site and repaired.
 - Vehicles with chronic or continuous leaks must be removed from the construction site and repaired before returning to operations.
 - No leaking of any material from equipment or vehicles will be tolerated on the job site.
- 2. All maintenance materials, oils, grease, lubricants, antifreeze, etc. shall be stored off-site.
 - If they are required during field operations, they shall be placed in a designated area away from site activities and in an approved storage container.
- 3. No refueling, storage, servicing or maintenance of equipment shall take place within 100 feet of Lake Tahoe, drainage or sensitive environmental zones.
 - Any fluids drained from the machinery during servicing shall be collected in leak-proof containers and taken to an appropriate disposal or recycling facility.
- 4. During construction, all vehicles and equipment required on-site shall be parked or stored at least 100 feet away from rivers, streams, wetlands, known archaeological sites, and any other sensitive resource areas.

Spill Containment and Containment Kit Equipment

The general spill response procedure is: 1.) Stop the source of the spill, 2.) contain any spilled material, and 3.) clean up the spill timely to prevent accidental injury or other damage from occurring and 4.) further do whatever necessary (and safely) in the effort to protect the lake and surrounding environment.

Several measures can be taken to prepare for quick and effective containment of any potential spills prior to undertaking construction activities.

- → Contractors shall keep adequate supplies of spill containment equipment at the construction site. These shall include specialized spill containment equipment (listed below).
- → Drip pans and/or absorbent materials are to be used underneath equipment every time refueling, servicing or maintenance activities occur, to contain spill.

The barge will maintain a spill containment kit that will include:

- Sorbent socks/pillows
- Sheets/pads
- Disposal bags
- Safety glasses
- Rubber gloves
- Shovel(s)
- Broom

The kit will be onboard at all times during the duration of construction.

Emergency Response Procedures

Initial Notification and Activation

A formal notification process shall be initiated when a spill or potential spill is first observed. Immediate actions are necessary. The first individual who discovers a spill (Spill Observer) will be responsible for initiating notification and response procedures. All personnel responsible for responding to spills must have completed training in recognition and response to spills of hazardous materials. The contractor is responsible for providing spill recognition and response training for all contractor employees. The project personnel who must be notified and will assist in hazardous spill response include, but are not limited to:

- Spill Observer
- Contract Compliance Inspector
- Chief Contract Compliance Inspector
- Contractor's Job Superintendent
- Resident Project Engineer
- Spill Response Team

General responsibilities of the designated personnel are outlined as follows:

Spill Observer is the first person to witness a spill. They must immediately:

- Make an assessment of the incident as observed;
- If the incident can be safely controlled, take steps to do so (ex. Shut off the source of the spill).
- Notify the Contract Compliance Inspector. Provide as much information as possible;
- ◆ Begin to fill out the Spill Notification Checklist (Appendix A).
 - o Determine if the spill response team is needed to accomplish cleanup;
 - o Determine if additional spill response support is necessary;
 - Coordinate with the Resident Project Engineer to initiate spill response;
 - Initiate Spill Response Team;
 - Complete containment, cleanup and disposal of hazardous waste.
- 1. The first step at the discovery of any spill is to keep people away from the spilled material. Close off the area and do not leave the site unattended. Securing the source of the spill is an extremely important step in response activities. However, a source should be secured only if it can be performed safely without risk to human life or health. Steps to be taken to secure the source include turning off machinery, clamping or disabling hoses, etc.
- 2. The second step at the discovery of any spill is to fill out the Spill Notification Checklist (Appendix A).

Another key element in early response to all spills is determining the type of material spilled and the volume and extent of the spill. These facts should be determined as soon as possible in order to facilitate planning and initiate proper response operations. The volume will be needed to evaluate equipment and personnel needs, as well as requirements for storage and disposal of recovered waste. A rough estimate of the spill volume can be generated from visual observation and source identification. Minor spills are those that have the least probability of environmental damage, not necessarily the smallest volume.

Vehicle and Machinery Spills:

Incidents of loss of a petroleum product from equipment or vehicles shall be considered a spill. After the spill has been flagged to warn people to stay away, the volume and extent of the spill estimated, and initial notification procedures accomplished, the spill must be confined. Do not handle materials without wearing protective clothing (i.e. gloves, etc.). Use the Spill Response Flow Chart to determine the level of cleanup and response team necessary to handle the incident (Figure 1).

Generally, follow the steps listed below:

- 1. When the spill is discovered, begin making notifications on the Spill Notification Checklist.
- 2. Determine if the Spill Response Team is needed to complete cleanup.
 - If the answer is NO, submit incident reports to the Contractor and the Resident Project Engineer.
 - o If the answer is YES, go to the next step.
- 3. Activate the local Spill Response Team. Generally, these are personnel designated on a construction crew, but the team may be supplemented by other contractor personnel.
- 4. Determine if additional cleanup contractors are necessary for a major incident.
 - If the answer is NO and the incident is determined to be a minor spill, conduct internal cleanup, review and evaluate cleanup, determine if the cleanup is beyond the local response team ability or equipment;
 - If the answer is NO, complete the cleanup, restore the damaged areas, properly dispose of all waste, and submit incident reports to the Contractor and the Resident Project Engineer.
 - If during the cleanup, the incident is determined to be beyond the abilities of the local response team, hire additional contractors to help with the cleanup.

- If the answer is YES, hire additional contractors to help with the cleanup.
- 5. The local Spill Response Team shall coordinate cleanup activities with the Contractor, the Resident Project Engineer, and agencies as appropriate.
- 6. Arrange for proper testing and disposal of all waste.
- 7. Closely monitor all cleanup activities.
- 8. Ensure proper disposal of absorbent materials, containers, and soils, as required.

Cleanup may range from very simple removal of minor spills, to installation of skimmers around large spills or between sensitive areas and spills for longer, prolonged cleanups. Cleanups can be on pavement or on soil surfaces. Contractor personnel shall be trained in the proper use of the cleanup materials.

All spills on pavement shall be thoroughly removed with absorbent socks, pillows, or pads and Lite-Dry (or equal) granules. After absorption, the granules shall also be removed. All materials used in cleanup shall then become hazardous waste. Place all materials in a 55 gallon lined drum, seal it, and label the contents. The drum must then be sent to a designated disposal site. A chain of custody form must accompany the drum (provided by disposal company). It is strongly recommended that all contractors determine a disposal site in advance of a spill incident.

All spills on soil require the same treatment as on pavement, with the exception that contaminated soil is also part of the generated hazardous waste and must be handled as such and removed from the site.

Absorbent materials shall remain in use until it has been determined by the Contractor and Contact Compliance Inspectors that a spill cleanup is complete and the incident is closed.

Unknown Hazardous Materials:

There is always a possibility that personnel may unexpectedly encounter a hazardous situation when working in the field. The most likely materials that may be encountered during excavation would be buried underground tanks, utility pipelines, drums, or asbestos pipe.

If there is *any* doubt regarding the degree of hazard of a particular circumstance and personnel are unsure as to what measures to take, the following steps shall be taken immediately to ensure the health and safety of the personnel involved.

- 1. STOP WORK IMMEDIATELY: Personnel shall remove themselves from the hazard or suspected area.
- 2. OBTAIN AS MANY DETAILS OF THE SITUATION AS POSSIBLE, WITHOUT ENDANGERING YOURSELF OR OTHERS. While obtaining information details:
 - Never enter confined spaces (i.e. excavation trench).
 - Do not handle any materials.
 - Extinguish all flames (i.e. welders, torches, cigarettes).
 - Do not remove objects from trenches or refill excavated area.

Things to note:

- Site location/address or closest cross street and station.
- > What was encountered (i.e. tank, drum, pipe, sewage, etc.)
- > Approximate size of object.
- Odors or any discoloration of soils.
- > The type of material the object is made of (i.e. steel, fiberglass, plastic, etc.)
- > Was there, or is there, a potential for a spill, release, discharge, etc. of toxic or hazardous liquid, gas, vapor, dust, or mist?
- > Estimated amount of chemical released.
- 3. CONTACT SUPERVISORS IMMEDIATELY (CREW FOREMAN, CONTRACTOR'S LEAD CONTRACT COMPLIANCE INSPECTORS, AND CONTRACT COMPLIANCE INSPECTORS). IF YOU MUST LEAVE THE SITE TO NOTIFY SUPERVISORS:
 - Appoint personnel to police the site until you return.
 - Mark off the area of concern (i.e. flagging, cones, etc.).
 - Do not allow anyone to enter the site.

Following these actions, personnel shall be given proper direction from supervisors on how to proceed. By simply removing personnel from the hazard and maintaining good communications, many accidents can be avoided. Remember, if there is *any* doubt about the safety of on-site employees in a particular circumstance, initiate the proceeding course of action.

Use the Spill Response Flow Chart to determine the level of cleanup and response team necessary to handle the incident (Figure 1).

Reporting of Major Spills:

Upon recognition of a major spill, notification is critical to immediate response. The first notification shall be given to the nearest construction crew supervisor and the Contractor Lead Contract Compliance Inspector so that appropriate spill response can begin immediately. After the initial spill response has begun, notification and reporting to agency personnel shall occur.

The following guidelines should be followed when reporting major spills:

- Never include information that has not been verified;
- Never speculate as to the cause of the incident or make any acknowledgement of liability;
- Do not delay reporting because of incomplete information;
- Notify persons/agencies and document notification and the content of the message;
- Complete the Spill Notification Checklist as information is confirmed (Appendix A).
- The agencies to be notified will vary depending on the spill location. Refer to the Emergency Phone Numbers, that contains a listing of the agencies requiring notification, along with the project contact names and numbers.

Closing of the Spill Incident

Disposal of Waste:

Following the cleanup of a spill, the waste, absorbent materials, protective clothing, and any soil that has been contaminated must be removed to a designated hazardous waste disposal area.

- > All contaminate materials shall be sealed in 55 gallon drums and labeled with the contents.
 - If the contaminant is unknown, a sample of the material must be collected and analyzed before disposal.
 - A permit or approval in writing must be obtained prior to disposal of the drum. A
 copy of the permit and a chain-of-custody form (obtained from the disposal
 contractor or testing laboratory) must accompany the material and copies must be
 attached to the Spill Notification Checklist submitted to the Contractor and
 Resident Project Engineer.

It is advisable for contractors to establish a relationship with a disposal facility before an incident occurs. Local landfills may be able to receive some petroleum products. However, it is up to the contractor to perform sampling, testing, and coordination with landfills or a disposal company. Transporting hazardous waste is regulated by federal and state agencies under the Resource Conservation and Recovery Act (RCRA) and other statutes. The contractor is responsible for the proper disposal of all waste and understanding the responsibilities under federal and state statutes.

Final Reporting:

Spill incidents that require cleanup must be reported on the Spill Notification Checklist. Notification must begin as soon as the incident occurs. The checklist shall be submitted to the Contractor and Resident Project Engineer as soon as it is complete. Forms must be submitted no longer than five days after an incident is closed. A copy of the permit or disposal approval and the chain-of-custody for the disposal must be attached to the Spill Notification Checklist. The forms shall be reviewed and filed in the contractor's file. No exceptions will be tolerated.

If the situation arises involving an unknown hazardous material, the Spill Notification Checklist can be used to report the incident. This incident may require a very different approach to removing the hazard and the contractor may be required to remove the material. The incident must still be reported by the contractor.

Follow-up Investigation:

A critique following a spill response is beneficial to evaluate the actions taken or omitted. Recommendations and suggested modifications will be made to prepare for the possibility of future spills. Should a contractor have an abnormally high incident of spills, corrective actions may become necessary. Contractors should consider the following examples of questions that are likely to be appropriate at each stage of the critique:

- Was the spill detected promptly?
- > How was it detected and by whom?
- > Could it have been detected earlier? How?

Appendix A: Spill Notification Checklist

- 1. Date:
- 2. Time:
- 3. Name:
- 4. Contractor:
- 5. Location/Station #:
- 6. Description of Spill (color, length, width, type):
- 7. Type of Product:
- 8. Estimated Quantity:
- 9. Source of Spill (vehicle, machine, etc.):
- 10. Describe initial containment procedures:
- 11. Weather Conditions:
- 12. Note if spill reached any body of water:
- 13. Individuals notified of spill (include name, company, date, time, and response):

Figure 1

Spill Response Flow Chart				
Spill Response Task				
Hazardous Materials and Location	Assess the Spill	Secure the Area	Contain and Eliminate the Spill Source	Clean Up Spilled Material, Decontaminate Equipment, Dispose of Spilled and Contaminated Material
On Deck On Shoreline	Determine approximate amount of material spilled and where spilled material has gone and is going. Call on-site spill responder. If spill is too large, dangerous, or involved to be cleaned up by on-site personnel, call spill response subcontractor. If spill is an immediate threat to human health or property, call 911.	Shut down work in areas affected by spill, remove non-response personnel from spill area, and prevent access to spill area by non-response personnel.	If safe to do so, eliminate spill source by shutting off equipment, closing leaking valves, etc. If safe to do so, contain spill using spill pads, spill booms, and absorbent materials from spill kits.	If spill is not too large, dangerous, or involved, clean up spilled material. If spill is too large, dangerous, or involved, work with spill response subcontractor and emergency personnel to clean up spill. Decontaminate all non-disposable equipment used in or contaminated during spill response. Disposal of spilled and contaminated materials and all decontamination fluids in accordance with all regulations at a legally permitted

Spill Prevention, Control, and Countermeasures Plan

PACIFIC BUILT, INC

ALL OVERWATER CONSTRUCTION

Project Foreman (PF): John, Luke, Mark Ragan Office Phone: 530-583-3447

Project Inspector: John, Luke, Mark Ragan

- Office Phone: 530-583-3447

- Cell Phone: 530-308-5093, 5098, 5099

THIS PLAN SHALL BE UPDATED AS NECESSARY TO REFLECT ACTUAL SITE CONDITIONS AND PRACTICES AND MUST BE UPDATED AT LEAST ANNUALLY

A COMPLETE, UPDATED COPY OF THIS PLAN MUST BE ACCESSIBLE ON THE PROJECT SITE AT ALL TIMES

Prepared by

Melinda Ragan Pacific Built, Inc. 2900 Rose Avenue P.O. Box 6694 Tahoe City, CA 96145 530-583-3447

Date: 5/6/2008

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SPCC Plan Implementation Requirements

Standard Specification and General Special Provision require a Spill Prevention, Control and Countermeasures Plan (SPCC Plan or Plan) to be developed for each project. The purpose of an SPCC Plan is to protect human health and the environment from spills and releases of "hazardous materials," a generic term. (mean dangerous waste, problem waste, petroleum products, and hazardous substances to Lake Tahoe.)

Pacific Built, Inc. has developed this SPCC Plan to satisfy the governing agencies of Lake Tahoe California & Nevada.

Pacific Built, Inc. will use this SPCC Plan for the duration of the Projects and will update the Plan throughout construction so that the Plan reflects actual site conditions and practices. Pacific Built, Inc. will maintain an updated copy of this Plan on each Project site and/or all Equipment (ie Larc's Barges, Tugs,)

Pacific Built will implement the spill prevention measures identified in this SPCC Plan before performing any of the following on the Project site:

- 1. Mobilization of Equipment & Material
- 2. Jobsite Layout
- 3. Commencement of Construction
- 4. Site Clean-up & Demobilization

SPCC Plan Elements

1. Responsible Personnel

Table 1 identifies the names, titles, and contact information for the personnel responsible for implementing and updating the SPCC Plan and for responding to spills. Contact information for spill response subcontractors that will be used to respond to spills as described in Pacific Built Inc. Spill Response Plan - Attached

Responsibility	Name and Title	Contact Information	
Implementing and Updating SPCC Plan (Primary person)	Officers of Pacific Built Inc.	Company: Office Phone:530-583-3447 Cell Phone:530-308-5093, 5098, 5099	
Implementing and Updating SPCC Plan (Secondary Contact)	Same	Company: Office Phone: Cell Phone:	
On-Site Spill Responder	John Luke Mark Ragan	Company: Same as above Office Phone: Cell Phone:	

2. Spill Reporting

In the event of a spill, PACIFIC BUILT INC. will notify:

See Attached PACIFIC BUILT, INC. Spill Response Plan

Figure 2 External Regulatory Reporting Requirements

Event: Hazardous Material Spill, Release or Encounter

If a spill or release is caused by Pacific Built, Inc. or on Jobsite, Pacific Built will report to the Pacific Built, Inc. Project Foreman and the regulatory agencies listed in the Spill

Spill Report Form

A copy of the spill report form that will be used in the event of a release or spill is attached

Management Approval

This SPCC Plan is supported by management of Pacific Built, Inc. having the authority to commit the necessary resources, including labor, equipment, and materials, to expeditiously control and remove any harmful quantity of hazardous materials spilled or released to the waters or land of Lake Tahoe, Fallen Leaf Lake & Donner Lake.

5/6/08

Date

Melinda Ragan

Secretary/Treasurer
Pacific Built, Inc.

Spill Prevention & Response Plan

PACIFIC BUILT, INC.

P.O. BOX 6694

TAHOE CITY, CA 96145

530-583-3447 PHONE 530-583-2528 FAX

Spill Prevention:

Because of the delicate environment we work in, prevention is key and of the utmost importance.

Spill Containment:

The general spill response procedure is to stop the source of the spill, contain any spilled material, and clean up the spill timely to prevent accidental injury or other damage from occurring and to further do whatever necessary (and safely) show due diligence in the effort to protect the lake and surrounding environment

Small spills will be contained by site personnel if they are able to do so without risking injury or to prevent further damage. Spill kits are located on all rigs (LARC's)

Emergency Procedures:

- Immediately call **911** in the event of injury, fire or potential fire, spill of a hazardous substance that gives rise to an emergency situation, or release of a hazardous substance to the environment (i.e. ground, surface water, floor drains or storm water drains).
- If a hazardous substance spill has been released to <u>soil</u>, <u>surface water</u> or <u>drains</u> the following notifications must be performed:

John, Luke, Mark or Melinda Ragan - Owners

530-583-3447 - Business Line

530-308-5093 - John Cell

530-308-5098 - Luke Cell

530-308-5099 - Mark Cell

530-308-5100 - Melinda Cell

Spill Prevention Measures

The number one defense against spill is prevention. The easiest way to prevent spills is to:

- · conduct proper vehicle/equipment maintenance and inspections;
- · never place vehicles or equipment in or near sensitive environments,
- · and store all materials in protected areas.

REVISION/ADDENDUM #1: 2005

CALL USA DIGS PRIOR TO COMMENCEMENT OF WORK

Vehicle Fluids

All personnel shall be trained to maintain and inspect their vehicles and equipment. All machinery found to be a potential source of a future spill shall be removed from the construction site and repaired. Vehicles with chronic or continuous leaks must be removed from the construction site and repaired before returning to operations. No leaking of any material from equipment or vehicles will be tolerated on the job site. The contractor shall make every effort to ensure compliance prior to an incident. Contractors are solely responsible for any spills of hazardous materials and the subsequent cleanup, disposal of waste, and restoration of any contaminated areas. Hazardous materials may be disposed of at various sites within the Lake Tahoe Basin.

Restrictions will be placed on all equipment refueling, servicing, and maintenance supplies and activities. All maintenance materials, oils, grease, lubricants, antifreeze, etc. shall be stored off-site. If they are required during field operations they shall be placed in a designated area away from site activities and in an approved storage container. No refueling, storage, servicing, or maintenance of equipment shall take place within 100 feet of drainage or sensitive environmental resources to reduce the potential of contamination by spills. No refueling or servicing shall be done without absorbent material or drip pans properly placed to contain spilled fuel. Any fluids drained from the machinery during servicing shall be collected in leak-proof containers and taken to an appropriate disposal or recycling facility. If these activities result in damage or accumulation of product on the soil, it must be disposed of as hazardous waste (see Section 5.1). Under no circumstances shall contaminated soil be added to a spoils pile and transported to a regular disposal site. During construction, all vehicles and equipment required on-site shall be parked or stored at least 100 feet away from rivers, streams, wetlands, known archaeological sites, and any other sensitive resource areas. All wash down activities must be accomplished away from sensitive environmental resources

the Spill Response Flow Chart to determine the level of cleanup and response team necessary to handle the incident (Figure 1).

Generally follow the steps listed below:

- 1. When the spill is discovered begin making notations on the Spill Notification Checklist.
- 2. Determine if the Spill Team Response is needed to complete cleanup.
- a) if the answer is NO, submit incident reports to PACIFIC BUILT and the Resident Project Engineer.
- b) if the answer is YES, go to step 3.
- 3. Activate the local spill response team. Generally these are personnel designated on a construction crew, but the team may be supplemented by other contractor personnel.
- 4. Determine if additional cleanup contractors are necessary for a major incident. a)if the answer is NO and the incident is determined to be a minor spill, conduct internal cleanup, review and evaluate the cleanup, determine if the cleanup is beyond the local response team ability or equipment; if the answer is NO, complete the cleanup, restore the damaged areas, properly dispose of all waste, and submit incident reports to PACIFIC BUILT and the Resident Project Engineer.

If during cleanup, the incident is determined to be beyond the abilities of the local response team, hire additional contractors to help with the cleanup.

b) if the answer is YES, hire additional contractors to help with the cleanup.

- 5. The local spill response team shall coordinate cleanup activities with PACIFIC BUILT, the Resident Project Engineer, and agencies as appropriate.
- 6. Arrange for proper testing and disposal of all waste.

7. Closely monitor all cleanup activities.

8. Ensure proper disposal of absorbent materials, containers, and soils, as required.

Cleanup may range from very simple removal of minor spills, to installation of skimmers around large spills or between sensitive areas and spills for longer, prolonged cleanups. Cleanups can be on pavement or on soil surfaces. Contractor personnel shall be trained in the proper use of the cleanup materials.

All spills on pavement shall be thoroughly removed with absorbent socks, pillows, or pads and Lite-Dry (or equal) granules. After absorption the granules shall also be removed. All materials used in cleanup, shall then become hazardous waste. Place all materials in a 55 gallon lined drum, seal it, and label the contents. The drum must then be sent to a designated disposal site. A chain of custody form must accompany the drum (provided by disposal company). It is strongly recommended that all contractors determine a disposal site in advance of a spill incident.

All spills on soil require the same treatment as on pavement, with the exception that contaminated soil is also part of the generated hazardous waste and must be handled as such and removed from the site.

Absorbent materials shall remain in use until it has been determined by the PACIFIC BUILT and Contract Compliance Inspectors that a spill cleanup is complete and the incident is closed.

Unknown Hazardous Materials

There is always a possibility that personnel may unexpectedly encounter a hazardous situation when working in the field. The most likely materials that may be encountered during excavation would be buried underground tanks, utility pipelines, drums, or asbestos pipe.

If there is *any* doubt regarding the degree of hazard of a particular circumstance and personnel are unsure as to what measures to take, the following steps shall be taken immediately to ensure the health and safety of the personnel involved.

- 1. STOP WORK IMMEDIATELY.
- · Personnel shall remove themselves from the hazard or suspected area.
- 2. OBTAIN AS MANY DETAILS OF THE SITUATION AS POSSIBLE, WITHOUT ENDANGERING YOURSELF OR OTHERS.
- a) While obtaining information details:
- Never enter confined spaces (i.e. excavation trench). See appendix B for description.
- · Do not handle any materials.
- Extinguish all flames (i.e. welders, torches, cigarettes).
- · Do not remove objects from trenches or refill excavated area.
- b) Things to note:
- Site location/address or closest cross street and station.
- · What was encountered (i.e. tank, drum, pipe, sewage, etc.).
- · Approximate size of object.
- · Odors or any discoloring of soils.
- Material object is made of (i.e. steel, fiberglass, plastic, etc.).
- Was there or is there a potential for a spill, release, discharge, etc. of toxic or hazardous liquid, gas, vapor, dust, or mist?
- · Estimated amount of chemical released.
- 3. CONTACT SUPERVISORS IMMEDIATELY (CREW FOREMAN, PACIFIC BUILT LEAD CONTRACT COMPLIANCE INSPECTORS, AND CONTRACT COMPLIANCE INSPECTORS)
- 4. IF YOU MUST LEAVE THE SITE TO NOTIFY SUPERVISORS:
- · Appoint personnel to police the site until you return.
- · Mark off area of concern (i.e. flagging, cones, etc.).
- Do not allow anyone to enter the site.

Following these actions, personnel shall be given proper direction from supervisors on how to proceed. By simply removing personnel from the hazard and maintaining good communications, many accidents can be avoided. Remember if there is *any* doubt about the safety of on-site employees in a particular circumstances, initiate the proceeding course of action. Use the Spill Response Flow Chart to determine the level of cleanup and response team necessary to handle the incident (Figure 1).

SPILL NOTIFICATION CHECKLIST

Date: Time:

Name: Contractor: Location/Station#:

Description of Spill (color, length, width, type):

Type of Product: Estimated Quantity:

Source of Spill (vehicle, machine, etc.):
Describe initial containment procedures:

Weather Conditions:

Note if spill reached any body of water:

Individuals notified of spill (include name, company, date, time and response):

U.S. Coast Guard, Lake Tahoe Station

2500 Lake Forest Rd.

Lake Forest, CA 96145 (530) 583-4433 (collect calls accepted for emergencies)

VHF Radio Channels Monitored: 16, 22 (24 hours a day) VHF Marine Radio Handle: Coast Guard Station Tahoe

Jurisdiction: Entire lake

South Lake Tahoe Police Dept.

Emergency Dispatch: (530) 542-6110

VHF Radio Channels Monitored: 16, 22 (9 AM - 6 PM, Daily from May 17th through Sept. 21st)

VHF Marine Radio Handle: Marine 1

Jurisdiction: South end of lake -Stateline to Emerald Bay

Douglas County Sheriff

Emergency Dispatch: (775) 782-9911

VHF Radio Channels Monitored: 16, 22 (10 AM - 6 PM, Wednesday through Sunday, Memorial Day to July

31st)

VHF Marine Radio Handle: Marine 7

Jurisdiction: Southeast corner of lake, Stateline north to Glenbrook

El Dorado County Sheriff

Emergency Dispatch: (530) 544-3464 VHF Radio Channels Monitored: 16, 22 VHF Marine Radio Handle: Marine 3 Jurisdiction: South end of lake

Placer County Sheriff

Emergency Dispatch: (530) 583-4244 VHF Radio Channels Monitored: 16 VHF Marine Radio Handle: Placer Marine 6

Jurisdiction: Northwest corner of lake, Stateline Point south to Tahoma

Washoe County Sheriff

Emergency Dispatch: (775) 832-4111 VHF Radio Channels Monitored: 16 VHF Marine Radio Handle: Marine 9

Jurisdiction: Northeast corner of lake, Stateline Point south to Glenbrook

California Department of Fish and Game

Information and Dispatch: (916) 445-0045

To report any poaching or polluting incident: 888-334-2258 (CALTIP)

Fish and Game Warden: Dave Bezzone (775) 267-2972

VHF Radio Channels Monitored: 16

VHF Marine Radio Handle: California Dept. of Fish and Game

Jurisdiction: California side of lake

Nevada Department of Wildlife

Field Office: (775) 588-6922

To report any poaching or polluting incident: 800-992-3030 (Operation Game Thief)

VHF Radio Channels Monitored: 21, 22 (Memorial Day through Labor Day)

VHF Marine Radio Handle: Marine 5 Jurisdiction: Nevada side of lake

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Boat Towing

Few law enforcement agencies provide towing of boats disabled due to mechanical problems or running out of fuel. To obtain help for a disabled boat in a situation when neither life nor property is threatened contact one of the facilities listed below.

· South end of lake:

Vessel Assist

VHF Channel 16 or (530) 544-

4522

High Sierra Marine

VHF Channel 16 or (530) 581-

Tahoe Keys Marina

7678 (530) 541-2155

Table 4
Agency Notification Reference List

Agency & Responsibilities	Phone Contacts
Fire Department	911
Fire fighting	
 Emergency medical response 	
Community evacuation	
Police Department	911
 Police authority 	
Public Works Department	
 Information on storm drains and other utilities 	

Agency Notification Reference List Cont.

Name/Agency	Contact Number
North Tahoe PUD	
South Tahoe PUD	530-546-4212
Tabas City DUD	530-544-6474
Tahoe City PUD	530-583-3796
South Tahoe Fire Department	530-542-6160
Tahoe Douglas Fire Department	775 500 050
North Tahoo/Tahoo City Fire D	775-588-3591
North Tahoe/Tahoe City Fire Department	530-583-6913