

FOREST ORDER NO. 19-14-04
USDA FOREST SERVICE
LAKE TAHOE BASIN MANAGEMENT UNIT
ALCOHOL PROHIBITION

Pursuant to 16 U.S.C 551 and 36 CFR 261.50(a), and to provide for public safety, the following act is prohibited within the Lake Tahoe Basin Management Unit. This Order is effective from 6:00 a.m. to 11:59 p.m. on July 4, 2014.

Possessing a beverage which is defined as an alcoholic beverage under Nevada State law in the areas listed below and shown on Exhibits A, B and C.

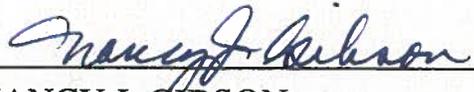
- a. Nevada Beach
- b. Zephyr Cove Resort
- c. Zephyr Shoals

36 CFR 261.58(bb).

This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of this prohibitions is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at South Lake Tahoe, California, July 1, 2014.



NANCY J. GIBSON
Forest Supervisor
Lake Tahoe Basin Management Unit

FOREST ORDER NO. 19-14-05
USDA FOREST SERVICE
LAKE TAHOE BASIN MANAGEMENT UNIT
ALCOHOL PROHIBITION

Pursuant to 16 U.S.C. 551 and 36 CFR 261.50(a), and to provide for public safety, the following act is prohibited within the Lake Tahoe Basin Management Unit. This Order is effective from July 1, 2014 through July 6, 2014.

Possessing a beverage which is defined as an alcoholic beverage under California State law in the area known as Chambers Landing, as shown on Exhibit D.
36 CFR 261.58(bb).

This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of this prohibition is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both.
16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at South Lake Tahoe, California, June 30, 2014.



NANCY J. GIBSON
Forest Supervisor
Lake Tahoe Basin Management Unit



**United States
Department of
Agriculture**

**Forest
Service**

**Lake Tahoe Basin
Management Unit**

**35 College Drive
South Lake Tahoe, CA
96150
(530) 543-2600**

DATE: June 30, 2014
TO: File
FROM: Nancy J. Gibson, Forest Supervisor
RE: Order No. 19-14-04 and 19-14-05 Alcohol Prohibitions

It is my decision to prohibit the possession of alcoholic beverages on the day-use (swimming beach and associated parking) portion of Nevada Beach, also on the day-use (picnicking and beach portion) of Zephyr Cove Resort, and on National Forest lands known as "Zephyr Shoals," and on National Forest lands in the Chambers Landing area from 6:00 am to midnight on July 4, 2014. This action will be accompanied by two Forest Orders under the authority of 36 CFR 261.58(bb). This action will coincide with the Douglas County Prohibition Order and Alcohol Possession Ordinance from the County of Placer, during this same period. This action is proposed because of concerns for public safety during this holiday event.

Nevada Beach

Nevada Beach is a National Forest Campground/Swimming Beach located 1/2-mile west of Highway 50, off Elks Point Road. The 54-unit campground and 1/2-mile long beach is one of the most popular public recreation sites within the Lake Tahoe Basin and is operated under a special use permit authorization. During the day and evening of the 4th, large numbers of picnickers and beach goers are anticipated on the beach. Of particular concern are the evening fireworks display and the potential for individuals to become intoxicated and unruly. Past events at Nevada Beach, where as many as 20,000 persons have crowded the beach area to observe these fireworks displays, have been marred by the boisterous and disorderly behavior of intoxicated individuals. In 1998, there was an alcohol-related bottle-throwing melee at Nevada Beach that was extensively covered in the local media (e.g. in the Reno-Gazette Journal, Tahoe Daily Tribune, and on Lake Tahoe radio stations KOWL-KRLT-KTHO). The news reports and radio broadcasts that followed also supported expanded public safety programs to prevent a reoccurrence of this incident. Accordingly, beginning in 1999, a holiday period prohibition has been in place at Nevada Beach, and since then, there have been no similar alcohol-related incidents.

Zephyr Cove Resort

Zephyr Cove Resort is a National Forest resort operated under a special use permit authorization. Located adjacent to Highway 50, approximately 5-miles north of Stateline, Nevada, it is one of the most heavily used public resorts within the Lake Tahoe Basin. Most years, the resort is not only filled to capacity throughout the day and evening of the 4th with

on-site visitors, it is also frequently congested with visitors who park off-site or access the resort via boats. In recent years, a notable number of these visitors have brought alcoholic

beverages with them, and engaged in raucous and rowdy behavior that not only generated concerns about public safety, but also numerous complaints from resort neighbors about alcohol and related noise. One of the challenges inherent with Zephyr Cove Resort is the number of under-age visitors who descend on the resort in large numbers to party and drink until nightfall, and they then migrate over to locations (such as Nevada Beach) to view the evening fireworks display. A significant number of boater-related alcohol incidents also occurred in 2006, when no Forest Order was in place at Zephyr Cove Resort. Zephyr Cove Resort will continue to sell alcoholic beverages for its guests in a designated portion of the resort (reflected in the attached exhibit and as marked on the grounds of the resort on July 4th). The restricted (no alcohol) area is west of the former Lincoln highway to the lakeshore with the exception being the marina/restaurant area including the immediate area around the Sunset Bar. This will allow the resort to offer alcoholic beverages in a controlled area. In addition, the resort has been working with both Douglas County and the US Coast Guard to try to discourage boating related drinking on or adjacent to the resort marina this upcoming holiday.

Zephyr Shoals

Immediately adjacent to Zephyr Cove Resort is the 81-acre land parcel formerly known as “The Dreyfus Estate.” The property includes a 3/4-mile stretch of lakeshore. An estimated 10,000-people per year are currently using this land area. On July 4th the lake frontage area has been crowded with day-users, picnicking, barbecuing and strolling around the area’s trails. Of particular concern is the observed “displacement” of visitors from the adjacent Zephyr Cove Resort to this National Forest lakeshore, as individuals with alcoholic containers have been directed to this location by security personnel at Zephyr Cove Resort. In addition there is also the need for consistency with our alcohol enforcement policies on the Resort and within Zephyr Shoals, along with a need for policy clarity. The potential for alcohol related incidents within this parcel is significant given the numbers of expected July 4th recreationists (projected at 200-500 persons-at-one-time along the beach area on the 4th), along with the displacement concentration of individuals with alcoholic beverages from the Resort.

This action is necessary to help minimize the potential of a reoccurrence of those alcohol related incidents at both Nevada Beach and Zephyr Cove and the potential for similar incidents at Zephyr Shoals. The Douglas County Sheriff’s Office will also be enforcing its own County Criminal Code during the July 4th holiday period (Douglas County Ordinance 9.28.020 and 9.28.060: making it an infraction punishable by a fine not to exceed \$1,000 for “possession or consumption of alcoholic beverages on Nevada Beach on the Fourth of July”). Douglas County Sheriff deputies will also provide support as needed to the Zephyr Cove Resort and at Zephyr Shoals to maintain public safety. In addition, Zephyr Cove Resort will be placing additional security staff at Zephyr Cove Resort during the upcoming holiday. The staff will focus on both underage drinking and disorderly conduct. Zephyr Cove Resort will also not schedule any special events this upcoming July 4th, nor allow the use of outdoor loud speakers or amplified music. A Forest Order will provide additional security by allowing the Forest Service to regulate alcohol during the holiday.

Chambers Landing

In recent years, the beach area known as “Chambers Landing,” has become a popular resort destination along the west shore of Lake Tahoe. However the numbers of incidents of rowdy behaviors and violations of local laws and regulations have compelled both the Department of California Highway Patrol and the Placer County Sheriff’s Office, to support a ban on the consumption of alcoholic beverages during the entire July 4th holiday period. Because some of the incidents have been occurring on National Forest lands, Placer County Sheriff’s Office has requested the USDA Forest Service support their alcohol ban on adjacent lands in the Chambers

Landing area, and also adopt a temporary prohibition on the possession and use of alcoholic beverages on affected National Forest lands during that holiday period.

Enforcement

Enforcement Patrols: Security Staff (under contract with concessionaire California Land Management-CLM), plus additional staff from CLM; Forest Service Law Enforcement Officers (LEOs) and Forest Protection Officers (FPOs), will be stationed at the entrance to Nevada Beach, and in cooperation with the Douglas County Sheriff's Office, will patrol the day-use area to enforce this prohibition. Violations will be cited and/or the violators given the option of leaving the closure area with their alcoholic beverages. Advisory signs will be installed at all signboards and additional media releases issued once the appropriate Forest Order documents are signed. At Zephyr Cove Resort, the presence of County law enforcement personnel will be supplemented by an expanded security staff. This security staff will have posted signing around the Resort indicating the areas where alcoholic possession/consumption is prohibited. They will also focus on disorderly conduct and on reducing excessive noise. Within the Zephyr Shoals (Dreyfus) area, Forest Service FPO's will patrol the area during the 4th, with backup support from Douglas County SO and LEOs as available. In the Chambers Landing area, enforcement patrols will be provided by the Placer County Sheriff's Office deputies.

Categorical Exclusion

I have concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) under the National Environmental Policy Act. This action falls within the category identified in 36 CFR 220.6(d)(1) – prohibitions to provide short-term resource protection or to protect public health and safety – and does not require documentation in a decision memo, decision notice, or record of decision. Pursuant to 36 CFR 215.12(f), this decision is not subject to administrative appeal. I have determined that there are no extraordinary circumstances associated with this temporary closure and the procedures for legal notice and opportunity to comment (36 CFR 215.4) do not apply to this project. Implementation of the decision may begin immediately.

Scoping

Ron Pierini: Sheriff, Douglas County, Nevada

James Halsey: Sgt., Douglas County Sheriff's Office

Bob Tatum: California Land Management (concessionaire at Nevada Beach)

Frank Aguilar: Supervisory Law Enforcement Officer-Patrol Captain (USFS)

Jonathan Cook Fisher: LTBMU Special Uses Program Manager

Gina Thompson: LTBMU Recreation/Special Uses/Lands Staff Officer

John Kenny: Aramark (Zephyr Cove Resort)

Edward N. Bonner: Sheriff, Placer County, California

Ron Pierini, Douglas County, Sheriff, prior to the 4th of July holiday, will issue a public press release from his office detailing the intention of the County for a 2014 July 4th alcohol prohibition at Nevada Beach, and alcoholic restrictions at Zephyr Cove Resort. Zephyr Cove Resort will be releasing its own media announcements and posting the site to notify guests and visitors of the alcohol prohibition. Area media will be notified by Douglas County, whose deputies will also post advisories and signing around the Nevada Beach entrance and at adjacent commercial sites (such as Safeway at Round Hill, and the Post Office at Round Hill). The LTBMU will release its own press notification advising of the alcohol prohibition. In addition,

public service announcement advisories will be released on local Tahoe radio stations advising of the prohibition, along with general messages about safety concerns and advisories. Since the first prohibition in 1999, public reaction to the prohibition has been extremely positive and supportive. The public response has uniformly been understanding and appreciative of the efforts to provide a safe environment for families to enjoy the fireworks. Placer County will also issue a public notification through area media to advise the public of the pending alcoholic beverage prohibitions during the July 1st through July 6th holiday period.

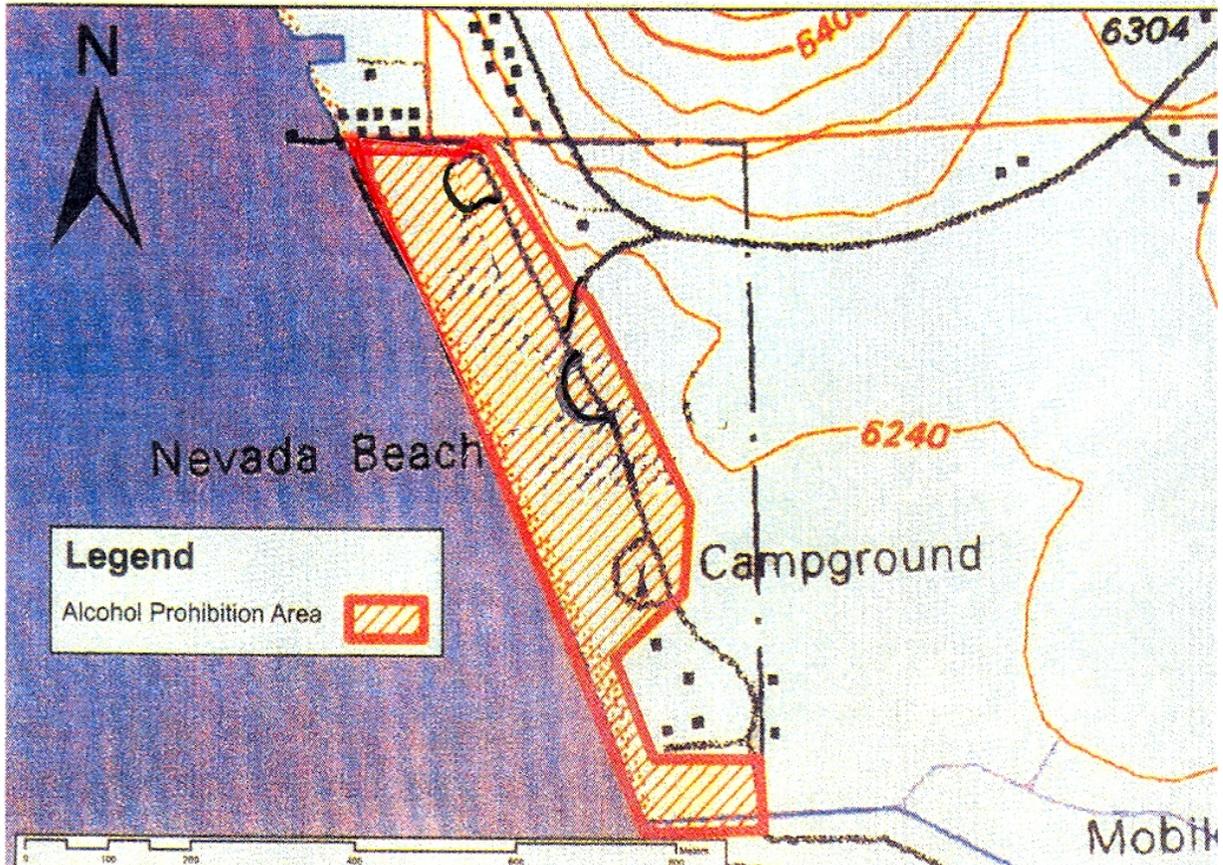
Contact

Frank Aguilar, Patrol Captain (530-642-5130)
Lake Tahoe Basin Management Unit

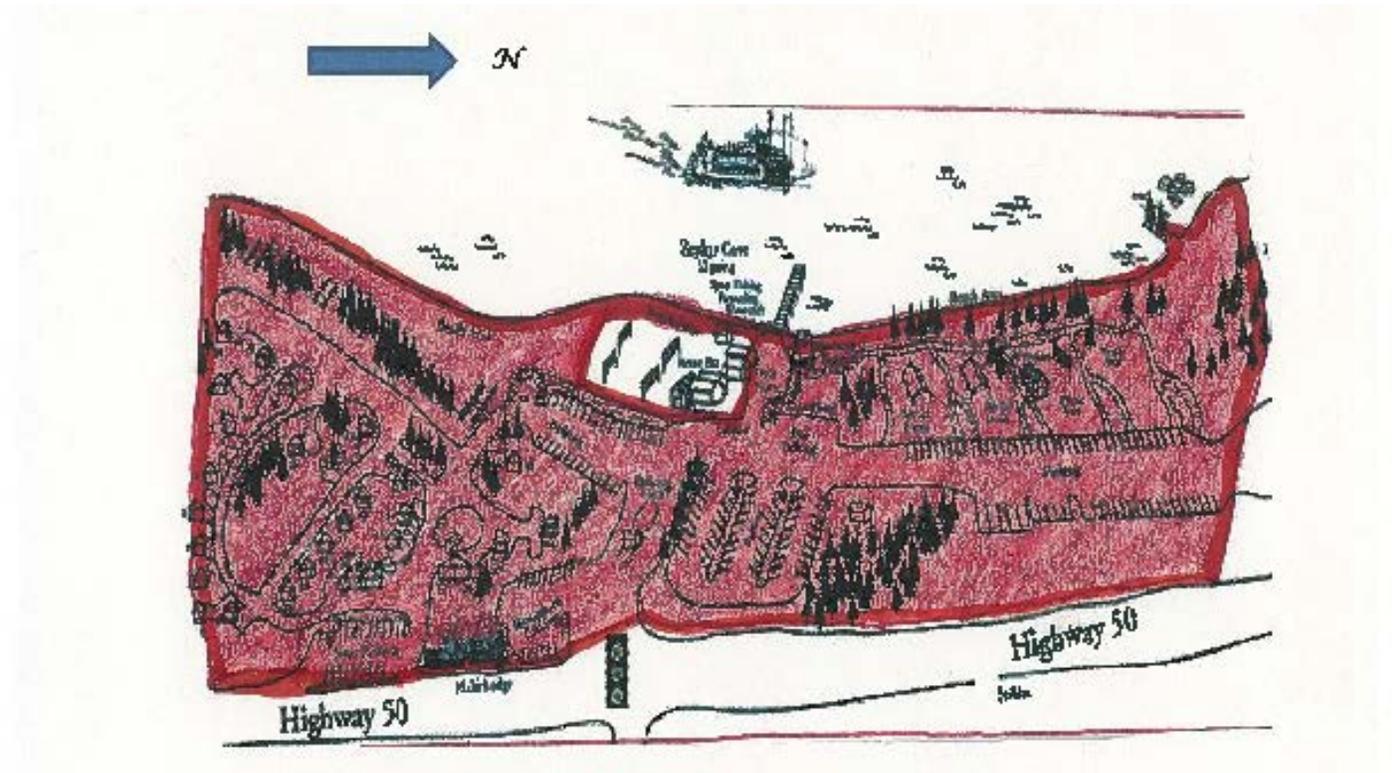
Don Lane, Supervisory Recreation Forester (530-543-2621)
Lake Tahoe Basin Management Unit



USDA FOREST SERVICE
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Exhibit A -- Nevada Beach



USDA FOREST SERVICE
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ORDER NO. 19-14-04
ALCOHOL PROHIBITION
Exhibit B - Zephyr Cove Resort



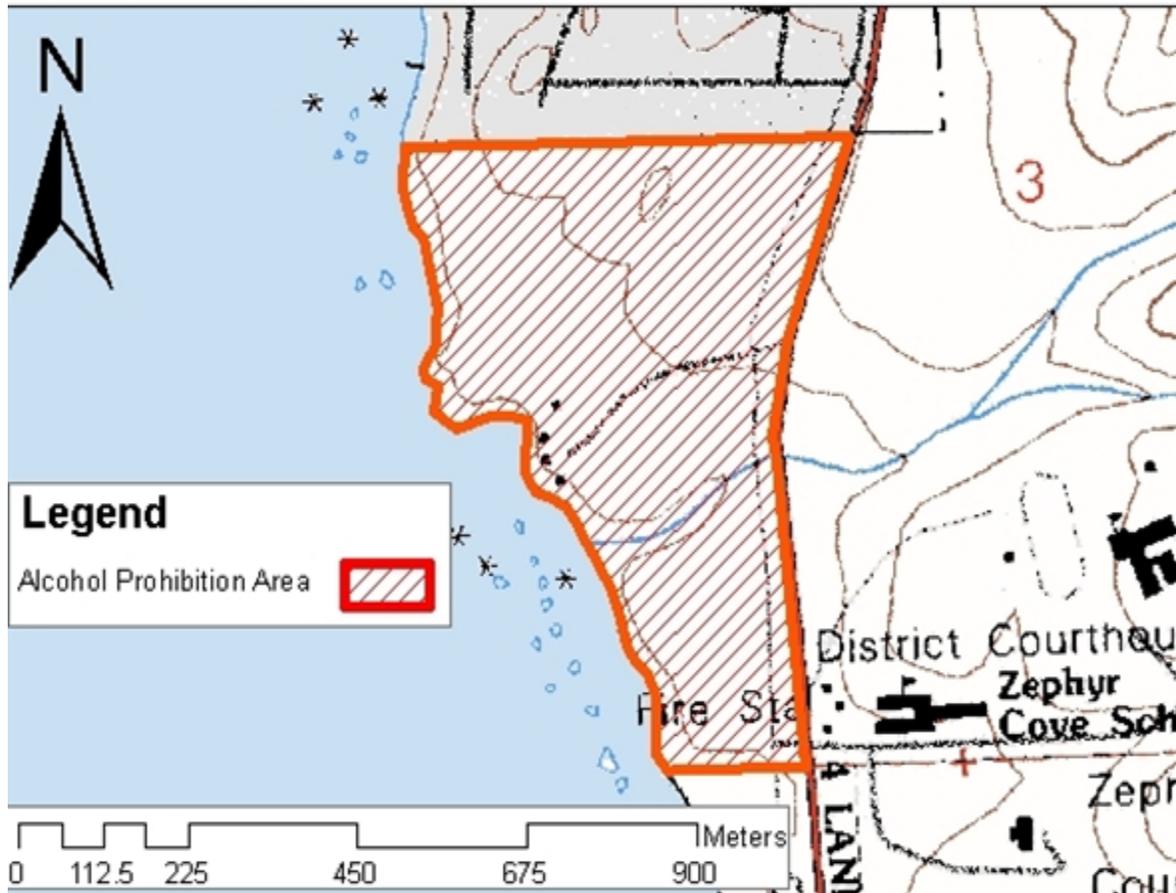
PROHIBITED AREA: RED



USDA FOREST SERVICE
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Exhibit C – Zephyr Shoals



USDA FOREST SERVICE

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Exhibit D – Chamber's Landing

ALCOHOL PROHIBITION AREA:

