



United States
Department of
Agriculture

Forest
Service

Lake Tahoe Basin Management
Unit

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South Lake Tahoe, CA 96150
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File Code: 2300

Date: May 26, 2011

Route To:

Subject: 2011 Fourth of July Alcohol Prohibition Order

To: LTBMU Forest Supervisor

Attached for your review and approval is the 2011 Alcohol Prohibition Forest Order for the 4th of July, along with the Record of Decision (Administrative Record). The Order would continue a 12-year annual prohibition restricting the possession and use of alcohol at Nevada Beach, Zephyr Cove Resort and Zephyr Shoals (formerly the Dreyfus Property). The Forest Order and accompanying attachments were reviewed and approved on May 25th 2011, by Rachael Birkey of the Office of General Council, with the assistance of Captain Gary Barnett.

GINA THOMPSON
Recreation/Lands/Heritage Staff Officer

Attachments





ORDER NO. 19-11-01
USDA FOREST SERVICE
LAKE TAHOE BASIN MANAGEMENT UNIT

NEVADA BEACH ALCOHOL PROHIBITION
ZEPHYR COVE RESORT ALCOHOL PROHIBITION
ZEPHYR SHOALS ALCOHOL PROHIBITION

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to protect public safety, the following acts are prohibited within the Lake Tahoe Basin Management Unit. This order is effective on July 4, 2011 from 6:00 am to 12 midnight.

1. Possessing a beverage which is defined as an alcoholic beverage under Nevada State law in the area known as Nevada Beach, as shown on Exhibit A. 36 CFR 261.58(bb).
2. Possessing a beverage which is defined as an alcoholic beverage under Nevada State law in the area known as Zephyr Cove Resort, as shown on Exhibit B. 36 CFR 261.58(bb).
3. Possessing a beverage which is defined as an alcoholic beverage under Nevada State law in the area known as Zephyr Shoals, as shown on Exhibit C. 36 CFR 261.58(bb).

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261 Subpart A.

A violation of these 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, 2011.

A handwritten signature in blue ink that reads "Nancy J. Gibson".

NANCY J. GIBSON
Forest Supervisor

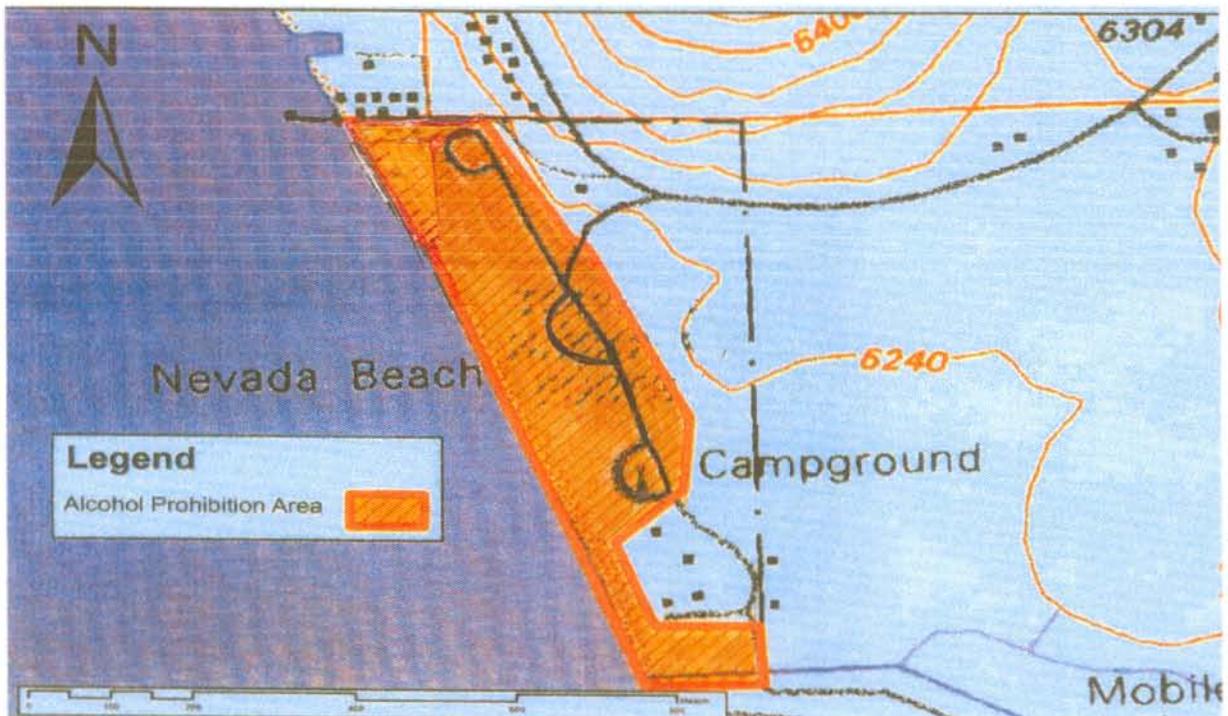
EXHIBIT A



PUBLIC NOTICE
USDA FOREST SERVICE
ORDER NO. 19-11-01
JULY 4, 2011

ALCOHOL PROHIBITION

NEVADA BEACH



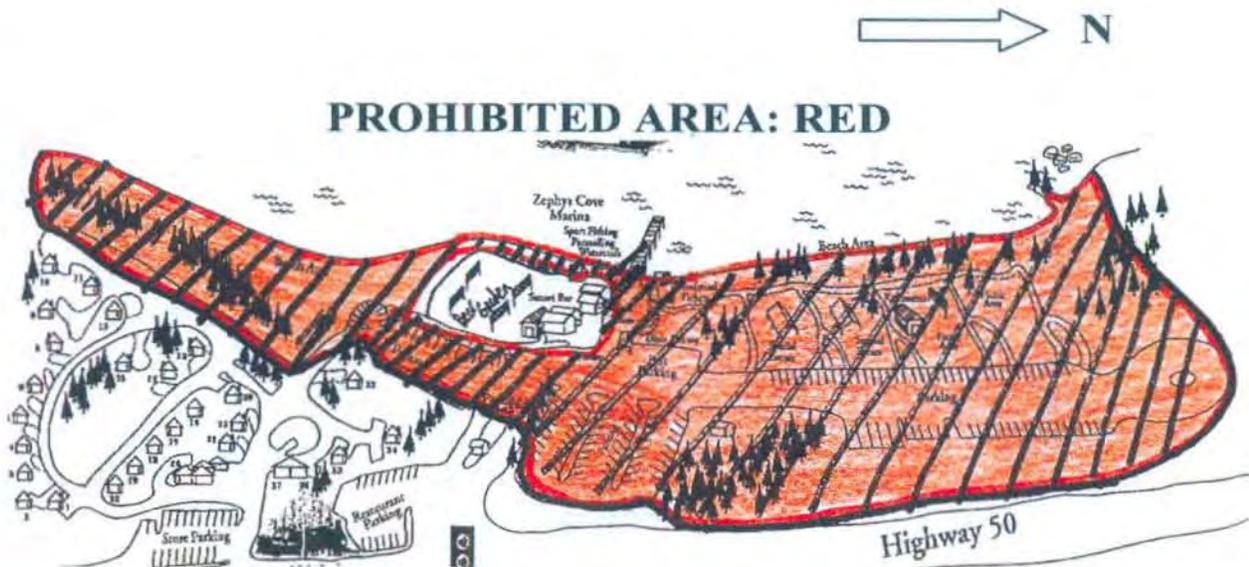
This prohibition is in addition to the general prohibitions in 36 CFR
Part 261 Subpart A.

EXHIBIT B



PUBLIC NOTICE
USDA Forest Service
Lake Tahoe Basin Management Unit
Order No. 19-11-01
July 4, 2011

ALCOHOL PROHIBITION



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

EXHIBIT C



PUBLIC NOTICE

USDA Forest Service
Lake Tahoe Basin Management Unit
Order No. 19-11-01
July 4, 2011

ALCOHOL PROHIBITION



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

DOCUMENTATION OF DECISION
FOR
PROHIBITION OF ALCOHOL
at NEVADA BEACH DAY USE AREA
ZEPHYR COVE RESORT
and at ZEPHYR SHOALS
JULY 4, 2011

Douglas County, Nevada
USDA Forest Service
Lake Tahoe Basin Management Unit

DECISION:

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," from 6:00 am to midnight on July 4, 2011. This action will be accompanied by a Forest Order under authority of 16 USC 551, and 36 CFR (Code of Federal Regulations) 261.58 (bb). This action will coincide with the Douglas County Prohibition Order during this same period.

Justification and Need for Action: This action is proposed because of concerns for public safety during this holiday event.

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. Typically, during the day and evening of the 4th, large numbers of picnickers and beach goers are anticipated on the beach. But of particular concern is the evening fireworks display on Independence Day, and the potential for individuals to become intoxicated and unruly. Past events at Nevada Beach, where as many as 15,000 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 station KOWL-KRLT). 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 there.

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 behaviors 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. No alcohol prohibition Forest Order was in place at Zephyr Cove Resort in 2006. 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 has announced its intention to prohibit the possession and use of alcohol at Nevada Beach during the upcoming July 4th holiday period, announcing that its officers will be on site enforcing 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 July 4, 2011). 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 to encourage younger attendees, nor allow the use of outdoor loud speakers or amplified music. A Forest Order will provide additional security by allowing the security staff to regulate the presence of alcohol during the holiday.

Enforcement Patrols: : A total of 5 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 of up to 30 employees funded by the Resort permittee (Aramark, Inc.). 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.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION:

This action is consistent with a category of actions that do not individually or cumulatively have a significant effect on the quality of the human environment. Pursuant to FSH 1909.15 (as amended 07/06/04) Environmental Policy and Procedures Handbook, under a category (31.12) established by the Chief, for routine, administrative, maintenance or similar actions, prohibitions issued under 36 CFR Part 261 "Prohibitions to provide short-term resource protection or to protect public health and safety," this action can be categorically excluded from documentation in an EIS (environmental impact statement) or EA (environmental assessment) unless scoping has indicated extraordinary circumstances. It has been determined there are no extraordinary circumstances with this decision.

INTERESTED AND AFFECTED AGENCIES AND ORGANIZATIONS CONTACTED

Ron Pierini: Sheriff, Douglas County, Nevada
James Halsey: Sgt., Douglas County Sheriff's Office
Larry Chapman: California Land Management (concessionaire at Nevada Beach)
Red Wood: California Land Management (concessionaire at Nevada Beach)
Gary Barnett: Supervisory Law Enforcement Officer-Patrol Captain (USFS)
Jonathan C. Fisher: LTBMU Special Uses Program Manager
Gina Thompson: LTBMU Recreation/Special Uses/Lands Staff Officer
Jody Bell: Zephyr Cove Resort (Aramark)

ADDITIONAL SCOPING

Ron Pierini, Douglas County Sheriff, as of this date, has issued a public press release from his office detailing the intention of the County for a July 4, 2011 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 have been 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 is releasing its own press release advising of the alcohol prohibition. In addition, public service announcement advisories have been 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.

FINDINGS REQUIRED BY OTHER LAWS:

This proposed action is consistent with the Land and Resource Management Plan (LTBMU Forest Plan) as required by the National Forest Management Act (Roundhill Management Area).

This action is consistent with the environmental threshold carrying capacities for the Lake Tahoe Basin, which are incorporated into the LTBMU Land and Resource Management Plan as general management direction. Water quality, air quality, soil quality, recreation, noise and scenic management direction thresholds will not be affected. The level of visitation to Nevada Beach, Zephyr Cove Resort, or Zephyr Shoals is not expected to be significantly changed by this action. This action will not affect wildlife, historic or cultural resources. This action is consistent with and falls under the permitted activities under the Tahoe Regional Planning Agency Memorandum of Understanding.

IMPLEMENTATION DATE:

This decision is to be initiated July 4, 2011

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES:

This decision is not subject to appeal pursuant to 36 CFR 215.8(a)(4) which states that decisions for actions that have been categorically excluded from documentation in an EA or EIS, except as noted in 36CFR 215.7(b) are not appealable.

CONTACT PERSONS:

Gary Barnett, Patrol Captain
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35 College Drive
South Lake Tahoe, California 96150

Don Lane, Supervisory Recreation Forester
Lake Tahoe Basin Management Unit
35 College Drive
South Lake Tahoe, California 96150
530-543-2621

APPROVED BY:



FOREST SUPERVISOR

5/26/11

DATE: