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meeting.

MINUTE ITEM

11/78
Trout

32. ENVIRONMENTAL IMPACTS - LAKE TAHOE - PROPOSED FINDINGS AND POLICY - W 30005

During consideration of Calendar Item 32, attached, Mr. James F. Trout, Chief, Division of Land Management and Conservation, explained the options staff was recommending to the Commission. He also requested that the Commission make a decision as to whether or not lease applications will be returned as Commission policy until a cumulative Environmental Impact Report is completed of this area, excluding mooring buoys and multiple-use facilities.

After discussing the alternatives offered by staff in the Calendar Item, the Commission approved Option No. B with the following stipulations:

> Including applications pending as of November 27, 1978 in the office of the State Lands Commission, suspend all leasing, other than mooring buoys and multiple-use facilities, to June 30, 1979. However, until June 30, 1979, the applicant will have the option of his application remaining in abeyance in the office of the State Lands Commission or being returned to him without prejudice. If on July 1, 1979, monies are appropriated in the budget for the preparation of a cumulative EIR, another six-month suspension will be initiated. If monies are not included in the budget for the preparation of this report, the leasing policy will be re-evaluated.

Attachment: Calendar Item 32 (3 pages)

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CALENDAR ITEM

32.

11/78
W 30005
Trout

ENVIRONMENTAL IMPACTS
LAKE TAHOE
PROPOSED FINDINGS AND POLICY

Each month applications are received for leases and permits to use some portion of the bed of Lake Tahoe for construction of new piers and other structures, and for the placement of buoys. The number of these is such that a specific Commission policy concerning future use of sovereign lands in the lake is advisable. Many of the proposed structures in and of themselves can be handled under the various exemptions to CEQA and the related guidelines. Most proponents are anxious for the exemption process to be used for their project. However, taken together over a period of time, the cumulative effect of significant numbers of structures could well be substantial. Continued use of available exemptions to environmental review seems questionable.

Several California and Nevada State agencies and federal offices have been concerned about cumulative impacts of many small structures. As a result, a jointly funded impact assessment was sought by the Commission, the State of Nevada, the Tahoe Regional Planning Agency and the United States Army Corps of Engineers. Prepared in February, 1978, by consultants Phillips Brandt Reddick, Inc. and McDonald and Grefe, Inc., The Cumulative Impacts of Shorezone Development at Lake Tahoe provided "an assessment of the cumulative environmental and socioeconomic impacts of a proliferation of piers, mooring buoys, floating docks and shoreline protective structures in the nearshore and foreshore zones of Lake Tahoe, as this development is regulated by the T.R.P.A. Shorezone Ordinance".

While the report reached several conclusions, the consultants also stated that "Insufficient data is available to enable us to draw conclusions about the physical effects of the increased densities of piers described in the maximum buildout scenario". The consultants recommended "... that several focused supplemental investigations may be desirable." What is still needed is an assessment of the significant environmental affects of continued construction of many individual piers and protective structures together with associated mooring buoys. Funds for such a study are being sought from the Resources Agency and other potential money sources. Pending completion of this much needed report,

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individual requests for new construction to occupy State sovereign lands need to be critically examined for environmental impacts.

From the February, 1978 consultants' report, some specific findings can be made. While piers, buoys, and other permeable shorezone structures have little or no individual discernable effects on the environment of the shorezone, the study authorized by the Commission and several other agencies indicates that these structures can have discernable cumulative impacts. It was determined in the study that high densities of piers and other permeable structures can:

1. Contribute to and perpetuate the physical shorezone instability at Lake Tahoe;

2. Affect the biological productivity of the Lake;

3. Inhibit and diminish the public's access to and enjoyment of the shorezone.

The report also concluded that mooring buoys have little or no physical impact on the shorezone environment.

Given the above general conclusions of the report it is suggested that further requests for use of the State owned bed of Lake Tahoe for new construction of piers and other structures, other than mooring buoys, be subjected to the full requirements of CEQA. No categorical exemption should be employed until the cumulative effects of many such structures have been fully investigated. In establishing this policy, the staff suggests the applicants use alternatives which reduce or eliminate high densities of piers and other private-use permeable structures, especially in sensitive sandy shorezone areas. Examples of such possible alternatives would be "association type" joint use facilities or one pier serving several upland owners.

THE COMMISSION WOULD APPEAR TO HAVE A NUMBER OF OPTIONS BEFORE IT. BRIEFLY THESE WOULD BE:

A. CONTINUE TO USE THE CATEGORIC EXEMPTIONS WHERE APPROPRIATE AND DENY ALL LEASE FOR NEW CONSTRUCTION IN AREAS OF CRITICAL FISH AND WILDLIFE HABITAT.

B. 1. FIND THAT INSUFFICIENT DATA IS AVAILABLE TO ADEQUATELY ASSESS THE CUMULATIVE EFFECT OF INCREASED DENSITIES OF PIERS ON THE ENVIRONMENT OF LAKE TAHOE.

2. REQUIRE THAT, PENDING COMPLETION OF AN EIR ON THE CUMULATIVE EFFECT OF CONTINUED CONSTRUCTION OF PIERS

AT LAKE TAHOE, ALL APPLICATIONS FOR LEASES AND PERMITS FOR NEW CONSTRUCTION AT LAKE TAHOE, EXCEPT NAVIGATION AND MOORING BUOYS, BE SUBJECT TO FULL EIR PROVISIONS OF CEQA. CATEGORICAL EXEMPTIONS WILL NOT BE GRANTED FOR SUCH CONSTRUCTION ON THE STATE OWNED BED OF LAKE TAHOE.

3. ENCOURAGE MULTIPLE USE OF STRUCTURES IN LAKE TAHOE THROUGH ASSOCIATIONS AND OTHER JOINT TYPE FACILITIES USED BY 2 OR MORE PROPERTY OWNERS.

C. 1. REQUEST FUNDS FROM THE LEGISLATURE FOR PREPARATION OF A CUMULATIVE EIR REPORT FOR STRUCTURES AT LAKE TAHOE, AND

2. SUSPEND ALL LEASING UNTIL AN ACCEPTABLE CUMULATIVE EIR IS PREPARED.