

MINUTE ITEM

30

08/10/88
W 30005
Moory

RECONSIDERATION OF COMMISSION'S POLICY REGARDING
CONSTRUCTION OF NEW PIERS AND PIER EXTENSIONS,
LAKE TAHOE, EL DORADO AND PLACER COUNTIES

During consideration of Calendar Item 30, attached, Greg Lien of the Tahoe Preservation Council appeared to request that the Commission amend staff recommendation No. 2 to delete the words "and Pier Extensions or Modifications". Mr. Lien also stated that close coordination was needed between Commission staff, Fish and Game, and the Tahoe Regional Planning Agency (TRPA).

Supervising Deputy Attorney General Jan Stevens had some concerns with the proposed deletion.

Chairman Davis expressed concern with the item as presented, and requested that staff coordinate with the Attorney General's Office; TRPA, and Fish and Game in negotiating acceptable language.

Commission action was deferred for 30 days.

Attachment: Calendar Item 30.

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MINUTE PAGE	

CALENDAR ITEM

A 7
S 1

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08/10/88
W 30005
Moory

CONSTRUCTION OF NEW PIERS AND PIER EXTENSIONS
LAKE TAHOE

APPLICANT: State Lands Commission
1807 13th Street
Sacramento, California 95814

At its November 1978 meeting, the Commission suspended all leasing for construction of new piers at Lake Tahoe, excepting mooring buoys and multiple-use facilities, until June 30, 1979. The intent of this interim policy was to allow time for the Commission staff to explore funding sources, including a State appropriation in the Commission's budget, for the preparation and initiation of a research effort which would address the cumulative impacts associated with additional boating and recreation facilities in the Tahoe shorezone.

In August 1979, the Commission extended this policy through December 1979, subject to staff working: (1) with the California Tahoe Regional Planning Agency (CTRPA) to develop a full range of alternatives for management of the Tahoe shorezone; and (2) to acquire the funding necessary to conduct a scientific study of the environmental effects of development in the Tahoe shorezone.

By adopting the Shorezone Ordinance of the Tahoe Regional Planning Agency (TRPA), the California Tahoe Regional Planning Agency (CTRPA) became the "Lead Agency", under the provisions of the California Environmental Quality Act of 1970, as amended, in the consideration of such private structures.

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(ADDED 8/9/88 - pgs. 246-246.9)

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CALENDAR ITEM NO. 30 (CONT'D)

In January 1981, the Commission extended this policy until December 1983, when the Commission's study of the effects of piers would be completed. The Commission again recognized the status of the California Tahoe Regional Planning Agency as lead agency for purposes of CEQA.

Subsequent to this action, two developments occurred which required reconsideration of this policy. First, a new bistate compact for the Tahoe Regional Planning Agency (TRPA) was agreed to by California and Nevada. This compact required TRPA to prepare threshold studies for further development in the Lake Tahoe Basin. Second, both CTRPA and TRPA prohibited any additional construction of either single- or multiple-use piers in Lake Tahoe or the extension of existing piers. These prohibitions were designed to continue until TRPA updated the Regional Plan to consider the threshold limit for piers. This update was to be based upon the data supplied from the Commission study. In furtherance of this policy, neither agency was accepting permit applications for new piers or extension (length of structure, etc.) of existing piers.

As a result, the Commission, at its meeting of April 22, 1982, adopted a policy "under which it would no longer accept applications for new piers or pier extensions at Lake Tahoe until the Tahoe Regional Planning Agency (TRPA) has updated its Regional Plan for the shorezone of Lake Tahoe".

The study of the littoral zone of Lake Tahoe focused on the cumulative impacts of pier development on littoral sediment transport. The study was funded by a \$175,000 appropriation from the California Environmental License Plate Fund and was performed under contract with the Department of Geological Sciences at the University of Southern California.

Results of the study showed that the littoral zone was highly segmented and there was little littoral zone transport of sediment between these segments. It also showed that most of the sediment that was present on the beaches was derived from the erosion of backshore cliffs and not from streams entering the lake. Evidence was found that piers did have a small effect on littoral sediment transport, but there was no evidence that this effect was cumulative.

On July 15, 1987, TRPA adopted their shorezone ordinance to implement their previously adopted Regional Plan. Although the plan and ordinance allow the construction of new structures in

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Lake Tahoe, TRPA indicated that it is continuing to restrict development of new piers and pier replacements in certain areas of the lake until an analysis is done to determine the impacts of structures on fish spawning and fish habitat. The general boundaries of the areas designated as prime fish habitat, fish spawning, and habitat restoration are shown on the maps contained in Exhibit "A". New construction of piers or pier replacements are generally not permitted in those areas designated as prime fish habitat, fish spawning, or fish habitat restoration area. The TRPA and California Department of Fish and Game can determine, however, that a proposed project appearing on the maps, as located in a designated prime fish habitat, fish spawning, or fish habitat restoration area, is not in such a location after reviewing the characteristics of the site in the field. The TRPA has begun issuing permits for piers and pier extensions in areas not designated on the maps in Exhibit "A" and in areas determined to be inaccurately designated as prime fish habitat, fish spawning, and fish habitat restoration areas.

Lake Tahoe is also the location for many public trust uses. Private piers are just one of the many uses made of the bed and waters of Lake Tahoe. Other public uses include boating, water skiing, fishing, beach use, environmental preservation, etc. Staff believes that private piers may sometime conflict with the other public trust uses found in a particular location and that these other uses should be investigated when an application for a new pier or pier replacement is made. Staff proposes to conduct such an investigation and to report its findings to the Commission at the time the Commission considers an application for a new pier or pier replacement project.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

AB 884: N/A.

EXHIBIT: A Habitat maps.

CALENDAR ITEM NO. 30 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

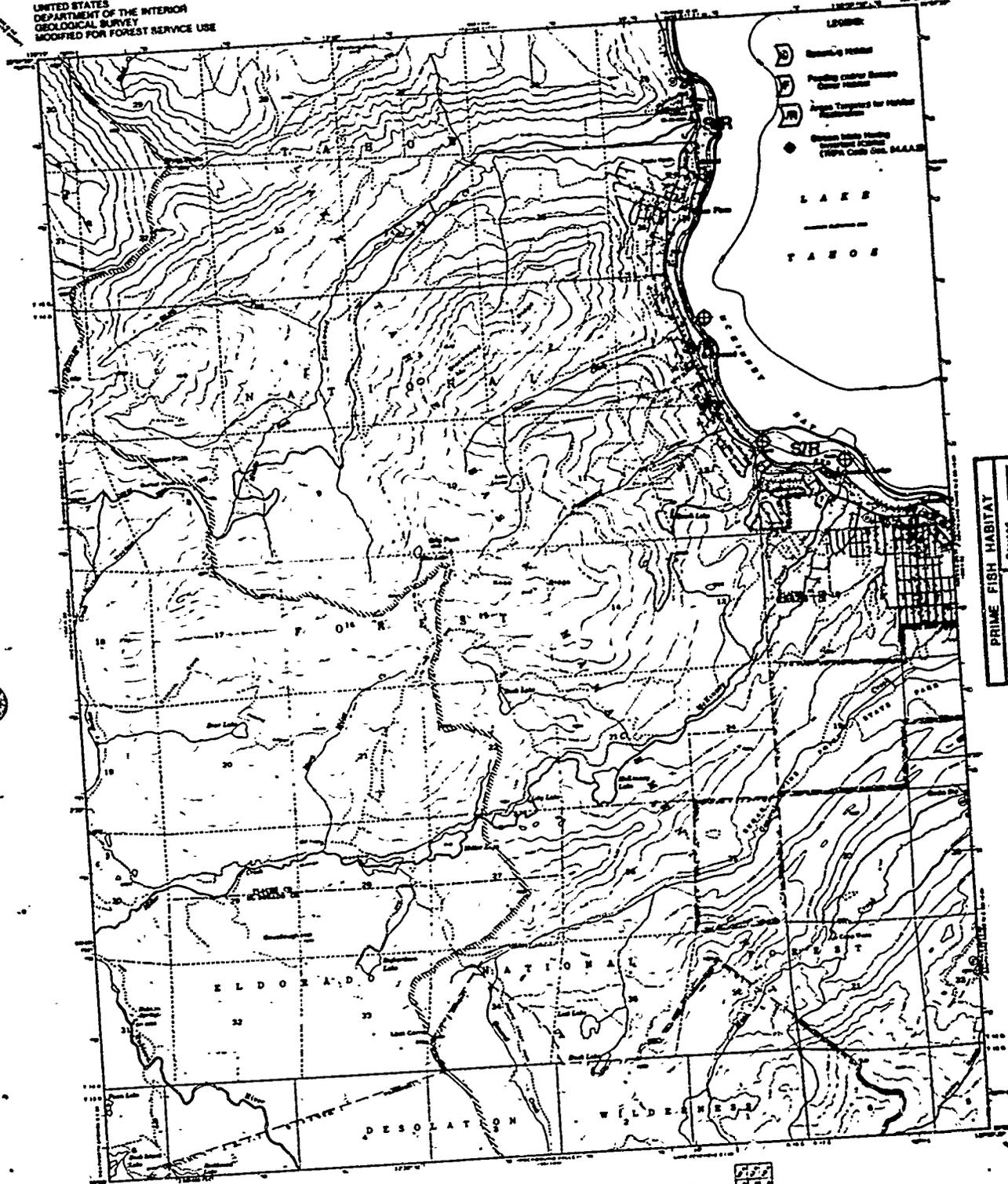
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE STAFF TO ACCEPT AND PROCESS APPLICATIONS FOR NEW PIERS AND PIER EXTENSIONS OR MODIFICATIONS AT LAKE TAHOE PROVIDED THAT SUCH APPLICATIONS ARE NOT LOCATED IN PRIME FISH HABITAT, FISH SPAWNING, OR FISH HABITAT RESTORATION AREAS, AS IDENTIFIED BY THE TRPA AND CALIFORNIA DEPARTMENT OF FISH AND GAME, AND ARE ACCOMPANIED BY A VALID TRPA PERMIT.
3. DIRECT STAFF TO CONSIDER OTHER PUBLIC TRUST USES OF THE LAKE WHEN EVALUATING APPLICATIONS FOR PIERS AND PIER REPLACEMENTS AND TO REPORT SUCH USES TO THE COMMISSION FOR THE LOCATION WHERE A PIER OR PIER REPLACEMENT IS PROPOSED.

EXHIBIT "A"

W 30005

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
MODIFIED FOR FOREST SERVICE USE

HOMERWOOD QUADRANGLE
PLACER AND EL DORADO CO.
BY CARLOS MERRIAM



LEGEND

- Boundary Marker
- Property corner Marker
- Area Temporarily for Forest Rehabilitation
- Stream with Bridge
- Stream with Dam
- Stream with Mill Race
- Stream with Dam and Mill Race

LAKES

- LAKE
- POND

TAYLOR

PRIME FISH HABITAT	
Original	Revised

Information furnished herein is for general information only. It is not intended to constitute a contract or warranty of any kind. The U.S. Geological Survey is not responsible for any errors or omissions in this publication.



- 86** U.S. GEOLOGICAL SURVEY
GEOLOGICAL MAP
- Boundary Marker
 - Property corner Marker
 - Area Temporarily for Forest Rehabilitation
 - Stream with Bridge
 - Stream with Dam
 - Stream with Mill Race
 - Stream with Dam and Mill Race
 - LAKE
 - POND

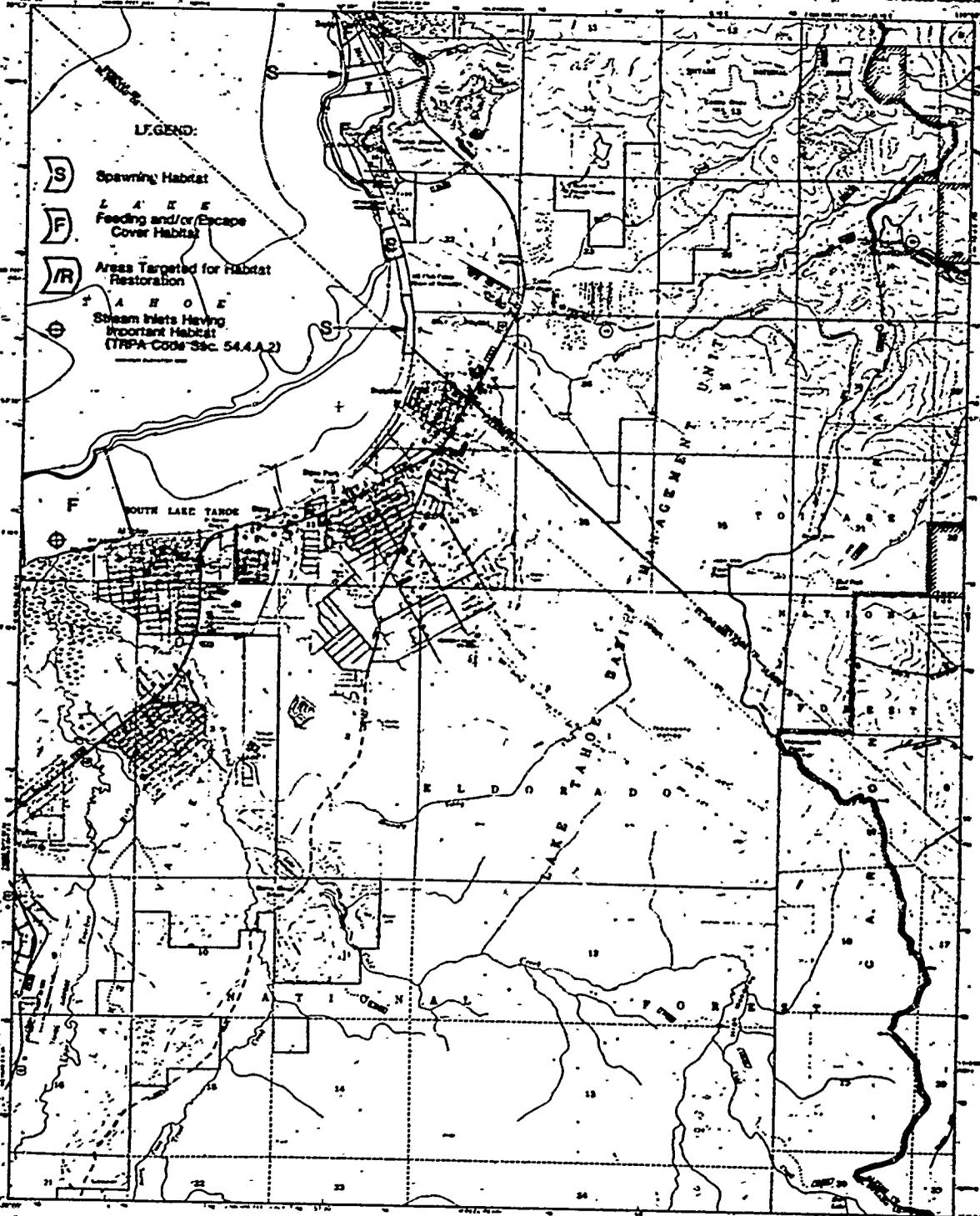


PROPERTY CORNER MAP
HOMERWOOD, CALIFORNIA
REVISION 8-78
U.S. NO. 838-3C

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UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY MODIFIED FOR FOREST SERVICE USE

SOUTH LAKE TAHOE CUMULATIVE ALPINE, GOULDS AND B. BONNER CO. SET CONSIDERED IMPROVED



- LEGEND:**
- S** Spawning Habitat
 - F** Feeding and/or Escape Cover Habitat
 - /R** Area Targeted for Habitat Restoration
 - +** Stream Inlets Having Important Habitat (TRPA Code Sec. 54.4.A.2)

PRIME FISH HABITAT	Revised
Original	
Scale	
Author	
Checked	
Date	

Revised National Wetlands Inventory of 1985
 National Wetlands Inventory (NWI) is a map of the United States showing wetlands and their characteristics. It is a product of the National Wetlands Inventory project, which is a joint effort of the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. The NWI is used to identify wetlands that are important to the Nation's water resources and to provide information for the development of wetlands management plans.



- LEGEND**
- 100-foot Contour Interval
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 - 300-foot Contour Interval
 - 400-foot Contour Interval
 - 500-foot Contour Interval
 - 600-foot Contour Interval
 - 700-foot Contour Interval
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 - 1200-foot Contour Interval
 - 1400-foot Contour Interval
 - 1600-foot Contour Interval
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 - 4000-foot Contour Interval
 - 4200-foot Contour Interval
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 - 7000-foot Contour Interval
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 - 9200-foot Contour Interval
 - 9400-foot Contour Interval
 - 9600-foot Contour Interval
 - 9800-foot Contour Interval
 - 10000-foot Contour Interval

PRIMARY BASE DATA MAP
 SOUTH LAKE TAHOE, CALIF., NEV.
 1980 5-911002 5-73
 F. S. NO. 522-2C
 1979

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