

MINUTE ITEM  
This Calendar Item No. 41  
was approved as Minute Item  
No. 41 by the State Lands  
Commission by a vote of 3  
to 0 at its 7/10/89  
meeting.

CALENDAR ITEM

41

07/10/89

W 1124.269 PRC 7316

J. Ludlow

A 7

S 1

APPROVAL OF A RECREATIONAL PIER PERMIT

APPLICANT: Michael Shumate and Gail Shumate  
500 Spring Street  
Santa Cruz, California 95060

AREA, TYPE LAND AND LOCATION:  
A parcel of submerged land in Lake Tahoe in the  
area of Rubicon Bay, El Dorado County.

LAND USE: Reconstruction and extension of an existing  
pier.

TERMS OF PROPOSED PERMIT:  
Initial period: Five-years beginning July 10,  
1989.

CONSIDERATION: Rent-free, pursuant to Section 6503.5 of the  
P.R.C.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:  
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:  
Filing fee and processing costs have been  
received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;  
Title 14, Div. 6.

AB 884:

08/15/89.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 461, State Clearinghouse No. 89022719. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b))

2. The reconstruction and extension of the existing pier will be done by barge with pile driver. All construction wastes will be collected onto the barge and disposed of at the nearest dumpster/sanitary landfill site.
3. The entire shoreward section of the pier rests on large boulders. There will be neither materials stored nor placed on the upland, therefore preventing any disturbance to what may be considered Tahoe Yellow Cress (Rorippa) habitat.
4. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, Department of Fish and Game, County of El Dorado, and the Tahoe Conservancy. None of these agencies

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expressed a concern that the proposed project would have a significant effect on trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
6. All permits covering structures in Lake Tahoe will include a condition subsequent that if any structure authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's shorezone ordinance and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then the permit will be automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof.

APPROVALS OBTAINED:

El Dorado County, Tahoe Regional Planning Agency, California Department of Fish and Game, Lahontan Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. El Dorado County Letter of Approval.
- D. Negative Declaration.

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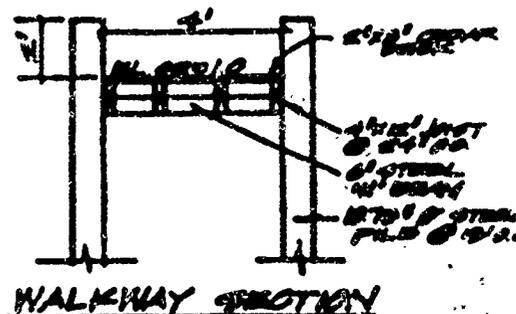
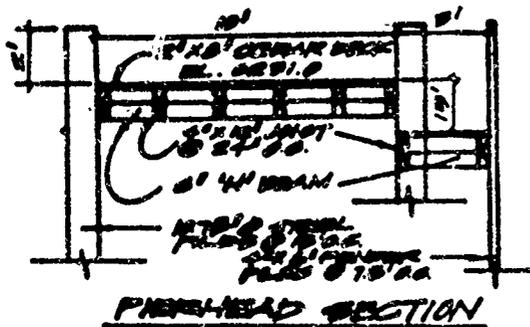
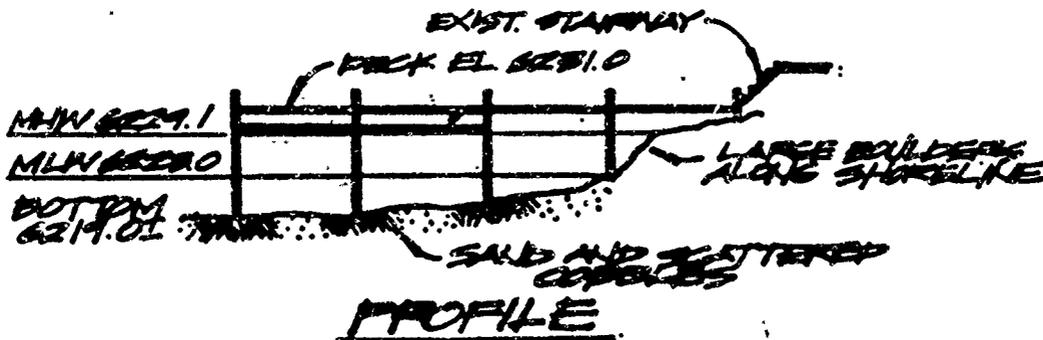
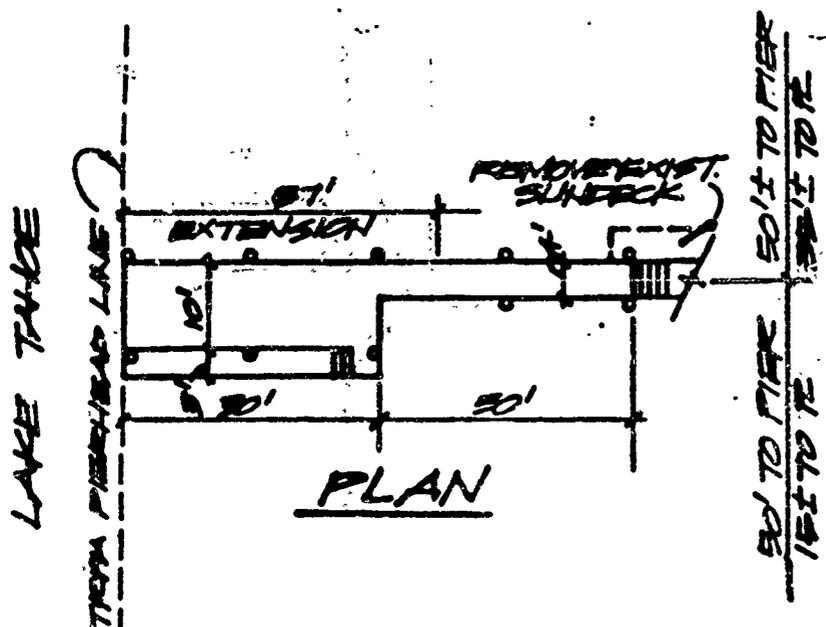
IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 461, STATE CLEARINGHOUSE NO. 89022719 WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO MICHAEL SHUMATE AND GAIL SHUMATE OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JULY 10, 1989; FOR THE RECONSTRUCTION AND EXTENSION OF AN EXISTING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

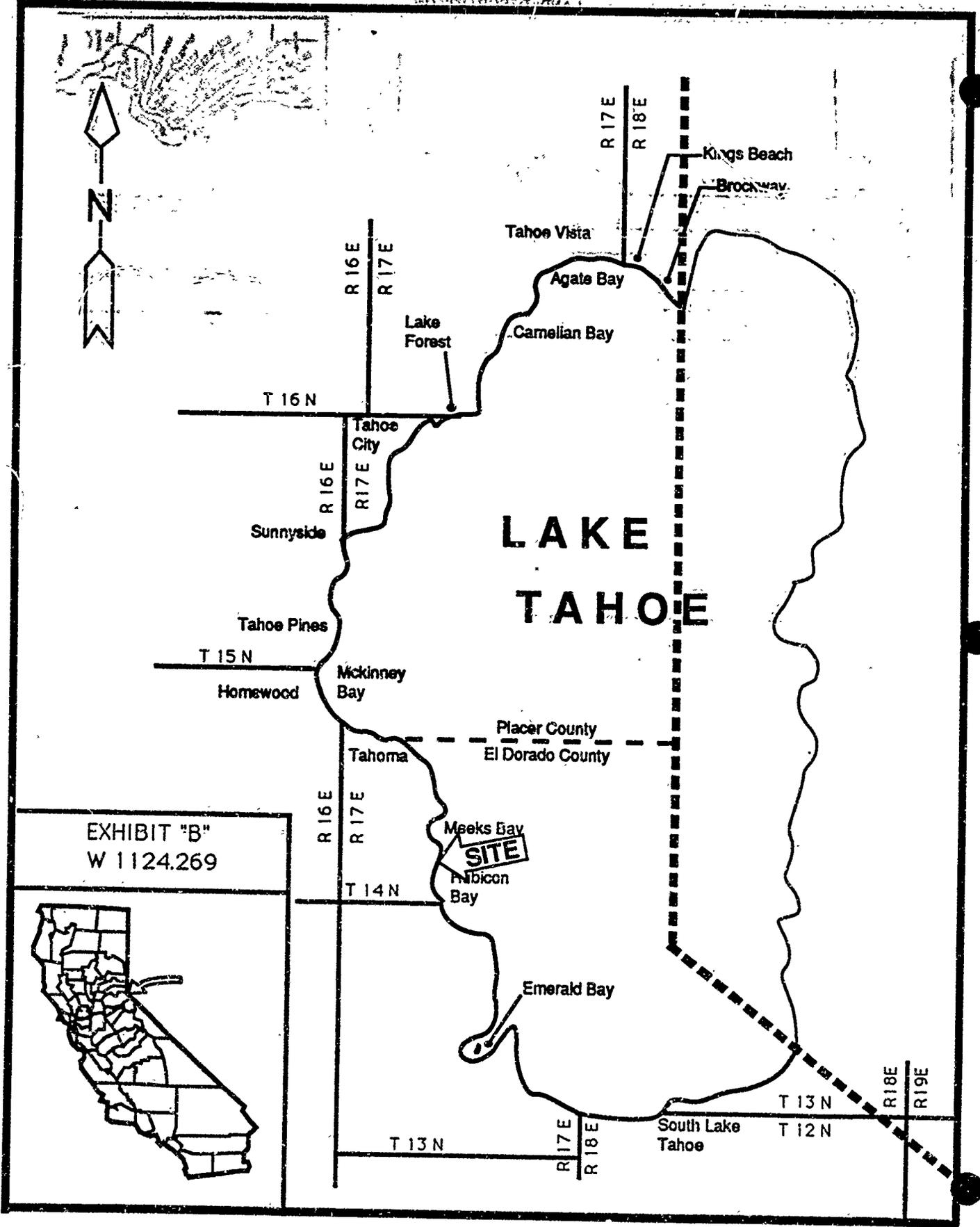
W 1124.269



PIER EXTENSION & RECONSTRUCTION  
 SHUMATE PROPERTY  
 6571 MEERS BAY AV.  
 EL DORADO COUNTY, CA  
 APR 16-081-121  
 AUGUST 1989  
**RVA**  
 RAYMOND VAR AND ASSOCIATES  
 ENGINEERS PLANNERS ARCHITECTS CONTRACTORS

ADJOINING PROPERTIES  
 EAST 16-081-261 WEST 16-081-421

REVISED



01788000

EXHIBIT "C"

STATE OF CALIFORNIA  
STATE LANDS COMMISSION  
FEB 06 1989  
EL DORADO CO. COUNTY OFFICE  
SOUTH LAKE TAHOE

W 1124.269

Date 2-6-89

Ms. Judy Ludlow  
California State Lands Commission  
1807 13th Street  
Sacramento, California 95814

Subject: Building Permit for Pier

Name: Michael and Gail Shumate

Address: 500 Spring Street

Santa Cruz, CA 95060

Tahoe Upland Address: 8371 Meeks Bay Avenue - Rubicon area

County Assessor's Parcel No. 16-081-121

Dear Ms. Ludlow:

The County of El Dorado has received notice of the above-referenced project in Lake Tahoe and has no objection to the pier repair/construction or to the issuance of the State Lands Commission's permit.

If you have any questions, you may reach me at (916) 573-3145.

Sincerely,

El Dorado County  
Building Division

JOHN S. WALKER  
Building Inspector III

66311

04:11 6-89

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STATE OF CALIFORNIA - STATE LANDS COMMISSION

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION  
1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95814

EXHIBIT "D"



PROPOSED NEGATIVE DECLARATION

EIR NO 461

File Ref.: W-1124.269

SCH#:

Project Title: SHUMATE PIER EXTENSION AND RECONSTRUCTION

Project Proponent: Michael & Gail Shumate

Project Location: In Lake Tahoe adjacent to 8371 Meeks Bay Ave., El Dorado County.

Project Description: Extension and reconstruction of an existing pier.

Contact Person: TED T. FUKUSHIMA Telephone: (916)322-7813

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Code Regulations).

Based upon the attached Initial Study, it has been found that:

- the project will not have a significant effect on the environment.
- mitigation measures included in the project will avoid potentially significant effects.

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W.O. 7125.31U  
January 20, 1989

RE: PIER RECONSTRUCTION/EXTENSION - SHUMATE PROPERTY  
EL DORADO COUNTY APN: 016-081-121

PROJECT NARRATIVE

Reconstruction and 37 LF extension of existing single family pier with 10.75" diameter steel piles at 15' O.C. with 6" steel "H" beams, 4' x 10" wood joists at 24" O.C., 2" x 6" min. cedar deck, with one (1) catwalk on east side of pier. Extension to provide necessary water depth (lake bottom 6219.0) and the docking of boats beyond the existing large boulders along shoreline. (See submittal drawing.)

CONSTRUCTION METHOD

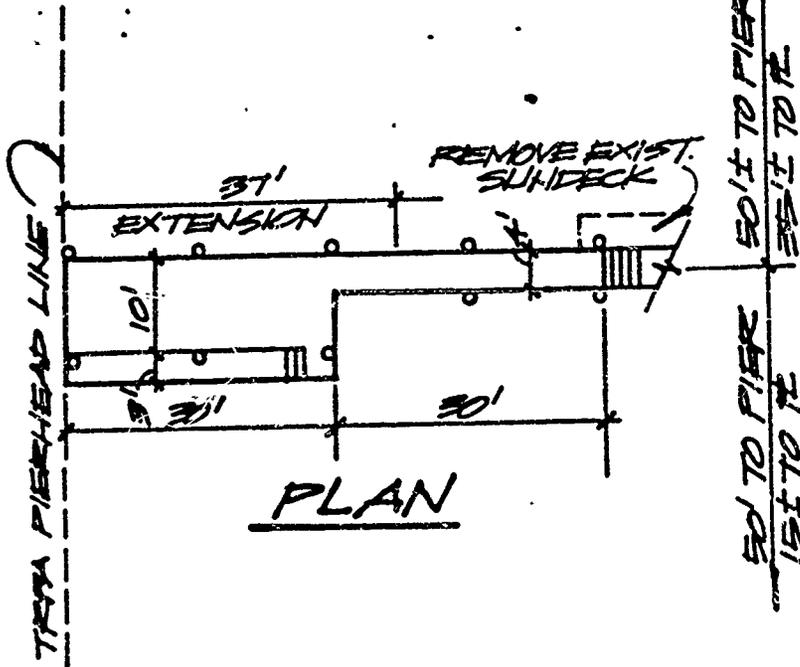
Reconstruction and extension of existing pier is to be by barge with pile driver; casons or sleeve will be used when sediment is resuspended while pile driving. Anchorage of barge will be to existing structure and/or anchors required for adequate stabilization of barge on the lake. All construction wastes will be collected onto barge and/or onshore dumpster and disposed at the nearest dumpster/sanitary landfill site. Small boats (John boats) and tarps to be under construction areas to provide collection of construction debris preventing any discharge of wastes to the lake.

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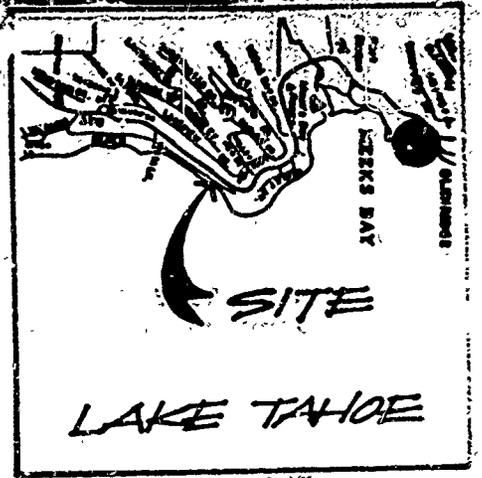
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2330

**RVA**

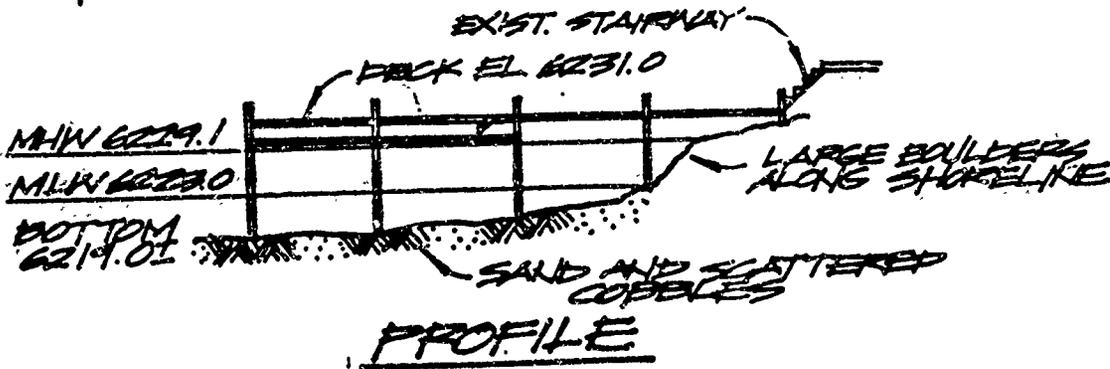
LAKE TAHOE



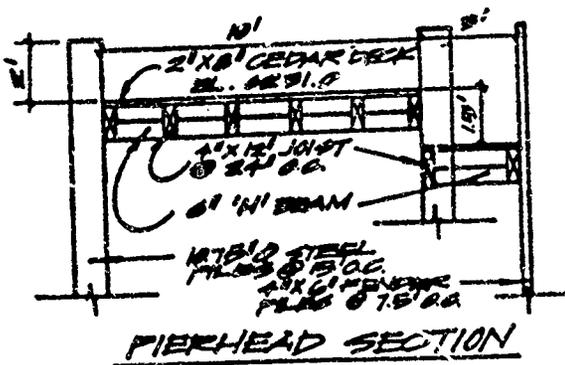
PLAN



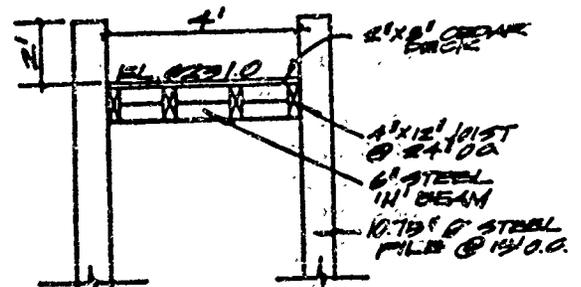
LOCATION MAP



PROFILE



PIERHEAD SECTION



WALKWAY SECTION

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PIER EXTENSION & RECONSTRUCTION  
 SHUMATE PROPERTY  
 8371 MEEKS BAY AVE  
 EL DORADO COUNTY, CA  
 APN 16-081-121  
 AUGUST 1988



SACRAMENTO • ANCHORAGE • SIOFOIA • WOODBURY  
 RAYMOND VAIL AND ASSOCIATES  
 ENGINEERING • PLANNING • ARCHITECTURE • SURVEYING

ADJOINING PROPERTIES  
 EAST 16-081-361 WEST 16-081-421

REVISED

NO 7125 311

**ENVIRONMENTAL IMPACT ASSESSMENT FORM - Part I**

(To be completed by applicant)

FORM 60.3(11/82)

**A. GENERAL INFORMATION**

1. Name, address, and telephone number:

a. Applicant:

Michael & Gail Shumate  
500 Spring Street  
Santa Cruz, CA 95060  
( )

b. Contact person if other than applicant:

Kevin Agan  
Raymond Vail & Associates  
395 North Lake Blvd.  
Tahoe City, CA 95730  
(916 )

2. a. Project location: (Please reference to nearest town or community and include county)

In Lake Tahoe adjacent to 8371 Meeks Bay Ave., El Dorado County.  
\_\_\_\_\_  
\_\_\_\_\_

b. Assessor's parcel number: 16-081-121

3. Existing zoning of project site: \_\_\_\_\_

4. Existing land use of project site: pier

5. Proposed use of site: pier extension and reconstruction.

6. Other permits required: TRPA; Dept. of Fish & Game

**B. PROJECT DESCRIPTION**

1. For building construction projects, complete "ATTACHMENT A".

2. For non-building construction projects: Describe fully, the proposed activity, its purpose and intended use, e.g. for proposed mineral prospecting permits, include the number of test holes, size of holes, amount of material to be excavated, maximum surface area of disturbance, hole locations, depth of holes, etc. Attach plans or other drawings as necessary.

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**C. ENVIRONMENTAL SETTING**

002 ASIF W

1. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures.
2. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.).

**D. ENVIRONMENTAL IMPACT ASSESSMENT**

Answer the following questions by placing a check in the appropriate box. Discuss all items checked "yes" or "maybe".  
(Attach additional sheets as necessary)

Will the project involve:	YES	MAYBE	NO
1. a change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. a change in scenic views or vistas from existing residential areas or public lands or roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a change in pattern, scale, or character of the general area of project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. a significant effect on plant or animal life?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. significant amounts of solid waste or litter?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. a change in dust, ash, smoke, fumes, or odors in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. a change in ocean, bay, lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. a change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. construction on filled land or on slope of 10 percent or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. use or disposal of potentially hazardous materials, such as toxic or radioactive substances, flammables, or explosives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. a change in demand for municipal services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. an increase in fossil fuel consumption (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a larger project or a series of projects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**E. CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: Feb. 28, 1989

Signed: *[Signature]*

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.28 (7/82)

File Ref: W 1124.269

I. BACKGROUND INFORMATION

A. Applicant: Michael & Gail Shumate
500 Spring Street
Santa Cruz, CA 95060

B. Checklist Date: 2 / 28 / 89

C. Contact Person: TED T. FUKUSHIMA
Telephone: ( 916 ) 322-7813

D. Purpose: repair and modification of an existing pier.

E. Location: In Lake Tahoe adjacent to 8371 Meeks Bay Ave., El Dorado County.

F. Description: Pier extension and reconstruction.

G. Persons Contacted: [Blank lines for contact information]

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

A. Earth. Will the proposal result in:

- 1. Unstable earth conditions or changes in geologic substructures?
2. Disruptions, displacements, compaction, or overcovering of the soil?
3. Change in topography or ground surface relief features?
4. The destruction, covering, or modification of any unique geologic or physical features?
5. Any increase in wind or water erosion of soils, either on or off the site?
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

Yes Maybe

Grid of checkboxes for Yes/Maybe responses

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B. *Air*. Will the proposal result in:

- 1. Substantial air emissions or deterioration of ambient air quality?
- 2. The creation of objectionable odors?
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

C. *Water*. Will the proposal result in:

- 1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- 3. Alterations to the course or flow of flood waters?
- 4. Change in the amount of surface water in any water body?
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- 6. Alteration of the direction or rate of flow of ground waters?
- 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- 8. Substantial reduction in the amount of water otherwise available for public water supplies?
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?

D. *Plant Life*. Will the proposal result in:

- 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
- 2. Reduction of the numbers of any unique, rare or endangered species of plants?
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- 4. Reduction in acreage of any agricultural crop?

E. *Animal Life*. Will the proposal result in:

- 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?
- 2. Reduction of the numbers of any unique, rare or endangered species of animals?
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- 4. Deterioration to existing fish or wildlife habitat?

F. *Noise*. Will the proposal result in:

- 1. Increase in existing noise levels?
- 2. Exposure of people to severe noise levels?

G. *Light and Glare*. Will the proposal result in:

- 1. The production of new light or glare?

H. *Land Use*. Will the proposal result in:

- 1. A substantial alteration of the present or planned land use of an area?

I. *Natural Resources*. Will the proposal result in:

- 1. Increase in the rate of use of any natural resources?
- 2. Substantial depletion of any nonrenewable resources?

**J. Risk of Impact.** Does the proposal result in:

- |   | Yes                      | Maybe                    | No                                  |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**K. Population.** Will the proposal result in:

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The alteration, distribution, density, or growth rate of the human population of the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|

**L. Housing.** Will the proposal result in:

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Affecting existing housing, or create a demand for additional housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|

**M. Transportation/Circulation.** Will the proposal result in:

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Generation of substantial additional vehicular movement?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking?         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**N. Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Fire protection?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Police protection?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Schools?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Parks and other recreational facilities?           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Other governmental services?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**O. Energy.** Will the proposal result in:

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Use of substantial amounts of fuel or energy?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**P. Utilities.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- |                              |                          |                          |                                     |
|------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas?     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communication systems?    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Water?                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks?    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage?     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Q. Human Health.** Will the proposal result in:

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to potential health hazards?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**R. Aesthetics.** Will the proposal result in:

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|

**S. Recreation.** Will the proposal result in:

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|

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**T. Cultural Resources.**

- |   | Yes                      | Maybe                    | No                                  |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?              | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?              | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will the proposal restrict existing religious or sacred uses within the potential impact area?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**U. Mandatory Findings of Significance.**

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the project have impacts which are individually limited, but cumulatively considerable?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)**

**IV. PRELIMINARY DETERMINATION**

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 2 / 28 / 89

*John S. Stokush*  
 For the State Lands Commission  
 810  
 2337  
 MINUTE PAGE

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

## STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT NAME Pier Repair and Extension APN 16-081-12

PERMITTEE(S) Michael and Gale Shumate

COUNTY/LOCATION El Dorado County, 8371 Meeks Bay Avenue

**Staff Analysis:** In accordance with Article VI of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

**Determination:** Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

*Paul Anglin*  
TRPA Chairman or Executive Director

11-2-88  
Date

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**TAHOE REGIONAL PLANNING AGENCY**

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

PERMIT

(702) 566-4547

PROJECT NAME Pier Repair and Extension APN 16-081-12

PERMITTEE(S) Michael and Gale Shumate

COUNTY/LOCATION El Dorado County, 8371 Meeks Bay Avenue

Having made the findings required by Agency ordinances and rules, TRPA approved the project on 11-2-88, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions on the back of this permit.

This permit shall expire on 11-2-91 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT ON THE BACK OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

*Rick Anglin*  
TRPA Executive Director/Designee

11-2-88  
Date

\*\*\*\*\*  
PERMITTEE'S ACCEPTANCE: I have read the permit and the standard and special conditions of approval and understand and accept them. I understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I ALSO UNDERSTAND THAT ALL MITIGATION FEES ASSOCIATED WITH THIS PERMIT ARE NONREFUNDABLE ONCE PAID TO TRPA.

Signature of Permittee(s) *Karin M. Shumate* Date 1/20/89  
\*\*\*\*\*

PERMIT CONTINUED ON BACK

TC:cs

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APN 16-081-12

Excess Coverage Mitigation Fee: Amount \* \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Pier Mitigation Fee: Amount \$1,110 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Posted: Amount \* \_\_\_\_\_ Posted \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Administrative Fee: Amount \* \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

\* To be determined.

Required plans determined to be in conformance with approval: Date \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The applicant has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

\*\*\*\*\*  
**SPECIAL CONDITIONS**

1. Prior to commencement of construction the following special conditions of approval must be satisfied.

a. The property site plan shall include:

(1) The following land coverage calculations:

- (i) Lot area above highwater line.
- (ii) Allowable land coverage for each land capability (1a) district including backshore area (1b).
- (iii) Existing land coverage for each land capability (1a) district including backshore area (1b).
- (iv) Proposed land coverage for each land capability (1a) district including backshore area (1b).

(2) A three inch layer of gravel (3/4" drainrock) beneath all raised decks and stairway.

(3) All property lines.

(4) Site plan scale and north arrow.

(5) Topographic contour lines at two (2) foot intervals.

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SPECIAL CONDITIONS CONTINUED ON NEXT PAGE

SPECIAL CONDITIONS (continued)

APN 16-081-12

2. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
3. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
4. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
5. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
6. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.
7. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project site and deposited only at approved points of disposal.
8. This structure shall not extend beyond the pierhead line as indicated on official TRPA maps (60 feet lakeward of the highwater line for this property).
9. The width of the pier shall not be greater than ten feet, except that portion of the pier with a catwalk. The catwalk shall not exceed three feet in width. The pier shall be placed only within an area that is enclosed by lines that are parallel to and a minimum of 20 feet inward of parcel lines when intended lakeward at right angles from the highwater line.
10. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
11. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
12. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.

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**SPECIAL CONDITIONS (continued)**

**APN 16-081-12**

- (6) Land capability district (1a) and backshore (1b) boundaries.
  - (7) Mechanical stabilization of the slope between the parking pad and residence in accordance with the TRPA Handbook of Best Management Practices (BMPs).
  - (8) A note indicating that all existing disturbed areas and areas disturbed by construction activity, shall be revegetated with vegetation species in accordance with Standard Condition 1.a of Attachment S. A list of acceptable plant species is enclosed with this permit.
  - (9) Temporary erosion control structures located downslope of the proposed construction area, during BMP installation (slope stabilization between parking pad and residence).
  - (10) Vegetation protective fencing around the entire construction site during BMP installation.
- b. The security required under Standard Condition 3 of Attachment S shall be determined upon the applicant's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
- c. The applicant shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required BMPs outside of the construction site boundary up to a minimum of five percent of the estimated construction cost of the project as well as all required BMPs inside the construction boundary, shall be installed prior to project completion. The balance of the required BMPs shall be installed as follows: At least 50 percent of the BMPs shall be installed within five years and 100 percent within ten years, as determined by an estimate of the cost of the BMPs. The security required under Standard Condition 3 of Attachment S shall be equal to 110 percent of the estimated BMP costs.
- d. The applicant shall mitigate excess land coverage on this property in a manner consistent with Chapter 20 of the TRPA Code of Ordinances. This condition may be satisfied by submittal of an excess land coverage mitigation fee as follows:

Cost of project x 0.05 (TRPA Reduction Factor) x Excess Land Coverage percentage.

The excess land coverage percentage equals the existing land coverage percentage ( \_\_\_\_\_ %) minus the allowed land capability percentage (1%). Please provide a written cost estimate by your contractor, architect or engineer. In no case shall the mitigation fee be less than \$100.

**SPECIAL CONDITIONS CONTINUED ON NEXT PAGE**

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SPECIAL CONDITIONS (continued)

APN 16-081-12

Also, if you choose, existing land coverage may be removed in lieu of payment of an excess land coverage mitigation fee. To calculate this land coverage reduction amount, divide the amount of the mitigation fee by \$5 per square foot. If you choose this option it will be necessary for you to revise your site plan and land coverage calculations to account for the coverage removal.

- e. The final construction drawings shall have notes indicating conformance to the following design standards for color:
  - (1) Color: The color of this structure shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.
  - (2) The applicant shall mitigate scenic quality impacts of the existing subject property by revegetating and planting native tree species around and more importantly, on the lake side of their home to visually screen the existing home from views from the lake.
- f. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B. TRPA Code of Ordinances, and all other applicable TRPA design standards.
- g. The applicant shall submit a pier mitigation fee of \$1,110 for the construction of 37 feet of new pier.
- h. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and, when construction will be completed.
- i. The applicant shall submit a slope stabilization plan for the slope located between the parking pad and residence.
- j. The applicant shall obtain all required approvals from the U. S. Army Corps of Engineers, Lahontan Regional Water Quality Review Board, California Department of Fish and Game, and the California State Lands Commission for this project.
- k. The applicant shall submit three sets of final construction drawings and site plans to TRPA.

SPECIAL CONDITIONS CONTINUED ON NEXT PAGE

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—  
LAHONTAN REGION**

3072 LAKE TAHOE BOULEVARD  
P.O. BOX 908  
SOUTH LAKE TAHOE, CALIFORNIA 95731-2428  
(916) 544-3881



September 20, 1988

RVA - TAHOE

SEP 21 1988

RECEIVED

Michael and Gail Shumate  
500 Spring Street  
Santa Cruz, CA 95060

**WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR THE PROPOSED PIER RECONSTRUCTION  
AND EXTENSION, LAKE TAHOE, EL DORADO COUNTY APN 16-081-121**

Dear Mr. and Mrs. Shumate:

We have reviewed your Report of Waste Discharge for the proposed pier reconstruction and extension at 8371 Meeks Bay Avenue, Rubicon Bay. The proposed project will consist of the reconstruction and 37 foot extension of an existing pier. Existing wood piles will be replaced with steel piles. The extension is to provide a needed water depth for boat docking. Based on the information submitted it is not against the public interest to waive the adoption of Waste Discharge Requirements for this project. This waiver is based on the following conditions:

1. The disturbance of the lake bed materials shall be kept to a minimum during construction. Best practicable control technology shall be used to keep suspended earthen materials out of Lake Tahoe.
2. No petroleum products, construction wastes, litter, or earthen materials will enter any surface waters in the Lake Tahoe Basin. Any mechanical equipment operating within the lake will be cleaned and maintained prior to use.
3. All construction waste products will be removed from the project site and dumped at a legal point of disposal.
4. The use of wood preservatives on wood in contact with the lake waters must be approved by Regional Board staff prior to use.
5. Regional Board staff shall be notified at least 48 hours prior to the start of the project.
6. Each pier owner is responsible for compliance with the waiver conditions and for ensuring that the project contractor is provided with a copy of these conditions.

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LAHONTAN REGION



Michael and Gail Shumate

-2-

This waiver may be revoked and enforcement action taken upon the violation of any of the above conditions, creation of a water quality problem, or variation from the plans submitted to this office. The expiration date of this waiver is October 15, 1989.

If you have any questions, please call Chris Stetler at this office.

Yours truly,

*O. R. Butterfield*

O. R. BUTTERFIELD  
EXECUTIVE OFFICER

cc: Tahoe Regional Planning Agency/ Jerry Wells  
California Dept. of Fish and Game/ Ken Nilson  
Raymond Vail and Associates/ Kevin Agan ✓

sh

**AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION**

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and KEVIN M. AGAN, RAYMOND VAIL & ASSOCIATES of LAHORE, CA, State of CA, hereinafter called the operator, is as follows:

WHEREAS, pursuant to Section 1601-1607 of California Fish and Game Code, the operator, on the 23<sup>RD</sup> day of JAN, 1989, notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed of, the following water: LAKE TARTO, in the County of EL DORADO, State of California, S. 29 T 14 N R 17 E

WHEREAS, The Department (represented by WARDEN HART has made an inspection of subject area on the 26<sup>TH</sup> day of JAN, 1989, and) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: CANINE AND NON-GAME FISHES.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the operator's work. The operator hereby agrees to accept the following recommendations as part of his work: Numbers 1, 3, 13, 19, 20, 21 AND 22 from the list of recommendations on the back of this page and the following special recommendations:

1. All work in or near the stream or lake shall be confined to the period UPON SIGNING AGREEMENT TO DEC. 31, '89

NOTE  
REV.

- # 13. - A CURTAIN ENCLOSURE TO PREVENT SILTATION OF THE LAKE BEYOND THE IMMEDIATE WORKING AREA SHALL BE INSTALLED AND MAINTAINED.
- # 19. - IF LAKE MARGIN IS ALTERED IT SHALL BE RESTORED AS NEARLY AS POSSIBLE TO NATURAL STATE.
- # 21. - NO PETROLEUM PRODUCT OR CONSTRUCTION DEBRIS SHALL BE ALLOWED TO ENTER THE WATER OF LAKE TARTO.

If the operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this agreement and with other pertinent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652 and 5948, may result in prosecution.

Nothing in this agreement authorizes the operator to trespass on any land or property, nor does it relieve the operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated agreement does not necessarily constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

This agreement becomes effective on SIGNING and terminates DEC. 31, '89

Operator Kevin M. Agan Title ENGINEERING TECHNICIAN  
Department Representative Warden Hart Title F&G WARDEN

Organization RAYMOND VAIL & ASSOCIATES Department of Fish and Game, State of California  
Date 1/26/89 Date JAN 26, 1989

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\* If inspection was not made, cross out words within parentheses.