

MINUTE ITEM  
This Calendar Item No. C12  
was approved as Minute Item  
No. C12 by the State Lands  
Commission by a vote of 2  
to 0 at its 9/27/90  
meeting.

CALENDAR ITEM

A 7

C 2

09/27/90

S 1

WP 4176

PRC 4176

Gordon

GENERAL PERMIT - RECREATIONAL USE

APPLICANTS:

Linson L. Patton  
Carole L. Patton  
P. O. Box 156  
Homewood, California 95718

Ernestine P. Bergstrom  
P. O. Box 773  
Santa Cruz, California 95061

AREA, TYPE LAND AND LOCATION:

A 0.211-acre parcel, a 0.124-acre parcel, and  
two (2) 0.029-acre circular parcels that all  
together total 0.393 acre of submerged land  
located in Rubicon Bay at Lake Tahoe, El Dorado  
County.

LAND USE:

Maintenance of a rock breakwater and swim area;  
maintenance and reconstruction of a  
pier/boathouse structure; and two mooring  
buoys, all utilized for recreational swimming  
and boating.

TERMS OF PROPOSED PERMIT:

Initial period: Five years beginning  
September 5, 1988.

Public liability insurance: Combined single  
limit coverage of \$500,000.

CALENDAR ITEM NO. 012 CONT'D

Special:

1. The permit is conditioned on permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
2. The permit restricts any residential use of the facilities.
3. The permit conforms to the Lyon/Fogarty decision.
4. The permit is conditioned on the right of public access along the shorezone lakeward of the ordinary high water line.
5. The permit is conditioned on permittee's retention of the public trust area and the Rorippa habitat area in its natural condition.

CONSIDERATION: \$1,840 beginning September 5, 1988 through September 4, 1989; \$1,976.71 beginning September 5, 1989 through September 4, 1990; and, \$1,987.20 per annum, thereafter, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

NONMONETARY CONSIDERATION:

P.R.C. 6503.5, as to the pier/boathouse structure and mooring buoys.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicants are owner of upland.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee and processing costs have been received.

CALENDAR ITEM NO 12 CONT'D

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: 11/21/90.

OTHER PERTINENT INFORMATION:

1. This is an application to reconstruct Applicant's pier/boathouse structure, bring Applicant's existing unauthorized mooring buoys under permit, and replace Applicant's permit which expired September 4, 1988.
2. 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 521, State Clearinghouse No. 90020750. 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))

3. 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 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.

CALENDAR ITEM NO. C 1 2 CONT'D

4. Prior to the issuance of the permit, staff physically inspects the site for purposes of evaluating the impact of the activity on the public trust.
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 activity is consistent with its use classification.
6. All construction will occur waterward of low water from a barge.

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Local Government Comment.
- D. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR NO 521, STATE CLEARINGHOUSE NO. 90020750, 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 LINSON L. PATTON, CAROLE L. PATTON, AND ERNESTINE P. BERGSTROM, PENDING THE COMPLETION OF A PUBLIC TRUST INSPECTION AS INDICATED IN PARAGRAPH 4 OF "OTHER PERTINENT INFORMATION", A FIVE-YEAR GENERAL PERMIT - RECREATIONAL USE, BEGINNING SEPTEMBER 5, 1988; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,840

CALENDAR ITEM NO. C 7 2 CONT'D

BEGINNING SEPTEMBER 5, 1988 THROUGH SEPTEMBER 4, 1989;  
\$1,976.71 BEGINNING SEPTEMBER 5, 1989 THROUGH SEPTEMBER 4,  
1990; AND, \$1,987.20 PER ANNUM, THEREAFTER PLUS  
P.R.C. 6503.5; WITH THE STATE RESERVING THE RIGHT TO FIX A  
DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT,  
AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR  
COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR MAINTENANCE  
OF A ROCK BREAKWATER AND SWIM AREA; MAINTENANCE AND  
RECONSTRUCTION OF A PIER/BOATHOUSE STRUCTURE; AND TWO  
MOORING BUOYS, ALL UTILIZED FOR RECREATIONAL SWIMMING AND  
BOATING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND  
BY REFERENCE MADE A PART HEREOF.

**EXHIBIT A**

**WP 4176**

**LAND DESCRIPTION**

Four (4) parcels of submerged land in the State owned bed of Lake Tahoe, El Dorado County, California, said parcels being adjacent to fractional Section 32, T14N, R17E, MDM, and described as follows:

**PARCEL 1 - Rock Breakwater and Swim Area**

COMMENCING at a 1 1/4 inch capped pipe, said pipe being the northwesterly corner of Lot 8, Block A Rubicon Properties, as said Lot 8 is described in the Grant Deed to O. J. Hall Jr., recorded in Book 1013, page 89 of Official Records of said County; thence along the northerly line of said lot, N 83° 51' E 203.98 feet to a 3/4 inch pin and the TRUE POINT OF BEGINNING of this parcel; thence from said point of beginning the following eight (8) courses:

1. S 07° 24' E 100.85 feet;
2. S 13° 07' E 102.68 feet;
3. N 88° 59' 54" E 75.39 feet;
4. N 70° 55' 03" E 81.30 feet;
5. N 06° 39' 08" E 100.11 feet;
6. N 24° 01' 01" W 106.78 feet;
7. S 84° 53' 58" W 81.43 feet;
8. S 76° 51' 59" W 77.57 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Lake Tahoe.

**PARCEL 2 - Pier**

All that land lying immediately beneath a pier being easterly and adjacent to said Lot 8, TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Lake Tahoe.

**PARCEL 3 & 4 - Mooring Buoys**

Two circular parcels, each having a radius of 20 feet, said parcels being adjacent to and easterly of the above mentioned Parcel 2.

**END OF DESCRIPTION**

**PREPARED AUGUST 22, 1990 BY LLB.**

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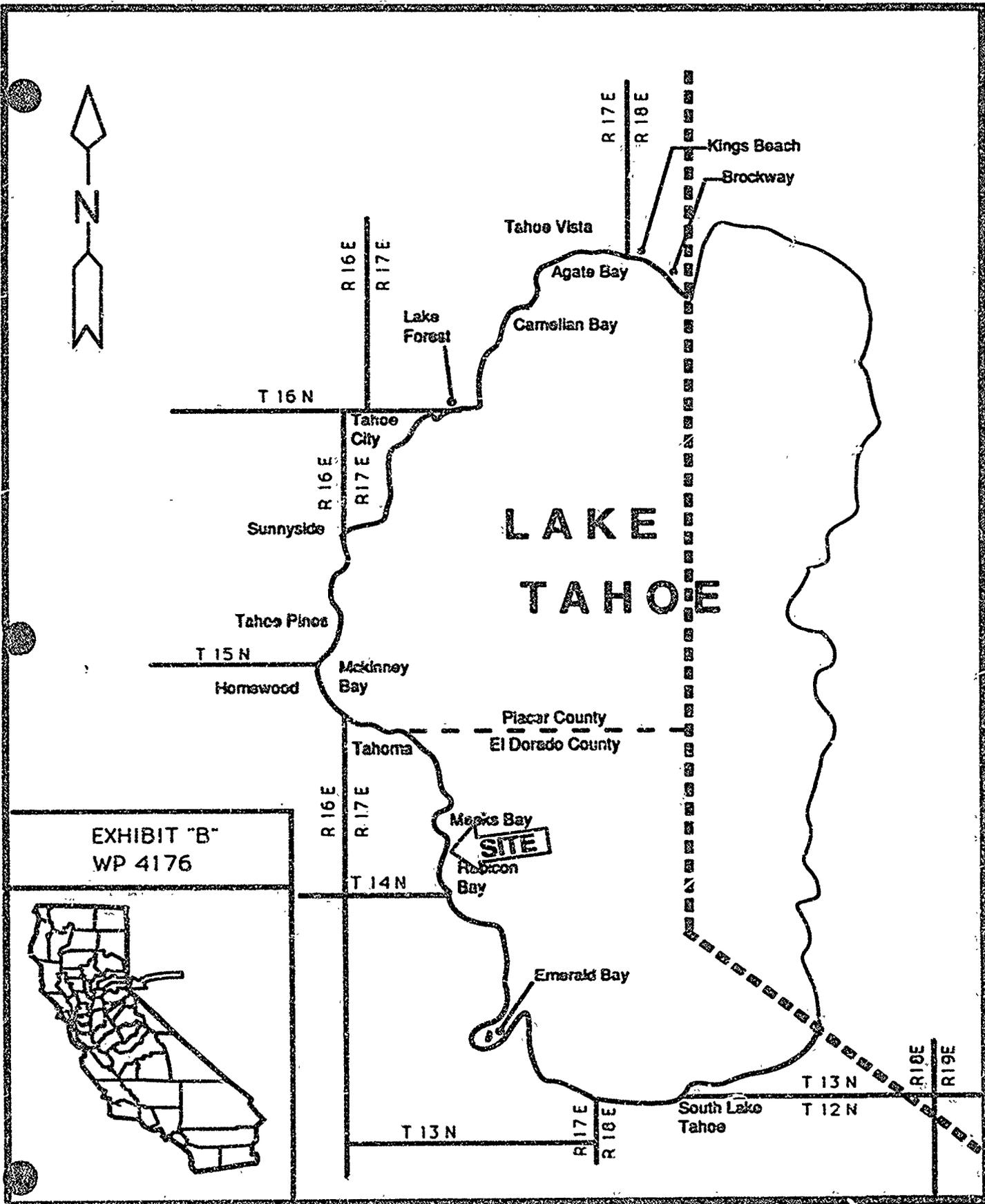


EXHIBIT "B"  
WP 4176



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EXHIBIT C

JAN 05 1990

EL DORADO CO. COMMUNITY DEVELOPMENT DEPT.  
SOUTH LAKE TAHOE

Date: 1-5-90

File Ref: WP 4176

State Lands Commission  
Attn: Peter Pelkofer,  
Senior Counsel  
1807 - 13th Street  
Sacramento, California 95814

Greetings:

Subject: Reconstruction of a Pier and Boathouse, Plus an Existing Rock  
Breakwater, Swim Area, and Mooring Buoys at Rubicon Bay, Lake Tahoe

Name: Linson L. Patton  
Carole L. Patton  
Address: P. O. Box 166  
Homewood, California 95718

Assessor's Parcel No. 016-142-27

Name: Ernestine Bergstrom  
Address: P. O. Box 773  
Santa Cruz, California 95061

Assessor's Parcel No. 016-142-28

The County of El Dorado has received notice of the above-referenced activity in Lake Tahoe and has no objection to said facilities/project or to the issuance of a permit or lease by the State Lands Commission for such use of sovereign lands.

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

County of El Dorado  
Community Development Department  
~~Local Health Officer~~



JOHN S. WALKER  
Building Inspector III

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EXHIBIT D

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION

NOT. McCARTHY, Lieutenant Governor  
GRAY DAVIS, Controller  
JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE  
1607 - 13th Street  
Sacramento, CA 95814  
CHARLES WARREN  
Executive Officer

July 25, 1990  
File Ref: WP 4176  
SCH. NO. 90020750

NOTICE OF PUBLIC REVIEW  
OF A  
PROPOSED NEGATIVE DECLARATION  
(Section 15073 CCR)

A Negative Declaration has been 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), for a project currently being processed by the staff of the State Lands Commission.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above, with attention to the undersigned. All comments must be received by August 24, 1990.

Should you have any questions or need additional information, please call the undersigned at (916) 324-4715.

  
JUDY BROWN  
Division of Research  
and Planning

JB:ma  
Attachment

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## STATE LANDS COMMISSION

LEOT. McCARTHY, Lieutenant Governor  
GRAY DAVIS, Controller  
JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95833  
CHARLES WARREN  
Executive Officer

PROPOSED NEGATIVE DECLARATION

EIR ND: 521

File Ref: WP 4176

SCH. NO.: 90020750

**Project Title:** Patton/Bergstrom Multi-use Pier Reconstruction

**Project Proponent:** Linson Patton and Ernestine Bergstrom

**Project Location:** Lake Tahoe, El Dorado County adjacent to APN: 016-042, 27, and 28, 8669 Beach Lane, Rubicon

**Project Description:** Partial reconstruction of an existing 172' x 5' woodpile open pier, including steel capping of existing piles, reconstruction of an existing 30' x 27' boathouse, and replacement of wood decking as needed.

**Contact Person:** Judy Brown Telephone: (916) 324-4715

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:

that 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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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.30 (7/82)

File Ref.: WP 4176

I. BACKGROUND INFORMATION

A. Applicant: Linson Patton and Ernestine Bergstrom  
P.O. Box 166 Hoemwood, CA 95718  
P.O. Box 773, Santa Cruz, CA 95061

B. Checklist Date: 7 / 24 / 90

C. Contact Person: Judy Brown  
 Telephone: (916) 324-4715

D. Purpose: Recreational use

E. Location: Lake Tahoe at 8569 Beach Lane Rubicon, CA, El Dorado County

F. Description: Partial reconstruction of an existing 172' x 5' wood pile open pier. The activity will include: steel capping of existing piles for protection, reconstruction of 30' x 27' boathouse and replacement of wood deck as needed.

There is no increase in coverage or modification to existing pier or boathouse dimensions. All work to be done is lakeward of the low water line, and will be performed from lakeside using a barge anchored to the pier or lakebottom. A TRPA permit has been issued for this activity. The Department of Fish and Game advises that a generic finding of "no jeopardy" to the State-listed endangered Tahoe Yellow Cress (*rorippa subumbellata* Ros) is made when no lakebed disturbance occurs above 6223' elevation, as is the situation with this activity.

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

A. Earth. Will the proposal result in:	Yes	Maybe	No
1. Unstable earth conditions or changes in geologic substructures? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Disruptions, displacements, compaction, or overcovering of the soil? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Change in topography or ground surface relief features? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The destruction, covering, or modification of any unique geologic or physical features? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Any increase in wind or water erosion of soils, either on or off the site? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, or failure, or similar hazards? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Yes Maybe No

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. Alteration of 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 water
- 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?

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- J. Risk of Upset.** 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?
- 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
- 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

**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?
- 2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals?
- 3. Does the project have impacts which are individually limited, but cumulatively considerable?
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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

- C5. Caissons or sleeves will be used during pile driving to avoid or minimize turbidity-related impacts to water.
- E4. TRPA fish habitat maps indicate that this project is bordering on a fish spawning area and has the potential of adversely affecting spawning grounds. TRPA has concluded that this activity will not cause a significant impact to this habitat.
- F1. Noise from construction will be temporary and will occur only during normal work hours.

**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: 07 / 23 / 90

*Judy Brown*  
 CALIFORNIA STATE LANDS COMMISSION  
 JUDY BROWN  
 207  
 For the State Lands Commission

