

MINUTE ITEM

This Calendar Item No. C02
was approved as Minute Item
No. 02 by the State Lands
Commission by a vote of 3
to 0 at its 12-12-90
meeting.

CALENDAR ITEM

A 7

C 0 2

S 1

PRC ~~7471~~ ⁷⁴⁵⁰ 12/12/90
W 21445
PRC 3203
PRC 4486
Garibay

APPROVE RECREATIONAL PIER PERMITS
FOR BUOYS IN LAKE TAHOE

APPLICANT: AS LISTED ON EXHIBIT "A" ATTACHED

TERMS: Initial period: Five years beginning
December 12, 1990.

CONSIDERATION: No monetary consideration pursuant to
Section 6503.5, P.R.C.

APPLICANT STATUS:
Applicants are littoral landowners as defined
in Section 6503.5, P.R.C.

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

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2.
B. Cal. Adm. Code: Title 2, Div. 3.

AB 884: N/A.

CALENDAR ITEM NO. C 02 (CONT'D)

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 Proposed Negative Declarations, as identified in Exhibit "A". Such Proposed Negative Declarations were prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon the Initial Studies, the Proposed Negative Declarations, 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. These activities involve 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 projects as proposed are consistent with the lands' use classification.
3. In order to determine the other potential trust uses in the area of the proposed projects, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, Department of Fish and Game, County of Placer, County of El Dorado, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed projects 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. Prior to the issuance of these permits, staff will conduct an inspection of the sites to review the relation of the permitted facilities to other trust uses.

CALENDAR ITEM NO. C 3 2 (CONT'D)

4. All permits issued at Lake Tahoe include special language in which the permittee/lessee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
5. All applicants at Lake Tahoe have been or will be, notified that the public has a right to pass along the shorezone and the permittee must provide a reasonable means for public passage along the shorezone occupied by the permitted structure.
6. If any structure hereby 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 this lease will be automatically terminated, effective upon notice by the State and the site shall be cleared pursuant to the terms thereof. If the location, size, or number of any structure hereby authorized is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Lessee shall request the consent of State to make such alteration.
7. Regarding Items A and B, the issuance of these permits supersede any prior authorization by the State Lands Commission at their respective locations.

APPROVALS OBTAINED:

El Dorado County, Placer County, and Tahoe Regional Planning Association.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Applicant List.
- B. Location Map.
- C. Negative Declarations.

CALENDAR ITEM NO. C 02 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT NEGATIVE DECLARATIONS, EXHIBIT "C", WERE PREPARED FOR THESE PROJECTS PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED, CONSIDERED, AND ADOPTED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECTS, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THE ISSUANCE OF THE PERMITS FOR ITEMS A AND B SUPERSEDE ANY PRIOR AUTHORIZATIONS BY THE STATE LANDS COMMISSION AT THEIR RESPECTIVE LOCATIONS.
4. AUTHORIZE THE ISSUANCE OF FIVE-YEAR RECREATIONAL PIER PERMITS TO THE APPLICANTS LISTED IN EXHIBIT "A" BEGINNING DECEMBER 12, 1990, FOR THE RETENTION OF EXISTING BUOYS/STRUCTURES ON THE LANDS DESCRIBED ON EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF DECEMBER 12, 1990

ITEM	W.O. NO.	APPLICANT	LOCATION	LAND USE & STATUS	PROPERTY DESCRIPTION	BE NO.	SCH. ED.
A	W 21445	William & Helen Crabtree P. O. Box 1570 Rancho Cordova, CA 95741	Lake Tahoe, Placer County	Pier and two mooring buoys	All of Lot 12 and a portion of Lot 13, Moana Beach Subdivision	530	90020850
B	PRC 3203	Bernice Hogan 1205 Country Club Drive Modesto, CA 95356	Lake Tahoe, Placer County	Existing pier and boathouse and one mooring buoy	Lot 1, Sunnyside Tract	535	90021044
C	PEC 4486	Arthur & Donna Anderson 111 Jennifer Lane Alamo, CA 94507	Lake Tahoe, El Dorado County	Existing pier and boathouse and two mooring buoys	Portion of Lot 7, Block 4, Subicon Properties	537	90031932

CALENDAR PAGE 9
MINUTE PAGE 3332

OREGON

EXHIBIT "B"

NOVEMBER 14, 1990



W 21445
PRC 3203.9

PRC 4486.9

NEVADA

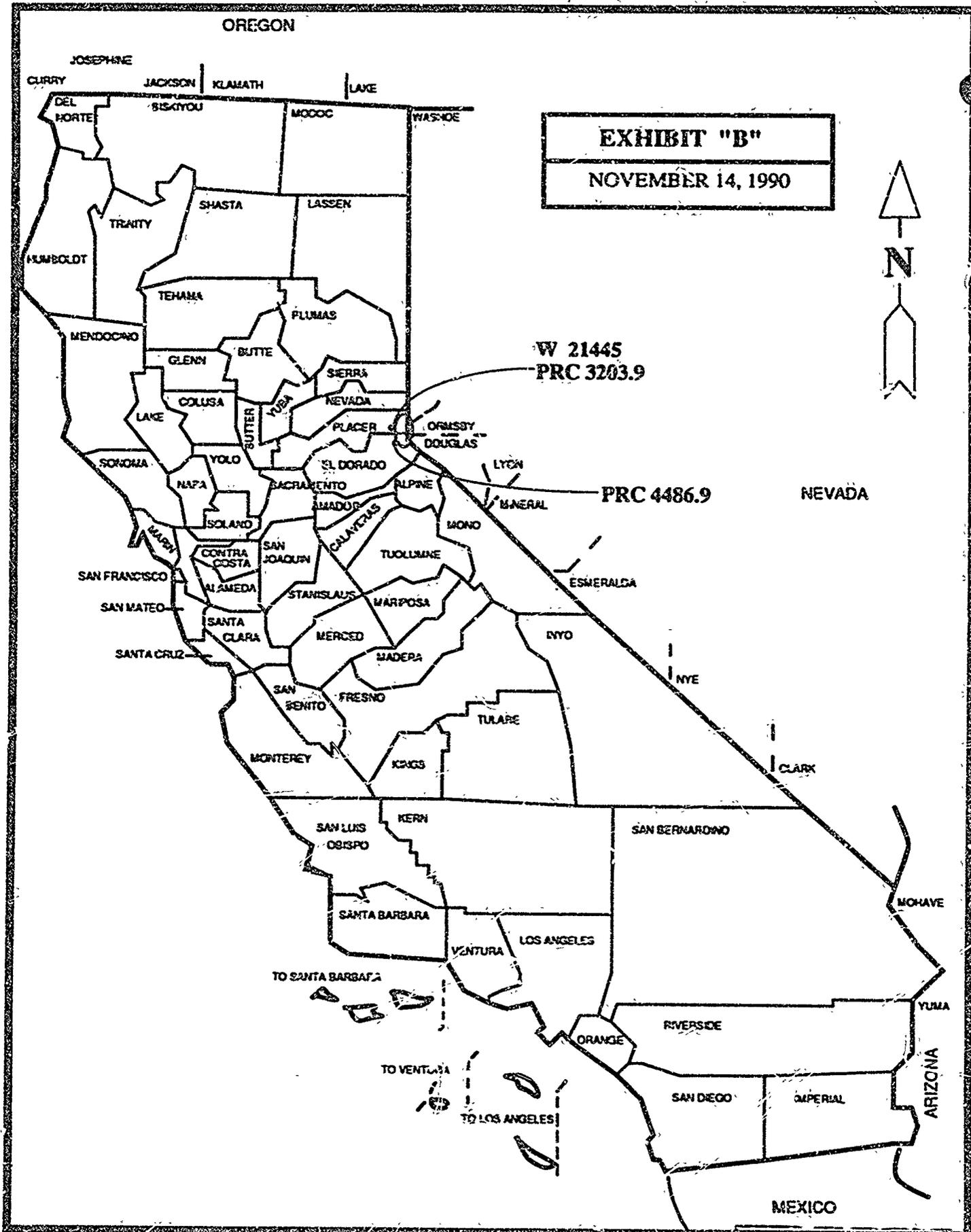


EXHIBIT "C"

STATE OF CALIF. 1990

STATE LANDS COMMISSION

JOE T. MCCARTHY, Lieutenant Governor
GRAY DAVIS, Controller
JESSE R. NUFF, Director of Finance

GEORGE DELUXMEYER, Governor

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814
CHARLES WARREN
Executive Officer

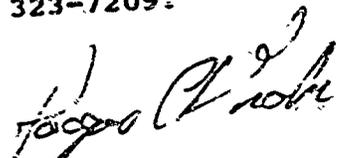
October 25, 1990
File Ref.: WP 3203
EIR ND: 535

NOTICE OF PUBLIC REVIEW OF A NEGATIVE DECLARATION
(SECTION 15073 CPR)

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 November 25, 1990.

Should you have any questions or need additional information, please call the undersigned at (916) 323-7209.


JACQUES GRABER
Division of Environmental
Planning and Management

Attachment

CALENDAR PAGE 11
MINUTE PAGE 3334

STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
1807 - 1st Street
Sacramento, CA 95834
CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

EIR ND: 535

File Ref.: WP 3203

SCH No.: 90021044

Project Title: Authorization of Existing Mooring Buoy
Proponent: Bernice Hogan
Project Location: In Lake Tahoe off Hogan pier, 2624 West Lake Blvd., APN 085-030-15, Placer County.
Project Description: Authorization of an existing mooring buoy.
Contact Person: Jacques Graber Telephone: 916/323-7209

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:

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

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.26 (7/82)

File Ref.: WP 3203

I. BACKGROUND INFORMATION

A. Applicant: Bernice Hogan
1205 Country Club Drive
Modesto, CA 95356

B. Checklist Date: 09/26/90

C. Contact Person: Jacques Graber
Telephone: (916) 323-7209

D. Purpose: Authorization of an existing mooring buoy.

E. Location: Lot 1, Southside tract portion of NE1-NW1 sec 25 T 15 N R16E MDM - buoy in Lake Tahoe off Hogan Pier 20NE of Pier.

F. Description: Authorize the use of an existing mooring buoy at the applicant's pier - 2624 Westlake Blvd.

G. Persons Contacted:

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?

MINUTE PAGE 3336

	Yes	Maybe	No
B. Air. Will the proposal result in:			
1. Substantial air emissions or deterioration of ambient air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. The creation of objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? ..	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Alterations to the course or flow of flood waters? ..	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Alteration of the direct on or rate of flow of ground waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Exposure of people or property to water-related hazards such as flooding or tidal waves? ..	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Significant changes in the temperature, flow or chemical content of surface thermal springs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Reduction of the numbers of any unique, rare or endangered species of plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Reduction in acreage of any agricultural crop?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Reduction of the numbers of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Deterioration to existing fish or wildlife habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Noise. Will the proposal result in:			
1. Increase in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. Light and Glare. Will the proposal result in:			
1. The production of new light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H. Land Use. Will the proposal result in:			
1. A substantial alteration of the present or planned land use of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. Natural Resources. Will the proposal result in:			
1. Increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Substantial depletion of any nonrenewable resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- J. Risk of Upset.** Does the proposal result in:
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? Yes Maybe No
 2. Possible interference with emergency response plan or an emergency evacuation plan? Yes Maybe No
- K. Population.** Will the proposal result in:
1. The alteration, distribution, density, or growth rate of the human population of the area? Yes Maybe No
- L. Housing.** Will the proposal result in:
1. Affecting existing housing, or create a demand for additional housing? Yes Maybe No
- M. Transportation/Circulation.** Will the proposal result in:
1. Generation of substantial additional vehicular movement? Yes Maybe No
 2. Affecting existing parking facilities, or create a demand for new parking? Yes Maybe No
 3. Substantial impact upon existing transportation systems? Yes Maybe No
 4. Alterations to present patterns of circulation or movement of people and/or goods? Yes Maybe No
 5. Alterations to waterborne, rail, or air traffic? Yes Maybe No
 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? Yes Maybe No
- 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? Yes Maybe No
 2. Police protection? Yes Maybe No
 3. Schools? Yes Maybe No
 4. Parks and other recreational facilities? Yes Maybe No
 5. Maintenance of public facilities, including roads? Yes Maybe No
 6. Other governmental services? Yes Maybe No
- O. Energy.** Will the proposal result in:
1. Use of substantial amounts of fuel or energy? Yes Maybe No
 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? Yes Maybe No
- P. Utilities.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities:
1. Power or natural gas? Yes Maybe No
 2. Communication systems? Yes Maybe No
 3. Water? Yes Maybe No
 4. Sewer or septic tanks? Yes Maybe No
 5. Storm water drainage? Yes Maybe No
 6. Solid waste and disposal? Yes Maybe No
- Q. Human Health.** Will the proposal result in:
1. Creation of any health hazard or potential health hazard (excluding mental health)? Yes Maybe No
 2. Exposure of people to potential health hazards? Yes Maybe No
- 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? Yes Maybe No
- S. Recreation.** Will the proposal result in:
1. An impact upon the quality or quantity of existing recreational opportunities? Yes Maybe No

CALENDAR PAGE 1 2 3 4 5 6 7 8 9 10

MINUTE PAGE 3338

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 checked="" type="checkbox"/> | <input 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: 09 / 26 / 90

CALENDAR PAGE	16
MINUTE PAGE	3339

For the State Lands Commission

DISCUSSION OF ENVIRONMENTAL EVALUATION

E.4. Fish, Wildlife Habitat

The proposed project is located within fish spawning habitat as indicated on TRPA maps and could affect the bottom substrate. As the buoy is already in place there will be no impacts from introduction of a new buoy. Its presence removes approximately 1 square foot of bottom surface from spawning accessibility. If the buoy was not authorized and removal required, the bottom area occupied by the anchor would be vacated and made available for spawning use. This area is believed not significant enough to impact spawning activity.

M.5. Traffic

The proposed project may influence boating traffic but only minimally. The buoy is located between four other mooring buoys and three piers. High speed boat traffic would be moving farther waterward (easterly) of these buoys. The applicant's buoy may impact accessibility to adjacent piers for incoming and outgoing boats. If unauthorized, its removal would create a slightly wider space between adjacent buoys for boating traffic to navigate.

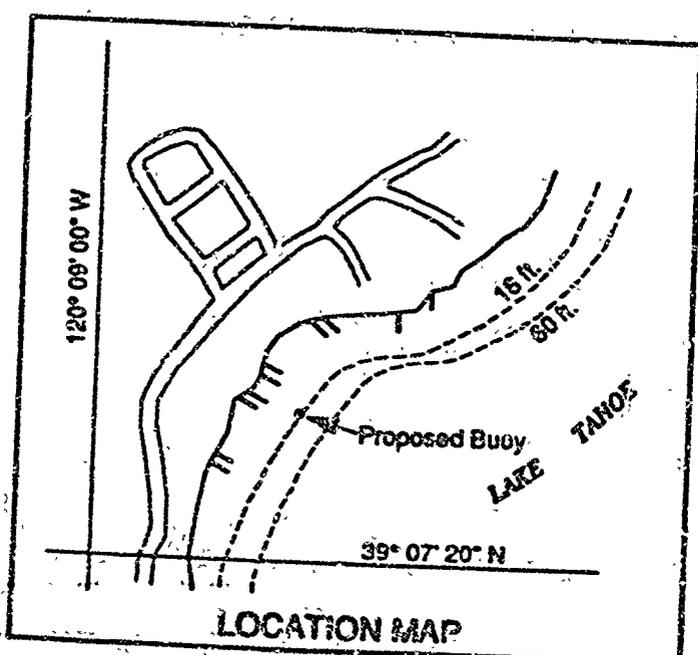
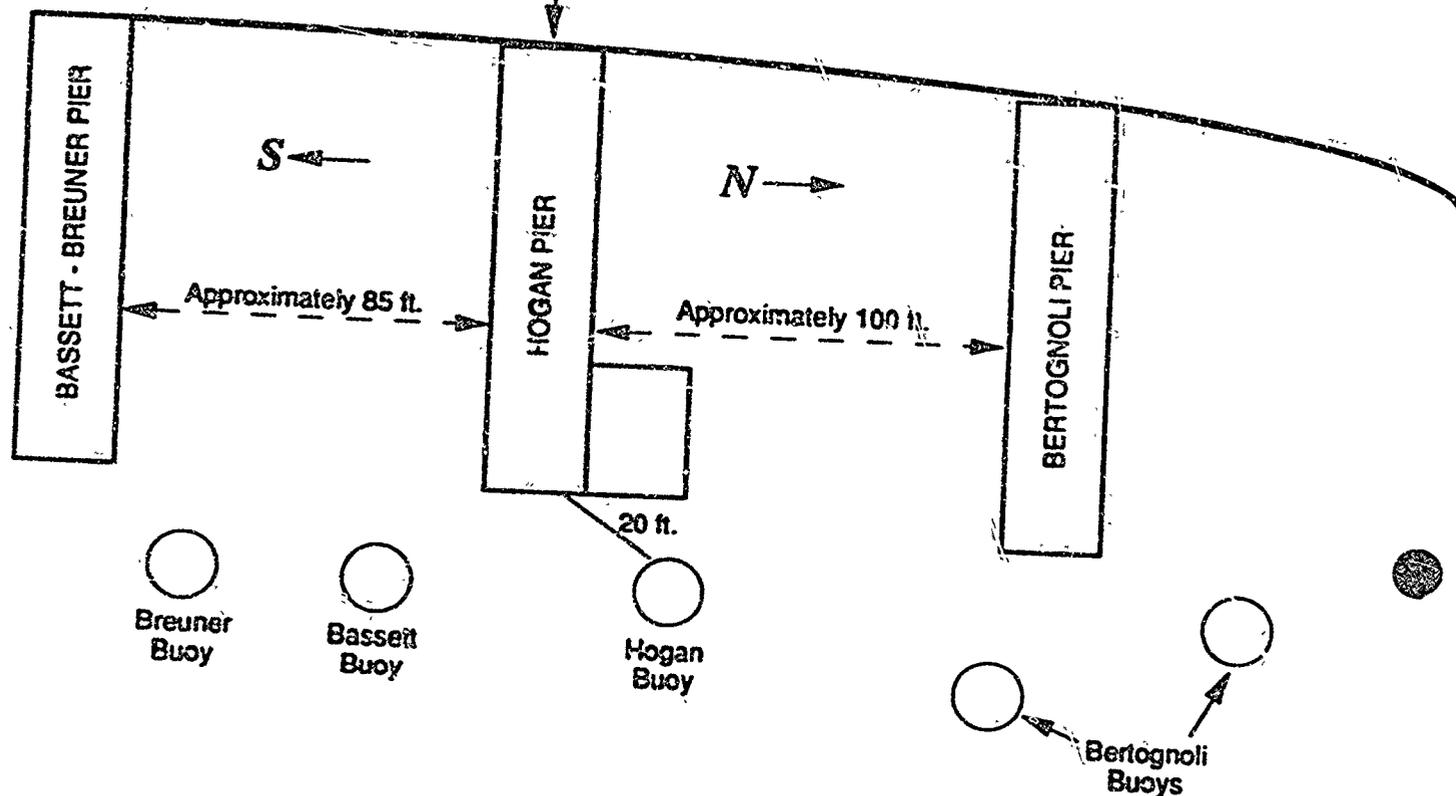
Its presence will not affect current boating movements.

R.1. Aesthetics

The authorization of the buoy will not affect the aesthetic qualities of the area as the buoy is already in place. Its presence is affecting the current vista by increasing the cumulative visual impact of several buoys at the site. Its removal would reduce the cumulative impact of buoys at this locality. The adjacent landowners maintain the buoys and so their impacts are accepted.

The buoy will sometimes have a small boat moored to it. Single moored boats present a low impact on aesthetics but increased numbers can stimulate negative reactions from observers (The Cumulative Impacts of Shorezone Development at Lake Tahoe, 1979).

BERNICE HOGAN
2624 Westlake Blvd.



CALENDAR PAGE 18
MINUTE PAGE 334

W 3203.9

EXHIBIT "C"

STATE OF CALIFORNIA

STATE LANDS COMMISSION

G. T. Mc-CARTHY, Lieutenant Governor
GRAY DAVIS, Controller
JESSE R. HUFF, Director of Finance

GEORGE DEUKMEZIAN, Governor

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814
CHARLES WARREN
Executive Officer

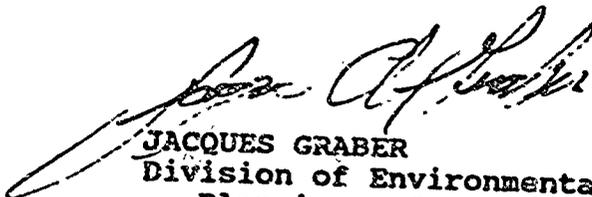
October 26, 1990
File Ref.: WP 4486.9
EIR ND: 537

**NOTICE OF PUBLIC REVIEW OF A NEGATIVE DECLARATION
(SECTION 15073 CFR)**

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 November 26, 1990.

Should you have any questions or need additional information, please call the undersigned at (916) 323-7209.


JACQUES GRABER
Division of Environmental
Planning and Management

Attachment

CALENDAR PAGE 19
MINUTE PAGE 3342