

MINUTE ITEM
This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 2
to 0 at its 3/6/91
meeting.

CALENDAR ITEM

A 7
S 1

24

03/06/91
W 24220 PRC 7513
J. Ludlow

RECREATIONAL PIER PERMIT

APPLICANT:

Tim L. McClean and Susan D. McClean
80 Hanken Drive
Kentfield, California 94904

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in Lake Tahoe at Meeks
Bay, El Dorado County.

LAND USE:

Reconstruction and a 20-foot extension to an existing pier,
including the installation of a boat lift, retention of an
existing mooring buoy and the placement of a second mooring
buoy.

TERMS OF PROPOSED PERMIT:

Initial period:
Five (5) years beginning March 6, 1991.

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.

(ADDED pgs. 604-604.17)

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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 3, Div. 3; Title 14, Div. 6.

AB 884:

04/27/91

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 528, State Clearinghouse No. 91012110. 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. 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.
3. The Department of Fish and Game has determined that the shorezone at this location is unsuitable habitat for Tahoe Yellow Cress (*Rorippa*) and has issued, pursuant to consultation under the California Endangered Species Act (CESA), a letter of "no jeopardy" for the proposed project.
4. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
5. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: T.R.P.A., Department of Fish and Game, County of El Dorado, and

CALENDAR ITEM NO. 24 (CONT'D)

the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on the 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.

6. All permits issued at Lake Tahoe include special language in which the permittee 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.
7. 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 permit is 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, permittee shall request the consent of the State to make such alteration.
8. The Applicant has been notified that the public has a right to pass along the shoreline and the permittee must provide a reasonable means for public passage along the shorezone area occupied by the permitted structure.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Department of Fish and Game, and El Dorado County.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

CALENDAR ITEM NO. 24 (CONT'D)

EXHIBITS:

- A. Land Description
- B. Location Map
- C. El Dorado Letter of Approval
- D. Fish and Game Letter of No Jeopardy
- E. Negative Declaration

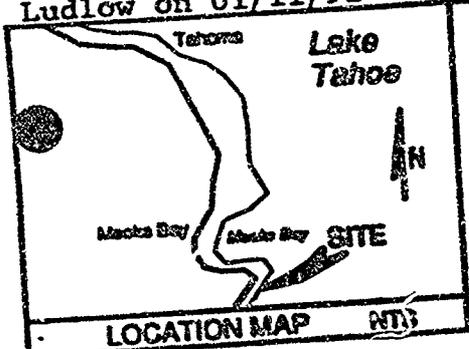
IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 528, STATE CLEARINGHOUSE NO. 91012110, 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 TIM McCLEAN AND SUSAN D. McCLEAN OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING MARCH 6, 1991, FOR THE RECONSTRUCTION AND 20-FOOT EXTENSION OF AN EXISTING PIER, INCLUDING THE INSTALLATION OF A BOAT LIFT, RETENTION OF AN EXISTING MOORING BUOY, AND THE PLACEMENT OF A SECOND MOORING BUOY, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

Prepared by Judy Ludlow on 01/11/91

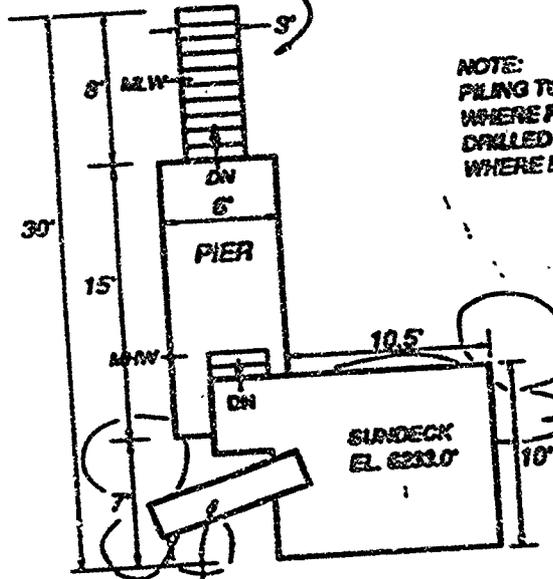
LAND DESCRIPTION

BUOY LOCATION MAP



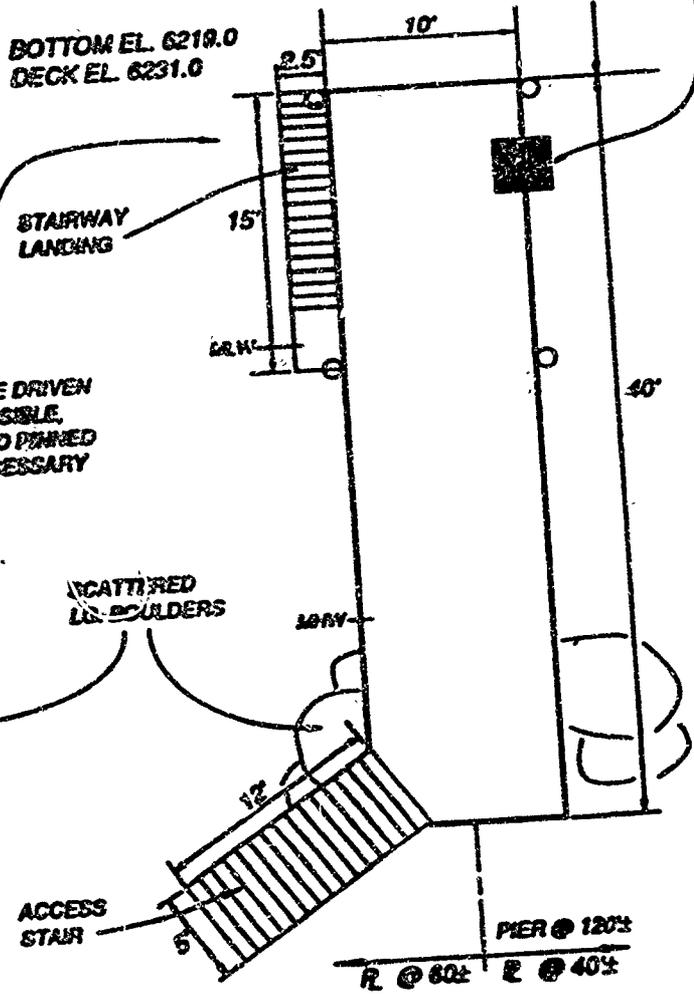
SHOREZONE TOLERANCE DISTRICT 2

BOTTOM EL. 6221.0



NOTE: PILING TO BE DRIVEN WHERE POSSIBLE, DRILLED AND PINNED WHERE NECESSARY

BOTTOM EL. 6219.0
DECK EL. 6231.0



ACCESS WALKWAY

ACCESS STAIR

EXISTING PIER

PROPOSED PIER

SCALE: 1"=10'

W 24220

ADJOINING PROPERTIES:

NORTH: 16 - 069 - 10
SOUTH: 16 - 063 - 12

BRISCO ENTERPRISES

Post Office Box 7468
Tahoe City, California 95730
(916) 583-6882

PROPOSED PIER MODIFICATION

A. P. N. 16 - 063 - 11
EL DORADO COUNTY
MEEKS BAY - CALIF.

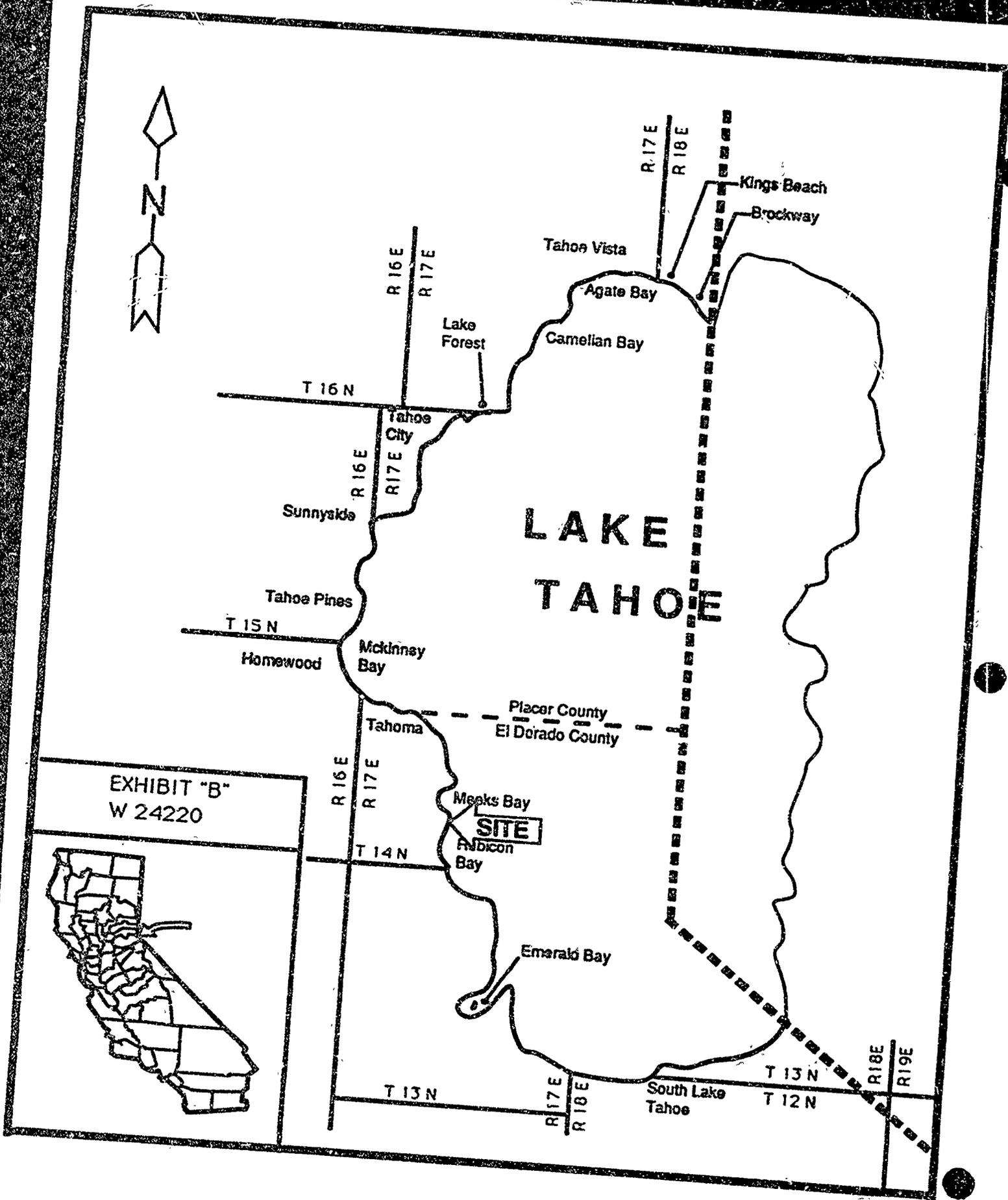
APPLICATION BY:

TIM MC CLEAN
80 HANKEN DRIVE
KENTFIELD, CALIF. 94904

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MAY, 1988

SHEET 1 OF 1



CALENDAR PAGE 604.5
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RECEIVED

MAY 04 1989

EL DORADO CO COMMUNITY DEVELOPMENT DEPT.
COMMUNITY DEVELOPMENT DEPT.Date 5-5-89File Ref: W 24220

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

Subject: Building Permit for Pier (Extension of an existing pier)
and new boatlift

Name: Tim McClean

Address: 80 Hanken Drive

Kentfield, California 94904

Tahoe Address: 8321 Meeks Bay Avenue

County Assessor's Parcel No. 16-063-11

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)445-7134

Sincerely,

El Dorado County
Building Division

John S. Walker

JOHN S. WALKER
Building Inspector III

66311

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MINUTE PAGE	<u>1006</u>

Memorandum

The Resources Agency

EXHIBIT "D"

To : Mr. Randy Morey
State Lands

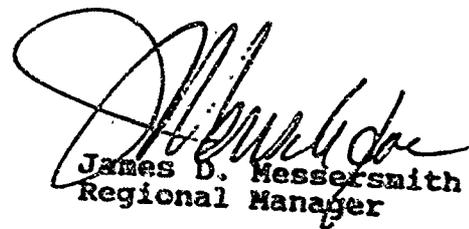
Date : December 14, 1990

From : Department of Fish and Game - Region 2

Subject: Additional Review for the McClean Project #W24220

The Department of Fish and Game (DFG) has reviewed the supplemental information and photographs provided by the applicant regarding potential Rorippa habitat on the subject property. After an examination of these materials, the DFG is reversing our earlier informal finding of jeopardy for this project. The additional information indicates that this parcel does not contain potential Rorippa habitat nor would this project impact Rorippa populations in any way. We wish to advise applicants to provide us with complete survey information and photographs with the preliminary consultation materials to prevent further delays in the permitting process.

If the DFG can be of further assistance, please contact Mr. Jerry Mensch, Environmental Services Supervisor, telephone (916) 355-7030.


James D. Messersmith
Regional Manager

cc: Mr. Ken Berg, NHD
Ms. Jan Brisco

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STATE LANDS COMMISSION

LEO T. McCARTNY, Lieutenant Governor
 GRAY DAVIS, Controller
 THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, CA 95814

CHARLES WARREN
 Executive Officer

PROPOSED NEGATIVE DECLARATION

EIR ND: 528
 File: W 24220
 SCH No.: 91012110

Project Title: McClean -- Reconstruction/20-Foot
 Extension of Pier & Authorization of Two
 Mooring Buoys

Proponent: Tim McClean

Project Location: Lake Tahoe, 8321 Meeks Bay Avenue, APN
 16-063-11, El Dorado County.

Project Description: Authorization of reconstruction and 20-
 foot extension with boatlift of existing
 pier and two mooring buoys.

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:

/ X / this 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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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95811
CHARLES WARREN
Executive Officer

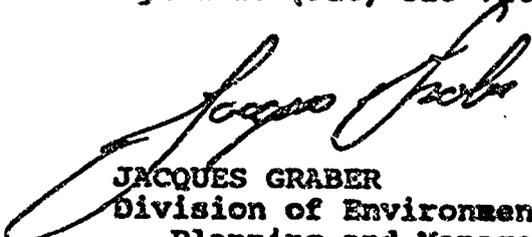
January 30, 1991
File Ref.: W 24220
EIR ND: 528

**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 March 2, 1991.

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

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II
Form 13.20 (7/82)

File Ref.: W 24220

I. BACKGROUND INFORMATION

A. Applicant: Tim McClean

80 Hanken Drive

Kentfield, CA 94904

B. Checklist Date: 8 / 24 / 90

C. Contact Person: Jacques Graber

Telephone: (916) 323-7209

D. Purpose: Recreational Use

E. Location: Lake Tahoe, address: 8321 Meeks Bay Avenue, El Dorado County, APN 16-063-11

F. Description: Existing, unauthorized pier and one mooring buoy - project involves reconstruction of this pier with a 20-foot extension to elevation 6219.0, addition of a boatlift, and one mooring buoy.

G. Persons Contacted:

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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 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? Yes Maybe No
- 2. The creation of objectionable odors? Yes Maybe No
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? Yes Maybe No

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? Yes Maybe No
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? Yes Maybe No
- 3. Alterations to the course or flow of flood waters? Yes Maybe No
- 4. Change in the amount of surface water in any water body? Yes Maybe No
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? Yes Maybe No
- 6. Alteration of the direction or rate of flow of ground waters? Yes Maybe No
- 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? Yes Maybe No
- 8. Substantial reduction in the amount of water otherwise available for public water supplies? Yes Maybe No
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves? Yes Maybe No
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs? Yes Maybe No

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)? Yes Maybe No
- 2. Reduction of the numbers of any unique, rare or endangered species of plants? Yes Maybe No
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? Yes Maybe No
- 4. Reduction in acreage of any agricultural crop? Yes Maybe No

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)? Yes Maybe No
- 2. Reduction of the numbers of any unique, rare or endangered species of animals? Yes Maybe No
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? Yes Maybe No
- 4. Deterioration to existing fish or wildlife habitat? Yes Maybe No

F. Noise. Will the proposal result in:

- 1. Increase in existing noise levels? Yes Maybe No
- 2. Exposure of people to severe noise levels? Yes Maybe No

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

- 1. The production of new light or glare? Yes Maybe No

H. Land Use. Will the proposal result in:

- 1. A substantial alteration of the present or planned land use of an area? Yes Maybe No

I. Natural Resources. Will the proposal result in:

- 1. Increase in the rate of use of any natural resources? Yes Maybe No
- 2. Substantial depletion of any nonrenewable resources? Yes Maybe No

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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?

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

1. The alteration, distribution, density, or growth rate of the human population of the area?

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

1. Affecting existing housing, or create a demand for additional housing?

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

1. Generation of substantial additional vehicular movement?

2. Affecting existing parking facilities, or create a demand for new parking?

3. Substantial impact upon existing transportation systems?

4. Alterations to present patterns of circulation or movement of people and/or goods?

5. Alterations to waterborne, rail, or air traffic?

6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

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?

2. Police protection?

3. Schools?

4. Parks and other recreational facilities?

5. Maintenance of public facilities, including roads?

6. Other governmental services?

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

1. Use of substantial amounts of fuel or energy?

2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?

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

1. Power or natural gas?

2. Communication systems?

3. Water?

4. Sewer or septic tanks?

5. Storm water drainage?

6. Solid waste and disposal?

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

1. Creation of any health hazard or potential health hazard (excluding mental health)?

2. Exposure of people to potential health hazards?

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?

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

1. An impact upon the quality or quantity of existing recreational opportunities?

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)

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: 1 130 1991

[Signature]
 For the State Lands Commission
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McClellan Environmental Impact Assessment

- A 4. The support character of the pier requires several support points to be drilled and pinned to adjacent boulders through which it projects. The pins drilled into the rocks can cause or accelerate splitting or erosion of the boulder, either by chemical action or physical splitting of the rock.
- C 5. The extension of the pier will require the driving of new pilings into the lake bottom. Sleeves or cassions will be placed around the pilings as they are being driven to prohibit turbidity in surrounding waters. A turbidity screen will be placed around the entire project as required by TRPA permit.
- D 2. The shoreline of Lake Tahoe is known habitat for Rorippa subumbellata Roll. and is listed by California as an endangered species. The reconstruction and extension of the pier will disturb shoreline above 6223 feet.

It has been determined the project will not affect Rorippa subumbellata due to the nature of the property which consists of massive boulders and little or no sandy substrate upon which Rorippa depends. The survey by Ms. Julie Etra of Tahoe Native Plants also found no Rorippa plants within the project site. The Department of Fish and Game has issued a determination of "no jeopardy" indicating the project will not affect Rorippa subumbellata Roll. (memo 12/14/90).

- E 4. The site for reconstruction and extension of the pier, and addition of a boat lift is within an area designated by TRPA as being fish spawning habitat. However, TRPA has reviewed the project and determined it will not have adverse effects upon the fish habitat and has issued a permit for this activity.
- M 5. The extension and reconstruction of the pier will have a minor influence on boating traffic. The lengthening will affect boat traffic minimally in passing around the structure. The improvements may increase frequency of use. New boat traffic will be minimal, as the pier is a private structure and not for public use. The buoys should not affect boating traffic any differently. One buoy is presently in place while a new buoy is being installed near the pier which will force boating traffic waterward itself. Adjacent buoys are located approximately 150' on either side of the applicant's buoys. The applicant's buoys will cause no new impacts to recreational fishing movements and topline trolling.
- R 1. The lengthened and rebuilt pier will create a greater visual impact. The structure is over twice enlarged. This will make the pier more visible to waterborne viewers. Views adjacent to the pier will be impacted. It will extend further into the lake and obstruct views from the adjacent shore. The buoys will lend a minor impact to views. One buoy is currently in place, a second buoy may increase visual impact slightly.

S 1. The reconstruction and lengthening of the pier will not affect the recreational opportunities for the general public. The structure is private and for use by the owners. The improvements will affect the use by the owners, possibly increasing boating use and other activities on the lakeshore.

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Memorandum

Mr. Randy Morey
State Lands

Date : December 14, 1990

From : Department of Fish and Game - Region 2

Subject: Additional Review for the McClean Project #W24220

The Department of Fish and Game (DFG) has reviewed the supplemental information and photographs provided by the applicant regarding potential Rorippa habitat on the subject property. After an examination of these materials, the DFG is reversing our earlier informal finding of jeopardy for this project. The additional information indicates that this parcel does not contain potential Rorippa habitat nor would this project impact Rorippa populations in any way. We wish to advise applicants to provide us with complete survey information and photographs with the preliminary consultation materials to prevent further delays in the permitting process.

If the DFG can be of further assistance, please contact Mr. Jerry Mensch, Environmental Services Supervisor, telephone (916) 355-7030.

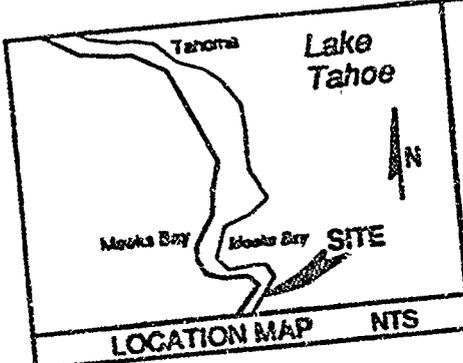

James D. Messersmith
Regional Manager

cc: Mr. Ken Berg, NHD
Ms. Jan Brisco

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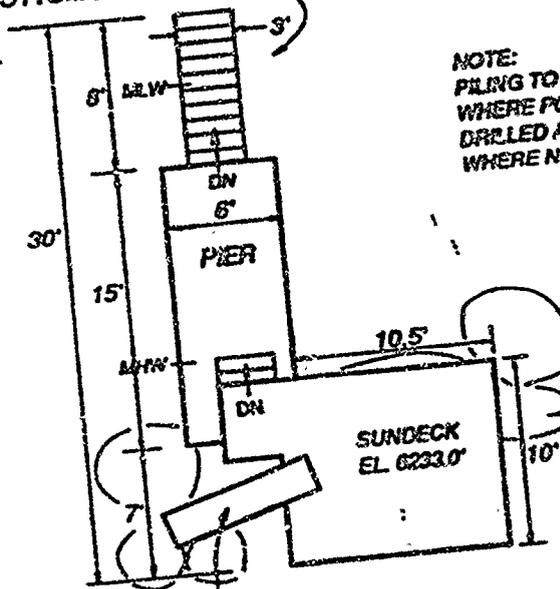
BUOY LOCATION MAP

T.R.P.A. PIER HEAD



SHOREZONE TOLERANCE DISTRICT 2

BOTTOM EL. 6221.0



NOTE:
PILING TO BE DRIVEN
WHERE POSSIBLE,
DRILLED AND PINNED
WHERE NECESSARY

BOTTOM EL. 6219.0
DECK EL. 6231.0

SCATTERED LG. BOULDERS

ACCESS STAIR

SAND & BOULDERS

STAIRWAY LANDING

MLW

MLW

PIER @ 120±
R @ 60± R @ 40±

PROPOSED PIER

PROPOSED LOW LEVEL SOAT LIFT

SCALE: 1"=10'

W 24220

ADJOINING PROPERTIES:

NORTH: 16 - 063 - 10
SOUTH: 16 - 063 - 12

BRISCO ENTERPRISES

Post Office Box 7468
Tahoe City, California 95730
(916) 583-6882

PROPOSED PIER MODIFICATION

A. P. N. 16 - 063 - 11
EL DORADO COUNTY
MEEKS BAY CALIF.

APPLICATION BY:

TIM MC CLEAN
80 HANKEN DRIVE
KENTFIELD, CALIF.

MAY, 1988

94904
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