

MINUTE ITEM

This Calendar Item No. 005  
was approved as Minute Item  
No. 5 by the State Lands  
Commission by a vote of 3  
to 0 at its 9/23/91  
meeting.

CALENDAR ITEM

A 7  
S 1

005

09/23/91  
W 24224 PRC7567  
J. Ludlow

RECREATIONAL PIER PERMIT

APPLICANT:

James J. Dale, Jr. and Francie Dale  
P.O. Box 37  
Nicolaus, California 95659

AREA, TYPE LAND AND LOCATION:

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

LAND USE:

Proposed construction of a 110-foot recreational pier,  
including the installation of a low-level boatlift and the  
placement of one mooring buoy.

TERMS OF PROPOSED PERMIT:

Initial period:  
Five (5) years beginning September 23, 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, processing costs, environmental fees and Fish  
and Game fees 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 3, Div. 3; Title 14, Div. 6.

**AB 884:**

10/05/91

**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 457, State Clearinghouse No. 91082058. 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. As noted, staff has circulated a Proposed Negative Declaration SCH No. 91082058 for the subject facilities, and received no objection to any of these projects during the public comment period. However, staff has recently been informed by staff of the Department of Fish and Game (DFG) and staff of the Tahoe Regional Planning Agency (TRPA) that both agencies will be reviewing their policies regarding placement and use of buoys at Lake Tahoe, and may develop restrictions on such placement and use of buoys to address fish habitat and other environmental and recreational concerns. Staff, therefore, recommends that the Commission approve the facilities which are the subject of this calendar item, subject to the right of the Commission to amend or rescind such authorization during the term specified if appropriate to respond to concerns which may arise during the upcoming review by DFG and TRPA.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's

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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.

4. The Department of Fish and Game has determined that the shorezone at this location is suitable habitat for Tahoe Yellow Cress (Rorippa). The Applicant has agreed to participate in the Interim Management Program for Rorippa subumbellata roll by incorporating the Rorippa construction guidelines into the project application.
5. Commission staff will monitor the construction of the proposed project in accordance with the Guidelines included within the Proposed Negative Declaration.
6. The applicant has agreed to post a letter of credit to ensure compliance with the project modifications as described in the Proposed Negative Declaration, SCH No. 91082058.
7. Staff has determined that the project, as presented herein, is applicable to the Department of Fish and Game fee pursuant to AB 3158, Chapter 1706, Statutes of 1990 (Section 711.4 of the Fish and Game Code).
8. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
9. 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.
10. 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,

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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.

11. 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, El Dorado County Letter of No Objection, and Lahontan Regional Water Quality District Waiver.

**FURTHER APPROVALS REQUIRED:**

United States Army Corps of Engineers.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. City of South Lake Tahoe
- D. Negative Declaration
  1. Interim Management Program for *Rorippa subumbellata* (Tahoe Yellow Cress)

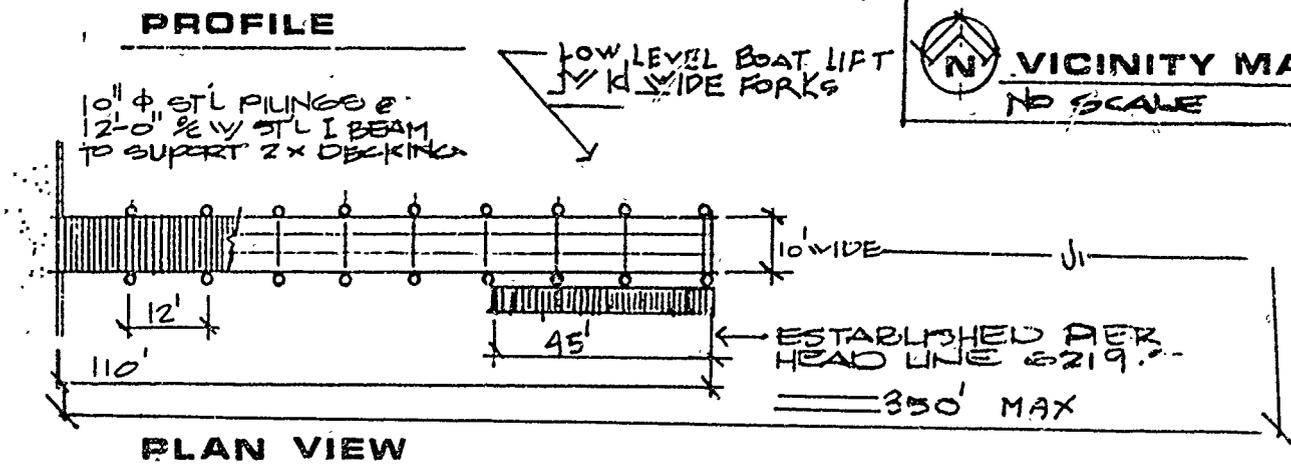
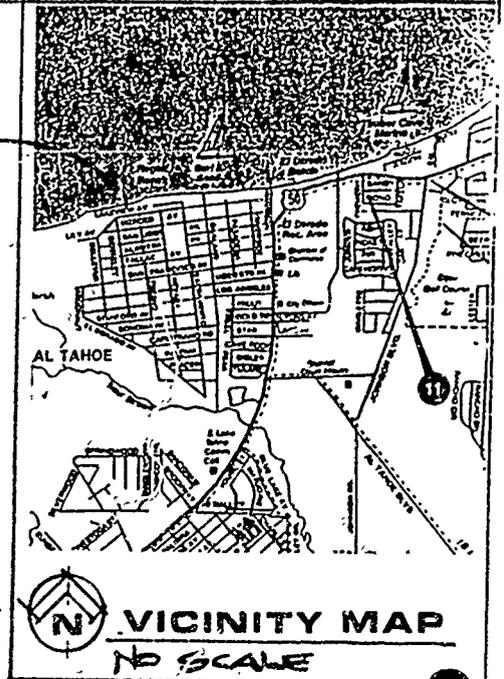
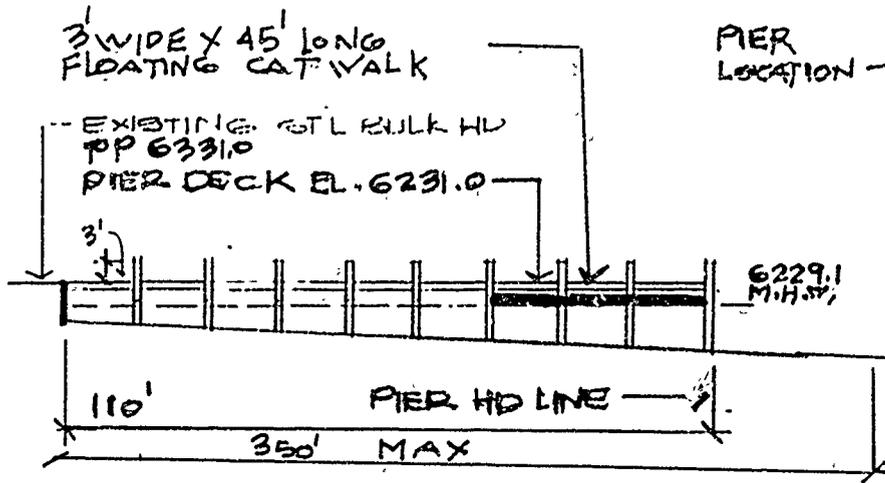
**IT IS RECOMMENDED THAT THE COMMISSION:**

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 457, STATE CLEARINGHOUSE NO. 91082058, 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. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO JAMES J. DALE, JR. AND FRANCIE DALE OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING SEPTEMBER 23, 1991, FOR THE CONSTRUCTION OF A 110-FOOT RECREATIONAL PIER, INCLUDING THE INSTALLATION OF A BOATLIFT, RETENTION WITH BOATLIFT AND THE PLACEMENT OF ONE MOORING BUOY, AS DESCRIBED IN EXHIBIT "A" AND MODIFIED BY EXHIBIT D", ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF PROVIDED THAT, AT ANY

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TIME DURING ITS STATED TERM, THE COMMISSION MAY AMEND OR RESCIND THIS AUTHORIZATION AS IT PERTAINS TO BUOYS AS IT DEEMS NECESSARY TO ADDRESS CONCERNS WHICH MAY ARISE DURING THE UPCOMING REVIEW OF SUCH FACILITIES BY DFG AND TRPA.

EXHIBIT "A"  
LAND DESCRIPTION



**PLAN VIEW**

- BOTTOM TYPE:**
1. SAND BOTTOM
  2. PILINGS TO BE DRIVE 8'-0" OR TO REFUSAL

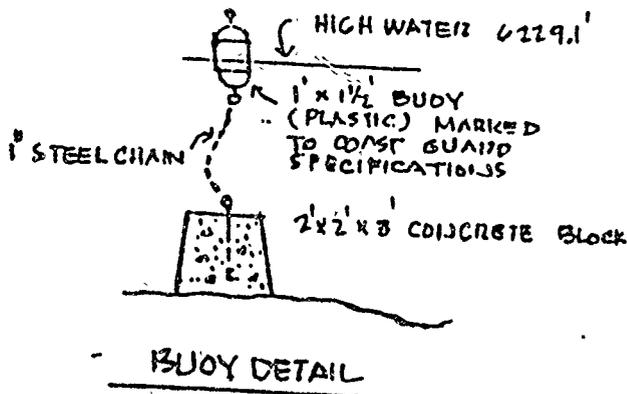
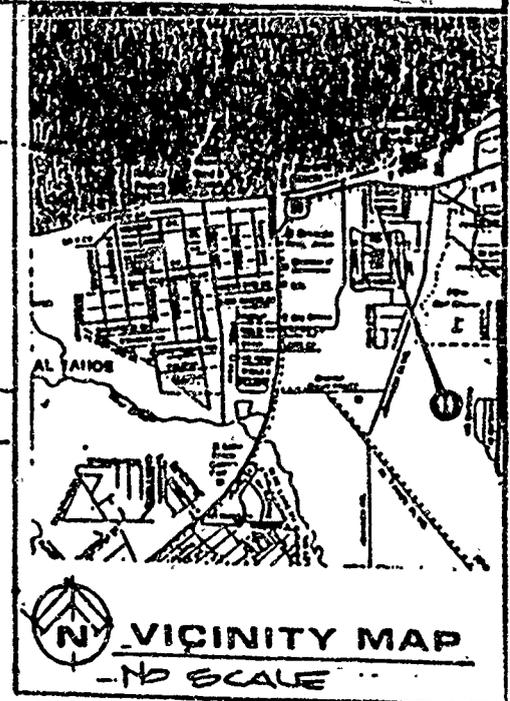
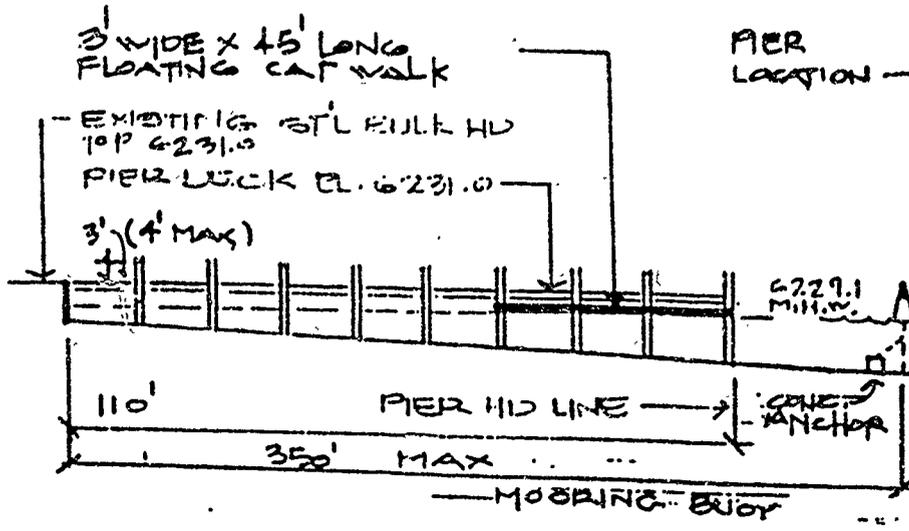
**PURPOSE:**  
NEW PIER CONSTRUCTION  
ON LAKE TAHOE, CA.

DENA L. SCHVARTZ ASSO.  
PLANNING / DEVELOPMENT  
P.O. BOX 10530, S. LAKE TAHOE  
CA. 95731

PROPOSED PIER  
CONSTRUCTION

JAMES DALE / OWNER  
APN 26-021-09  
SO. LAKE TAHOE, CA.  
REVISE 10-10-88

EXHIBIT "A"  
LAND DESCRIPTION



<p><b>PURPOSE:</b> NEW BUOY ON LAKE TAHOE, CA.</p>	<p>PROPOSED BUOY CONSTRUCTION</p>
<p>DENA L. SCHWARTZ ASSO. PLANNING / DEVELOPMENT P.O. BOX 10530, S. LAKE TAHOE, CA. 95721</p>	<p>JAMES DALE / OWNER APN 26-021-09 50, LAKE TAHOE, CA. REVISE 10-10-88</p>

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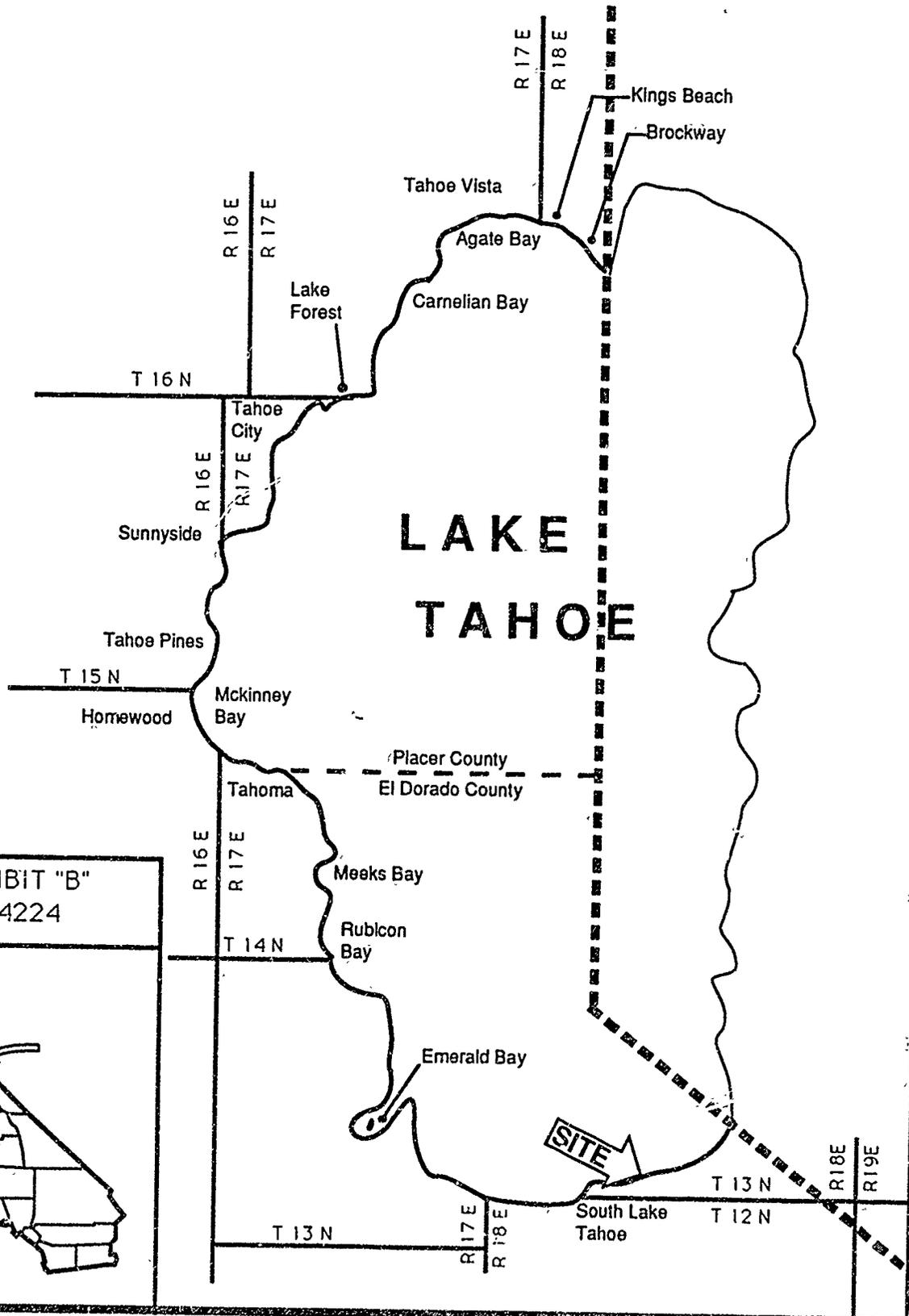


EXHIBIT "B"  
W 24224





City of

# South Lake Tahoe

EXHIBIT "C"

W 24224

*Building & Safety:* Rick A. Brown - *Building Official*  
*Permits & Revenue:* Mary H. Magana - *Permit & Revenue Rep.*

*Public Works Department*

September 5, 1991

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

RE: BUILDING PERMIT FOR PIER AND MOORING BUOY AT  
731 LAKEVIEW AVENUE, SOUTH LAKE TAHOE  
APN 26-021-091; OWNER: JAMES DALE

Dear Ms. Ludlow,

The City of South Lake Tahoe has no objection to the pier construction at the above referenced address. The City of South Lake Tahoe has no objection to the California State Lands Commission issuing its permit for the project.

If you have further questions, please call me at 916 573-2010.

Sincerely,

RICK BROWN  
Building Official

RB:jal

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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 95814

CHARLES WARREN  
Executive Officer

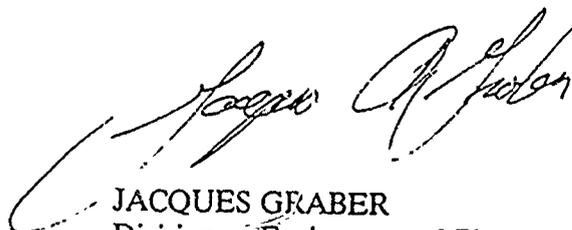
August 9, 1991  
File Ref.: W 24224  
EIR ND: 457

NOTICE OF PUBLIC REVIEW OF A PROPOSED 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 September 11, 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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## STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor

RAY DAVIS, Controller

THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95814CHARLES WARREN  
Executive OfficerPROPOSED NEGATIVE DECLARATIONEIR ND: 457  
File: W 24224  
SCH No. 91082058

Project Title: Dale -- Recreational Pier and Bouy

Proponents: James Dale

Project Location: Lake Tahoe, 731 Lakeview Avenue, APN 26-021-09, El Dorado County.

Project Description: Proposed construction of a recreational pier and installation of one mooring bouy.

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.

## Project Description

The project involves the proposed construction of a single private recreational pier and a mooring buoy at the south shore of Lake Tahoe at the upland address of 731 Lakeview Ave., South Lake Tahoe.

The pier will be constructed with approximately sixteen 10-inch diameter steel pilings for support driven into the lakebed. Steel 6-inch "H" beams will support 4"x 12" wood girders which will be covered by 2"x 6" wood decking. A 30 foot long catwalk will be installed 24 inches below the main deck level. A low level boat lift will be installed. A single mooring buoy will be placed 20 feet waterward of the pier. The buoy anchor will be cast in a concrete garbage can and ultimately buried in the lakebed. A 1 inch chain will be attached to the anchor and holding the buoy.

The project site is presently dry. The pilings will be transported and installed using a truck and trailer mounted with a hydraulic pump. The pilings will be installed using hydraulic pressure to drill the holes. A truck mounted crane will place the pilings.

## Description of Environmental Setting

The project upland is an extensively modified bluff approximately 30 feet high with a 2 to 1 slope. This bluff extends from the upland to the beach. At the foot of the bluff is constructed a bulkhead wall of wood approximately 5 feet high. A terrace filled with sand is placed behind this bulkhead.

A beach of medium to coarse sand is located at the foot of the bulkhead, extending approximately 40 feet waterward of the wall. A distinct margin is found between the transition from the sand and the remaining exposed beach substrate. The remaining exposed beach consists of finer sandy and silty material forming a gently sloping plain extending another 300 feet to the water line.

The shoreline vegetation consists of younger conifers and a few deciduous trees on a natural looking slope and larger conifers inland. Two-story multiple residences completely cover the shore next to the natural slope. No vegetation is found on the top of the terrace. Small clumps of grasses and weeds can be found along the lower beach until the margin. No vegetation can be found beyond the sandy beach out to the water's edge.

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: W 24224

I. BACKGROUND INFORMATION

A. Applicant: James Dale  
P.O. Box 37  
Nicolaus, CA 95759

B. Checklist Date: 7 / 30 / 91

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

D. Purpose Construction of a private pier and placement of a mooring buoy for recreational purposes.

E. Location: In Lake Tahoe, upland address 731 Lakeview Avenue, APN 26-021-09, South Lake Tahoe, El Dorado County

F. Description: Proposed construction of a private recreational pier with low-level boatlift, and placement of one mooring buoy 20 feet waterward of the pier on the applicant's property.

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 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, ground failure, or similar hazards? . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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2889 X

- |  | Yes                      | Maybe                               | No                                  |
|--|--------------------------|-------------------------------------|-------------------------------------|
| <b>B. Air.</b> Will the proposal result in:  |                          |                                     |                                     |
| 1. Substantial air emissions or deterioration of ambient air quality?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. The creation of objectionable odors?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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"/> |
| <b>C. Water.</b> 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 floodwaters?   | <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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Alteration of the direction 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"/> |
| <b>D. Plant Life.</b> 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 4. Reduction in acreage of any agricultural crop?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>E. Animal Life.</b> 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 4. Deterioration to existing fish or wildlife habitat?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>F. Noise.</b> Will the proposal result in:  |                          |                                     |                                     |
| 1. Increase in existing noise levels?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Exposure of people to severe noise levels?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>G. Light and Glare.</b> Will the proposal result in:  |                          |                                     |                                     |
| 1. The production of new light or glare?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>H. Land Use.</b> 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"/> |
| <b>I. Natural Resources.</b> 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:

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?
- 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?

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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)

(See attached pages)

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: 21 19 1991

  
 For the State Lands Commission  
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JAMES DALE PIER AND BUOY  
ENVIRONMENTAL IMPACT ASSESSMENT

A.1. Earth Conditions

The project involves construction of a new recreational pier and placement of a single mooring buoy. The pier will be constructed with an open steel piling supporting a suspended wood deck. The buoy will be anchored by a single concrete block buried in the lake bed. This construction will not alter or cover any ground features or create unstable conditions.

A.2. Overcovering Soil

The pier will be constructed with approximately sixteen 10" diameter steel pilings for support driven into the lake bed. A steel and wood deck will be constructed on the pilings, approximately six feet above the lake bed. This open construction will not cover the lake bottom. The buoy will be anchored with a concrete block approximately two feet in diameter buried in the lake bed. This anchor will not cover the substrate.

A.3. Topography

The pier will be constructed using an open construction. The pilings will be set with hydraulic pressure to minimize impacts to the lake bed. The structure will not modify the topography of the lake bed. The shore has been modified with a bulkhead wall and backfill. No new shore modification will result from the pier construction. The mooring buoy will be installed with a concrete anchor block buried in the substrate. This impact will be minimal.

A.4. Unique Features.

The lakebed at the project site is flat and lacks unique features. The pier is designed with open construction to reduce impacts on the lake bed. It will not affect any unique features. The buoy will not affect unique features on the lake bed.

A.5. Erosion.

The pilings and buoy anchor block will be placed directly in the lake bed substrate. They will not cause any erosion or significant disturbance to lake bottom profiles.

A.6. Siltation.

The project is located on a portion of lake bed which is currently above water level because of drought. The construction activity will not cause siltation in the water column. When water

levels return to normal, the project will be completed and substrate stabilized. Water level rise might cause minor siltation. Some minor prevailing currents may exist during normal lake levels but the accrual of silts will be minimal.

#### A.7. Geologic Hazards.

The pilings and buoy assembly are set directly into the lake bed. The depths of installation will be shallow and should not induce seismic instabilities or ground failures. No impacts are expected.

#### B.1 Emissions.

The pilings will be set using a flat bed truck and hydraulic jet to bore the holes to install them. The truck will be powered by a conventional diesel engine. Construction crew will arrive by car and truck during building. Some emissions will result from operation of the pile driving equipment and commuting workers. This impact will be small and temporary, lasting during the construction.

#### B.2. Odors.

The construction operations will create some odors as engines are operated during the piling installation and from crew vehicles arriving at and leaving the site. This impact will not be significant and will be temporary; lasting until construction is completed. Use of the pier will create some odors as boats arrive and leave. This impact will be minimal.

#### B.3. Air Alterations

The pier and buoy are located in the lake. They will not create impacts which would alter air characteristics in any way.

#### C.1. Currents.

The pier is constructed with open pilings and the buoy is held by a submerged anchor block and chain. These structures will not create a significant impact on currents or water movements.

#### C.2. Runoff.

The pier and buoy are placed within the body of Lake Tahoe. They will not affect surface water drainage patterns, etc.

#### C.3. Flood Waters.

The pier and buoy are placed within the body of Lake Tahoe. They will not affect flood waters from streamflows.

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#### C.4. Surface Water.

The pier and buoy are placed in the body of Lake Tahoe. The pilings and buoy will not affect the surface water volume of Lake Tahoe.

#### C.5. Turbidity

The pier and buoy are located at a point on the lakeshore where the water is currently about 500 feet away from the pier site due to drought. The pier construction will be conducted in the dry land area so no turbidity will result from the operations. The buoy block will be buried in the lakebottom. When water returns to normal levels the construction will be completed. The resulting turbidity may arise from disturbed sediments settling as the lake water rises. Some sediment may be disturbed from boat movements at the pier. These impacts should be minimal.

#### C.6. Ground Water Flows.

The pier pilings and buoy block will be set at relatively shallow depths. They should not affect ground water flows.

#### C.7. Ground Water Quantity.

The pier and buoy anchor block are set at relatively shallow depths and do not serve as water acquisition facilities. They should not affect ground water supplies.

#### C.8. Water Supplies.

The pier and buoy are not intended for water acquisition. They will not affect water supplies.

#### C.9. Flooding.

The cumulative volume of the pilings and buoy assembly will not induce flooding. The structures will not interfere with water movements to induce flooding.

#### C.10. Thermal Springs.

There are no thermal springs in the vicinity. The project will not affect any thermal springs.

#### D.1. Plant Species Diversity.

The lake bottom at this location is sandy and is currently above water and is dry. When submerged, the bottom would not be conducive to supporting sessile bottom plants. Introduction of the structures could furnish a substrate for sessile aquatic plants. This impact would be minimal as several piers are located adjacent this site and can furnish habitat for sessile aquatic plants currently. Being dry, the site is conducive to supporting Rorippa

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subumbellata. *R. subumbellata* has been found on similar substrates at Tahoe Keys Homeowner's Assn. and Regan Beach plus a population at Taylor Creek. A site survey was conducted on the applicant's property by a qualified botanist but no specimens of *R. subumbellata* were found.

Even though specimens of *R. subumbellata* were not located in the vicinity of the project site, the applicant has incorporated the Rorippa Guidelines for construction into the project plans (Exhibit B, Interim Management Program). The project site is flooded during normal years.

#### D.2. Endangered Species.

The pier and buoy are planned to be constructed extending from shore 110 feet waterward. The buoy will be placed 20 feet beyond the pier. No impacts to aquatic plants are expected as the site is currently dry. A site inspection for *R. subumbellata* was conducted on the dry lake bed. No specimens were found. The project will have no impacts on aquatic or land plant populations.

#### D.3. Introduction of Plants.

The anchor chain and Pier pilings will afford a hard substrate for sessile aquatic plants. Piers and buoys are located on either side of the project site so introduction of this pier will not create a new impact on plant populations.

#### D.4. Agricultural Crops.

The pier and buoy are located in Lake Tahoe. No agriculture or aquaculture are carried out in this area. There will be no impact.

#### E.1. Animal Species Diversity.

The pilings and buoy anchor could affect access to the lake bottom by burrowing organisms. Fish and benthic organisms could be attracted to the pilings and buoy assembly for grazing and shelter. The impacts would be minimal.

#### E.2. Rare Species.

The pier and buoy assemblies are currently located on dry lakebed so impacts to fish will be absent. During normal water levels, the impact should be minimal as fish will repopulate the site.

#### E.3. New Species.

The pier will introduce new habitat to this site. The impact will be minimal as piers which furnish similar habitat currently occupy sites adjacent to the project location. No new animal species will be introduced as a result of the project.

#### E.4. Habitat Deterioration.

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The project will introduce a new pier and buoy to the site. There are several piers to either side of the project location, so the impact of this additional pier and buoy will be minimal.

#### F.1. Noise Increases.

The construction of the pier will involve a period of moderate noise levels as the pilings are being set and the pier itself is being constructed. Noise from work crew vehicles arriving and leaving the site will occur at beginning and end of work days. This activity will end when the project is completed. Some noise will result from use of the dock. These occurrences will be brief and minimal. The buoy has no whistles or bells for navigational aids so noise levels will not change from this.

#### F.2. Severe Noise.

The construction of the pier may cause periods of extreme noise as equipment is being used. These episodes may be brief, lasting seconds or minutes in duration. Some severe noise may arise from boat use during engine operation. These occurrences would be brief.

#### G.1. Light and Glare.

The project will be constructed during daylight hours so light from construction will not occur. There will be no navigational lights on the pier or buoy to create light or glare. No reflections or glare will be created from finished surfaces.

#### H.1. Land Use.

The pier and buoy will be installed among existing piers and buoys at either side of the project site. There will not be a newly introduced use for this location to alter local use patterns. Adjacent piers are approximately 50 feet right and 300 feet left of the proposed site.

#### I.1. Resource Use.

The pier and buoy will not increase resource depletion or loss of non-renewable resources. The pier and buoy will be used only for recreational boats and use.

#### J.1. Explosion.

The project involves construction of a pier and buoy. Risk of explosion of fuel could occur during construction. Precautions will be taken to minimize this possibility. Recreational boats will use the pier and buoy. Possibility of explosion will be minimal.

#### J.2. Emergency Plans.

The pier and buoy are to be located among several existing

piers and buoys. These structures will not create a new impact upon emergency vessel movements in the area.

#### K.1. Alter Population.

The planned project will not affect the population density or growth patterns in that area. The buoy and pier are intended for private use by the applicant for mooring of a recreational vessel. There will be no live-aboard vessels or increases in local population.

#### L.1. Housing.

The pier and mooring buoy are intended for use by the applicant whose property is located at the shoreward end of the pier. No new housing will be constructed in association with the pier and buoy.

#### M.1. Vehicular Movement.

The buoy and pier are intended for the applicant's use. No new vehicular traffic will result from use of the pier and buoy.

#### M.2. Parking.

The pier and buoy are intended for the applicant's private use. New parking facilities will not be created or associated with their use.

#### M.3. Transportation Systems.

The proposed project will not create new impacts on existing or future transportation systems. The buoy and pier are intended for the applicant's use only.

#### M.4. Circulation.

The buoy and pier are planned to be constructed among several existing piers and buoys. They will not affect current land or water traffic circulation.

#### M.5. Traffic.

The proposed pier and buoy are located among existing piers and buoys at the south shore of Lake Tahoe. There are presently four buoys located to the right of the proposed project and a condominium with a buoy field to the left of the site. The existing piers and buoys generally affect boat traffic, driving it waterward to avoid collision with these structures. Waterskiing and fishing must be conducted away from the piers and buoys to avoid injury to skiers or fouling of trolling lines. This impact will not be new, but ongoing.

#### M.6. Hazards.

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The pier and buoy will be located in Lake Tahoe and will not pose a hazard to motor vehicles, pedestrians or bicyclists.

#### N.1-6. Public Services.

The project involves construction of a private pier and mooring buoy. These structures will not create a new impact on public services including fire and police protection, school and park facilities, road maintenance or other public services. No significant impacts will occur.

##### O.1. Energy Use.

The project will not require use of energy for navigational aids. Fuel and electricity will be required for construction. Once construction is complete there will be no further impacts on energy use.

##### O.2. New Energy.

The pier and buoy will require no energy once construction is complete. There will be no impacts on future energy needs.

#### P.1-6. Utilities.

The pier and buoy will not create an impact on utilities services including power, water, sewerage and waste or communications. No impact will occur.

#### Q.1-2. Health Hazards.

The pier will be constructed with steel pilings, steel and wood framing and wood decking. The buoy will use 1 inch chain attached to a concrete anchor block and a plastic float. These materials will not pose a health hazard or potential health hazard to humans.

#### R.1. Views.

The pier and buoy will be placed among several other piers and buoys. The presence of several piers and buoys will create an impact upon views from shore. This project will not create a new impact upon the present view status, but will contribute to an existing condition with several piers and buoys.

#### S.1. Recreation.

The proposed project will not create a new impact upon recreation in this area. The pier could impact waterskiing, fishing and possibly swimming activities, but this will not be a new impact.

#### T.1-4. Historic Ethnic Sites.

The pier is located waterward of the lake shore. There are no known archaeological or ethnic sites in this location so there will be no impact.

#### U.1. Degradation.

The pier is constructed with steel pilings and steel/wood decking. This structure will create a visual impact which could be considered a degradation. There are several piers in the immediate area so this impact will not be new but ongoing.

#### U.2. Environmental Goals.

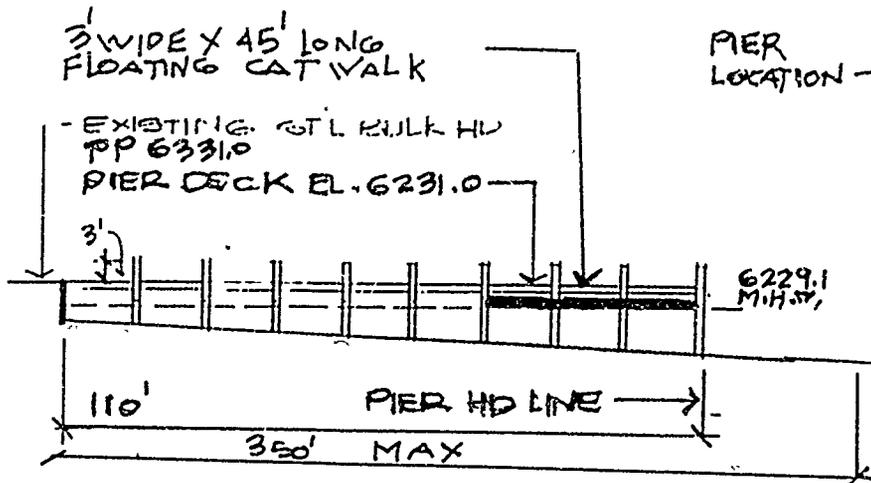
The impact created by the pier construction is considerable but its construction among several existing piers will be a less significant visual impact. Its presence among existing facilities will not adversely affect current environmental goals.

#### U.3. Cumulative Impacts.

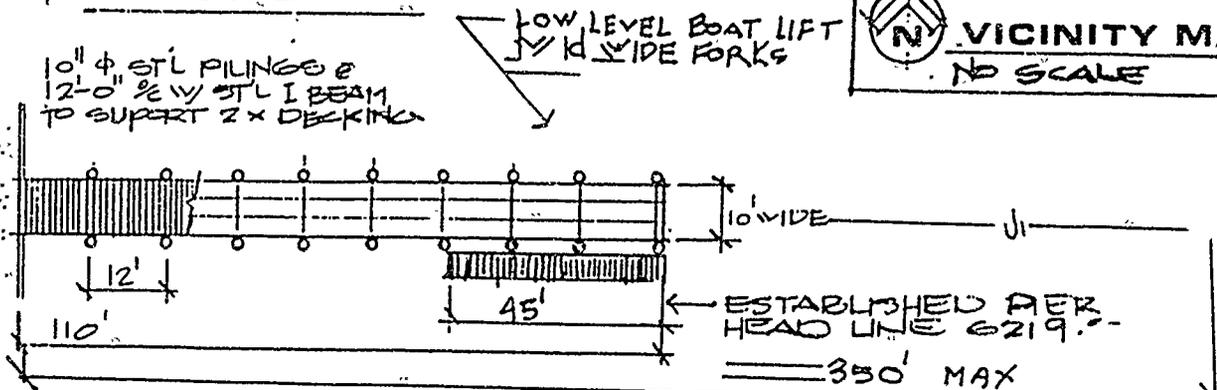
The proposed pier and buoy are located among several existing piers, some including boathouses. Pier densities were studied for visual impacts. Greater pier densities create a greater negative impact on the public than few or no piers. These structures also create a negative barrier to beach walking. This project will add to the cumulative impact of piers already installed but the impact will be less than if this was the first pier in the area.

#### U.4. Adverse Impacts.

The accumulation of several piers in this area including the applicants' pier may contribute to the visual impacts, but the added impact of the project should be negligible. There will not be a significant adverse impact on humans.

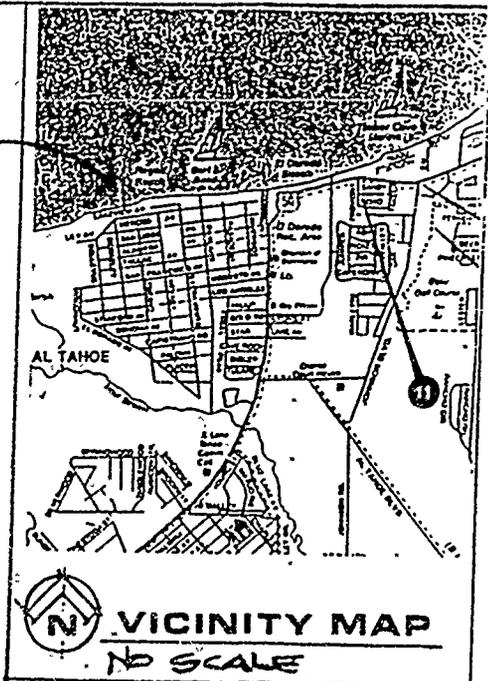


**PROFILE**



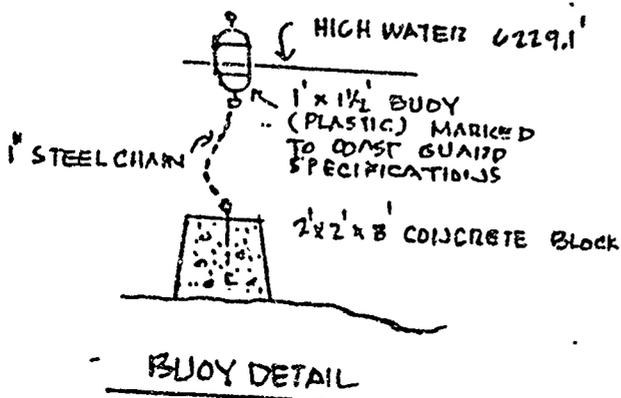
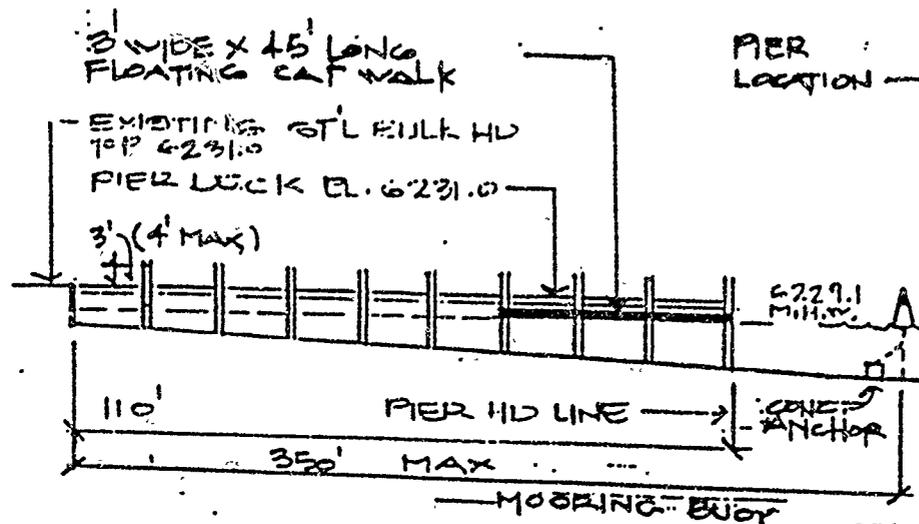
**PLAN VIEW**

- BOTTOM TYPE:**
1. SAND BOTTOM
  2. PILINGS TO BE DRIVE 8'-0" OR TO REPUAL



<p><b>PURPOSE:</b></p> <p>NEW PIER CONSTRUCTION ON LAKE TAHOE, CA.</p>	<p>PROPOSED PIER CONSTRUCTION</p>
<p>DENA L. SCHWARTZ ASSO. PLANNING / DEVELOPMENT P.O. BOX 10530, S. LAKE TAHOE CA. 95731</p>	<p>JAMES DALE / OWNER APN 26-021-09 SO. LAKE TAHOE, CA. REVISE 10-10-88</p>

EXHIBIT A-2



**PURPOSE:**

NEW BUOY  
ON LAKE TAHOE, CA.

**PROPOSED BUOY  
CONSTRUCTION**

DENA L. SCHWARTZ ASSO.  
PLANNING / DEVELOPMENT  
P.O. BOX 10530, S. LAKE TAHOE  
CA. 95721

JAMES DALE / OWNER  
APN 26-021-09  
50, LAKE TAHOE, CA.  
REVISE 10-10-88

Exhibit "B"

INTERIM MANAGEMENT PROGRAM  
FOR *Rorippa subumbellata* Roll.  
(TAHOE YELLOW CRESS)

An interim management plan has been developed to eliminate the impacts caused by the construction of piers and appurtenant facilities along the shoreline of Lake Tahoe and to protect *Rorippa subumbellata* Roll. and its habitat from degradation. This interim plan will function until the final management plan is completed. This interim plan has the following elements: 1) the minimization of the area disturbed due to construction and access to and from the pier; and 2) conservation measures for the species along the shoreline of Lake Tahoe. These interim guidelines apply to any pier project which will disturb the Lake Tahoe shoreline between the elevations 6220' and 6228.75' LTD.

Construction and Access Guidelines

Construction of new piers, pier extensions, pier replacements, and pier modifications shall be governed by the following guidelines:

- 1) All construction activities shall be conducted from the water side of the pier. The area of disturbance of the lake bottom and shoreline shall be no greater than the footprint of the pier. Construction disturbance caused by the construction vehicle shall be limited to the area where the pier sets or an space of similar size directly adjacent to the pier. In no case shall the space disturbed be greater than that which the pier occupies or will occupy.
- 2) In areas having a cobble or sandy-cobble backshore, the beach and offshore substrate compacted by contact of the substrate with construction equipment shall be rolled to level the depressions created by the tracks of the construction vehicle. Any remaining compacted soils shall be loosened with pronged hand tools to reduce the compaction and then filled with comparable small cobbles taken from the backshore. These cobbles must be taken from the backshore without damaging the habitat or the species.
- 3) No equipment or materials shall be located or stored between elevation 6220' and 6232' LTD.
- 4) No construction activity at the site shall begin or proceed without the presence of the State Lands Commission designated mitigation monitor on site. The project applicant shall notify the designated mitigation monitor at least 14 days prior to when construction will

commence.

- 5) Only one pedestrian path shall be allowed between the upland residence and the pier. Such path shall be bordered by native vegetation similar to willow, service berry, or manzanita. Prior to construction of the pedestrian path, a plan shall be submitted to the State Lands Commission showing the location of the path, the proposed vegetation planting, and the type of vegetation proposed as screening.
- 6) All existing individuals and colonies of *Rorippa subumbellata* on the project applicant's property shall be fenced to prevent damage during construction.

#### Conservation Guidelines

All applicants for projects which may impact the habitat or potential habitat of *Rorippa subumbellata* Roll. shall participate in the final conservation and management program set forth in the Management and Enhancement Plan for *Rorippa subumbellata*. For these interim guidelines the following shall be provided at the time of application:

- 1) The project applicant shall submit a report describing the soils and vegetation on the applicants property. The report shall emphasize the area located between elevations 6232' and 6223' LTD. Such report shall describe the texture and composition of the soil, the slope, and the existing vegetation types and their condition. Such report shall be submitted with a plan view map of the area at a scale of 1":10' and photographs of the mapped area.

#### Other

The project applicant shall be required to provide the State Lands Commission with a letter of credit to insure the compliance with all mitigation measures. The amount of the required letter of credit shall be established at the time of project approval. In the event that the mitigation measures and the conditions are not complied with as determined by the Commission's mitigation monitor, the letter of credit may be forfeited after a hearing before the State Lands Commission. Money forfeited by project applicants shall be used to remedy the impacts of the project and to conserve *Rorippa subumbellata*.

The project applicant shall also reimburse the State Lands Commission for all costs incurred by the State Lands Commission to monitor and enforce these and other requirements imposed on the project as provided by Section 21080.6 of the California Public Resources Code.