MINUTE ITEM CO3

W 24305

Judy Ludlow

APPROVE A RECREATIONAL PIER PERMIT

Jane Sekelsky, Chief of the Land Management Division, presented Calendar Item CO3 which was moved from the Consent Calendar to the Regular Calendar. This is an application for a recreational pier lease at Lake Tahoe. The State Lands Commission has received several letters from the owners of adjacent upland property objecting to the proposed pier on several grounds. There are six upland properties fronting the cove on which the proposed pier is to be constructed. Two of which already have piers. The opponents of the projects assert that a third pier would negatively impact their view of the lake and their use of the cove for swimming and paddling in their rowboats. Another complaint they have is that the property owners rent their home out at various times during the summer.

Ms. Sekelsky advised that staff has reviewed these concerns with TRPA staff and with the Design Review Committee, consisting of representatives of various jurisdictional agencies, and have concluded that the proposed pier meets all existing rules, criteria and policies regarding pier design and location.

George Pickitt, Nancy Pickitt-Gibson and Rod Gibson, owners of the adjacent property, spoke in opposition to the building of the pier. In addition to the negative impact of a third pier in the cove, they stated it is considerably longer than the other piers and much longer than is necessary considering the slope of the lake. They state if this pier is approved then it seems that each owner along the lake could have their own pier and there would be less than fifteen feet between each of the piers. They also stated they have cancelled checks proving that this property is rented out periodically during the summer months.

Jan Brisco of Brisco Enterprises, representing Alexander and Margaret Villicana, owners of the property, explained that the owners have loaned their cabin to two family friends on occasion during the summer months but the property is not used as a rental nor is it advertised as a rental.

After a short discussion it was approved 2-0.

A 7

S 1

CALENDAR PAGE

MINUTE PAGE 615

2/29/92

STATE LANDS COMMISSION
Meeting of Monday 3/2/1992 Room 447 STATE CAPITAL, Sacramento

Subject: Villicana Recreation Pier: File:W24305 ND575

GENTLEMEN:

My name is George Pickett. I have visited or vacationed every year for almost 60 years (including full time the 15 summers since I retired) at our family cabin on lot 12, adjacent to the Villicana house on lot 13, at Lake Tahoe.

Because of the special nature of the shoreline at this point may I briefly try to show & explain this. I have a photo of the cove taken from our deck, and a copy of the map I introduced to the TRPA's public hearing on this matter Sept.26 1990.

This cove consists of 8 -50ft lots on which there are 6 family residences. The two end families each has 100ft frontage and each has a very old non-conforming pier. Of these 6 homes only the Villicanas rent their house. They make very infrequent use themselves. The other 5 homes are strictly family and 4 of these have very large families with heavy family usage.

Personally I have gone over the Negative Declaration and I cannot find any item I think will be impacted as far as fish, plant life, etc. any more than would be the case from any reasonable size pier, properly installed, at any other location at Lake Tahoe. However we hope somebody has some concern for the impact that a 175ft pier in this cove will have on the many human beings involved.

There are 16 Public Comment letters in the TRPA's files from the first Public Hearing. Apparently your staff was not aware of

this or of the non-conforming piers until, at my request, Jim Hamilton of TRPA sent them a copy of their staff summary prepared for the 2nd TRPA public hearing in Nov 1990. This document also provided your staff with what I think were their first facts on the non-conforming piers.

In my view the application to you not only deliberately omitted the 2 most important factors: i.e.Public Comments and the existing 2 non-conforming piers, but went on to add a completely false claim of having "two mooring bouys anchored on the bed of Lake Tahoe".

Regardless of what action this Commission may feel required to take re approval of a pier in this case, I believe it appropriate for you to specifically deny approval of the non existing mooring buoys. and to comment on the application's lack of full disclosure.

Since the TRPA included, in their conditional approval item 6: "This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action".

Recognition of these problems in the application presented to you should be acknowleged. This might even be helpful in any future TRPA consideration of this case.

Thank you for hearing me

George Pickett

George Pickett

2-27-92

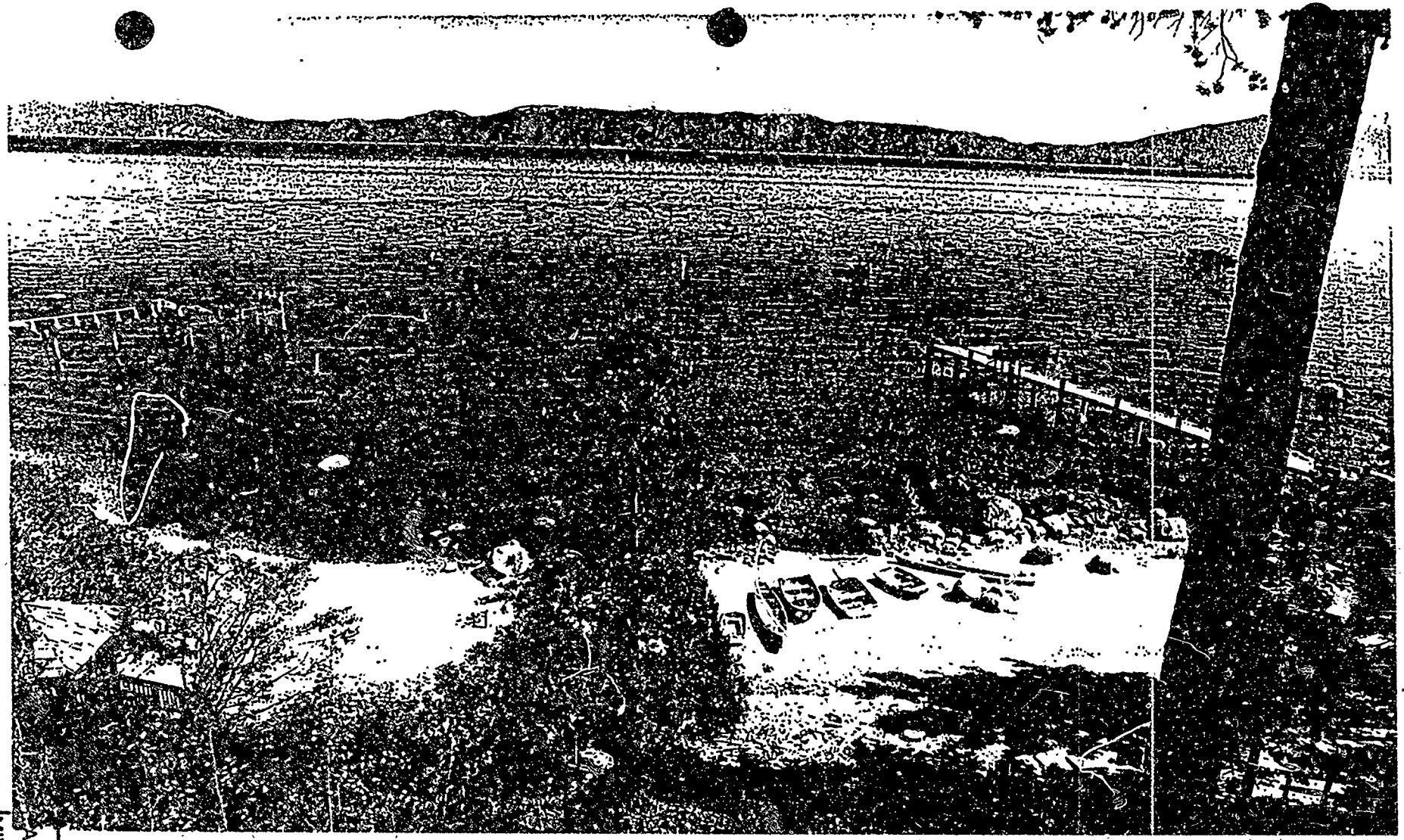
To Whom it may concern;

I live in Melks Bay Vista Two doors south of the Villicana residence. I swim and snorkel often in our bay during the summer months. I am familiar with the bottom of the lake and all the boat buoys in this area. There are no boat buoys belonging to or used by the Villicana residents.

P.B. Van Etten

P.B. VAN ETTEN
P.O. BOX 365
TAHOMA, CA 96142

CALENDAR PAGE
MINUTE PAGE 618



~~XXE~~ 90 View of Lake Tahoe from Lot 12 Porch
9 Villicon stairs to Beach shows at left side
Marsh Pier to Left Warford Pier to right
Beach includes Lots 11, 12, 13 + some of 14

This pict with WA 24mm Lens by George Pickett taken after big Fir - stump in middle bottom had died + was removed.

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MINUTE ITEM
This Calendar Item No. 03
was approved as Minute Item
No. 03 by the State Lands
Commission by a vote of 2
to 0 at its 3/2/92
meeting.

CALENDAR ITEM

C 03

A 7

S 1

03/02/92
W 24305 PRC 7613
J. Ludlow

APPROVE A RECREATIONAL PIER PERMIT

APPLICANT:
Alexander and Margaret Villicana
P. O. Box 90577
Pasadena, California 91109

AREA, TYPE LAND AND LOCATION:
A parcel of submerged land located in Lake Tahoe at Meeks Bay, El Dorado County.

LAND USE:
Proposed construction of a 175-foot recreational pier, including the installation of a low-level boatlift and the retention of two mooring buoys.

TERMS OF PROPOSED PERMIT:
Initial period:
Five (5) years beginning March 2, 1992

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 the upland.

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

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2: Div. 13.

B. Cal Code Regs.: Title 2, Div. 3: Title 14, Div. 6.

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AB 884:
05-12-92

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 575, State Clearinghouse No. 91122074. 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. 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 retention of the Applicant's buoys, subject to the right of the Commission to amend or rescind such authorization during the term specified if such action is necessary 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 consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

4. The Applicant proposes to construct a 175-foot-long pier, including the addition of a low-level boatlift, and to retain two existing previously unauthorized mooring buoys.

5. The pier will be constructed with open steel piling supporting a suspended wood deck. The boatlift will be constructed on the south side at the waterward end of the pier.

6. A portion of the project site is presently dry. The pilings will be transported and installed using an amphibious barge mounted with a crane and pile driver. The pilings will be installed using the mechanical pile driver.

7. 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.

8. Commission staff will monitor the construction of the proposed project in accordance with the Monitoring Program included within the Proposed Negative Declaration.

9. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: TRPA, Department of Fish and Game, County of El Dorado, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on 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.

10. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.

11. 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.

12. 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.

13. 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

EXHIBITS:

A: Land Description
B: Location Map
C: El Dorado Letter of Approval
D: Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 575, STATE CLEARING HOUSE NO. 91122074, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

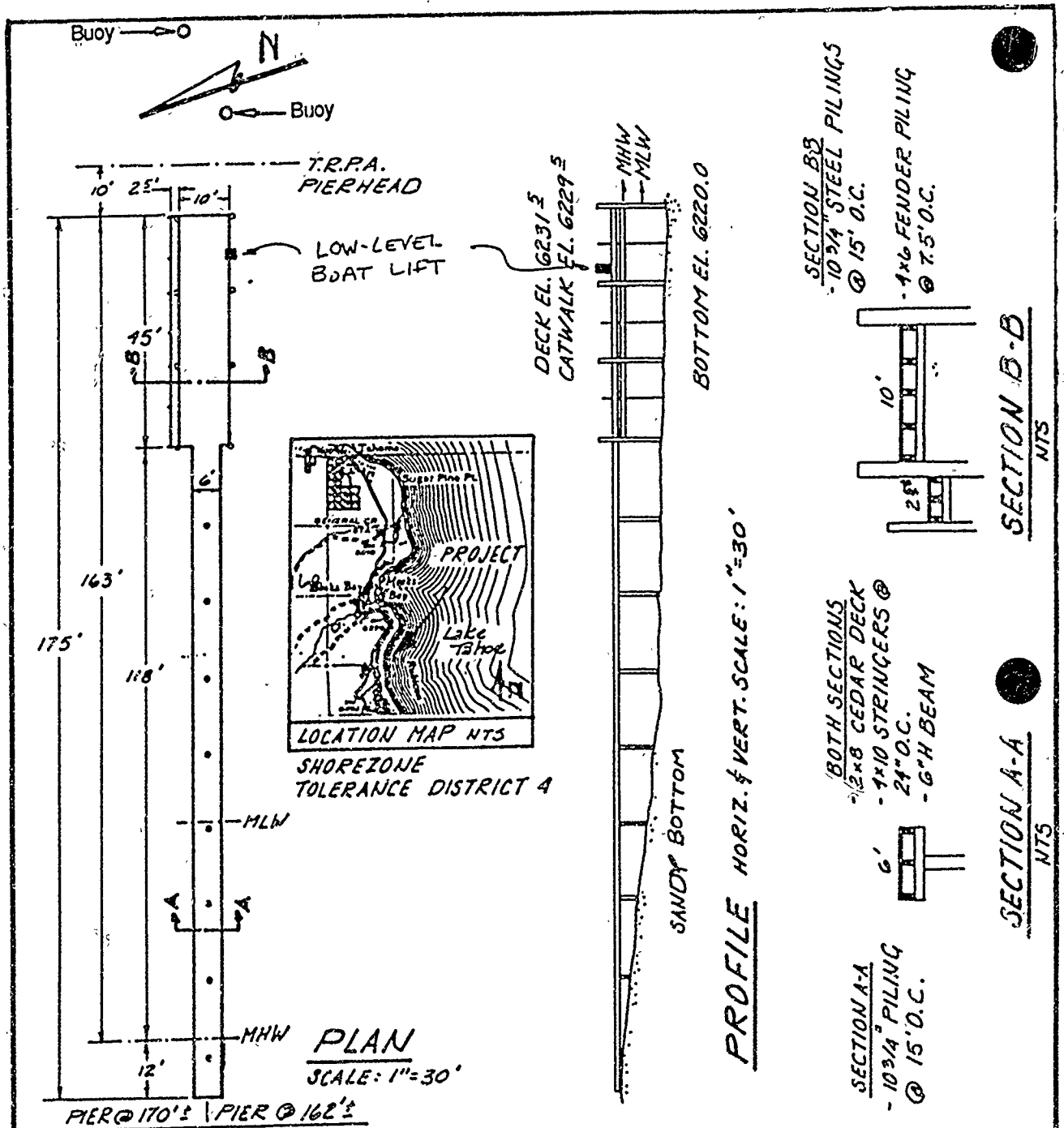
2. ADOPT THE NEGATIVE DECLARATION AND THE MONITORING PROGRAM AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. AUTHORIZE ISSUANCE TO ALEXANDER AND MARGARET VILLICANA OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING MARCH 2, 1992 FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A RECREATIONAL PIER, INCLUDING THE INSTALLATION OF A LOW LEVEL BOATLIFT, AND FOR THE RETENTION OF TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 24305



ADJOINING PROPERTIES:

NORTH: 16-101-83
SOUTH: 16-101-85

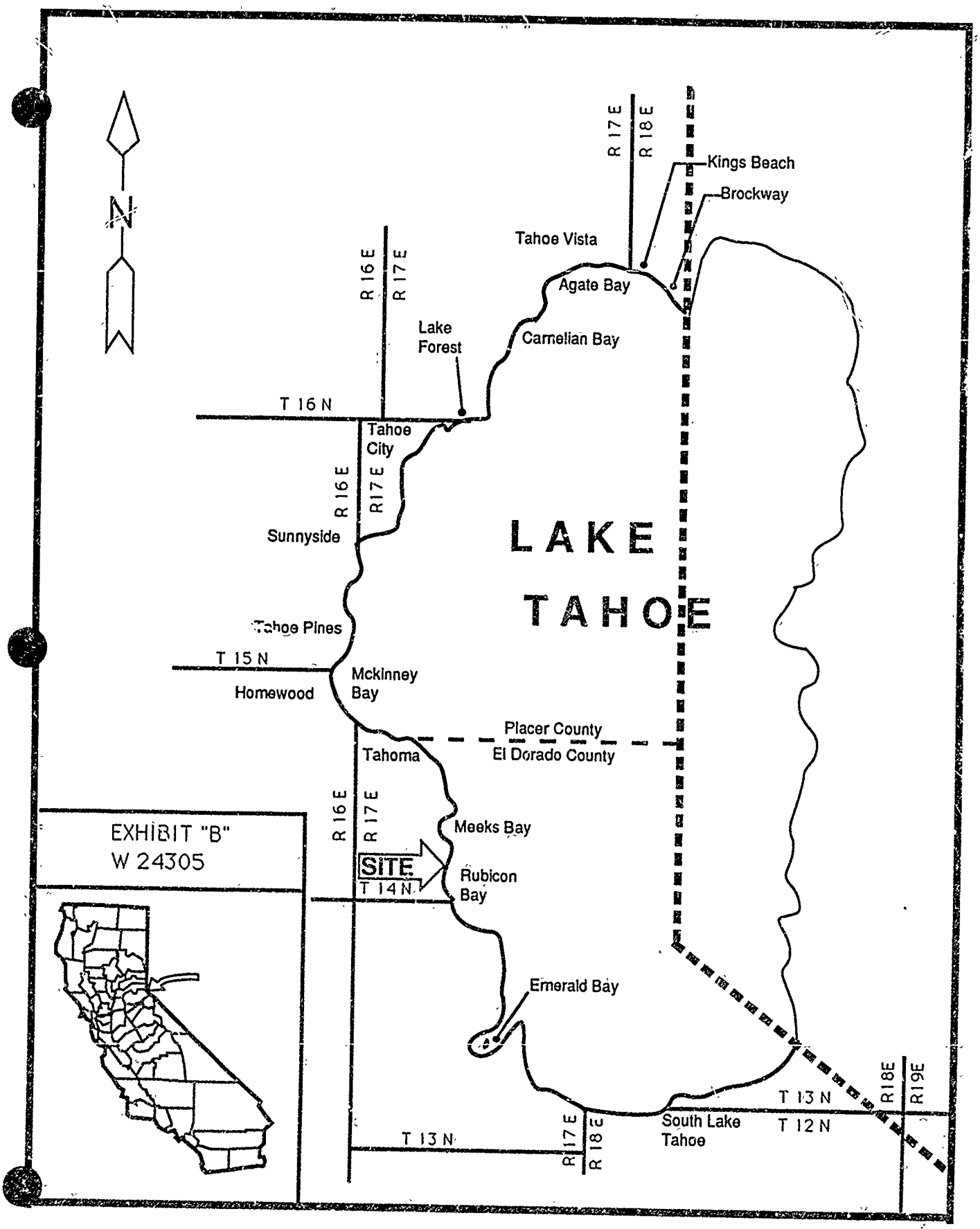
PROP. RECREATIONAL PIER
8527 MEEKS BAY AVE.
MEEKS BAY
A.P.N. 16-101-84
EL DORADO COUNTY CA

APPLICATION BY:
SUE VILLICANA
P.O. BOX 90577
PASADENA, CA 91109

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

CALENDAR PAGE 60
MINUTE PAGE JULY 1988 625
JOB NO. 8-12

PREPARED NOVEMBER 21, 1989 BY BIJ



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RECEIVED

MAY 05 1989

EL DORADO CO. COMMUNITY DEVELOPMENT DEPT.
SOUTH LAKE TAHOE

EXHIBIT "C"

Date 5-5-89

File Ref: W 24305

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

Subject: Building Permit for Pier (New Pier and boatlift)

Name: Alexender and Margaret Villicana

Address: P.O. Box 90577

Pasadena, California 91109

Tahoe Address: 8527 Meeks Bay Avenue

County Assessor's Parcel No. 16-101-84

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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EXHIBIT "D"

STATE OF CALIFORNIA — PETE WILSON, *Governor*

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

December 23, 1991
File: W 24305
ND 575

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

A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project currently being processed by the staff of the State Lands Commission.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by January 23, 1992.

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

JUDY BROWN
Division of Environmental
Planning and Management

Attachment

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STATE OF CALIFORNIA — PETE WILSON, *Governor*

STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 9
CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: W 24305
ND 575
SCH No. 91122074

Project Title:	Villicana Recreational Pier
Proponent:	Sue Villicana
Project Location:	8527 Meeks Bay Drive, Meeks Bay, Lake Tahoe, El Dorado County.
Project Description:	Proposed construction of a 175 foot long private recreational pier with electric boatlift and continued placement of two mooring buoys anchored on the bed of Lake Tahoe.
Contact Person:	Judy Brown Telephone: 916/324-4715

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

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

/ / this project will not have a significant effect on the environment.

/X/ mitigation measures included in the project will avoid potentially significant effects.

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STATE LANDS COMMISSION

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST – PART II

Form 13.20 (7/82)

File Ref.: W 24305

I. BACKGROUND INFORMATION

A. Applicant: Sue Villicana — Brisco Enterprises, Agent
P.O. Box 90577 — P.O. Box 7468
Pasadena, CA 91109 — Tahoe City, CA 95730

B. Checklist Date: 12 / 19 / 91

C. Contact Person: Judy Brown

Telephone: (916) 324-4715

D Purpose: Construct a new 175 foot long single use private pier with boatlift and continued placement of two mooring buoys for recreational use.

E Location: 8527 Meeks Bay Avenue, Meeks Bay, Lake Tahoe, El Dorado County.

F Description: Proposed construction of a 175 foot long private recreational pier with boatlift and continued placement of two mooring buoys. The pier will be constructed with approx. sixteen 10" diameter steel pilings for support, steel 6" "H" beams will support 4"x12" wood girders which will be covered by 2"x6" wood decking, and a 45 foot long catwalk will be installed 24 inches below the main deck level.

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?	☐	☐	☒
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?	☐	☐	☒

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WHITE PAGE 6330

	Yes	Maybe	No
B. *Air.* Will the proposal result in:			
1. Substantial air emmissions or deterioration of ambient air quality?	☐	☐	☒
2. The creation of objectionable odors?	☐	☐	☒
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	☐	☐	●
C. *Water.* Will the proposal result in:			
1. Changes in the currents, or the course or direction of water movements, . . either marine or fresh waters?	☐	☐	☒
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	☐	☐	☒
3. Alterations to the course or flow of flood waters?	☐	☐	☒
4. Change in the amount of surface water in any water body?	☐	☐	☒
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	☐	☐	☒
6. Alteration of the direction or rate of flow of ground waters?	☐	☐	☒
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	☐	☐	☒
8. Substantial reduction in the amount of water otherwise available for public water supplies?	☐	☐	☒
9. Exposure of people or property to water-related hazards such as flooding or tidal waves?	☐	☐	☒
10. Significant changes in the temperature, flow or chemical content of surface thermal springs?	☐	☐	☒
D. *Plant Life.* Will the proposal result in:			
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	☐	☐	☒
2. Reduction of the numbers of any unique, rare or endangered species of plants?	☐	☐	☒
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	☐	☐	●
4. Reduction in acreage of any agricultural crop?	☐	☐	☒
E *Animal Life* Will the proposal result in:			
1 Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?	☐	☐	☒
2. Reduction of the numbers of any unique, rare or endangered species of animals?	☐	☐	☒
3 Introduction of new species of animals into an area or result in a barrier to the migration or movement of animals?	☐	☐	☒
4. Deterioration to existing fish or wildlife habitat?	☐	☐	☒
F. *Noise.* Will the proposal result in:			
1. Increase in existing noise levels?	☐	☐	☒
2. Exposure of people to severe noise levels?	☐	☐	☒
G. *Light and Glare.* Will the proposal result in:			
1. The production of new light or glare?	☐	☐	☒
H. *Land Use.* Will the proposal result in:			
1. A substantial alteration of the present or planned land use of an area?	☐	☐	☒
I. *Natural Resources.* Will the proposal result in:			
1. Increase in the rate of use of any natural resources?	☐	☐	●
2. Substantial depletion of any nonrenewable resources?	☐	☐	☒

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	Yes	Maybe	No
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?	☐	☐	☒
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?	☐	☐	☒

CALENDAR PAGE 123
MINUTE PAGE 632

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)

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: 12/23/91

For the State Lands Commission

CALENDAR PAGE 32
MINUTE PAGE 633

VILLICANA PIER, BOATLIFT AND BUOYS
PROJECT DESCRIPTION

The project involves the proposed construction of a single private recreational pier and a low level boatlift and the retention of two existing mooring buoys at the west shore of Lake Tahoe at the upland address of 8527 Meeks Bay Ave., Meeks Bay, Lake Tahoe.

The pier will be constructed with approximately sixteen 10-inch diameter steel pilings for support driven into the lakebed. The pile driving should be completed in one to two working days. Steel 6-inch "H" beams will support 4"x 12" wood girders which will be covered by 2"x 6" wood decking. A 45 foot long catwalk will be installed 24 inches below the main deck level. A low level boat lift will be installed. The entire pier construction is anticipated to take up to thirty working days.

The mooring buoys are located immediately lakeward from the end of the proposed pier. One buoy is located at elev. 6220', and the most lakeward buoy is located at elev. 6219'.

A portion of the project site is presently dry. The pilings will be transported and installed using an amphibious barge mounted with a crane and pile driver. The pilings will be installed using the mechanical pile driver.

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 concrete and stone approximately 5 feet high. A terrace filled with sand is placed behind this bulkhead.

A gently sloping beach of medium to coarse sand is located at the foot of the bulkhead, extending approximately 100 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 patches of cobbles approximately 3 inches in diameter.

The shoreline vegetation consists of younger conifers and a few deciduous trees on a natural looking slope and larger conifers inland. Residences completely cover the shore next to the natural slope. No vegetation can be found beyond the sandy beach out to the water's edge.

An existing pier and one buoy are located in the adjacent waterward area to the south of the proposed pier site. The adjacent pier to the south is located approximately 162' from the proposed pier site and the adjacent buoy is located approximately 80' south of the existing southernmost buoy of this proposal. An existing pier and buoy are located in the adjacent waterward area to the north of the proposed pier. The adjacent pier to the north is located approximately 170' north of the proposed pier site and the buoy is located approximately 75' from the northernmost buoy of this proposed project.

VILLICANA PIER, BOATLIFT AND BUOYS
ENVIRONMENTAL IMPACT ASSESSMENT

A.1. Earth Conditions

The project involves construction of a new recreational pier and installation of a low level boatlift. The pier will be constructed with an open steel piling supporting a suspended wood deck. The boatlift will be constructed on the end of the pier.

The two existing mooring buoys cover a small portion of the lake bottom. Each buoy utilizes a concrete anchor block approximately two square feet in bottom area. These blocks, placed on the lake bed will cover that portion of substrate upon which they rest. This impact would be considered insignificant.

The construction of the pier or placement of the buoys 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 boatlift will be anchored to the pier with supports in the lake bed. This support will not cover the substrate.

The two existing mooring buoys cover a small portion of the lake bottom. Each buoy utilizes a concrete anchor block approximately two square feet in bottom area. These blocks, placed on the lake bed will cover that portion of substrate upon which they rest. This impact would be considered insignificant.

The construction of the pier or placement of the buoys will not alter or cover any ground features or create unstable conditions.

A.3. Topography

The pier will be constructed using an open construction. The pilings will be set with a piling driver 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 boatlift will be installed with supports in the substrate. This impact will be minimal. Each buoy utilizes a concrete anchor block approximately two square feet in bottom area. These blocks, placed on the lake bed will cover that portion of substrate upon which they rest. This impact would be considered insignificant.

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 attached boatlift nor buoy anchors will not affect unique features on the lake bed.

A.5. Erosion.

The pilings, boat lift and buoys anchors 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 predominantly sandy and much is currently above water level because of drought. The construction activity will not cause siltation in the water column along the dry portion. The submerged portion will be safeguarded against creating siltation with caissons or turbidity screens. 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 boatlift assembly are set directly into the lake bed. The buoys anchors will rest on 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 rubber tired amphibious barge to install them. The craft 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 and buoys will create some odors as boats arrive and leave. This impact will be minimal. The boatlift is electric powered and will generate no emissions.

B.3. Air Alterations

The pier, boatlift and buoys 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 boatlift is attached to the pier. The buoy anchors will rest on the lake bed. These structures will not create a significant impact on currents or water movements.

C.2. Runoff.

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

C.3. Flood Waters.

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

C.4. Surface Water.

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

C.5. Turbidity

The pier and boatlift are located at a point on the lakeshore where the water is currently partially receded away from the pier site due to drought. A portion of the pier construction will be conducted on dry land area so no turbidity will result from the operations. Part of the pier will be constructed in the water and caissons or turbidity screens will be used to minimize turbidity during construction. The boatlift will be attached to the pier. 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.

The placement of the buoy anchors may have created an episode of turbidity as the anchors made contact with the lake bottom. Such an event would be brief and would be negligible.

C.6. Ground Water Flows.

The pier pilings and boatlift will be set at relatively shallow depths. The buoy anchors will rest on the lake bed. They should not affect ground water flows.

C.7. Ground Water Quantity.

The pier, boatlift and buoy anchors 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, boatlift and buoys are not intended for water acquisition. They will not affect water supplies.

C.9. Flooding.

The cumulative volume of the pilings, boatlift assembly and buoy anchors 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 a portion 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 near this site and can furnish habitat for sessile aquatic plants currently. Being dry, the site is conducive to supporting Rorippa 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).

D.2. Endangered Species.

The pier and boatlift are planned to be constructed extending from shore 175 feet waterward. The boatlift will be placed near the waterward end of the pier. No impacts to aquatic plants are expected as the site is currently dry. An environmental assessment which included a site inspection for R. subumbellata was conducted at the project site. No specimens were found; however, the project site does contain potential suitable habitat for Rorippa subumbellata, Roll., and the applicant has agreed to incorporate the Interim Management Program Construction and Access Guidelines (attached) to minimize potential impacts to the habitat. The proposed project will have no impacts on aquatic or land plant populations.

D.3. Introduction of Plants.

The pier pilings and buoy anchors will afford an environment for sessile aquatic plants to colonize. Piers and buoys are located in the vicinity 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, boatlift and buoy anchors 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, boatlift and buoy anchors could affect access to the lake bottom by burrowing organisms. Fish and benthic organisms could be attracted to the pilings, boatlift assembly and buoy anchors for grazing and shelter. The impacts would be minimal.

E.2. Rare Species.

The pier, boatlift and buoy anchor assemblies will be constructed in the vicinity of existing piers in use. The new pier, boatlift and buoy anchors will create new environment for fish and other aquatic life. The impact should be minimal as fish will repopulate the site. There should be no impact on rare species.

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 near the project location. No new animal species will be introduced as a result of the project.

E.4. Habitat Deterioration.

The project will introduce a new pier, boatlift and buoy anchors to the site. The proposed pier site is not located in a mapped fish habitat area per staff of the Tahoe Regional Planning Agency, and they have issued their permit. There are several piers to either side of the project location, so the impact of this additional pier and boatlift will be minimal.

F.1. Noise Increases.

The construction of the pier will involve a period of moderate increase in 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 boatlift will be electrically powered so noise levels will not change from this use.

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 boatlift to create light or glare. No reflections or glare will be created from finished surfaces.

H.1. Land Use.

The pier, boatlift and buoy anchors will be installed among existing piers and buoys located in the vicinity of the project site. There will not be a newly introduced use for this location to alter local use patterns. The closest piers are approximately 162 feet to the right and 170 feet to the left of the proposed pier site.

I.1. Resource Use.

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

J.1. Explosion.

The project involves construction of a pier and boatlift and installation of two mooring buoys. Risk of explosion of fuel could occur during construction of the pier and boatlift; however best construction management precautions as indicated by TRPA permit conditions (#9 and #11) will be taken to minimize this possibility. Recreational boats will use the pier and boatlift. Possibility of explosion will be minimal.

J.2. Emergency Plans.

The pier, boatlift and buoy anchors 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 pier, boatlift and mooring buoys are intended for private use by the applicant for mooring of recreational vessels. There will be no live-aboard vessels or increases in local population.

L.1. Housing.

The pier, boatlift and mooring buoys 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, boatlift or buoys.

M.1. Vehicular Movement.

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

M.2. Parking.

The pier, boatlift and mooring buoys 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 boatlift, pier and buoys are intended for the applicant's use only.

M.4. Circulation.

The boatlift, pier and mooring buoys are planned to be constructed or placed among several existing piers and buoys. They will not affect current land or water traffic circulation beyond that which currently exists. Ski boats and trolling activites presently have to be conducted well beyond the pierhead line to avoid injury to skiers which may be caused by collision with existing pier structures, and to avoid fouling trolling lines on anchor chains or piers.

M.5. Traffic.

The proposed pier and boatlift will be located among existing piers and buoys at the west shore of Lake Tahoe. There is presently a pier and buoy located 162 feet to the right of the proposed project and a pier and buoy 170 feet 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. The new pier will fill in a space between these existing structures. This impact will not be new, but ongoing.

M.6. Hazards.

The pier, boatlift and mooring buoys 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, low level boatlift and placement of two mooring buoys. 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 the only impact on energy will come from occasional use of the boatlift. This impact will be minimal.

O.2. New Energy.

The pier will require no energy once construction is complete. There will be minor use of electricity in operating the boatlift. This impact will be minimal.

P.1-6. Utilities.

The pier will not create an impact on utilities services including power, water, sewerage and waste or communications. No impact will occur. Use of the boatlift will require a minor amount of electric power. This impact will be minimal.

Q.1-2. Health Hazards.

The pier will be constructed with steel pilings, steel and wood framing and wood decking. The boatlift will use a single support of steel. The mooring buoy anchors are made of concrete, and the float will be comprised of and placed in accordance with U.S. Coast Guard specifications. These materials will not pose a health hazard or potential health hazard to humans.

R.1. Views.

The pier and boatlift 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, as other piers and buoys are located within the vicinity.

T.1-4. Historic Ethnic Sites.

The pier, boatlift and mooring buoys will be located waterward of the lake shore. There are no known archaeologic or ethnic sites in this location so there will be no impact.

U.1. Degradation.

The pier will be 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 would be 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, boatlift and mooring buoys are to be located among several existing piers and buoys. 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.

MONITORING PROGRAM
VILLICANA PROPOSED PIER, BOATLIFT AND BUOYS PROPOSAL

W 24305

1. Impact: This project will cause minimal turbidity to lake waters during the driving of piling into the lakebed.

Project Modification:

The applicant will implement or cause to be implemented:

a) Use of caissons or turbidity screens to prevent the release of resuspended sediments during pile placement activities.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will be on the construction site prior to and during the construction activities to verify project modifications are implemented.

2. Impact: The proposed pier construction could have the potential to disturb an area of the shoreline which may contain potential habitat for the State-listed, endangered plant, Rorippa subumbellata, Roll.

Project Modification:

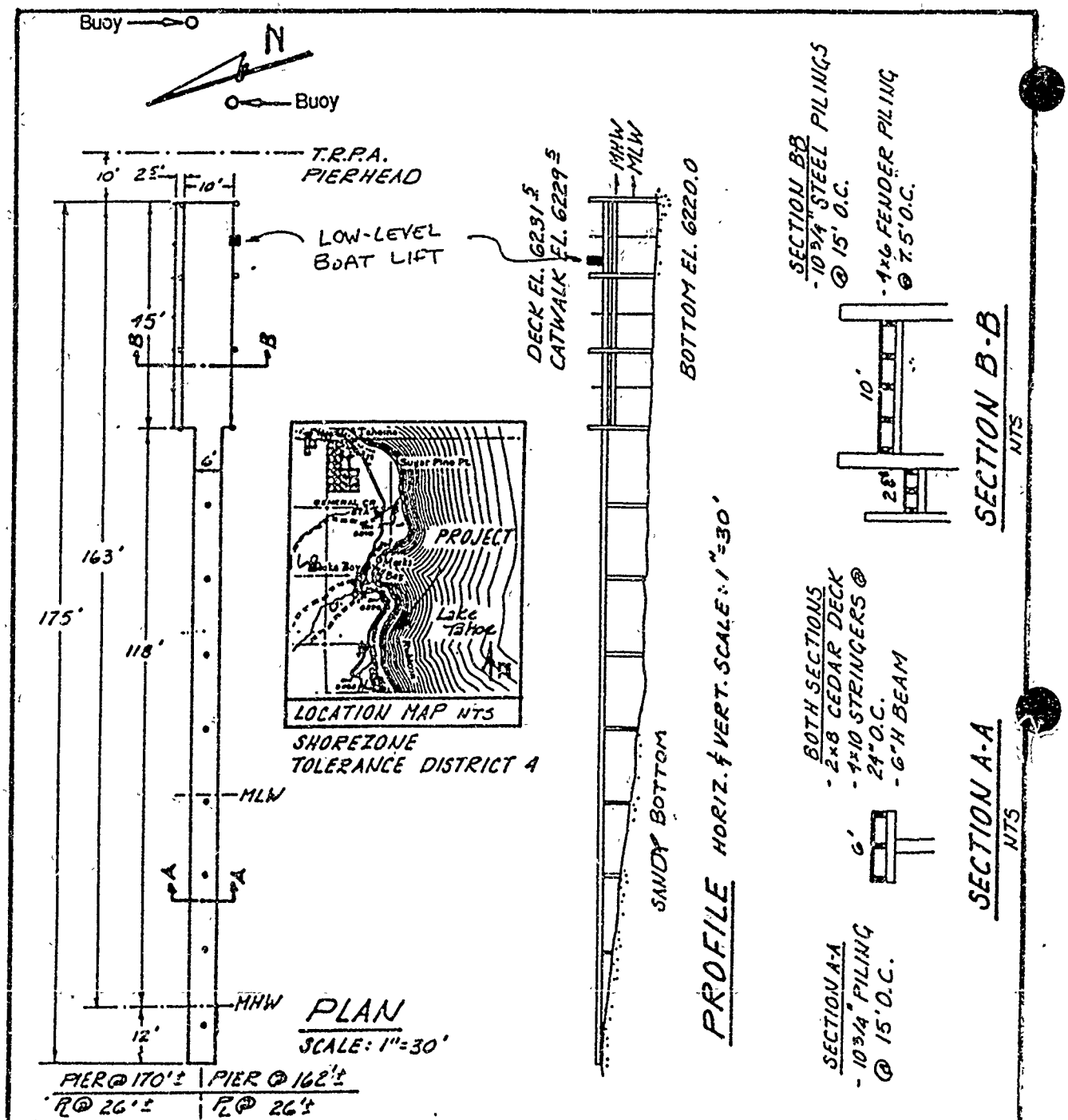
All construction activities will be conducted by barge or amphibious vehicle from the water side of the pier. There will be no storage of construction materials above the low water line of the subject property between 6220' and 6232' LTD. The beach and offshore substrate compacted by contact of the substrate with construction equipment shall be rolled to level the depressions created by the tracks of the construction vehicle. Any remaining compacted soils will be loosened with pronged hand tools to reduce the compaction and then filled with comparable small cobbles taken from the backshore. The applicant will notify the State Lands Commission's designated mitigation monitor at least 14 days prior to commencement of construction. No construction ativity at the site will proceed without the presence of the State Lands Commission designated mitigation monitor on site.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will be on the construction site prior to and periodically during construction activities to ensure project modifications are implemented.

EXHIBIT "A"

LAND DESCRIPTION W 24305



ADJOINING PROPERTIES:

NORTH: 16-101-83
SOUTH: 16-101-85

PROP. RECREATIONAL PIER
8527 MEEKS BAY AVE.
MEEKS BAY
A.P.N. 16-101-84
EL DORADO COUNTY CA

APPLICATION BY:
SUE VILLICANA
P.O. BOX 90577
PASADENA, CA 91109

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

JOB NO. 8-127 JULY, 1988

PREPARED NOVEMBER 21, 1989 BY BIU 1.

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.