C41

91 of the State Lands
Commission
5/5/92

CALENDAR ITEM

A 7
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941

05/05/92
PRC 3994
Gordon

TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 3994
AND ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT:
Agate Bay Properties, Inc.
5424 Tree Side Drive
Carmichael, California 95608

AREA, TYPE LAND AND LOCATION:
A 0.129-acre parcel of submerged land located in Lake Tahoe at Agate Bay near Tahoe Vista, Placer County.

LAND USE:
Reconstruction and maintenance of a pier utilized for noncommercial, multiple-use recreational boating.

TERMS OF EXISTING LEASE:
Initial period:
Twenty (20) years beginning August 23, 1981.

Surety bond:
$5,000.

Public liability insurance:
Combined single limit coverage of $600,000 per occurrence for bodily injury and property damage.

Special:
1. The lease is conditioned on lessee's conformance with the Shorezone Ordinances of California Tahoe Regional Planning Agency and Tahoe Regional Planning Agency.

2. The lease is entered into by all parties without prejudice to their respective claims of boundary.

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3. All parties agree that lease no. 3994, PRC Series, dated April 2, 1969, and the amendment thereto, dated February 25, 1975, shall terminate August 23, 1991.

CONSIDERATION:

$1,216.94 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

TERMS OF PROPOSED PERMIT:

Initial period:

Five (5) years beginning August 23, 1991.

Surety bond:

None.

Public liability insurance:

Combined single limit coverage of $1,000,000.

Special:

1. All parties agree that General Lease - Commercial Use PRC 3994, dated November 10, 1981, shall terminate August 23, 1991.

2. The permit is conditioned on permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.

3. The permit restricts any residential use of the facilities.

4. The permit requires refuse containers for the disposal of vessel-generated trash.

5. The permit conforms to the Lyon/Fogerty decision.

6. The permit is conditioned on the public's right of access along the shorezone up to the high water line at elevation 6,228.75 feet, Lake Tahoe Datum.

7. The permit is conditioned on permittee's retention of the public trust area and the Rorippa habitat area in its natural condition (Exhibit "B"). With this

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provision, the Department of Fish and Game has issued an informal opinion of "no jeopardy" to the plant species.

8. Permittee agrees to conserve the natural resources and to prevent pollution and harm to the environment; and acknowledges that such failure to comply constitutes a default or breach of the agreement.

CONSIDERATION:
$1,216.94 per annum.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner of upland.

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

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:
08/03/92

OTHER PERTINENT INFORMATION:
1. The subject facility is utilized by members of Applicant's recreational club located on upland property. All the recreational facilities provided by Applicant are an accommodation to the club membership. No income is produced on sovereign land.

2. At its October 30, 1981 meeting, in Minute Item 8, the Commission authorized the issuance of General Lease - Commercial Use PRC 3994, dated November 10, 1981, to Agate Bay Properties, Inc. To facilitate the issuance of the proposed new lease agreement, which is consistent with the Commission's current rules and

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regulations, termination of the earlier lease is recommended. The termination and replacement of the State's lease PRC 3994, dated November 10, 1981, is for administrative purposes only and does not change or enlarge the estate from that granted in said earlier lease.

3. 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 574, State Clearinghouse No. 92022064. 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))

4. In order to determine the potential trust uses in the area of the activity, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, California Department of Fish and Game, Placer County, and the Tahoe Conservancy. None of these agencies expressed a concern that the activity would have a significant effect on trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.

5. Staff physically inspected the site for purposes of evaluating the impact of the activity on the Public Trust.

6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

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APPROVALS OBTAINED:

Tahoe Regional Planning Agency, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and County of Placer.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

A. Land Description
B. Site Plan
C. Location Map
D. Local Government Comment
E. Proposed Negative Declaration
F. Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 574, STATE CLEARINGHOUSE NO. 92022064, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. ADOPT THE MONITORING PROGRAM ATTACHED AS EXHIBIT "F" WHICH HAS BEEN PREPARED PURSUANT TO P.R.C. 21081.6.

4. FIND THAT TERMINATION OF THE EARLIER LEASE AND GRANTING OF THE REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.

5. AUTHORIZE TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 3994, DATED NOVEMBER 10, 1981, EFFECTIVE AUGUST 23, 1991; AND THE ISSUANCE TO AGATE BAY PROPERTIES, INC. OF A FIVE-YEAR GENERAL PERMIT - RECREATIONAL USE FROM AUGUST 23, 1991; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $1,216.94; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE

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OF COMBINED SINGLE LIMIT COVERAGE IN THE AMOUNT OF $1,000,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE, FOR RECONSTRUCTION AND MAINTENANCE OF A PIER UTILIZED FOR NONCOMMERCIAL, MULTIPLE-USE RECREATIONAL PURPOSES ON THE LAND DESCRIBED AND DELINEATED ON EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

PRC 3994.1

LAND DESCRIPTION

A parcel of Submerged land in Lake Tahoe, Placer County, California, said parcel described as follows:

All that land lying immediately beneath a pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier, said pier being adjacent to Lot 13, as shown on the map entitled "Agate Bay Shore Subdivision", said map recorded in Book "E" of Maps, page 16, Placer County Records.

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

END OF DESCRIPTION

REVIEWED APRIL 23, 1989 BY SAS.

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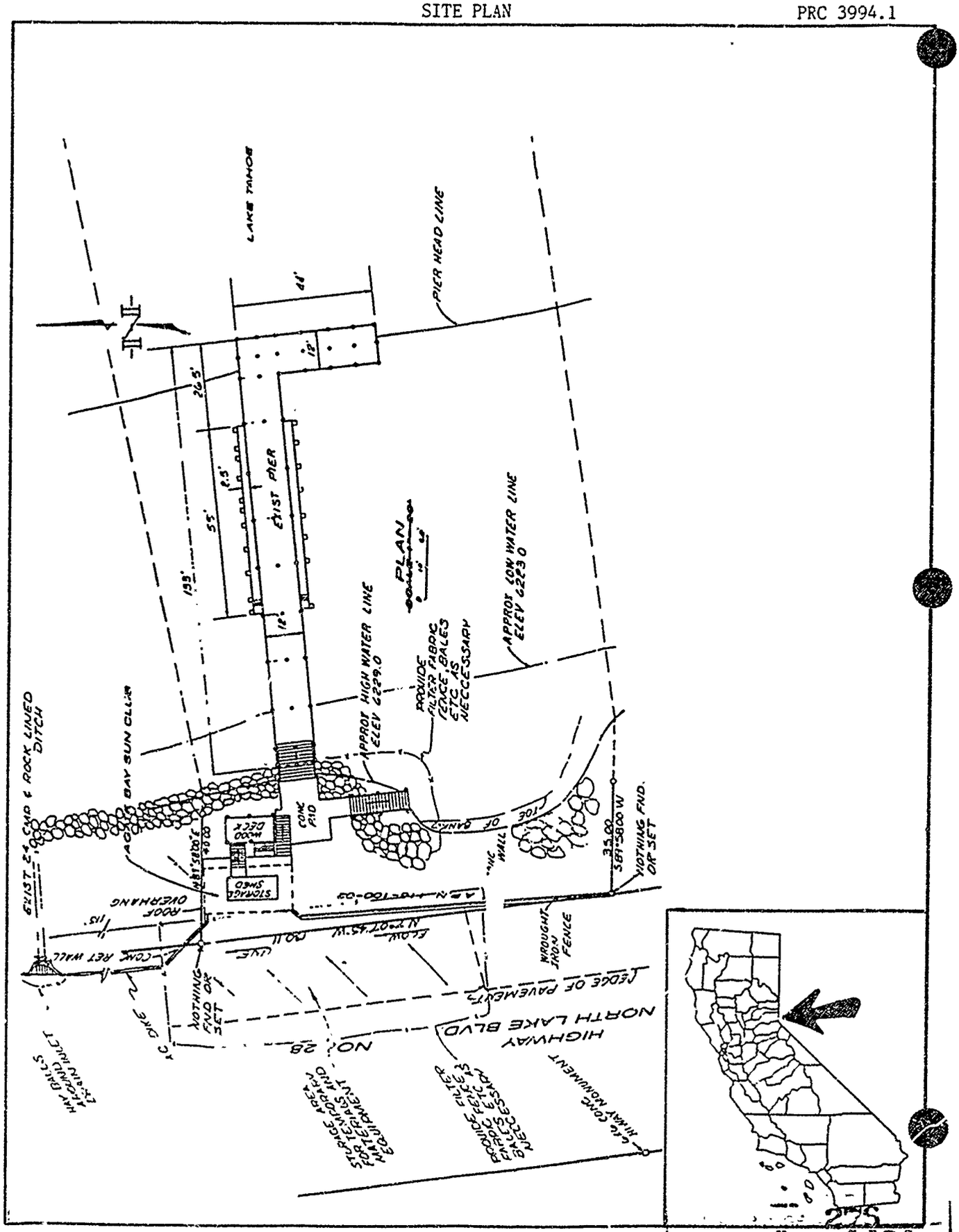
EXHIBIT "B"

SITE PLAN

PRC 3994.1



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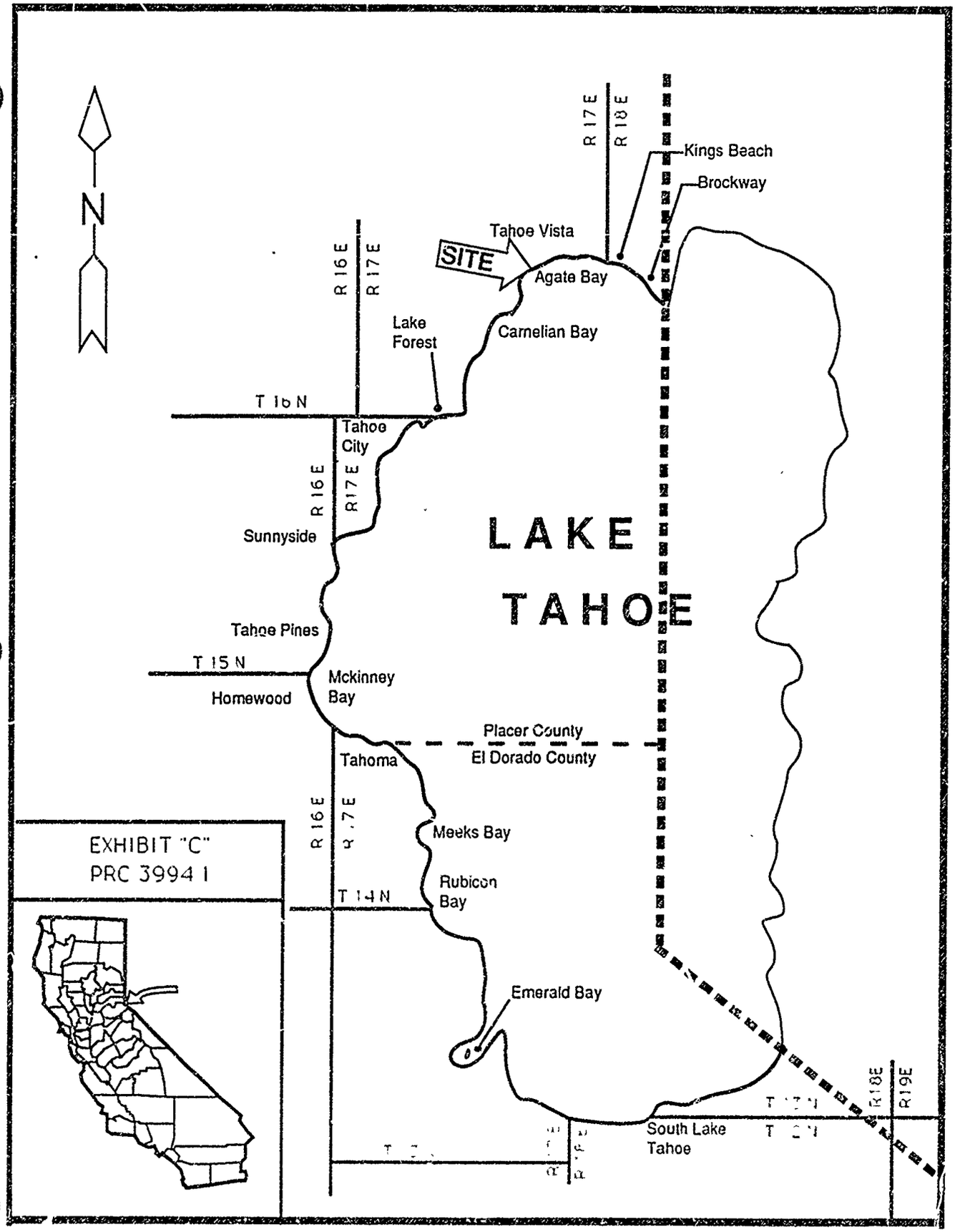

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EXHIBIT "D"

PLACER COUNTY

DEPARTMENT OF PUBLIC WORKS

JACK WARREN, Director
JAN WITTER, Assistant Director
LARRY ODDO, Deputy Director
ALAN ROY, Deputy Director

OPERATING DIVISION
Administration
Engineering
Equipment Maintenance
Road Maintenance
Special Districts
Surveying
Transportation

March 14, 1990

File Ref.: PRC 3994.1

State Lands Commission
Attn: Gerald D. Gordon
1807 - 13th Street
Sacramento, CA 95814

Re: RECONSTRUCTION OF AN EXISTING PER IN LAKE TAHOE AT AGATE BAY

Name: Agate Bay Properties

Address: c/o Duncan Davis
5424 Treeside Drive
Carmichael, CA 95608

APN: 116-100-02

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

If you have any questions, please feel free to call me at 889-7500.

COUNTY OF PLACER
DEPARTMENT OF PUBLIC WORKS
JACK WARREN, DIRECTOR

CHRISTINE COURTER
ENGINEERING AIDE

JW:CC:mk
(StLand.Ltr)

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11444 B Avenue DeWitt Center Auburn, California 95603 (916) 889-7500 Fax (916) 885-3159

STATE OF CALIFORNIA

EXHIBIT "E"

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

February 25, 1992
File: PRC 3994
ND 574

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

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

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by March 27, 1992.

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

Judy Brown

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 95

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 3994
ND 574
SCH No. 92022064

Project Title:	Agate Bay Properties, Inc. Pier Reconstruction
Proponent:	Agate Bay Properties, Inc.
Project Location:	Lake Tahoe, 5690 North Lake Boulevard, Agate Bay, APN 116-100-02, Placer County.
Project Description:	Reconstruction of a multi-use pier and reconstruction of two sets of access stairs.
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.: WP3994

I. BACKGROUND INFORMATION

A Applicant: Agate Bay Properties Inc., 5424 Tree Side Drive, Carmichael, CA 95608 — Hale-Tippen Consultants Agent, P.O. Box 5399, Tahoe City, CA 95730

B. Checklist Date: 01/ 10 / 92

C. Contact Person: Judy Brown

Telephone: (916) 324-4715

D Purpose: Reconstruct an existing recreational pier in the same location.

E Location: 5690 North Lake Blvd., Agate Bay
Lake Tahoe, Placer County

F. Description: Reconstruct an existing private recreational pier. The pier is approximately 133 ft. long by 12 ft. wide with a 14 ft. by 44 ft. pier head. Reconstruction includes steel pilings 12" dia., wood beams, stringers, deck. Rebuild existing access stairs.

G Persons Contacted:

Kevin Rouckey
U. S. Army Corps of Engineers

Jim Hamilton
Tahoe Regional Planning Agency

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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	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, in 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?	☐	☐	☒

		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)?	☐	☐	X
	2 Exposure of people to potential health hazards?	☐	☐	X
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?	☐	☐	X
S	*Recreation* Will the proposal result in			
	1 An impact upon the quality or quantity of existing recreational opportunities?	☐	☐	☒

T. *Cultural Resources.*

	Yes	Maybe	No
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?	☐	☐	☒
2 Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	☐	☐	X
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	X
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	☐	☐	X

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

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

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

☐ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPO is requied.

Date: 01/ 30 /_ 92

Judy Brown — 204

For the State Lands Commission

Project Description

The project involves the proposed demolition of an existing wood pier and access stairs with reconstruction of a single private recreational facility at the north shore of Lake Tahoe at the upland address of 5690 North Lake Blvd., Agate Bay, Lake Tahoe.

The pier will be reconstructed with approximately thirty-three 12-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 14 foot wide by 44 foot long pierhead will be installed waterward of the main pier deck. Four mooring buoys are located approximately 50 feet to the south of the pier. A buoy field consisting of ten mooring buoys are located approximately 200 feet to the north of the proposed pier reconstruction. The buoys are used seasonally and have been previously authorized by the State Lands Commission and are not included within this environmental analysis as no changes will be made to their configuration. Two sets of access stairs on shore will be reconstructed; remaining within their original footprints.

The project site is presently occupied by an older wooden pier and access stairs used by the applicant club members. This facility will be reconstructed. The materials will be removed by barge and transported to an authorized disposal site. The pier and stairs will be reconstructed within the footprint of the old facilities. Hollow steel sleeves will be driven over the existing deteriorated wooden pilings by a barge-mounted pile driver. Steel sleeves or caissons will be used to reduce turbidity. Boats or tarpaulins will be suspended under the pier deck to prevent debris from entering the lake during demolition and reconstruction.

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 large boulder rip-rap of two foot diameter fragments approximately 5 feet high. A terrace filled with sand is placed behind this bulkhead. A concrete and stone wall is constructed upon this terrace above the bulkhead wall. This structure is backfilled with soil and supports a parking bay for members' use. State Highway 28 lies landward of the parking area. An unprotected slope is located to the north side of the upland structures. A wood pile - supported stair tower leads from the upland car park down to the top of the rock wall terrace and ultimately to the pier itself. A second stair runs from the south end of the terrace fill down to a beach.

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