A beach of medium to coarse sand is located at the foot of the south bulkhead, extending approximately 5 feet waterward of the wall. A distinct transition to a boulder beach is found between the south side of the pier and the remaining exposed beach substrate. The remaining exposed beach consists of large boulder material forming a gently sloping plain extending another 5 feet to the water line. This material appears to be spilldown from the boulder wall.

The shoreline vegetation consists of younger conifers and a few deciduous trees on a natural looking slope and larger conifers inland across Hwy. 28. The terrace is covered with weeds, some small shrubs and young conifers. Small clumps of grasses and weeds can be found along the lower beach between the rip-rap and the waters edge in the boulder substrate. No vegetation can be found beyond the sandy beach out to the water's edge.

AGATE BAY PIER REMOVAL AND RECONSTRUCTION
ENVIRONMENTAL IMPACT ASSESSMENT

A.1. Earth Conditions

The project involves dismantling and reconstruction of an existing recreational pier and access stairs. The pier will be reconstructed with open steel piling supporting a steel frame and wood deck. The access stairs from an earthen terrace to the pier and from the terrace to the adjacent beach will be replaced. This construction will not alter or cover any new ground features as it will be placed within the existing pier and stair footprints nor will it create unstable conditions.

A.2. Overcovering Soil

The pier will be reconstructed with approximately thirty-three 12 inch 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 surface. This open construction will not cover the lake bottom. The stairs will be removed and rebuilt within the existing footprints and will not create a new impact on soil coverage.

A.3. Topography

The pier will be reconstructed using an open construction, with the pilings set 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 stone rip-rap and backfill forming a terrace. No new shore modification will result from the pier construction. The demolition and reconstruction of the pier and stairs will be conducted within the footprint of the existing structures. 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. The demolition and reconstruction will occur within the footprint of the original pier and will not affect any unique features on the lakebed. The shore has been modified with retaining walls and terraces. Reconstruction of the stairs will not affect unique surface features due to the existing surface modifications.

A.5. Erosion.

The pilings will be placed directly in the lake bed substrate. They will not cause any erosion or significant disturbance to lake bottom and shore profiles. The demolition and construction will be conducted within the footprint of the existing pier and stairways and will not cause any new erosion.

A.6. Siltation.

The waterward part of the project is located on a portion of lake bed which is dominated by cobble substrate. The construction activity proposed would not cause significant siltation in the water column. To further avoid siltation caused by reconstruction activities, steel sleeves or caissons and siltation barriers will be placed at the construction site and remain until the project is complete. Water level rise might cause minor siltation after the project is done. Some minor prevailing currents may exist during normal lake levels but the accrual of silts will be minimal. Removal and reconstruction of the stairs will be during low rainfall and will cause minimal impact by silt from runoff.

A.7. Geologic Hazards.

The pilings are set directly into the lake bed and shore. 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 barge-mounted construction rig to install them. The barge 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. Construction of the pilings is anticipated to take several days, while the entire pier reconstruction may take up to thirty working days. This impact would be minor and temporary, lasting during the construction. Some emissions would be generated from members continuing to access the pier with motorized boats but this would be an ongoing rather than a new impact.

B.2. Odors.

The reconstruction 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 reconstruction activity 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 is located in the lake. It is a low structure with an open construction and will not create impacts which would alter air characteristics in any way. The associated access stairs will create no impacts on air characteristics.

C.1. Currents.

The pier to be reconstructed is an open piling design. This structure would not create a significant impact on currents or water movements. The stairs onshore will not impact water currents.

C.2. Runoff.

The pier is placed within the body of Lake Tahoe. It would not produce a new affect on surface water drainage patterns, etc. There is additional development on the upland including a parking lot and structures, however, these features are in place and will not create new runoff impacts on the project site. The stairway reconstruction will not impact runoff patterns.

C.3. Flood Waters.

The pier is placed within the body of Lake Tahoe. It will not affect flood waters from streamflows. The stairs will not impact floodwater flows.

C.4. Surface Water.

The pier is placed in the body of Lake Tahoe. The reconstruction of the pilings will not affect the surface water volume of Lake Tahoe. The stairs are located onshore and will not affect surface water volume of Lake Tahoe.

C.5. Turbidity

The pier is located at a point on the lakeshore where the substrate is predominantly cobbles so minimal turbidity will result from the operations. To insure protection from turbidity, caissons or steel sleeves will be used during construction. These barriers will be removed once the construction is completed. 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 and stair pilings would be set at relatively shallow depths. They should not affect ground water flows.

C.7. Ground Water Quantity.

The pier and stair pilings 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 stairs are not intended for water acquisition. They would not affect water supplies.

C.9. Flooding.

The cumulative volume of the pilings would not induce flooding. The structures would not interfere with water movements to induce flooding.

C.10. Thermal Springs.

The project will not affect any thermal springs, as there are no known thermal springs in the vicinity.

D.1. Plant Species Diversity.

The removal of the existing pier may impact current aquatic plant populations at the project site with the removal of the old pilings. These pilings may have served as substrate for a now established sessile plant population. Removal of the pilings would cause a minor population loss of aquatic plants at the site.

Reintroduction of the structure could furnish a new substrate for sessile aquatic plants. This impact would be minimal as this site is dominated by a cobble substrate and can furnish habitat for sessile aquatic plants currently. Upland, the site is conducive to supporting Rorippa subumbellata. An upland site capable of supporting R. subumbellata has been found approximately 1.5 miles east of the project site.

Even though specimens of R. subumbellata were not located in the vicinity of the project site potential habitat on the site does exist, and the applicant has incorporated the Interim Management Program For Rorippa subumbellata, Roll. 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 is planned to be constructed extending from shore 133 feet waterward. Impacts to aquatic plants are expected as the old pier will be removed. There are no endangered aquatic plant species which will be affected by the pier removal. A site inspection for R. subumbellata was conducted on the upland. No specimens were found. The applicant has agreed to incorporate the requirements of the interim Rorippa Management Plan in the construction operation. The project will have minimal impacts on aquatic or land plant populations.

D.3. Introduction of Plants.

The pier pilings would afford a hard substrate for sessile aquatic plants. The project site is located on a cobble substrate, so introduction of this pier would not create a new impact on plant populations. The stair reconstruction would occur in the same location as the existing stairs and would not impact new land surface or introduce new plant species.

D.4. Agricultural Crops.

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

E.1. Animal Species Diversity.

The pier pilings would continue to affect access to the lake bottom by burrowing organisms. Covering of the old pier pilings could impact fish and benthic organisms which were attracted to the pilings for grazing and shelter. Until the plant population returns to the reconstructed pilings, there may be a temporary drop in fish population. The impacts would be minimal. The stairs should not affect animal populations greatly. Some small rodents or reptiles could occupy the spaces under the stairs and might be displaced during reconstruction. This impact will be minor and temporary, lasting until project completion.

E.2. Rare Species.

The pier currently located at the site may serve as shelter and food source to fish. During demolition and reconstruction the fish population would be absent. The reconstruction impact should be minimal as fish would naturally repopulate the site when activity has ceased. No known rare fish species should be impacted by the project. The stairs might serve as shelter for small animals. This shelter would be removed during reconstruction. This impact would be temporary. No endangered animals would be impacted by this activity.

E.3. New Species.

The pier reconstruction would remove and reintroduce habitat to this site. The impact would be minimal as the pier is destroyed and rebuilt. No new animal species would be introduced as a result of the project.

E.4. Habitat Deterioration.

The project would involve reconstruction of an existing pier and stairs at the site. This project would cause a temporary disturbance to the habitat during the reconstruction activities. This impact would be temporary and minimal. There would be no overall change in the local habitat status.

F.1. Noise Increases.

The construction of the pier and stairs would involve a period of moderate noise levels as the existing deck and stairs are removed and the new steel sleeves are driven over the existing wooden pilings. Noise from pile driving is anticipated to last several days. Noise from work crew vehicles arriving and leaving the site will occur at the beginning and ending of each work day, and is anticipated to last up to thirty working 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.

F.2. Severe Noise.

The reconstruction of the pier and stairs 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 motorized boats operated by members accessing the pier from the lake. These occurrences would be brief.

G.1. Light and Glare.

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

H.1. Land Use.

The new pier and stairs would be installed at the site of an existing facility. There would not be a newly introduced use for this location to alter local use patterns.

I.1. Resource Use.

The facility would not increase resource depletion or loss of non-renewable resources. The pier would continue to be used only for recreational boats and use and the stairs for access.

J.1. Explosion.

The project involves reconstruction of an existing pier and stairs. Risk of explosion of fuel could occur during these operations. Best construction management precautions will be taken, as conditioned by the TRPA permit, to minimize this possibility. Members operating motorized boats may use the pier as access to and from their upland residences. Possibility of explosion from this use would be minimal.

J.2. Emergency Plans.

The pier to be reconstructed would not be relocated or reconfigured. The reconstruction and continued use of this structure would not create a new impact upon emergency vessel movements in the area.

K.1. Alter Population.

The proposed project would not affect the population density or growth patterns in the area. The pier to be reconstructed would continue to be used for the private use of the applicants for mooring of recreational vessels and for other recreational activities. There would be no live-aboard vessels or increases in local population.

L.1. Housing.

The faciliy is intended for recreational activities of the applicant, Agate Bay Sun Club, whose property is located at the shoreward end of the pier. No new housing would be constructed as a result of this project.

M.1. Vehicular Movement.

The pier would continue to be used by the Agate Bay Sun Club. No new vehicular traffic will result from use of the pier. Minor amounts of vehicular movement would result from the construction workers arriving and leaving the project site. This impact is considered to be minor and temporary.

M.2. Parking.

The pier is intended for the use of the applicants. Parking has been provided for at the existing upland facilities. New parking facilities would not be created or required as a result of the reconstruction or continued use of this pier.

M.3. Transportation Systems.

The proposed reconstruction of this existing pier would not create new impacts on existing or future transportation systems. The pier would continue to be used by the members of the Agate Bay Sun Club only.

M.4. Circulation.

The existing pier and stairs are planned to be reconstructed at the same location. The continued use of the pier would not produce a new affect on current land or water traffic circulation.

M.5. Traffic.

The proposed pier is located at the site of an existing pier which would be removed. There are presently four buoy anchors located approximately 50 feet south of the proposed project. The floats to the mooring buoys are disconnected during winter months. A swim float is used in summer months which is located waterward and to the north of the existing pier. The existing pier and buoys generally affect boat traffic, driving it waterward to avoid collision with these structures. Waterskiing and fishing must be conducted away from the pier and buoys to avoid injury to skiers or fouling of trolling lines. This impact will not be new, but ongoing. The reconstruction of this pier would not create any new or additional impacts to traffic circulation in this area.

M.6. Hazards.

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

N.1-6. Public Services.

The project involves demolition and reconstruction of an existing private pier. This structure 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 continued use of the existing pier would not require the 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 stairs would not require the use of energy once construction is complete. There will be no impacts on future energy needs.

P.1-6. Utilities.

Reconstruction of the existing pier and stairs 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 and stairs will be constructed with steel pilings, steel and wood framing and wood decking. These materials will not pose a health hazard or potential health hazard to humans.

R.1. Views.

The pier and stairs will be reconstructed at the same site as the existing facility to be removed. The presence of the existing pier and buoys currently create an impact upon views from shore. This project will not create a new impact upon the present view status, but will continue to contribute to an existing condition with the existing pier and buoys.

S.1. Recreation.

The reconstruction of this existing pier with no new modifications would not create a new impact upon recreation in this area.

T.1-4. Historic Ethnic Sites.

The pier is located waterward of the lake shore. There are no known archaeologic or ethnic sites in this location. No impact is anticipated.

U.1. Degradation.

The proposed reconstruction and continued use of the existing pier and stairs would not create new significant impacts which would degrade the environmental quality of the project site.

U.2. Environmental Goals.

The impacts created by the pier and stair reconstruction would be insignificant as a result of the incorporation of project modifications such as: accessing the site from the lake side for pile driving activity; placing tarps or small boats under the construction area to prevent debris from falling into the lake; using caissons or steel sleeves to prevent turbidity during pile driving activity; and constructing the project during the non-fish spawning season. There would be no new impacts from the continued use of the pier. Its continued presence among other existing facilities would not adversely affect current environmental goals.

U.3. Cumulative Impacts.

The proposed pier reconstruction is located in the vicinity of other existing piers and buoys. The proposed reconstruction of this existing pier would not create any significant impacts.

U.4. Adverse Impacts.

The pier reconstruction would not produce any significant adverse effects to human beings or the environment as discussed in the environmental issue areas above.

EXHIBIT "A"

SITE PLAN

PRC 3994.1

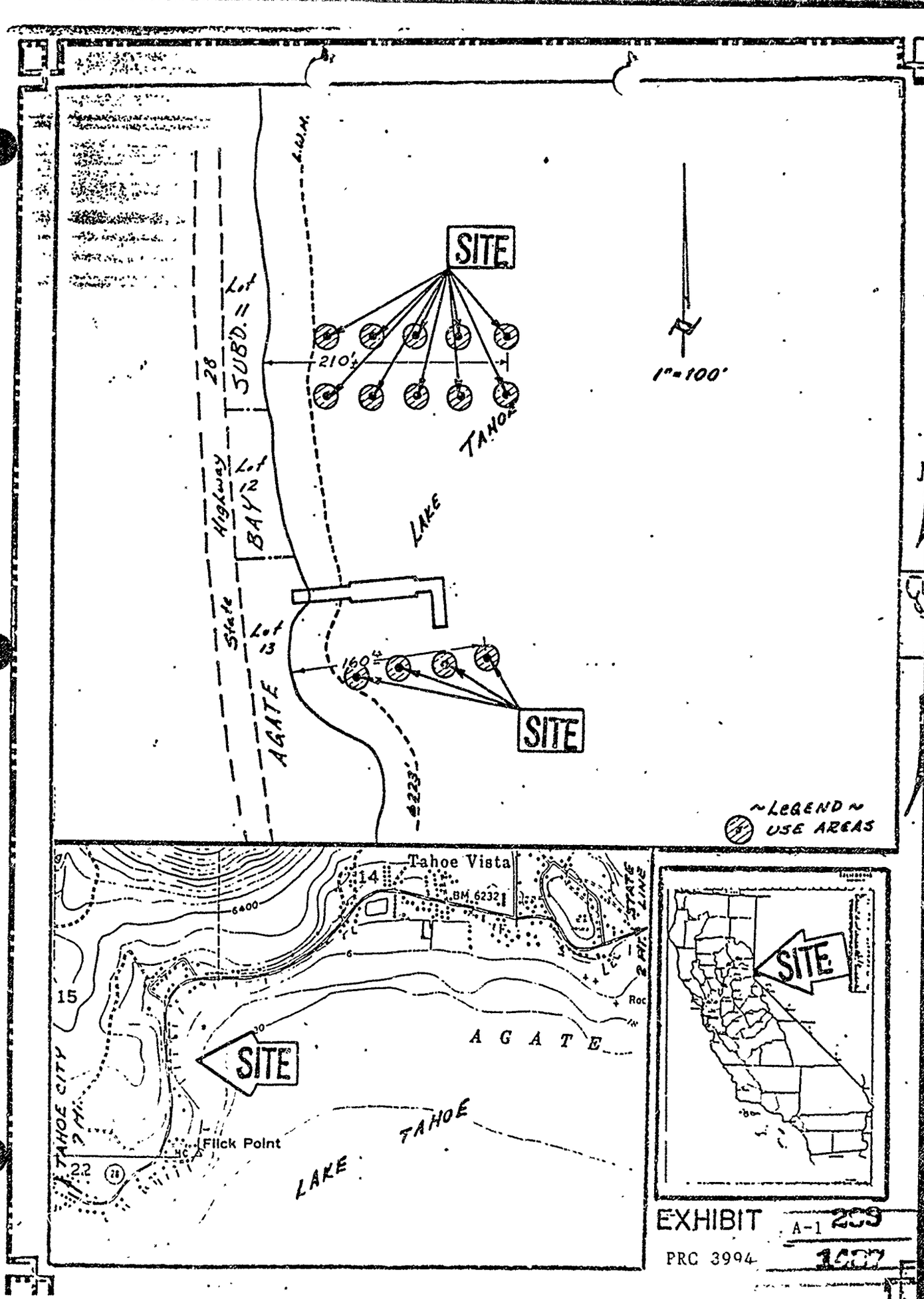

EXHIBIT A-1 283

PRC 3994 1607

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 6232' 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 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 be 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.

EXHIBIT "F"

MONITORING PROGRAM
AGATE BAY PROPERTIES, INC.
PIER RECONSTRUCTION
SCH 92022064

1. Impact: The proposed project may impact water quality during the reconstruction activity.

Project Modifications:

a. Caissons or steel sleeves will be used during the driving of steel piling;

b. Tarps or small boats will be placed under the pier decking to prevent debris from entering the lake waters.

Monitoring:
The staff of the State Lands Commission, or its designated representative, will periodically monitor the construction site to verify that the project modifications are being implemented.

2. Impact: The proposed project may affect a State-listed endangered plant, Rorippa subumbellata, Roll., as the project site contains suitable habitat.

Project Modification:

The applicant has incorporated the Interim Management Program guidelines, attached to the Proposed Negative Declaration as Exhibit "B", to avoid significant impacts to the plant, Rorippa subumbellata, Roll..

Monitoring:
The staff of the State Lands Commission, or its designated representative will monitor the project site before, during and after construction operations to ensure project modifications are being implemented.

3. Impact: The proposed project is located in a designated fish spawning habitat area per TRPA Prime Fish Habitat maps and may affect fish spawning habitat.

Project Modification:

The applicant proposed to construct the project during the non-spawning season, or as indicated by the Department of Fish and Game through issuance of its Streambed Alteration Agreement.

Monitoring:

The staff of the State Lands Commission, or its designated representative, will monitor the construction activity to ensure that the project will not take place during the fish spawning season identified for the project location.