

MINUTE ITEM

This Calendar Item No. C08
was approved as Minute Item
No. 08 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

CALENDAR ITEM

C 0 8

A 7
S 1

09/23/92
PRC 3884
J. Smith

APPROVE A RECREATIONAL PIER PERMIT

PERMITTEES:

Thomas Edgar Meakin and James Wetmore Meakin
740 Edgewood Road
San Mateo, California 93921
and
Lilian Roberts
3226 Border Links Road
Visalia, California 93921

AREA, TYPE LAND AND LOCATION:

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

LAND USE:

Partial reconstruction of an existing wood pile pier, which includes a boathouse.

TERMS OF PROPOSED PERMIT:

Permit period:
Five (5) years beginning September 23, 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:

Applicants are co-owners of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, processing fee, and environmental fee have been received. Mitigation monitoring fee and construction compliance fee have also been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2: Div. 13.
- B. Cal Code Regs.: Title 2, Div. 3: Title 14, Div. 6.

AB 884:
01/29/93

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 604, State Clearinghouse No. 92082069. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. [14 Cal. Code Regs. 15074(b)]

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. By Minute Item 26, at its November 5, 1991 meeting, the Commission approved the reconstruction of the lakeward portion of the pier (waterward of elevation 6,223 feet, Lake Tahoe Datum).
4. The applicants now propose to partially reconstruct that portion of the pier landward of low water (elevation 6,223 feet). The pier will be reconstructed with an open pile design.

CALENDAR ITEM NO. C 0 8 (CONT'D)

4. The project will be accomplished using a barge-mounted pile driver and all work will be completed from the water using floating equipment.
5. No materials will be stored or placed, nor will any activity associated with the construction or maintenance of the project be conducted, above the low water line (elevation 6,223 feet, Lake Tahoe Datum) of the subject property. This procedure will prevent any disturbance to the habitat of Rorippa Subumbellata, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
6. The applicants have agreed to incorporate the Interim Management Program Construction and Access Guidelines into the project for the protection of Rorippa and these Guidelines have been included as part of the Negative Declaration referred to herein.
7. The permit includes specific provisions by which the Permittees agree to protect and replace or restore, if required, the Rorippa habitat.
8. Commission staff will monitor the reconstruction of the pier in accordance with the Monitoring Program included within the Proposed Negative Declaration.
9. The subject property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the Public Trust.
10. Permittees agree to conserve the natural resources on the subject property and to prevent pollution and harm to the environment; and acknowledge that failure to comply with this requirement constitutes a default or breach of the permit.
11. The permit is conditioned on Permittees' conformance with the Tahoe Regional Planning Agency's shorezone ordinance. If any structure authorized by the permit 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

CALENDAR ITEM NO. C 08 (CONT'D)

designated time period, then the 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 authorized by the permit 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.

12. The permit is conditioned on the public's right of access along the shorezone below the high water line (elevation 6,228.75 feet, Lake Tahoe Datum), pursuant to the holding in State v. Superior Court (Fogerty), 2 Cal.3d 240 (1981), and provides that the Permittee must provide a reasonable means for public passage along the shorezone, including, but not limited to, the area occupied by the authorized improvements.
13. Staff has determined that the Department of Fish and Game fee, dictated by Section 711.4 of the Fish and Game Code, is applicable to the project as presented herein.
14. The issuance of this permit supersedes any prior authorization by the State Lands Commission at this location.
15. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the Public Trust.

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers and State Lands Commission

EXHIBITS:

- A: Site Map
- B: Location Map
- C: El Dorado County Letter of Approval
- D: Negative Declaration/Monitoring Program

CALENDAR ITEM NO. C 0 8 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 604 STATE CLEARING HOUSE NO. 92082069, 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 PROPOSED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE ENVIRONMENTAL MONITORING PROGRAM PREPARED PURSUANT TO P.R.C. SECTION 21081.6, ATTACHED WITHIN EXHIBIT "D".
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
5. AUTHORIZE ISSUANCE TO THOMAS EDGAR MEAKIN, JAMES WETMORE MEAKIN AND LILIAN H. ROBERTS, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING SEPTEMBER 23, 1992, INCLUDING THE PARTIAL RECONSTRUCTION OF AN EXISTING PIER, LANDWARD OF LOW WATER, (ELEVATION 6,223 FEET), ON THE LAND SHOWN ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.
6. FIND THAT THE ISSUANCE OF THIS PERMIT SUPERSEDES ANY PRIOR AUTHORIZATION BY THE STATE LANDS COMMISSION AT THIS LOCATION.

L a k e T a h o e

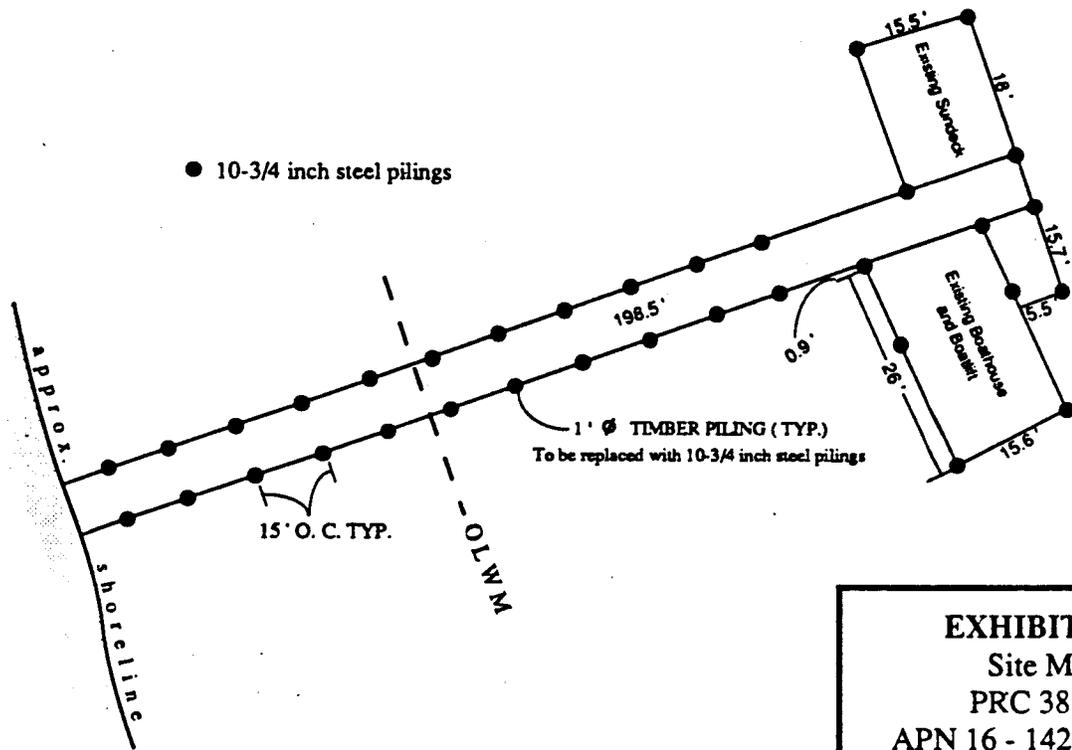


EXHIBIT "A"
 Site Map
 PRC 3884.9
 APN 16 - 142 - 06 & 07
 LAKE TAHOE
 EL DORADO COUNTY

NOTE : Wood piles to be replaced with 10-3/4 inch steel piling and 2"x 6" decking as need. Boathouse to be repaired same configuration.



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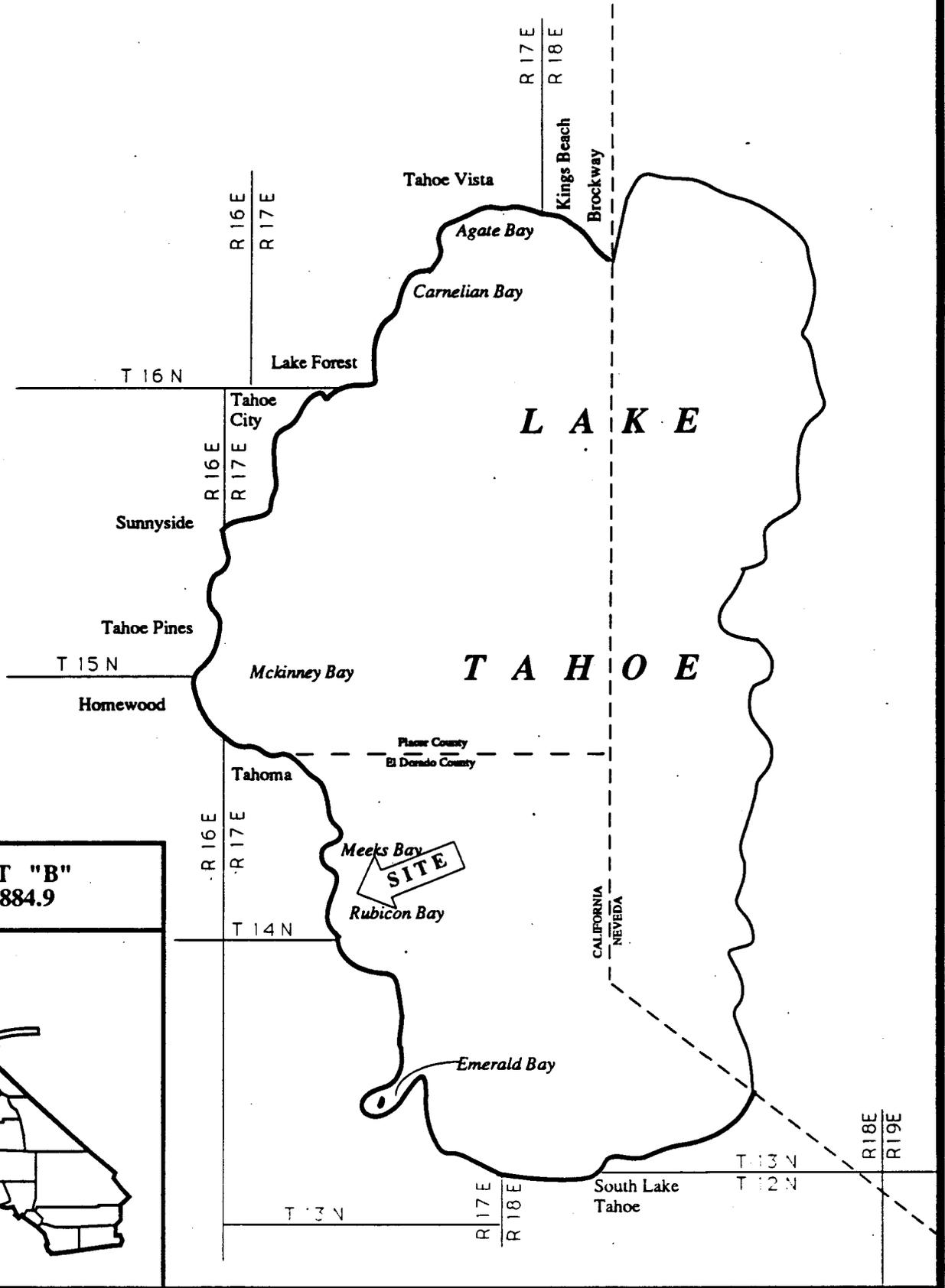


EXHIBIT "B"
PRC 3884.9



Date March 19, 1990

File Ref: PRC 3884

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

Subject: Building Permit for Pier (Pier Repair)

Name: Thomas Meakin, etal

Address: 740 Edgewood Road

San Mateo, CA 94402

Tahoe Address: 8597 and 8599 North Lane at Rubicon

County Assessor's Parcel No. 16-142-06 and 07

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) 573-3145

Sincerely,

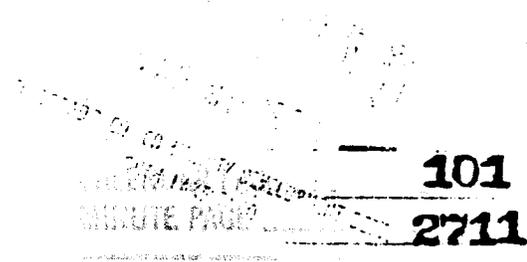
El Dorado County
Building Division



JOHN S. WALKER
Building Inspector III

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STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

August 19, 1992
File: PRC 3884
ND 604

**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 September 21, 1992.

Should you have any questions or need additional information, please call the undersigned at (916) 322-0530.

Goodyear K. Walker

GOODYEAR K. WALKER
Division of Environmental
Planning and Management

(Signature)

Attachment

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 3884
ND 604
SCH No. 92082069

Project Title: Meakin/Roberts Recreational Pier Repair

Proponents: Thomas & James Meakin and Lillian Roberts

Project Location: Lake Tahoe, Rubicon Bay, APNs 16-142-06 & 07, El Dorado County.

Project Description: Replacement of pilings on an existing recreational pier and boathouse.

Contact Person: Goodyear K. Walker Telephone: 916/322-0530

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

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

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

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

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: PRC 3884.9

I. BACKGROUND INFORMATION

A. Applicant: Thomas & James Meakin and Lillian Roberts

B. Checklist Date: 8 / 7 / 92

C. Contact Person: Goodyear K. Walker

Telephone: (916) 322-0530

D. Purpose: Replacement of pilings on an existing recreational pier and boathouse.

E. Location: On the west shore of Lake Tahoe, at Rubicon, El Dorado County, 8597 and 8599 North Lane

F. Description:

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? Yes Maybe No
- 2. Disruptions, displacements, compaction, or overcovering of the soil? Yes Maybe No
- 3. Change in topography or ground surface relief features? Yes Maybe No
- 4. The destruction, covering, or modification of any unique geologic or physical features? Yes Maybe No
- 5. Any increase in wind or water erosion of soils, either on or off the site? Yes Maybe No
- 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? Yes Maybe No
- 7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? Yes Maybe No

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2714

B. *Air*. Will the proposal result in:

- 1. Substantial air emissions 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Possible interference with emergency response plan or an emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
K. Population. Will the proposal result in:				
1.	The alteration, distribution, density, or growth rate of the human population of the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
L. Housing. Will the proposal result in:				
1.	Affecting existing housing, or create a demand for additional housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
M. Transportation/Circulation. Will the proposal result in:				
1.	Generation of substantial additional vehicular movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Affecting existing parking facilities, or create a demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Substantial impact upon existing transportation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Alterations to waterborne, rail, or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Parks and other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
O. Energy. Will the proposal result in:				
1.	Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Substantial increase in demand upon existing sources of energy, or require the development of new sources? ..	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
1.	Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Communication systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Solid waste and disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q. Human Health. Will the proposal result in:				
1.	Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Exposure of people to potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
S. Recreation. Will the proposal result in:				
1.	An impact upon the quality or quantity of existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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? Yes Maybe No
- 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Yes Maybe No
- 3. Does the project have impacts which are individually limited, but cumulatively considerable? Yes Maybe No
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes Maybe No

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 8 19 1992

Goodyear R. Walker
 For the State Lands Commission
 MINUTE PAGE 107
 2717
 Form 13.20 (7/82)

PROJECT DESCRIPTIONPROJECT NARRATIVE

PRC 3884.9 authorizes an existing multi-use pier and boathouse. The proposed project involves the authorization of the repair of the existing recreational pier landward of Mean Low Water (6223.1 elevation). The repairs will consist of removal and replacement of all rotten wood pilings with steel pilings, and replacement of the 2" X 6" cedar decking as necessary. The repair will be accomplished through use of a floating barge temporarily anchored to the existing pier. Access to the site will be completely from the water for both materials and equipment. No increase of coverage or modifications to the existing pier will occur.

The first stage of the construction will be to remove the old pilings. Access will be from the barge and the existing structure. Disturbance will be restricted to the footprint of the existing structure. The pilings will be removed by a clam-shell type attachment to the pile driver on the barge. The second phase will consist of driving the new steel piles in a double (paired) piling style spaced 15 ft. apart. The new pilings will be driven whenever possible into the old piling holes of the previous structure. If this is not possible, the new pilings will be driven as close to the old hole as structurally permissible. Pilings will be accessed from the barge or the existing structure. Both sides of the pier can be accessed by the pile driver from the construction zone. The materials generated by the demolition and materials for the reconstruction will be stored on the barge or on the existing structure.

CONSTRUCTION METHOD

This project is the removal and replacement of the existing piling with 10-3/4" diameter steel piling, with replacement of wood stringers and decking as necessary.

Best practical control technology shall be employed to prevent earthen materials from being transported to adjacent lake waters. Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. Areas of sand disturbed by construction activities will be raked to restore pre-construction conditions. There will be no storage of materials above the low water line of the subject property. This will prevent disturbance of what may be considered Tahoe Yellow Cress Habitat.

DESCRIPTION OF ENVIRONMENTAL SETTING

The proposed reconstruction project is located at 8597 and 8599 North Lane, El Dorado County, California. These are private residences in the Rubicon Bay area. The present use of the area is private recreation. A pier and boat hoist presently exist on site. The shoreline at the project site is primarily sandy, with a few large boulders, with some habitat available for Tahoe Yellow Cress (Rorippa subumbellata). The site was surveyed on May 28th, 1992.

SITE DESCRIPTION

The Meakins and Roberts properties and the two adjacent lots presently have piers. There is a back beach bank; the homes sit above the lake level on a small bluff. Although beach access is possible, using wooden steps down the bluff face, the use of the piers does not require any foot traffic between the elevation of 6232 ft. and 6223 ft. The survey area includes both neighboring parcels, including pier and boat launch facilities to the south.

SUBSTRATE AND TOPOGRAPHY

The area shoreward of the 6229.1 elevation line (MHW) is a steep bluff face, with a plateau behind. The substratum is comprised of fine to medium coarse sand with a covering of Jeffrey pine needles and duff.

The area lakeward of MHW down to the 6223.0 elevation line (MLW) mark is dominated by large expanses of sandy beach fairly devoid of rock and gravel cover. A few large boulders are present near the backshore. There are several backbeach depressional areas present. This beach is under water during normal water levels. High and low water levels are indicated in relation to the pier on the attached map Exhibit "A".

VEGETATION

The vegetation of the backshore area of the Meakins and Roberts parcels (landward of the 6229.1 elevation line) is dominated by Jefferey pine (Pinus jeffreyi), White fir (Abies concolor), Green-leaf manzanita (Arctostaphylos patula) and Brewer's lupine (Lupinus brewerii). The area between MHW and MLW is sandy beach, almost devoid of vegetation. Individual plants seen during the survey included Willoweed (Epilobium glaberrimum), pussy paws (Calyptridium umbellatum), Mullein (Verbascum thapsus), Bedstraw (Galium aparine) and Phacelia (Phacelia hastata). No Tahoe Yellow Cress was found on the project site or the two adjacent properties.

HABITAT EVALUATION

Tahoe Yellow Cress (Rorippa subumbellata Rollins) was first described by Reed C. Rollins in 1941 from a collection made at Meeks Bay in 1919 by A. A. Heller. It is endemic to the Tahoe Basin with the exception of a single collection made from Truckee, a few miles to the north. It is a member of the mustard family (Brassicaceae), and is characterized by yellow flowers with four petals and six stamens. The preferred habitat for Rorippa has been described as a uniform granitic sand of medium grain size found in moist backshore areas and dry sandy soils on backshore bluffs. Rorippa has also been found in finer grain sand and some gravel to small cobble size substratum.

Known populations of Rorippa were observed prior to the Meakins/Roberts survey to confirm that it was the appropriate phenological time for proper taxonomic identification. At the time of the site visit, May 28th, known populations of Rorippa were in full flower at D.L. Bliss State Park and Blackwood Creek. No observations of Rorippa were made on the project site or the two adjacent parcels to the North and South.

Tahoe Yellow Cress, Rorippa subumbellata ROLLINS habitat is present on the Meakin/Roberts parcels; however, no observations were made of existing populations or individual plants. A survey done by Ferreira in 1988 indicated a population of Rorippa at the south end of Rubicon Bay, three houses north of D.L. Bliss State Park. This population have occupied what appears to be the same location since first seen in 1981.

CONCLUSIONS

The proposed repair of the multiple use pier on the Meakin/roberts parcels does occur within known Rorippa habitat. No populations or individual plants were found at the site during the survey. If construction on the pier is done according to the proposed plan, little or no loss of Rorippa habitat will occur.

DISCUSSION OF ENVIRONMENTAL EVALUATION
MEAKINS/ROBERTS RECREATIONAL PIER REPAIR

PRC 3884.9

A. Earth

1. No. The pier reconstruction project is confined to the water surface or the existing structure and will not create any unstable conditions or change any geological structure.
2. No. This operation will not overcover or disturb any new areas.
3. No. This project will not create any changes in ground surface relief. There will not be any excavating.
4. No. The geology in the project area consists of glacial and alluvial deposits. The lake bed at the site is essentially flat and lacks unique features. The removal and driving of replacement piles for the pier will not change any geological or physical features.
5. No. This pier reconstruction project is simply repairing an existing structure and will have no effect on wind or water erosion on or off the site.
6. No. This project is a repair project confined to an existing structure which will not create any channel changes nor erosion of beach sands.
7. No. The reconstruction of the existing pier are not deep enough to induce any seismic instabilities or ground failures. No impacts are anticipated.

B. Air

1. No. The reconstructed pier will not affect the air quality.
2. No. The reconstructed pier will not create objectionable odors. However, during construction hours, there will be about a four week period when fumes from the diesel engine will be noticeable in the immediate vicinity of the project.
3. No. The reconstructed pier will not create any major changes in air movements, temperature, or climate, nor create any abnormal weather conditions.

C. Water

1. No. The replaced piles supporting the pier are of a static nature and will not create any changes in existing water currents or movements.
2. No. The replaced pilings of the existing pier will not affect absorption rates, drainage patterns, etc. The area adjacent to the pier is normally submerged.
3. No. The repaired existing pier will not create any new effects upon flood waters.
4. No. The reconstructed pier will not affect the surface water volume of Lake Tahoe.
5. No. Mitigation measures required by the Tahoe Regional Planning Agency (TRPA) include the applicant's use of small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. The project will take place landward of the current water level.
6. No. The geology of the project area is composed of glacial and alluvial deposits. The replacement of the existing pilings is a relatively shallow operation and should not affect not affect ground water flows.
7. No. There will not be any changes to ground water quantity caused by the repaired pier.
8. No. The repaired existing pier will have no effect on public water supplies.
9. No. The repaired existing pier will not expose people or property to water-related hazards such as tidal waves or induced flooding.
10. No. There are no thermal springs in the vicinity. The project will not affect any thermal springs.

D. Plant Life

1. No. The pilings that are being replaced are on dry land, due to the low lake levels. The construction will take place from the water, or from the existing structure.
2. No. There are no rare or endangered species on the property. In the report for Tahoe Yellow Cress (Rorippa subumbellata) habitat, no TYC was found on the project property or adjacent properties. Suitable habitat for the TYC does exist on the property, but it will not be disturbed.
3. No. The pier reconstruction will not introduce new species to the area nor bar existing species from

becoming established.

4. No. There are no agriculture or aquaculture activities in this area; therefore, there will be no impacts.

E. Animal Life

1. No. The construction period will be approximately four weeks. Upon completion of the project, the indigenous fauna will re-occupy any voids created during the repair operation.
2. No. There have not been any rare or endangered animals reported within the project area.
3. No. The pier reconstruction will not introduce any new species to the area nor create a new barrier to animals.
4. No. The reconstruction project will not reduce the habitat area upon completion.

F. Noise

1. No. The repaired private recreational pier will not increase existing noise levels. There will be short term additional noises during the reconstruction period, but there will not be an increase in long term noise levels.
2. No. The repaired pier will not create any new severe noise levels; however, there will be a temporary period when the noise levels increase during the period of reconstruction. Upon completion of the project, the noise levels will assume normality. The construction personnel will be subjected to higher noise levels, but they wear hearing protective devices. The general public will not be exposed to this increased noise level because the private property between the project and Highway 89 will act as a buffer.

G. Light and Glare

1. No. The reconstructed pier will not result in the creation of new light or glare.

H. Land Use

1. No. The repair of the existing private recreational pier will not alter the present or planned use of the area. The existing pier serves two private residences and not the general public. There are presently piers on adjacent properties. This project will not substantially alter the land use in the area.

I. Natural Resources

1. No. The continued seasonal recreational use of this private pier by the Meakin and Roberts families will not create any new effects upon the use rate of any natural resource.
2. No. The seasonal use of this private recreational pier will not create any changes which could deplete any nonrenewable resource.

J. Risk of Upset

1. No. The project involves the dismantling and reconstruction an existing pier. The barge being used is diesel operated which reduces the risk of explosion. Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. The past limited seasonal use of this and adjacent private family recreational piers have not demonstrated a risk of releasing hazardous substances, creating upset conditions, or explosions in the Lake Tahoe Basin.
2. No. The seasonal use of the existing private recreational pier does not interfere with any emergency response or evacuation plan.

K. Population

1. No. The seasonal use of the existing family recreational pier will not alter the population in the lake basin.

L. Housing

1. No. This existing private recreational pier will not create any demand for additional housing.

M. Transportation/Circulation

1. No. This is a private residence and the pier is for the benefit of the members of the Meakin and Roberts families and not the general public. There are no facilities being added to attract more people. The use of this private residence will not be changed by this project nor will there be any substantial increase in vehicle movement created by this project.
2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.

5. No. See #1 above.
6. No. See #1 above.

N. Public Services

1. No. This is a private residence and the repaired pier will not create any additional use or increase of use by the general public. This project will not create any new demands on government agencies and services such as fire, police protection, parks and recreation, road maintenance, etc.
2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.
5. No. See #1 above.
6. No. See #1 above.

O. Energy

1. No. This pier repair project will not have any affect on additional energy consumption.
2. No. See #1 above.

P. Utilities

1. No. The reconstruction of the private recreational pier will not create any changes in utilities or utility usage. There will be no additions to the existing facilities which will significantly affect the current uses of power, communications, water, septic tanks, storm water drainage, or solid waste disposal.
2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.
5. No. See #1 above.
6. No. See #1 above.

Q. Human Health

1. No. This repaired private recreational pier will not create any new health hazards to humans.

2. No. The repaired private recreational pier will not expose people to any new potential health hazards.

R. Aesthetics

1. No. The Meakin/Roberts recreational pier are existing facilities. There are no new facilities being added. The reconstruction of the of the pier will not be a distraction from the aesthetics of this residential recreational area consisting of homes, piers, buoys and boats.

S. Recreation

1. No. The repair of this private recreational pier will have no effect on public recreation in the area.

T. Cultural Resources

1. No. There are no identified cultural, ethnic, religious, or sacred uses pertinent to this project area.
2. No. See No.# 1 above.
3. No. See No.# 1 above.
4. No. See No.# 1 above.

U. Mandatory Findings of Significance

1. No. The pier is only to be repaired. There will be about a four week period during reconstruction when the immediate project site will experience increased noise and the presence of the barge.
2. No. There will be a short term, approximately four weeks, minor disruption of the environment in the immediate vicinity of the pier being repaired.
3. No. The Meakin/Robert's private family recreational pier is an existing facility. The pier repair project does not add or create impacts which could be seen to be significant in a cumulative sense.
4. No. This private pier reconstruction project will not create any new environmental effects which could create a significant adverse effect on human beings.

EXHIBIT "C "
MONITORING PROGRAM
FOR THE MEAKIN/ROBERT'S PIER RECONSTRUCTION

1. Impact: The proposed project may have the possibility of an upset or spill of construction materials or debris.

Project Modification:

- a) Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris; and,
- b) Waste materials will be collected onto the barge or dumpsters for disposal at an approved landfill site.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will periodically monitor the pier reconstruction project during the placement of the pilings.

2. Impact: The proposed pier reconstruction would be located in an area identified by the California Department of Fish and Game and by a project site survey as being potential habitat for the State-listed, endangered plant Rorippa subumbellata, Roll.

Project Modification:

The applicant has incorporated the Interim Guidelines for Construction, Access and Conservation of Rorippa subumbellata, Roll. into their project description to protect the plant species and its habitat from significant impacts.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will ensure implementation of the Interim Guidelines, attached.

**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.

L a k e T a h o e

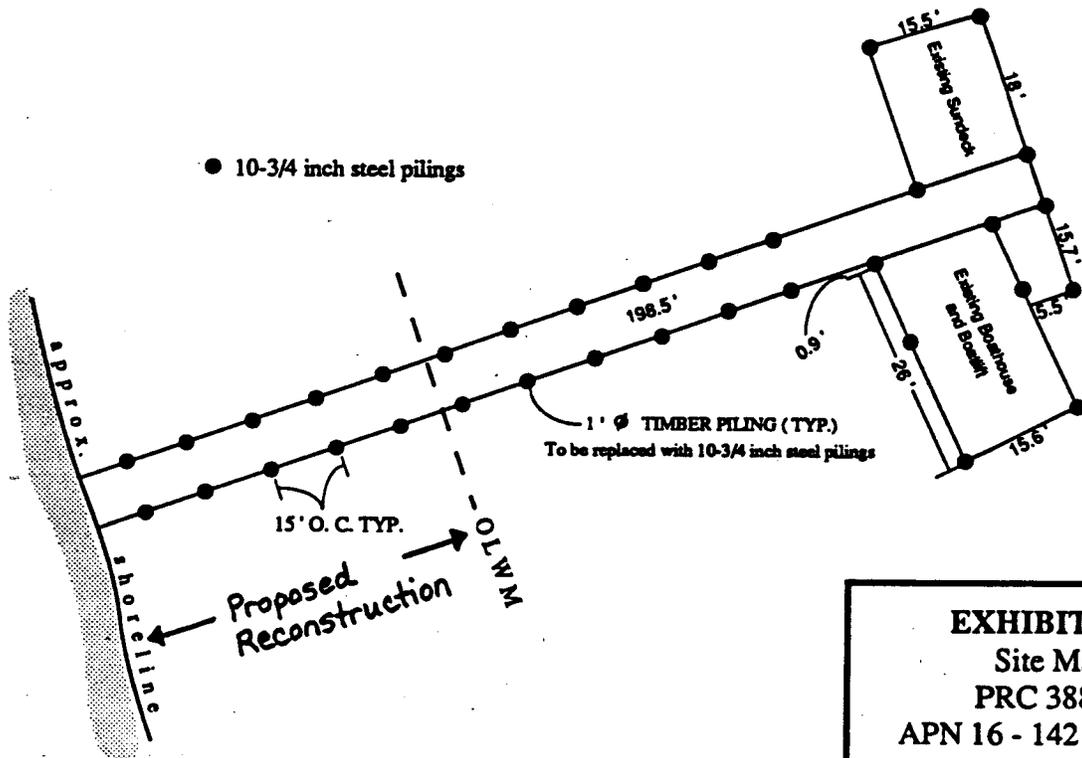


EXHIBIT "A"
 Site Map
 PRC 3884.9
 APN 16 - 142 - 06 & 07
 LAKE TAHOE
 EL DORADO COUNTY

NOTE : Wood piles to be replaced with 10-3/4 inch steel piling and 2"x 6" decking as need. Boathouse to be repaired same configuration.



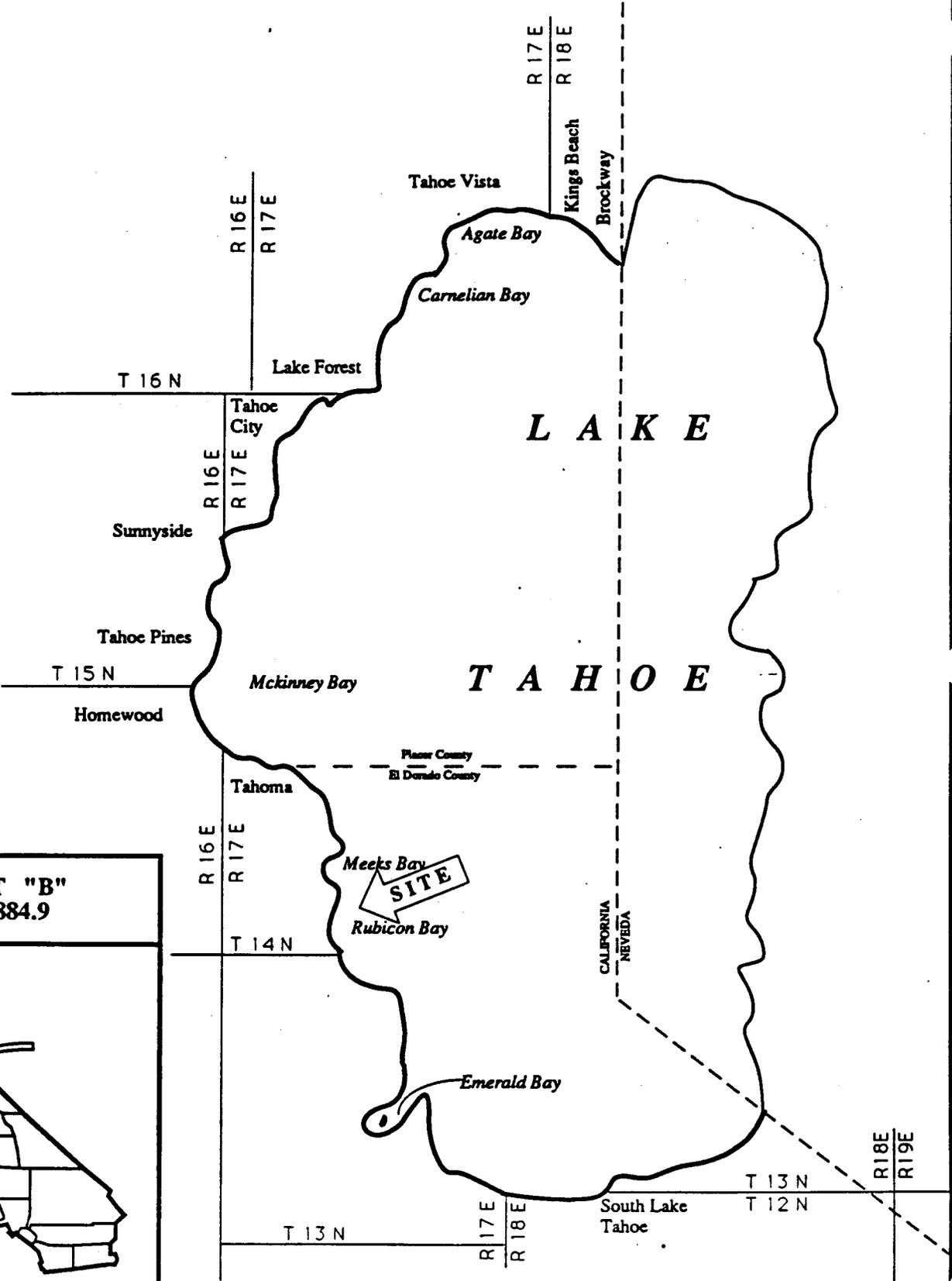


EXHIBIT "B"
PRC 3884.9

