

MINUTE ITEM 35

MINUTE ITEM
This Calendar Item No. 35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting. PRE 6428

Jerry Gordon

APPROVE A RECREATIONAL PERMIT

Calendar Item C35 was approved except for the maintenance of three existing mooring buoys. These will be considered at the next Commission Meeting.

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S 1

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CALENDAR ITEM

C 3 5

A 7

09/23/92

S 1

PRC 6428

Gordon

APPROVE A RECREATIONAL PIER PERMIT

APPLICANTS:

David M. DeVoe and Susan M. DeVoe,
Co-trustees of the DeVoe Family Trust
22660 Main Street, A
Hayward, California 94541

and

Ronald L. Jenny and Jane E. Jenny
22933 Pacific Coast Highway
Malibu, California 90265

AREA, TYPE LAND AND LOCATION:

A 0.224-acre area of submerged land located in Lake Tahoe near Kings Beach, Placer County.

LAND USE:

Pier extension, partial reconstruction and maintenance of one existing pier with three low-level boat lifts, and maintenance of three existing mooring buoys, all utilized for boat-mooring purposes.

TERMS OF PROPOSED PERMIT:

Permit period:

Five (5) years beginning July 1, 1992

CONSIDERATION:

Nonmonetary, pursuant to Section 6503.5 of the P.R.C.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003

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APPLICANT STATUS:

Applicants are owners of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, processing costs, Environmental fees, Mitigation monitoring fee, Construction performance bond, and the Department of Fish and Game fee have all been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2: Div. 13.

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

AB 884:

01/06/93

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be \$1,572.30.
2. 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 605, State Clearinghouse No. 92082065. 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)].

3. The proposed project is located in a designated fish spawning habitat area which is targeted for restoration. The Tahoe Regional Planning Agency (TRPA) is requiring the Applicants to restore the lake bottom habitat which has been disturbed in the shorezone between lake elevations 6,223 feet and 6,229 feet L.T.D. TRPA staff has evaluated the project site and has indicated that no Rorippa plants exist at that

CALENDAR ITEM NO. 35 (CONT'D)

location. Commission staff has consulted with the Department of Fish and Game staff concerning the method of restoration with regard to potential impacts to the California-listed plant species Rorippa subumbellata, Roll. Discussion of the habitat restoration is included within the Proposed Negative Declaration, attached as Exhibit "D".

4. Commission staff will monitor the construction of the proposed project in accordance with the Guidelines included within the Proposed Negative Declaration.
5. Applicant's previous General Permit - Recreational Use expired June 30, 1992. This is an application to replace that permit and to partially reconstruct and extend the pier, plus bring three existing unauthorized mooring buoys under the Commission's authorization.
6. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this permit is automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof. If the location, size, or number of any structure hereby authorized is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Permittee shall request the consent of the State to make such alteration.
7. All permits issued at Lake Tahoe include special language in which the permittee agrees to protect and replace or restore, if required, the habitat of Rorippa subumbellata, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
8. The Applicant has been notified that the public has a right to pass along the shoreline and the permittee must provide a reasonable means for public passage along the shorezone area occupied by the permitted structure.

CALENDAR ITEM NO. C 3 5 (CONT'D)

9. In order to determine the potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, California Department of Fish and Game, County of Placer, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on the trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.
10. Staff has physically inspected the site for purposes of evaluating the impact of the activity on the Public Trust.
11. 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.
12. The issuance of this permit supersedes any prior authorization by the State Lands Commission at this location.

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: Site Map
- B: Location Map
- C: Local Government Comment
- D: Negative Declaration and Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 605, STATE CLEARINGHOUSE NO. 92082065, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE MONITORING PROGRAM ATTACHED AS EXHIBIT "D".
4. AUTHORIZE ISSUANCE TO DAVID M. DEVOE AND SUSAN M. DEVOE, CO-TRUSTEES OF THE DEVOE FAMILY TRUST AND RONALD L. JENNY AND JANE E. JENNY OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JULY 1, 1992, FOR THE EXTENSION, PARTIAL RECONSTRUCTION AND MAINTENANCE OF ONE EXISTING PIER WITH THREE LOW-LEVEL BOAT LIFTS AND MAINTENANCE OF THREE EXISTING MOORING BUOYS, ALL UTILIZED FOR BOAT-MOORING PURPOSES ON THE LAND DELINEATED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.
5. FIND THAT THE ISSUANCE OF THIS PERMIT SUPERSEDES ANY PRIOR AUTHORIZATION BY THE STATE LANDS COMMISSION AT THIS SITE.

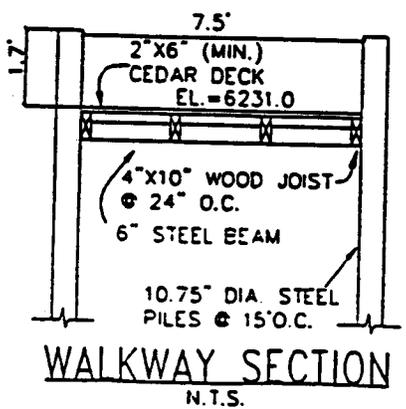
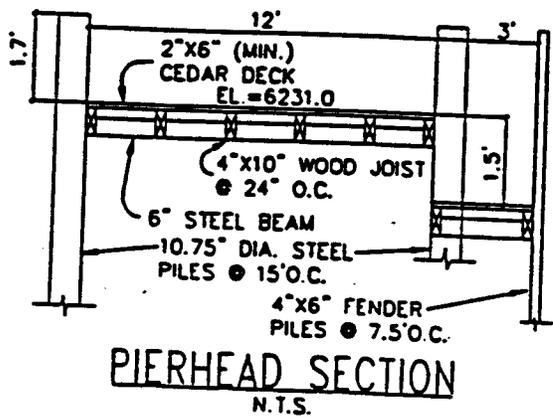
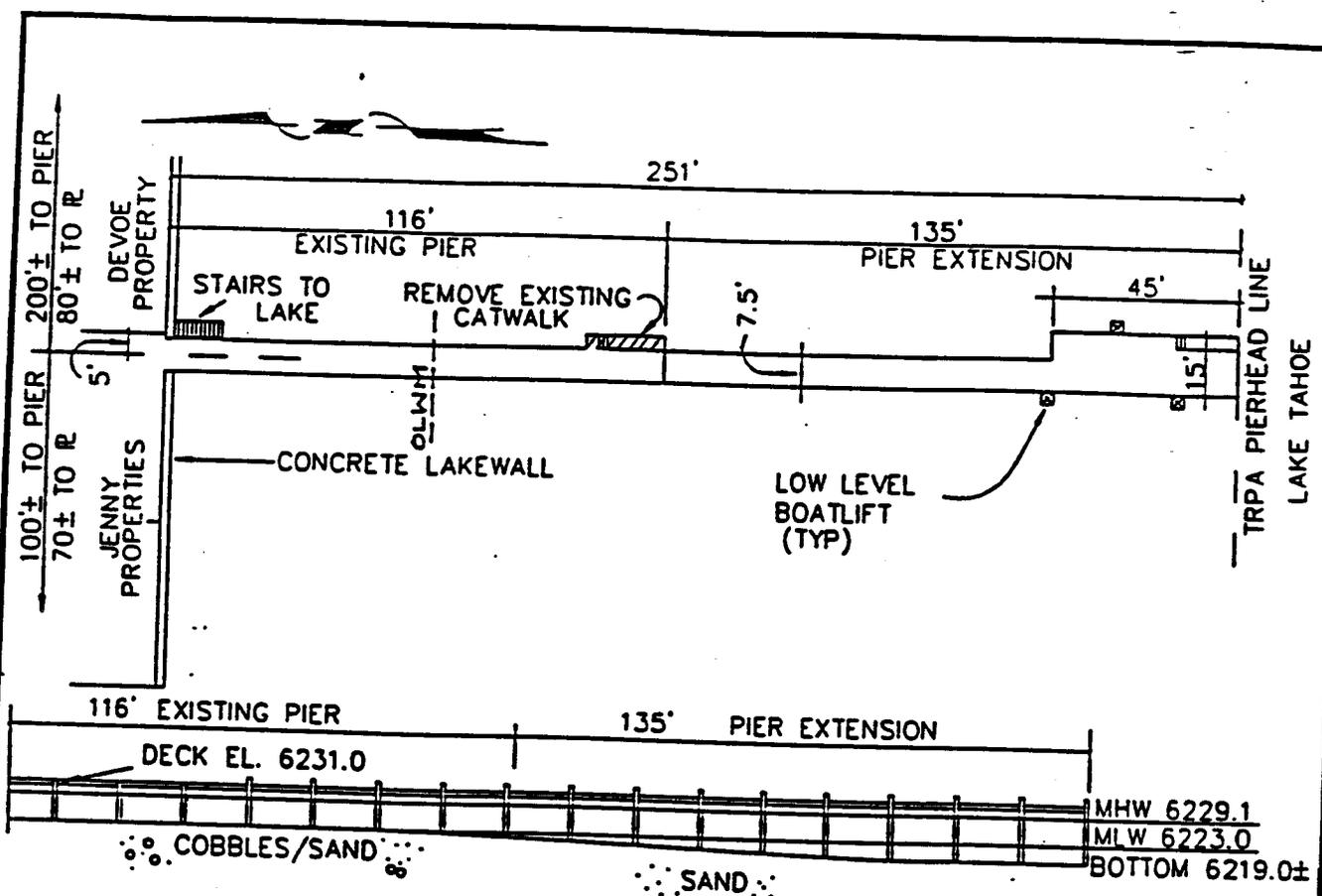


EXHIBIT "A"
 Site Map
 PRC 6428
 APN 090-141-032, 034, 035
 Lake Tahoe
 PLACER COUNTY



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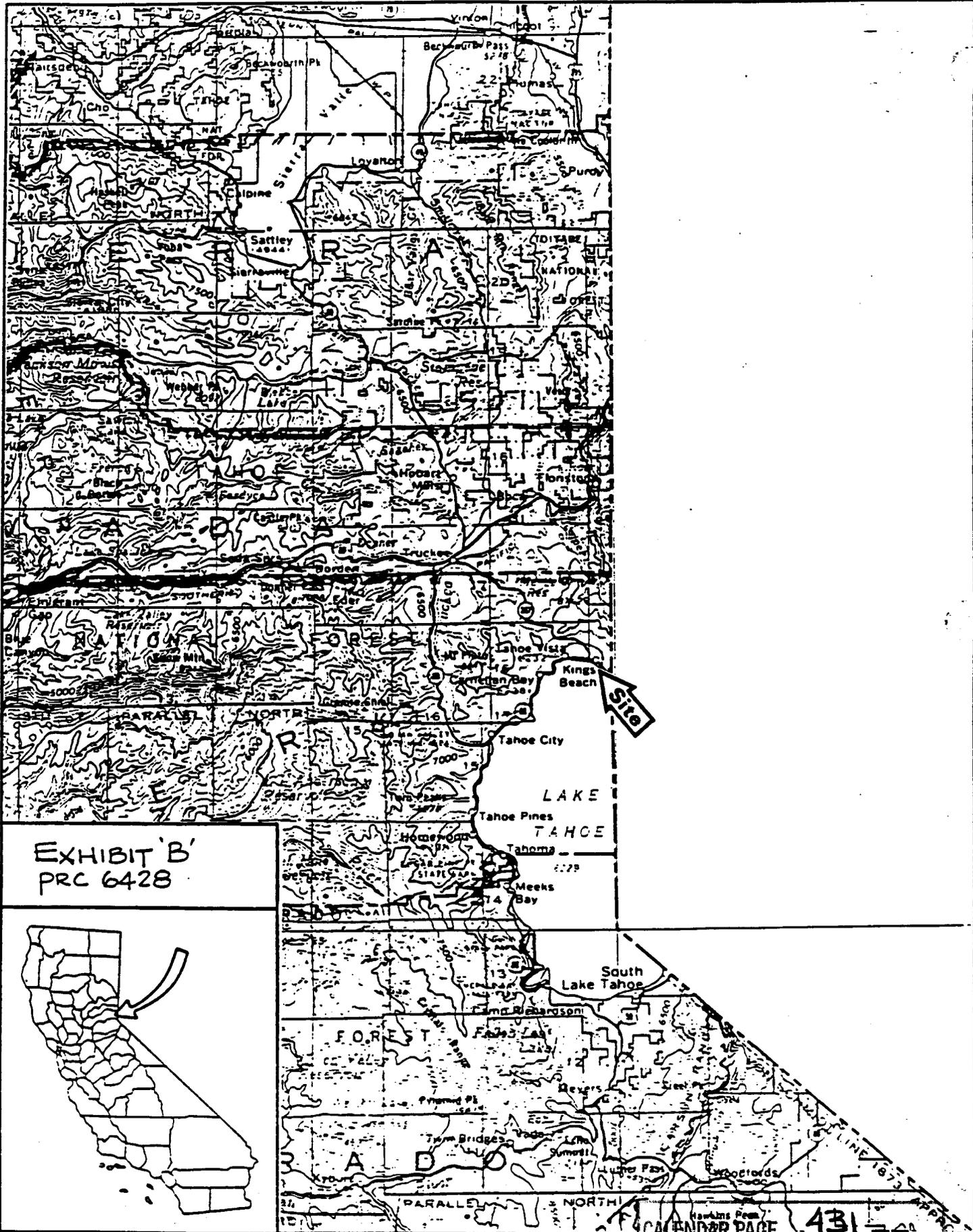


EXHIBIT 'B'
PRC 6428



EXHIBIT "C"

Date: 6/29/92

File Ref: PRC 6428

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

Greetings:

Subject: Multi-Use Pier Extension Project With the Installation of Three (3) Low-Level Boatlifts Plus Three (3) Existing Unauthorized Mooring Buoys in Lake Tahoe Near Kings Beach

Name: David M. De Voe and Susan M. De Voe,
Co-Trustees,
Ronald L. Jenny and Jane E. Jenny

Address: Vail Engineering Corporation
Attn: Kevin M. Agan
P.O. Box 879
Tahoe City, California 96145

Assessor's Parcel No. 90-141-32
90-141-33

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, you may reach me at (916) 823-4511.

County of Placer
Department of Public Works
Jack Warren, Director


For Jan Christian
Associate Civil Engineer

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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 958

CHARLES WARREN
Executive Officer

August 19, 1992
File: PRC 6428
ND 605

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) 322-7826.

Doug Miller (4)

DOUG MILLER
Division of Environmental
Planning and Management

Attachment

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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 958

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 6428
ND 605
SCH No. 92082065

Project Title: DeVoe/Jenny Pier Extension with Boatlifts

Proponents: DeVoe/Jenny Properties

Project Location: Lake Tahoe, Kings Beach area, 8734 & 8740 Brockway Vista Avenue, APNs 90-141-32 & 33, Placer County.

Project Description: Proposed pier extension with three low-level boatlifts, retention of three existing buoys, and TRPA Shoreline Restoration Project.

Contact Person: Doug Miller Telephone: 916/322-7826

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.

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: PRC 6428.1

I. BACKGROUND INFORMATION

A. Applicant: DeVoe/Jenny PO Box 8 Agent: Vail Engineering Company Kevin Agan PO Box 879 Tahoe City, CA 96145

B. Checklist Date: / /

C. Contact Person: Doug Miller

Telephone: (916) 322-7826

D. Purpose: Authorization of pier extension, three low level boat lifts and retention for use three existing unauthorized buoys.

E. Location: 8734/8740 Brockway Vista Ave, Kings Beach Area, Placer County, CA APN 90-141-32 & 33.

F. Description: Proposed pier extension with three low level boat lifts, retention for use of three existing buoys, and TRPA shoreline restoration project

G. Persons Contacted: Kevin Agan - Agent - Vail Engineering Ginger Tippit - Army Corps of Engineers Coleen Shade, Tahoe Regional Planning Agency

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

A. Earth. Will the proposal result in:

- 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, etc. failure, or similar hazards?

Table with 3 columns: Yes, Maybe, No. Contains checkboxes for each impact item.

- 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?

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| | | Yes | Maybe | No |
|---|--|--------------------------|-------------------------------------|-------------------------------------|
| J. Risk of Upsrt. 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 checked="" 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)

SEE ATTACHED

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

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

Date: 8/ 17 / 92

Doug Miller
 For the State Land Commission
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PROJECT DESCRIPTIONPROJECT NARRATIVE

PRC 6428.1 authorizes the use of a recreational pier. The proposed authorization involves the extension of the existing recreational pier, installation of three electric low level boat lifts (hoists) immediately adjacent to the pier (See attached plan: Exhibit "A"), and use of three unauthorized existing mooring buoys.

This project involves the construction of a 135 linear foot extension to a multiple use pier utilizing open steel piling and wood frame and decking construction. This will utilize 10.75" diameter steel piles at 15' O.C., 6" steel beams, 4" x 10" wood joists at 24" O.C., 2" x 6" min. cedar deck with catwalk. Install three (3) low-level boat lifts with electric service and retain the three (3) existing mooring buoys See exhibit "A"

CONSTRUCTION METHOD

All access to the construction site will be by water on the barge. There will be no construction activity on the pier extension above the low water elevation of 6223 feet. The extension to the existing pier shall be constructed by barge with pile driver in the lake, and caissons or sleeves will be used when sediment is resuspended while driving piles.

Steel piles shall be driven 6 feet in depth or refusal. Anchorage of barge will be to existing structure and/or anchors required for adequate stabilization. All construction wastes will be collected onto barge and disposed at the nearest sanitary landfill site. Small boats and tarps to be under construction areas to provide collection of construction debris preventing any discharge of wastes to the lake. There will be no pier construction activity or materials stored above the low water line of the subject property. If disturbed lakebottom sediments are found due to the construction activity associated with the installation of this project, the affected area will be hand rolled and/or rock cobble to be hand picked to reconsolidate the lake bottom sediments.

SHORELINE RESTORATION PLAN

TRPA stipulates that the shoreline and lakebottom shall be returned to a natural state as a part of the fish habitat restoration plan. The existing cobble mounds will be redistributed in a contiguous manner between El. 6226.0 (at base of lakewall) and El. 6223.0 (mean low water) as stipulated by the Tahoe Regional Planning

Agency (TRPA) and State Lands Commission (SLC) complainace inspector's descretion over about an 800 square foot area. The cobbles from these mounds shall be dispersed or distributed in such a manner that there will be no exposed sandy areas. The displaced cobbles will not be placed on existing vegetation. The work in these areas will be performed soley by hand to reconsolidate and restore any disturbed shoreline sediments.

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DESCRIPTION OF ENVIRONMENTAL SETTING

PRC 6428.1

This proposed pier extension project is located at 8732, 8734, and 8740 Brockway Vista Ave., Brockway, Placer County, California. These are three private residences in Placer County designated as APN 090-141-32, 34 and 35 at north Lake Tahoe. The present use of the area is private recreation. The existing pier is 116 feet long and the proposed project would extended it an additional 135 feet to the TRPA pierhead line of 251 feet which is over sandy substrate. The three buoys presently exist on site over sandy substrate and will be removed during the non-boating season as determined by TRPA from October 15 through May 1. The Brockway shoreline in this area begins at the lakewall at elevation 6226 and is comprised of fine sand and scattered cobble which gives way to sand at about 6220 feet elevation. The upland begins at the top of the lakewall which is at elevation 6231. Landward of the lakewall is a planted lawn with planted landscape willow, bushes, etc. on the fill area which made the recreational backyard relatively flat. From the yard the ground rises gradually to the residences. There are natural conifers, ponderosa pine, incense cedar, and white fir growing on the natural ground surface intermingled with the residences which face Brockway Vista Ave.

The shorezone in the area of the proposed project is mapped as prime fish habitat and designated for habitat restoration on the Prime Fish Habitat Maps identified by TRPA. There are four areas containing man made rock piles (a total of about five cubic yards) which will be dismantled by hand. The rocks will be dispersed over sandy areas, at the descretion of the SLC/TRPA inspector, to restore the shoreline to its natural state. Additionally, there are existing piers located approximately 200 feet southeasterly and 100 feet northwesterly of the Devoe/Jenny pier.

Since the pier construction activities are over the water and below elevation 6223 feet or mean low water, a soils and vegetation report was not considered necessary for the pier construction portion of this project.

The shoreline fish habitat restoration project stipulated by TRPA will be performed by hand and take place between the base of the lakewall (elev. 6226) and mean low water (6223 feet). TRPA and SLC will have surveillance monitors on the site while this work is being done. No Rorippa Subumbellata was found on the site, in August 1992, by TRPA personnel.

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DISCUSSION OF ENVIRONMENTAL EVALUATION
DEVOE/JENNY RECREATIONAL
PIER RECONSTRUCTION, BOAT LIFT, AND BUOY USE PROJECT

PRC 6428.1

A. Earth

1. Earth Conditions

No. The pier extension and boat lift project is confined to the lakebed and not the surface and will not create any unstable conditions or change any geological structure. The shoreline restoration project restores the shoreline to its natural state which is beneficial to this area and will not create any negative significant environmental effects.

2. Compaction, Overcovering of Soil

No. The proposed pier extension operation will be essentially confined to driving piles into the lakebed. See exhibit "A". There will be no overcovering of lake bottom strata or upland soils during pier extension construction because of the open pile design of the pier. The continued use of the existing buoys will not create any new effects. The shoreline restoration project will eliminate the rock piles and restore the shoreline to its natural state.

3. Topography

No. This proposed open piling pier extension construction project and continued use of the three existing buoys will not create any changes in ground surface relief. There will not be any excavating. This project will not create any new significant impacts to ground surface relief. The three existing buoys are static in nature and will not create any topographic change. The shoreline restoration project will restore the shoreline to its natural state.

4. Unique Features

No. The geology in the project area consists of glacial and alluvial deposits. The lake bed at the site is relatively flat and lacks unique features. The proposed continued use of the three buoys and driving of piles for the pier extension and the three "H" beams for the boat lifts will not change any geological or physical features. The shoreline restoration project will restore the shoreline to its natural state by eliminating the man

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made rock piles.

5. Erosion

No. This proposed pier extension construction and the three existing buoy use project is essentially driving open piles into the lake bed and will have no effect on wind or water erosion on or off the site. The shoreline restoration project will remove the rocks in the piles and place them in the sandy areas.

6. Siltation

No. This project consist of driving piles into the lake bed from a floating barge which will not create any channel changes nor induce erosion. The existing buoys will not create any changes to silting. The shoreline restoration project will not create any silting.

7. Geologic Hazards

No. The steel pilings for the pier extension and the three "H" beams for the low level boat lift are not deep enough to induce any seismic instabilities or ground failures. The pilings and "H" beams being driven six feet into the lakebed to support the pier and boat lift will not create any new significant geological impacts or hazards. The shoreline restoration project, eliminating the rock piles and dispersing the rocks and cobbles to their original state, and the continued use of the three buoys will not create any new geological impacts or hazards.

B. Air

1. Emmissions

No. The constructed pier extension and three boat lifts will not affect the air quality. However, during construction hours, there will be about a four week period when fumes from the diesel engine will be emitted in the immediate vicinity of the project. These emissions are immediately dispersed by the prevailing winds. Upon completion this proposed pier extension project and continued use of the three buoys will not create any new significant emissions. The shoreline restoration project will not create emissions.

2. Odors

No. The constructed pier extension and boat lifts 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. These emissions are immediately dispersed by the prevailing winds. Upon completion this proposed pier extension construction project and continued use of the three buoys will not create any new significant emissions. The shoreline restoration project will not create any objectionable odors.

3. Climate

No. The constructed pier extension, including the three boat lifts, the continued use of the three buoys, and the shoreline restoration project will not create any changes in air movements, temperature, or climate, nor create any abnormal weather conditions.

C. Water

1. Currents

No. The boat lifts ("H" beam piling), piles supporting the pier, the three existing buoys, and the shoreline restoration project are of a static nature and will not create any changes in water currents or movements.

2. Runoff

No. The existing buoys, pilings supporting the pier extension and boat lifts, and the shoreline restoration project will not affect absorption rates, drainage patterns, etc. The area adjacent to the pier extension is submerged.

3. Flood Waters

No. The open pilings supporting the pier extension and boat lifts, the three existing buoys, and the shoreline restoration project will not create any new effects upon flood waters in the lake.

4. Surface Water

No. The constructed pier extension, boat lifts, existing buoys, and shoreline restoration project are static in nature and will not affect the surface water at Lake Tahoe.

5. Turbidity

No. Mitigation measures required by the Tahoe Regional Planning Agency (TRPA) include the applicant installing a turbidity screen around the entire construction site (in the water), or using caissons or vertical cylinders

(sleeves) to prevent the release of resuspended sediments during pile (includes H beams) placement activities from entering the lake. Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. The constructed pier extension, boat lifts, and continued use of the three buoys will not change the water quality.

The shoreline restoration work is between the elevations of 6226 and 6223 MLW. The level of Lake Tahoe is currently below the the 6223 MLW level and this shoreline restoration project will be completed before the water level rises; therefore, there will not be any turbidity created with this project.

6. Ground Water Flows

No. The geology of the project area is composed of glacial and alluvial deposits. The placement of the open pilings for the pier extension and the "H" beams for the boat lifts in the lake bed are all relatively shallow operations (about six feet deep) and should not affect ground water flows. The existing buoys rest on the lake bed and have no effect on ground water flows. The shoreline restoration project is a surface operation and will not affect ground waters.

7. Ground Water Quantity

No. This project will not alter any aquifers nor consume any ground water. There will not be any changes to ground water quantity caused by the open steel pilings and three "H" beams supporting the boat lifts and the constructed pier extension. The continued use of the three buoys will have no effect on ground water quantity. The shoreline restoration project is a surface project and will not affect ground water.

8. Water Supplies

No. This is not a water consuming project. The boat lifts, the extended pier, the continued use of the existing three buoys, and the shoreline restoration project will have no effect on public water supplies.

9. Flooding

No. The boat lifts, pier extension, and continued use of the existing buoys will not expose people or property to water-related hazards such as tidal waves or induce flooding.

10. Thermal Springs

No. There are no thermal springs in the vicinity which could be affected by this project.

D. Plant Life

1. Species Diversity

No. There will be a temporary change in aquatic sessile plants during the pier reconstruction period which will be approximately four weeks. This temporary change will only affect the construction area which will be isolated by a turbidity screen, caisson, etc. This will not constitute a permanent or significant change. The indigenous aquatic flora will shortly begin recolonizing the affected area after the project has been completed. The impact to aquatic plants will be temporary. The shoreline restoration project, the dismantling of the rock piles and placing the rocks on the sand above elev. 6223 feet, will be monitored by the SLC/TRPA monitor to minimize any damage to any existing plants.

2. Endangered Species

No. There were no rare or endangered species reported between the base of the lakewall at El. 6226 and low water at El. 6223 on the lakebed of the lake. Personnel from TRPA inspected the site in August 1992 and found no Tahoe Yellow Cress (TYC), Rorippa subumbellata. It was determined that a soils and vegetation report was not required because all construction work on the pier project is to be performed below elev. 6223. The shoreline habitat restoration project consists of redistributing only five cubic yards of rocks between elev. 6223 and 6226 feet. This will be done by hand with a SLC/TRPA monitor in attendance to assure that rocks are not placed on any existing vegetation.

3. Introduction of Plants

No. The pier extension, boat lifts, existing buoys, and shoreline restoration project will not introduce new species to the area nor exclude existing species from becoming established.

4. Agriculture Crops

No. These project and the existing buoys will not reduce the acreage of agricultural crops. There are no known agriculture or aquaculture activities in this area; therefore, there will be no impacts.

E. Animal Life

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1. Species Diversity

No. There will be a temporary disruption in aquatic animal life confined to the actual construction area by the turbidity screens. The construction period will be approximately four weeks. Upon completion of the project, the indigenous aquatic fauna will begin to re-occupy any voids created during the repair operation. the shoreline restoration project will not create any negative effects on animal life. The projects will be conducted between July 1, 1992 and October 1, 1992 as directed by the Department of Fish and Game (DF&G).

2. Endangered Animal Species

No. There have not been any rare or endangered aquatic animals reported within the project area. No impacts are anticipated.

3. Introduction of New Animal Species

No. The shoreline restoration, pier extension, and boat lift projects, along with the continued use of the buoys will not introduce any new species to the area nor create a new barrier to aquatic animals.

4. Habitat Deterioration

No. These completed projects and the continued use of the buoys will not reduce the aquatic animal habitat area. TRPA has directed that the shoreline habitat restoration plan be implemented during the construction phase of this pier extension project which will actually improve the habitat.

F. Noise

1. Increases

No. The completed projects and the existing buoys will not increase existing noise levels. There will be short term additional noise during the period of pier extension construction, but there will not be an increase in long term noise levels.

2. Severe Noise

No. The completed projects and the existing buoys will not create any new severe noise levels; however, there will be a temporary period when the noise levels increase during the period of pier construction. Upon completion of this project, the noise levels will return to normal. 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 28 will act as a buffer.

G. Light and Glare

1. No. Neither the completed projects nor the existing buoys will result in creating any new significant light or glare.

H. Land Use

1. No. The extension of the existing private recreational pier and boat lifts along with the shoreline restoration project will not alter the present or planned use of the area. The existing pier serves three private residences and not the general public. There are presently piers and buoys on adjacent properties. This project will not substantially alter the land use in the area.

I. Natural Resources

1. Increase in Use

No. The continued seasonal recreational use of the private pier and buoys by the Devoe and Jenny families will not create any new effects upon the use rate of the natural resource. The shoreline restoration project restores the natural resource of the shoreline.

2. Depletion of any Nonrenewable Resources

No. The Devoe and Jenny families' seasonal use of their private recreational pier will not create any changes which could deplete any nonrenewable resource. The shoreline restoration project restores the natural resource of the shoreline.

J. Risk of Upset

1. Risk of Explosion or Upset

No. The project involves the extension of an existing pier. The barge being used is diesel operated which reduces the risk of explosion. Hazardous materials are not to be used during the construction phase, but mitigation measures have been planned in the event that there is an accidental spill.

Small boats and/or tarps will be placed under the construction area as necessary to collect construction debris. The use of a turbidity screen surrounding the construction area or caissons or vertical cylinders (sleeves) will be required to prevent the release of resuspended sediments during the pile placement activities from entering the lake during reconstruction.

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. Precautions will be taken to minimize these risks.

2. Emergency Plan Response

No. The seasonal use of the Devoe/Jenny existing private recreational pier and low level boat lifts will not create an interface with any emergency response or any evacuation plan.

K. Population

1. No. The seasonal use of the existing Devoe/Jenny family recreational pier and buoys along with the shoreline restoration project will not alter the population in the lake basin.

L. Housing

1. No. The Devoe/Jenny extended pier, restored shoreline, and existing buoys will not create a demand for additional housing.

M. Transportation/Circulation

1. Vehicular Movement

No. These are private residences and the extended pier and new boat lifts are for the benefit of the members of the Devoe and Jenny families and not the general public. There are no facilities being added to attract more people. The use of these private residences will not be changed by these projects nor will there be any substantial increase in vehicle movement created by this project. The shoreline restoration project will not affect Transportation/Circulation.

2. Parking

No. See #1 above.

3. Transportation System

No. See #1 above.

4. Circulation

No. See #1 above.

5. Traffic

No. See #1 above.

6. Traffic Hazards

No. See #1 above.

N. Public Services

1. Fire Protection

No. These are private residences and the extended pier, new boat lifts, restored shore line, and existing buoys will not create any additional use or increase of use by the general public. These projects will not create any new demands on government agencies and services such as fire, police protection, parks and recreation, road maintenance, etc.

2. Police Protection

No. See #1 above.

3. Schools

No. See #1 above.

4. Parks and Recreation Facilities

No. See #1 above.

5. Maintenance of Public Facilities

No. See #1 above.

6. Government services

No. See #1 above.

O. Energy

1. Fuel and Energy

No. The pier extension and boat lifts project will not significantly create any new energy consumption. Each of the three boat lifts is powered by a 1 hp., single phase 230 volt, 60 cycle, 7.15 amp electric motor. When operated, a boat lift uses the equivalent of about sixteen 100 watt light bulbs. The lift is only used when lowering or raising the boat. This use will not constitute a substantial increase in energy being used in the Lake Tahoe Basin. The buoys and the shoreline restoration project don't consume fuel or energy.

2. Existing Energy Sources

No. See #1 above.

P. Utilities

1. Power or Natural Gas

No. The shoreline restoration, pier extension, boat lifts, and existing buoys will not create any changes in utilities. These projects are for the private use of the Devoe/Jenny families. 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. Communication Systems

No. See #1 above.

3. Water

No. See #1 above.

4. Sewer or Septic Tanks

No. See #1 above.

5. Storm Water Drainage

No. See #1 above.

6. Solid Waste Disposal

No. See #1 above.

Q. Human Health

1. Health Hazard

No. The shoreline restoration, pier extension, new boat

lifts, and existing buoys will not create any new health hazards to humans.

2. Exposure of People to Health Hazards

No. The shoreline restoration, pier extension, new boat lift projects, and existing buoys will not expose people to any new potential health hazards.

R. Aesthetics

1. No. The Devoe/Jenny recreational pier is an extension of an existing facility. The extension of the pier to the TRPA pierhead line is not considered a distraction from the aesthetics of this residential recreational area consisting of homes, piers, boat lifts, buoys and boats.

S. Recreation

1. No. These projects and existing buoys will have no effect on public recreation in the area.

T. Cultural Resources

1. Archaeological Sites

No. The extension of the pier, boat lifts, and existing buoys are on the lake. The shoreline restoration project consists of removing man made rock piles and restoring the beach to its natural state. There are no identified cultural, ethnic, religious, or sacred uses pertinent to this project area which could be significantly affected.

2. Historic Buildings

No. See No.# 1 above.

3. Ethnic Cultural Values

No. See No.# 1 above.

4. Religious/Sacred Uses

No. See No.# 1 above.

U. Mandatory Findings of Significance

1. Environmental Quality Degradation

No. The open pile design of the pier extension displaces a minimal amount of lakebottom. There will be about a

four week period during reconstruction when the indigenous aquatic biota will be displaced but will recolonize and return to normal after the project is completed. Mitigation measures, including turbidity screens or caissons or vertical sleeves will be incorporated to protect Lake Tahoe during the reconstruction phase of the operation. With the mitigation measures incorporated into the reconstruction process, this project will not create any long term significant degradational environmental effects.

The shoreline restoration project will remove man made rock piles and restore the rock and cobble to the natural state of the shore line under the supervision of the TRPA and/or SCL monitors.

2. Short Term vs. Long Term Environmental Goals

No. There will be a short term, approximately four weeks, disruption of the marine environment in the immediate vicinity of the pier being extended. This area will be separated by a turbidity screen or the use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile placement activities as determined by TRPA.

Upon completion of the project, the indigenous marine biota will re-colonize and fill any voids created during the pier extension construction. The shoreline restoration will remove man made rock piles and restore the shore to its natural state. The existing buoys will not create any new significant change to the environment. There will not be any long term significant degradational environmental changes created by this project.

3. Cumulative Impacts

No. The Devoe-Jenny private family recreational pier is an existing facility. The shore line restoration, existing buoys, pier extension, and boat lift projects do not add or create any new impacts which will increase the propensity for considerable cumulative effects.

4. Adverse Effects on Human Beings

No. The shore line restoration, existing buoys, pier extension, and boat lift projects will not create any new environmental effects which could create a significant adverse effect on human beings.

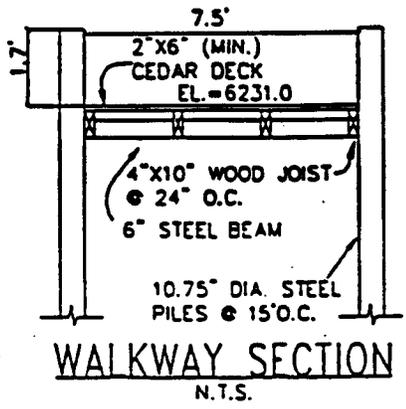
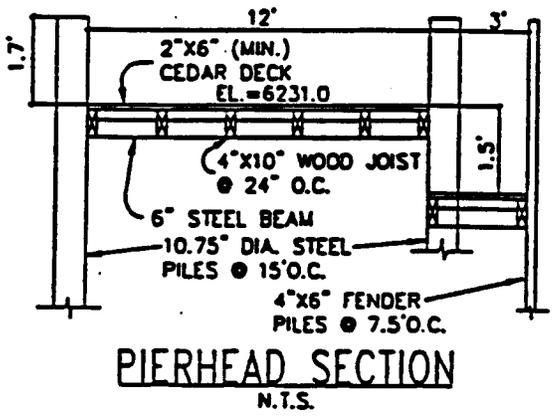
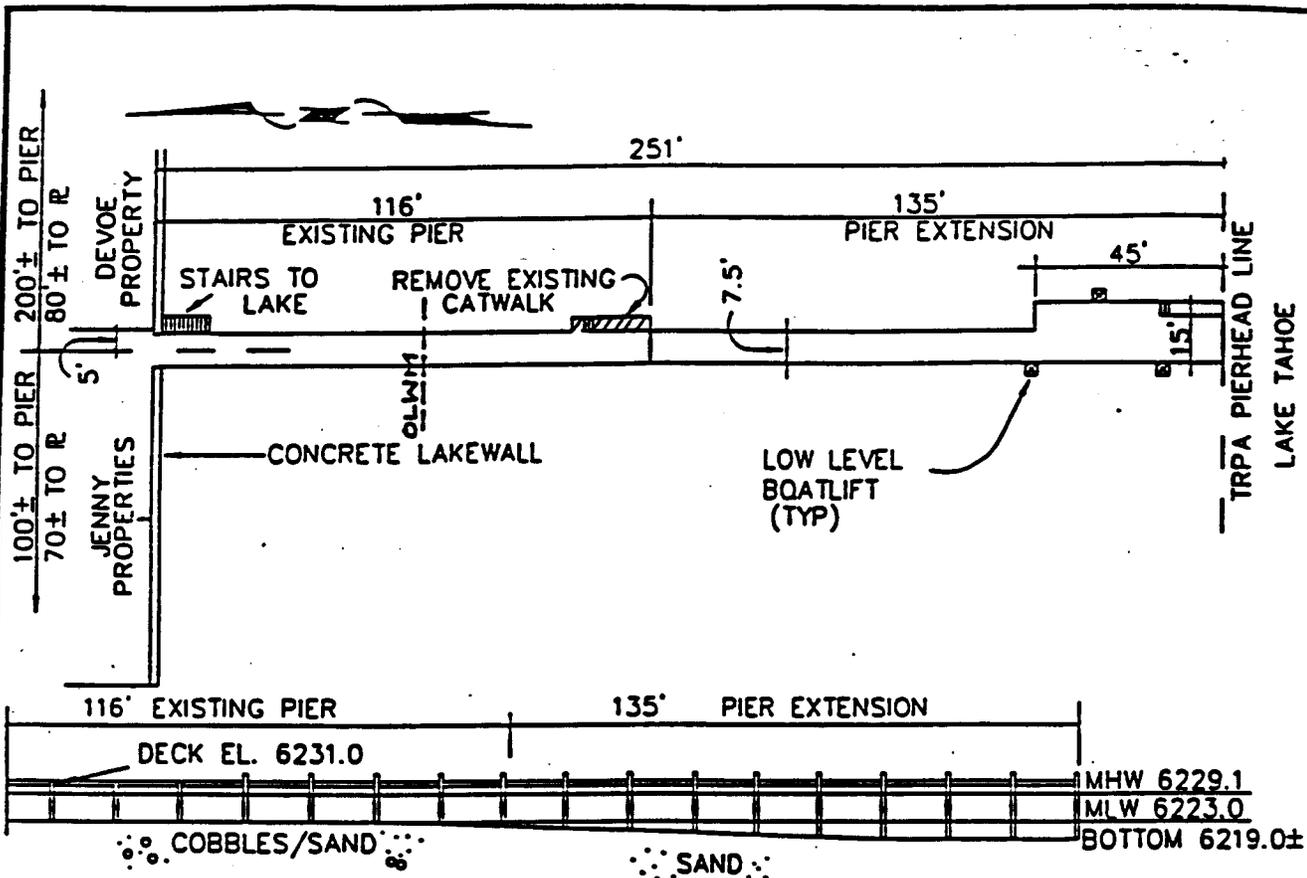


EXHIBIT "A"
 Site Map
 PRC 6428
 APN 090-141-032, 034, 035
 Lake Tahoe
 PLACER COUNTY



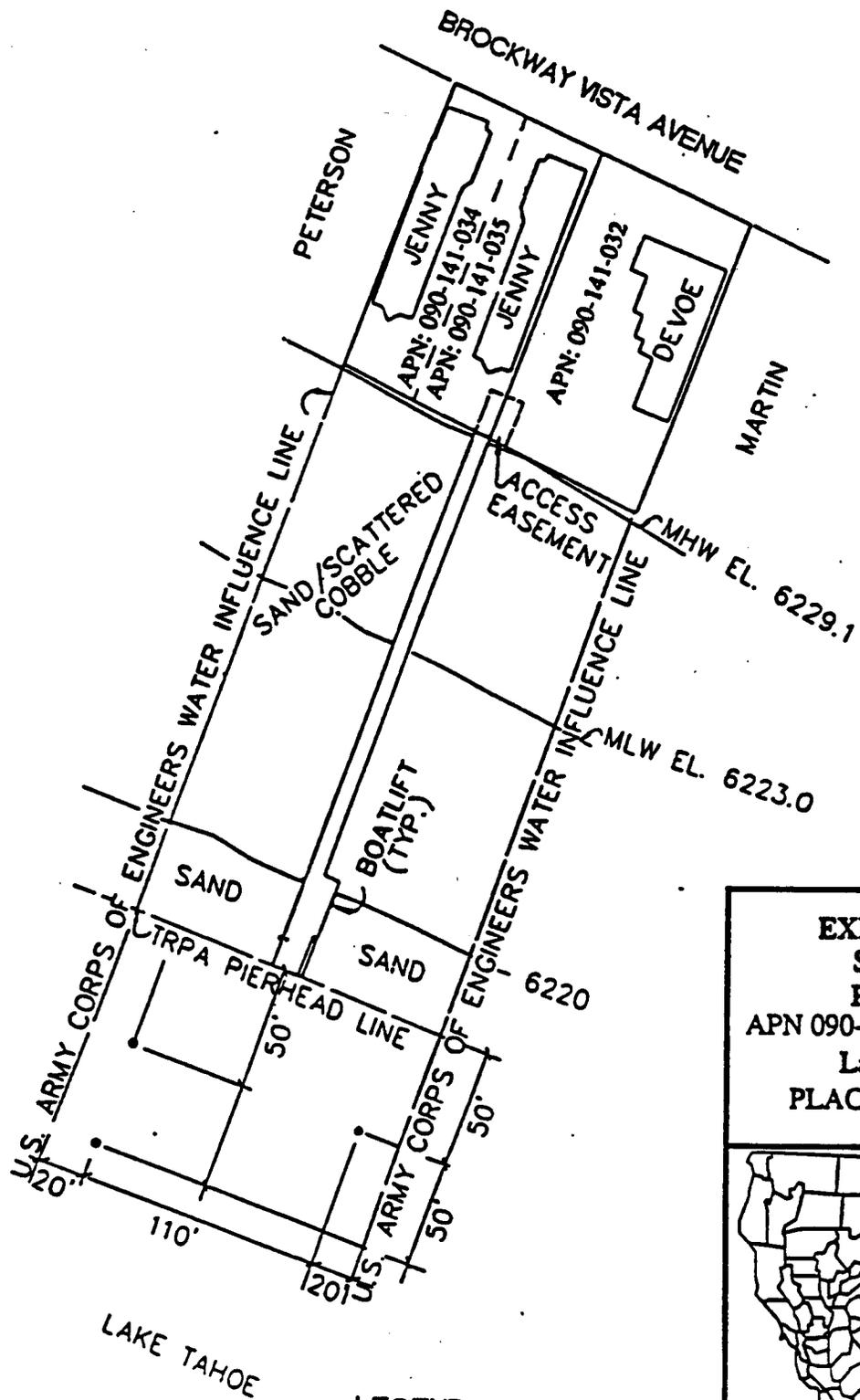


EXHIBIT "A"
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 Lake Tahoe
 PLACER COUNTY



- LEGEND**
- EXISTING MOORING BUOY

EXHIBIT "B"
 MONITORING PROGRAM
 FOR THE DEVOE JENNY PIER EXTENSION, BOAT LIFT, AND SHORELINE
 RESTORATION PROJECT AND EXISTING BUOY USE

1. **Impact:** The proposed project may cause minimal turbidity to lake waters during the driving of piling into the lake bed during the construction of the pier extension and boat lifts, and there is the possibility of an upset or spill of construction materials or debris. The shoreline restoration project could damage existing plants during low water.

Project Modification:

- a) The use of either a turbidity screen surrounding the project area will be installed prior to the commencement of operations or the use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile placement activities will be determined by TRPA prior to construction;
- b) Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris; and,
- c) Waste materials will be collected onto the lark vehicle or dumpsters for disposal at an approved landfill site.
- d) The shoreline restoration project will be continually monitored to assure that no plants are covered during the placement of rocks in the sandy areas being restored with rocks. The shore area will be restored to its natural state upon completion.
- e) Staff of the State Lands Commission, or its designated representative, will periodically monitor the pier reconstruction and boat lift project during the placement of the pilings.

2. **Impact:** The proposed project is located in designated prime fish habitat and could have an impact on the habitat.

Project Modification:

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The pier reconstruction project involving possible disturbance to the lake bed will be conducted as directed by DF&G between July 1 - October 1 to reduce impacts to fish habitat.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will periodically site inspect the pier reconstruction project to ensure the proposed activity will occur within the allowable construction time period.