

MINUTE ITEM  
This Calendar Item No. C05  
was approved as Minute Item  
No. 05 by the State Lands  
Commission by a vote of 2  
to 0 at its 6-21-93  
meeting.

CALENDAR ITEM

C05

A 4  
S 1

06/21/93  
PRC 3669  
J. Ludlow

APPROVE THE ISSUANCE OF A RECREATIONAL PIER PERMIT

**APPLICANT:**

Terry Naylor and John J. Naylor  
2 Hillcrest Court  
Berkeley, California 94507

**AREA, TYPE LAND AND LOCATION:**

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

**LAND USE:**

Reconstruction and relocation of an existing pier and  
boathouse, including the addition of a low level boatlift.

**PROPOSED LEASE TERMS:**

Lease period:  
Five years beginning June 21, 1993.

**CONSIDERATION:**

Rent-free, pursuant to Section 6503.5 of the P.R.C.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is owner of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee, processing fee, and environmental fees have been  
received.

**STATUTORY AND OTHER REFERENCES:**

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

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AB 884:

07/07/93

**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 ND 617, State Clearinghouse No. 93042027. 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)) A Mitigation Monitoring Plan has been prepared in conformance with the provisions of the CEQA (Section 21081.6, P.R.C.).

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 review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The applicant proposes to relocate and reconstruct an existing authorized pier and boathouse. The reconstruction will include relocating the pier 5 to 7 feet north of the existing pier site to achieve a five foot property line setback required by the Tahoe Regional Planning Agency.

The existing pier and boathouse will be dismantled and removed. The new pier will be constructed within the footprint of the existing pier. All work will be completed from the water using floating equipment.

4. The lease includes special language in which the lessee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.

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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 6223 feet, Lake Tahoe Datum) of the subject property. This procedure will prevent any disturbance to the habitat of the *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
6. Commission staff will monitor the reconstruction of the pier in accordance with the Monitoring Program included within the Proposed Negative Declaration, State Clearinghouse No. 93042027.
7. The subject property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
8. This permit is conditioned on Permittee's 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 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.

9. 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.

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**APPROVALS OBTAINED:**

Tahoe Regional Planning Agency, El Dorado County

**FURTHER APPROVALS REQUIRED:**

United States Army Corps of Engineers, State Lands  
Commission

**EXHIBITS:**

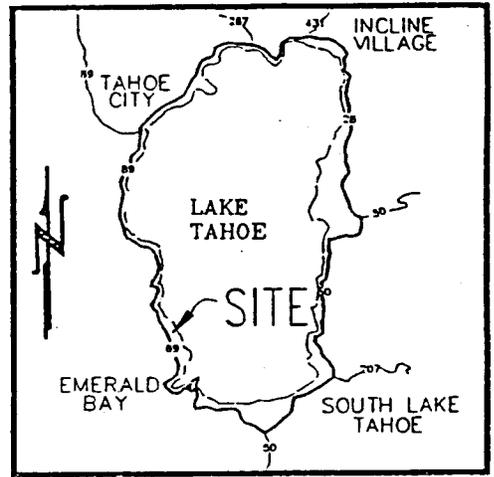
- A. Land Description
- B. Location Map
- C. Negative Declaration and Monitoring Program

**IT IS RECOMMENDED THAT THE COMMISSION:**

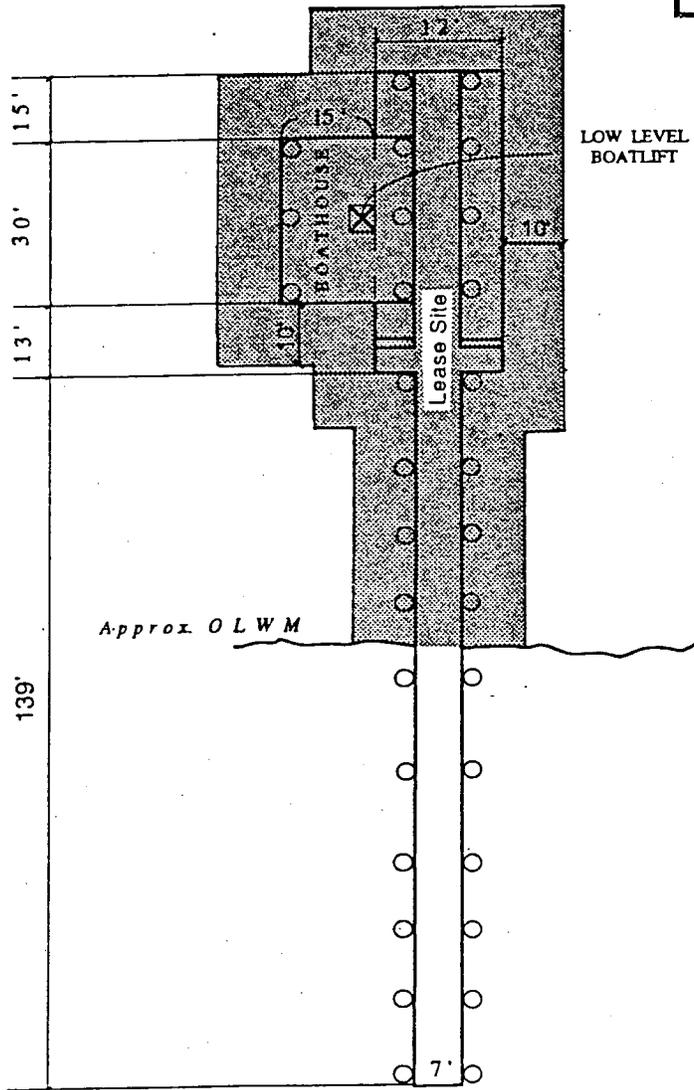
1. CERTIFY THAT A NEGATIVE DECLARATION AND MONITORING PROGRAM, EIR ND 617 STATE CLEARING HOUSE NO. 93042027, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE PROPOSED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE MITIGATION MONITORING PLAN, AS CONTAINED IN EXHIBIT "C" ATTACHED HERETO.
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 TERRY NAYLOR AND JOHN J. NAYLOR, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JUNE 21, 1993, FOR THE RECONSTRUCTION AND RELOCATION OF AN EXISTING PIER AND BOATHOUSE, INCLUDING THE ADDITION OF A LOW LEVEL BOATLIFT, AND THE CONTINUED USE AND MAINTENANCE OF TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

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*Lake Tahoe*



LOCATION MAP

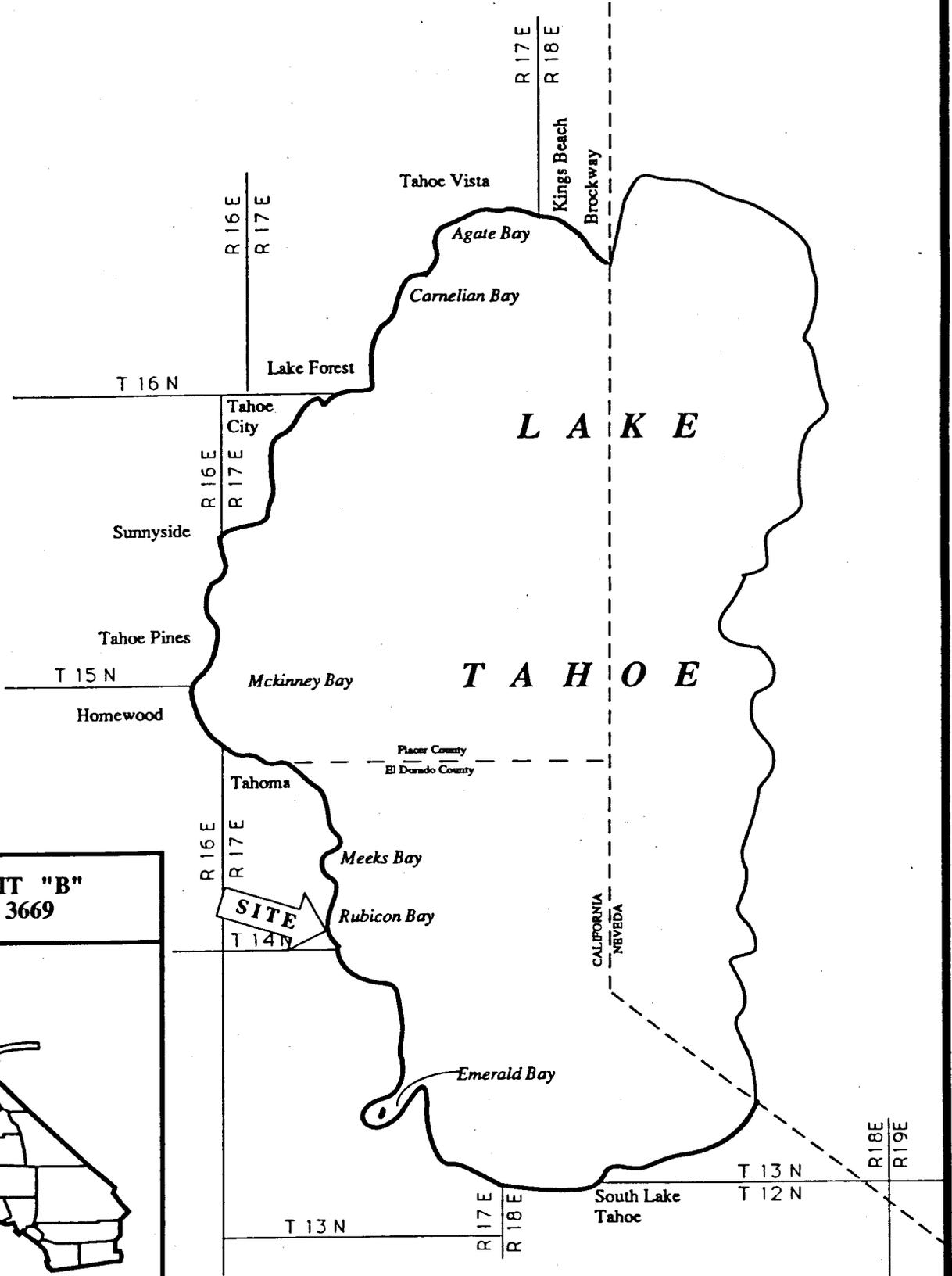


No Scale

**EXHIBIT "A"**  
 Site Map  
 PRC 3669  
 APN 16 - 221 - 14  
 Lake Tahoe  
 EL DORADO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.



**EXHIBIT "B"**  
**PRC 3669**



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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

April 8, 1993  
File: WP 3669  
ND 617  
SCH No. 93042027

**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 May 7, 1993.

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

*Judy Brown*  
JUDY BROWN  
Division of Environmental  
Planning and Management

(LL)

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 95814  
 CHARLES WARREN  
 Executive Officer

**PROPOSED NEGATIVE DECLARATION**

ND 617  
 File: WP 3669  
 SCH No. 93042027

Project Title: Naylor Pier Relocation/Reconstruction

Project Proponent: John Naylor

Project Location: Rubicon Bay, Lake Tahoe, Adjacent to APN: 16-221-14, 8841 Rubicon Drive, El Dorado County.

Project Description: Proposed relocation 5-7' north of the existing pier site to achieve a 5' property line setback; proposed reconstruction of a 7' x 197' open piling pier which includes a boathouse and catwalks. An existing boathoist will be replaced with a low-level boatlift.

The existing pier extends to the TRPA pierhead line, and will be reconstructed in the same length and design as previously existing.

The existing pier would be dismantled and the pilings removed. Access to the construction site would be by barge with pile driver. Access and construction would be confined to the "footprint" of the pier. All construction wastes would be collected onto the barge and disposed of at the nearest sanitary landfill site. Work will be performed in accordance with state and federal permitting requirements.

Contact Person: Judy Brown Telephone: (916) 324-4715

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

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

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

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

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**I. BACKGROUND INFORMATION**

- A. Applicant: John Naylor  
c/o Vail Engineering Corp.  
PO Box 879  
Tahoe City CA 95730
- B. Checklist Date: 03 / 25 / 93
- C. Contact Person: Judy Brown  
 Telephone: ( 916 ) 324-4715
- D. Purpose: To relocate and reconstruct an existing private recreational pier.
- E. Location: Rubicon Bay, El Dorado County, Lakeward of APN 16-221-14 on the west shore of Lake Tahoe.
- F. Description: Relocate to achieve a 5' setback from the south property line and reconstruct an existing 7' x 197' pier with a 15' x 30' boathouse offset to the north from the middle of the pierhead, replace an existing boathoist with one low-level boatlift; replace electrical service.
- G. Persons Contacted: \_\_\_\_\_  
TRPA, USACOE, CDFG

**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? .....	—	—	<u>X</u>
2. Disruptions, displacements, compaction, or overcovering of the soil? .....	—	—	<u>X</u>
3. Change in topography or ground surface relief features? .....	—	—	<u>X</u>
4. The destruction, covering, or modification of any unique geologic or physical features? .....	—	—	<u>X</u>
5. Any increase in wind or water erosion of soils, either on or off the site? .....	—	—	<u>X</u>
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? .....	—	—	<u>X</u>
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? .....	—	—	<u>X</u>

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

	Yes	Maybe	No
1. Substantial air emissions or deterioration of ambient air quality? .....	—	—	<u>X</u>
2. The creation of objectional odors? .....	—	—	<u>X</u>
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? .....	—	—	<u>X</u>

**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? .....	—	—	<u>X</u>
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? .....	—	—	<u>X</u>
3. Alterations to the course or flow of flood waters? .....	—	—	<u>X</u>
4. Change in the amount of surface water in any water body? .....	—	—	<u>X</u>
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? .....	—	—	<u>X</u>
6. Alteration of the direct on or rate of flow of ground waters? .....	—	—	<u>X</u>
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? .....	—	—	<u>X</u>
8. Substantial reduction in the amount of water otherwise available for public water supplies? .....	—	—	<u>X</u>
9. Exposure of people or property to water-related hazards such as flooding or tidal waves? .....	—	—	<u>X</u>
10. Significant changes in the temperature, flow or chemical content of surface thermal springs? .....	—	—	<u>X</u>

**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)? .....	—	—	<u>X</u>
2. Reduction of the numbers of any unique, rare or endangered species of plants? .....	—	—	<u>X</u>
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? .....	—	—	<u>X</u>
4. Reduction in acreage of any agricultural crop? .....	—	—	<u>X</u>

**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)? .....	—	—	<u>X</u>
2. Reduction of the numbers of any unique, rare or endangered species of animals? .....	—	—	<u>X</u>
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? .....	—	—	<u>X</u>
4. Deterioration to existing fish or wildlife habitat? .....	—	—	<u>X</u>

**F. Noise.** Will the proposal result in:

1. Increase in existing noise levels? .....	—	—	<u>X</u>
2. Exposure of people to severe noise levels? .....	—	—	<u>X</u>

**G. Light and Glare.** Will the proposal result in:

1. The production of new light or glare? .....	—	—	<u>X</u>
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**H. Land Use.** Will the proposal result in:

1. A substantial alteration of the present or planned land use of an area? .....	—	—	<u>X</u>
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**I. Natural Resources.** Will the proposal result in:

1. Increase in the rate of use of any natural resources? .....	—	—	<u>X</u>
2. Substantial depletion of any nonrenewable resources? .....	—	—	<u>X</u>

	Yes	Maybe	No
<b>J. Risk of Upset.</b> 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? .....	—	—	<u>X</u>
2. Possible interference with emergency response plan or an emergency evacuation plan? .....	—	—	<u>X</u>
<b>K. Population.</b> Will the proposal result in:			
1. The alteration, distribution, density, or growth rate of the human population of the area? .....	—	—	<u>X</u>
<b>L. Housing.</b> Will the proposal result in:			
1. Affecting existing housing, or create a demand for additional housing? .....	—	—	<u>X</u>
<b>M. Transportation/Circulation.</b> Will the proposal result in:			
1. Generation of substantial additional vehicular movement? .....	—	—	<u>X</u>
2. Affecting existing parking facilities, or create a demand for new parking? .....	—	—	<u>X</u>
3. Substantial impact upon existing transportation systems? .....	—	—	<u>X</u>
4. Alterations to present patterns of circulation or movement of people and/or goods? .....	—	—	<u>X</u>
5. Alterations to waterborne, rail, or air traffic? .....	—	—	<u>X</u>
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? .....	—	—	<u>X</u>
<b>N. Public Services.</b> 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? .....	—	—	<u>X</u>
2. Police protection? .....	—	—	<u>X</u>
3. Schools? .....	—	—	<u>X</u>
4. Parks and other recreational facilities? .....	—	—	<u>X</u>
5. Maintenance of public facilities, including roads? .....	—	—	<u>X</u>
6. Other governmental services? .....	—	—	<u>X</u>
<b>O. Energy.</b> Will the proposal result in:			
1. Use of substantial amounts of fuel or energy? .....	—	—	<u>X</u>
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? .....	—	—	<u>X</u>
<b>P. Utilities.</b> Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
1. Power or natural gas? .....	—	—	<u>X</u>
2. Communication systems? .....	—	—	<u>X</u>
3. Water? .....	—	—	<u>X</u>
4. Sewer or septic tanks? .....	—	—	<u>X</u>
5. Storm water drainage? .....	—	—	<u>X</u>
6. Solid waste and disposal? .....	—	—	<u>X</u>
<b>Q. Human Health.</b> Will the proposal result in:			
1. Creation of any health hazard or potential health hazard (excluding mental health)? .....	—	—	<u>X</u>
2. Exposure of people to potential health hazards? .....	—	—	<u>X</u>
<b>R. Aesthetics.</b> 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? .....	—	—	<u>X</u>

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	Yes	Maybe	No
<b>S. Recreation. Will the proposal result in:</b>			
1. An impact upon the quality or quantity of existing recreational opportunities? .....	—	—	<u>X</u>
<b>T. Cultural Resources</b>			
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site? ...	—	—	<u>X</u>
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? .....	—	—	<u>X</u>
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? .....	—	—	<u>X</u>
4. Will the proposal restrict existing religious or sacred uses within the potential impact area? .....	—	—	<u>X</u>
<b>U. Mandatory Findings of Significance.</b>			
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? .....	—	—	<u>X</u>
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? .....	—	—	<u>X</u>
3. Does the project have impacts which are individually limited, but cumulatively considerable? .....	—	—	<u>X</u>
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? .....	—	—	<u>X</u>

**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: 4 / 1 / 93

For the State Lands Commission  
JUDY BROWN

*Judy A. Brown*

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## Project Description

Proposed total reconstruction of an existing open, double piling pier 7' x 197' which includes replacement of two 3' x 58' catwalks and a 15' x 30' boathouse. An existing boathoist will be replaced with one low-level boatlift which will be placed inside the boathouse on the north side of the pier (Refer to Attachment 1 - Plan and Profile). The existing pier extends to the TRPA pierhead line. The boathouse siding, roof and electrical service will be repaired and or replaced as necessary.

Access for reconstruction of the pier/boathouse will be from the lake by a barge with pile driver. Anchorage of barge will be to the existing structure and/or anchored as required for adequate stabilization. Access and construction will be confined to the "footprint" of the pier. All construction wastes will be collected onto the barge and disposed of at the nearest dumpster/sanitary landfill site. There will be no storage of construction materials on the shore or within 50 feet of the bluff. Small boats and tarps will be placed under construction areas to provide collection of construction debris. If disturbed shoreline or lakebottom sediments are found due to the construction activity associated with the removal and reconstruction of this project, the affected areas will be hand rolled to reconsolidate the shoreline sediments.

Work will be performed in accordance with TRPA, U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board - Lahontan Region requirements.

## Environmental Setting

The proposed project is located within Rubicon Bay, lakeward of 8841 Rubicon Drive, APN: 16-221-14, El Dorado County, on the west shore of Lake Tahoe. The southern portion of the Rubicon Tahoe Owners, Inc. buoy field extends lakeward in front of the Naylor parcel. The buoy field (97 buoys) is presently in an unorganized grid extending from elev. 6219' to elev. 6210'. The buoy field is not being considered as part of this document other than to describe the environment in which the pier is located.

D.L. Bliss State Park is located approximately 1.3 miles to the south of this project, and Meeks Bay Ranger Station is located approximately 1.6 miles north of this project.

According to the Environmental Assessment (EA) dated July 22, 1992, prepared by Stanford L. Loeb, Ph.D. and Shawn C. Saving, in regard to Potential Impact on the Tahoe Yellow Cress, the project site lies approximately 2,000 feet south of the Lonely Gulch Creek stream inflow to Lake Tahoe. The proposed project lies 0.9 miles north of the inflow of Paradise Flat Creek.

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The shoreline frontage of the Naylor property is 108 feet. The slope from the upland residence to high water is approximately 30%, and from high water extending lakeward, the slope is approximately 8%.

The EA also indicates that the substrata on the shoreline consists entirely of fine-to-medium-grain sand to a depth of 6-12 inches. The substrata upon which the pier is located contains scattered cobbles, approximately 6" to 1' in diameter. The slope from the pierhead to approximately 300 feet into the lake is gradual (less than 5%).

Vegetation at just above high water (approximately 6229') includes Willows, Mountain Alder, White Fir, Jeffrey Pines and Mountain Hemlock. Vegetation lakeward of high water is sparse. No vegetation was observed lakeward of 6228' on this parcel. Avian fauna observed at the project site included Steller Jay, Barn Swallow, and California Gull. Canadian Geese were observed in the water and on the shoreline. Other mammals commonly known to be found in this habitat include Chipmunk and Sierra Chickaree.

A soils and vegetation survey for the project site was conducted for the proposed relocation and reconstruction activity concerning potential impacts to the State-listed endangered plant, Rorippa subumbellata, Roll. The results of the survey concluded that the project site does not contain the plant or habitat capable of supporting the species.

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III. DISCUSSION OF ENVIRONMENTAL EVALUATION  
JOHN NAYLOR PIER REPAIR

A. Earth

1. Stability, Geologic Substructures

This project involves replacing the existing piles, deck beams, deck joists and decking of an existing open piling pier. The pilings will be driven into the lake bed by a pile driver mounted on a barge. The barge will be anchored to the existing structure to maintain adequate stabilization. Reconstruction activity will be confined to the "footprint" of the pier. The project as proposed will not unnaturally alter or cover any ground features or create unstable conditions.

2. Compaction, Overcovering of the Soil

The repair of this pier will not create any additional soil coverage requiring additional compaction or overcovering of the soil. 31 pilings will be removed and replaced 5-7 feet to the north in the same configuration.

3. Topography

No grading or filling of the ground surface is proposed as part of this project; therefore, there are no impacts to the topography of the area. This is a replacement of an existing structure.

4. Geologic Features

The lake bed surface at the project site is fine to medium grained sand with scattered cobbles 6" - 1' in diameter (Environmental Assessment, Stanford L. Loeb, Ph.D. and Shawn C. Saving, July 22, 1992). The proposed project will not affect any unique lake bottom features.

5. Wind, Water Erosion of Soils

This open piling pier will be reconstructed with 10.75" diameter steel piles at 15' o.c. The old pier pilings will be removed and the new pilings will be driven directly in the lake bed substrate. This action will not cause any erosion or significant disturbance to lake bottom profiles.

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6. Erosion, Deposition

The project does not contain design features which would impede the natural erosional/depositional processes of the shoreline at this location. No breakwaters or retaining walls are proposed. The existing open piling pier is proposed to be reconstructed at a location 5-7 feet to the north in the same configuration.

7. Geologic Hazards

There are no known geologic hazards within the project area. This project involves the reconstruction and minor relocation of one open piling pier with boathouse; therefore, there would be no impacts.

B. Air

1. Emissions/Deterioration

This project would be dismantled and reconstructed utilizing a barge and crane/pile driver. The amphibious watercraft will access the site from the lake side of the project. Construction crew will arrive by vehicles for removal of the existing boathouse and deck and again for the boathouse and deck replacement once the piles are set. Some emissions will result from the reconstruction activity as the pier is accessed by barge and from the commuting workers accessing the upland site to place the decking. This impact will be minor and temporary, lasting during the repair activity which is anticipated to take several weeks.

2. Odors

The construction activity would create some odors from crew vehicles arriving to and leaving the upland property of the project site. This impact would not be significant and would be temporary, lasting several weeks from beginning of construction to completion. Seasonal use of the pier may create some odors as fuel-powered boats arrive and leave the pier site. Individually, this impact is not considered significant.

C. Water

1. Currents

The proposed pier to be reconstructed is and will

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continue to be an open-piling design. This design would not create significant impacts on currents or water movements.

2. Runoff

The proposed project is located within the body of Lake Tahoe. It would not affect existing surface water drainage patterns which currently exist.

3. Flood Waters

The existing open piling pier to be reconstructed would be placed 5-7' to the north of the site where it has existed since the 1960's and within the body of Lake Tahoe. It would not alter the flow of flood waters; there would be no impact.

4. Surface Water

Proposed relocation and reconstruction of this pier would not add a significant volume of material which would affect the surface water of Lake Tahoe.

5. Turbidity

The proposed pier relocation and reconstruction activity would be performed as conditioned by the Department of Fish and Game, TRPA, and the U.S. Army Corps of Engineers, and the California Regional Water Quality Control Board - Lahontan Region, through issuance of Agreements and Permits and/or waivers. A minor amount of turbidity may arise resulting from disturbed sediments settling during the removal of pier piling and from placement of new piling. Some sediments may be disturbed from seasonal boat movements at the pier when lake levels are lower.

Turbidity would be minimized by the use of caissons or steel sleeves placed over the existing piling during their extraction from or placement into the lake bed, as well as by placing tarps or small boats under the construction area to prevent debris from falling into the lake; a turbidity screen would be used as prescribed by the CRWQCB and the CDFG.

6. Ground Water Flows

The proposed open piling pier to be relocated and reconstructed would be set at relatively shallow depths (6' or to refusal). This pier is not located within a direct stream flow from an elevated watershed. The pier

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reconstruction should not affect ground water flows.

7. Ground Water Quantity

The proposed pier relocation and reconstruction would not serve as a water acquisition facility, and placement of pier piles would be 6' or to refusal. Also refer to response C-6., above. There would be no impacts to ground water quantity resulting from this proposal.

8. Water Supplies

This project does not involve the acquisition or utilization of water. Also refer to response C-6, above. No impacts are anticipated.

9. Flooding

The cumulative volume of pier pilings would not induce flooding, as the total volume will remain equal to that of the existing pier. No additions are proposed which would affect surface volume. The structure would not interfere with water movements or otherwise induce flooding.

10. Thermal Springs

There are no known thermal springs within the vicinity of this project in Rubicon Bay. There would be no known impact upon any thermal spring.

D. Plant Life

1. Species Diversity

Relocation and replacement of the pier pilings would impact existing sessile aquatic plants which have attached to the pier pilings. The new steel pilings would provide replacement habitat for sessile plants. No other plant life is anticipated to be impacted. A soils and vegetation survey for the project site was conducted for the proposed relocation and reconstruction activity concerning potential impacts to the State-listed endangered plant, Rorippa subumbellata, Roll. The results of the survey concluded that the project site does not contain the plant or habitat capable of supporting the species.

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2. Endangered Species

Refer to response D-1, above.

3. Introduction of Plants

Landscaping is not proposed as part of this project; therefore, there would be no impact of this nature.

4. Agricultural Crops

The proposed project will occur within the bed of Lake Tahoe; therefore, there would be no impact to agricultural crops.

E. Animal Life

1. Species Diversity

The proposed relocation and replacement of pier pilings would affect access to the lake bottom by burrowing organisms. The overall lakebed surface to be covered is insignificant. The pier reconstruction may cause fish dispersal during the pile driving activity and during the use of boats arriving and leaving the pier during continued use. The proposed project site is not located within a mapped fish spawning or escape cover habit pursuant to TRPA. Identified impacts are expected to be insignificant and temporary during construction and seasonally intermittent during the use of the pier.

2. Rare Species

No rare species of animal life are known to exist in the vicinity of the proposed project. No impacts are anticipated.

3. New Species

The proposed pier once reconstructed will continue to provide fish feeding habitat and cover at this location. No new animal species would be introduced as a result of this project. No impacts are anticipated.

4. Habitat Deterioration

The proposed project is located within a "clear" area as identified by the TRPA fish spawning and escape cover

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habitat maps. The substrate at the project site is predominantly fine to medium grained sand. No impacts are anticipated to animal habitat.

F. Noise

1. Increases

There would be a temporary moderate increase in the existing noise levels during the pile driving activity which may extend over a 10-14 work day period and a continuing milder increase in the existing noise levels during the remainder of reconstruction activity involving old piling, boathouse and deck removal and replacement. These impacts are temporary, would occur during normal daylight hours, lasting during the reconstruction activity and are considered insignificant.

Continued use of the pier would continue to cause seasonal, temporary intermittent increases in noise levels as boats arrive and leave the pier. This impact is insignificant.

2. Severe Noise

Noise from pile driving activity may expose persons within the vicinity to periodic episodes of extreme noise levels. These noise increases may last seconds or minutes in duration during normal working daylight hours. Periodic, brief increases to the existing noise levels would occur adjacent to the recreational pier when motorized boat engines are used. These brief occurrences are not considered to be significant impacts.

G. Light and Glare

1. The pier reconstruction activity would occur during daylight hours. No lighting would be needed for construction activity. No new lighting is proposed as part of this project. The dark color steel piles and wooden materials proposed to be used to reconstruct this pier would not produce glare.

H. Land Use

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1. The land use designation at the project site is residential/recreational. The proposed relocation and reconstruction project is consistent with the existing land use.

I. Natural Resources

1. Increase in Use

The proposed pier relocation, reconstruction and use would not propose consumptive uses of natural resources. No impacts are anticipated.

2. Depletion of any Nonrenewable Resources

The proposed pier reconstruction would not significantly increase resource depletion or loss of non-renewable resources. Small amounts of oil and fuel would be used for construction equipment/vessels operated to remove and set the piles, as well as for construction crew vehicles operated to arrive at the upland access to the project site.

J. Risk of Upset

1. Risk of Explosion

Explosion could occur during reconstruction activity or during motorized boat usage at the pier. Explosion of fuel would be unlikely from pile driving activity as the amphibious, rubber-tired lark vessel would be diesel powered. For the remainder of the construction activity, best construction management precautions as indicated by the TRPA permit conditions would be implemented to minimize this possibility. Such precautions include: no discharge of petroleum products into the Lake and, no containers of fuel, paint or hazardous materials to be stored on the pier.

2. Emergency Response Plan

The proposed pier to be reconstructed would be moved 5-7' north of the existing location to enable a minimum, allowable setback of 5' from the property line, per TRPA placement standards for existing piers. Relocation and

reconstruction of this pier would not interfere with any existing emergency response plan for this area. There would be no impacts.

K. Population

1. The proposed reconstruction project would not affect the population density or growth patterns within the area. The pier and boathouse have existed since the 1960's. The pier and boathouse would continue to be used for recreational uses by the applicant. There would be no live-aboard vessels or residential use of the pier or increases in local population resulting from this project.

L. Housing

1. The proposed reconstruction project would not affect existing housing nor create a demand for existing housing. An existing single-family dwelling exists on the upland parcel. The pier and boathouse would continue to be used for the applicant's recreational use.

M. Transportation/Circulation

1. Vehicular Movement

Some additional vehicular movement resulting from the construction workers arriving and leaving the project site would occur during the proposed rebuilding of the decking and boathouse. This would be a temporary minor impact. No new vehicular traffic would result from the continued use of the pier and boathouse. No significant impacts would occur.

2. Parking

No new parking is proposed or would be required for this reconstruction project. Parking for construction vehicles would be available at the applicant's upland residence which is off the highway within a residential

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subdivision.

3. Transportation Systems

The proposed relocation and reconstruction activity would not create significant impacts on the existing or future transportation systems. Construction workers would access the project site using existing highways and roadways for replacement of the boathouse and decking. The project site will be accessed from the lake to the shore to remove the existing piles and to drive the new piles in place. No new impacts to transportation systems would occur from the continued use of this pier.

4. Circulation

The existing pier would be relocated 5-7' to the north, resulting in a minimum 5' setback from the southern property line. The pier would continue to be extended to the existing TRPA pierhead line a distance of 197' from above high water. An existing buoy field is located waterward and extends north of the proposed project area. There would be no new impacts to existing circulation patterns resulting from the reconstruction of this pier.

5. Traffic

The existing pier to be relocated and reconstructed would occur virtually in the same location with the same size and design as the pier which has existed. Please refer to discussion in M-4, above. There would be no new impacts to waterborne traffic. Ongoing impacts to waterborne traffic would continue from the buoy field located waterward and extending north of this project.

6. Hazards

The proposed relocation and reconstruction activity would occur in the body of the lake; therefore, there would be no impacts to motor vehicles, bicyclists or pedestrians. Construction vehicles required to accomplish the repair project would be few in number, utilizing existing roadways. Parking would be provided at the upland residence which is located off the highway in a residential subdivision.

N. Public Services

1-6.

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The proposed relocation and reconstruction activity would occur within 5-7' of the existing pier location to accomplish a 5' setback from the southern property line. Continued use of the pier and boathouse would not have a new effect on public services. No new facilities are proposed which would have an impact to existing services or facilities such as fire protection, police protection, schools, park and recreation facilities, public facilities or other governmental services.

O. Energy

1. Use

Minor amounts of fuel and electrical power would be required to reconstruct the existing pier and boathouse and for placement and continued use of the low-level boatlift. These impacts would be temporary, and last during construction. Electrical power needed to operate the boatlift during use of the pier would be minor and intermittent. There would be no significant impacts to the use of energy.

2. Demand

As discussed in O.1., above, minor amounts of electrical power will be used during reconstruction activity and for the continued use of the low-level boatlift. This proposed project would not create a significant new demand on energy usage.

P. Utilities

1-6.

The proposed relocation and reconstruction activity would not result in the need for new or substantial alterations to power, communication systems, water, sewer, storm drainage, or solid waste disposal. An existing single-family dwelling is located on the upland portion of the parcel from which the pier extends. The previously mentioned utilities are available at the residence. No new impervious structures are proposed which would require a change to the existing storm drainage systems.

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Q. Human Health

1.-2. Creation/Exposure to Health Hazard

The relocation and reconstruction of the existing pier and boathouse would be accomplished by the removal of the existing pier, boathouse and wooden pilings. New steel pilings would be set in the same configuration approximately 5-7' to the north of the existing pier location. Wood materials would be used for the reconstruction of the deck and boathouse. A low-level boatlift will replace an existing boathoist.

Materials proposed for wood preservation are limited by TRPA permit conditions, the California Department of Fish and Game Streambed Alteration Agreement, and review of the California Regional Water Quality Control Board - Lahontan Region, which strictly control the use of potentially hazardous materials. There would be no significant impacts to humans.

R. Aesthetics

The relocation and reconstruction of the existing pier and boathouse would occur within 5-7' north of the existing pier site. The length and design of the pier would not change from that which exists. There would be no new significant impacts to scenic views resulting from this project.

S. Recreation

The proposed project involves minor relocation and total reconstruction of the existing pier and boathouse. Recreational structures which occur within the vicinity include a pier which is located approximately 300' to the south, and a pier which exists approximately 100' to the north. As mentioned earlier, a buoy field (97 buoys) is located waterward and extends to the north of this proposed pier reconstruction. This proposal would not impact the uses of those buoys nor create a new impact upon the existing recreational uses of the lake at this location.

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The pier and boathouse once reconstructed would continue to extend to the existing TRPA pierhead line. No new impacts to recreational opportunities would result from this project.

T. Cultural Resources

1.-4. Prehistoric/Archaeological Sites

The Washo Indians have been documented to historically use the shores of Lake Tahoe. The proposed pier relocation and reconstruction would occur within the bed of Lake Tahoe. Existing pilings will be removed. New pilings will be driven into the lakebed approximately 6' or to refusal. The pier has existed at this site since the 1960's. No excavation is proposed as part of this project. It is therefore unlikely that the proposed project would create a significant impact to cultural resources or prehistoric sites.

U. Mandatory Findings of Significance

1. Degradation of the Environment

The proposed relocation and reconstruction project is located in a "clear" area as designated on the TRPA fish habitat/escape cover maps. The timing of the proposed repair activity would be as designated by the Tahoe Regional Planning Agency in conjunction with the California Department of Fish and Game Streambed Alteration Agreement. No significant impacts would occur which would degrade the environmental quality of the existing project site.

2. Environmental Goals

Potential impacts which would be caused by the pier relocation and reconstruction activity would be insignificant as a result of the incorporation of project modifications such as: accessing the site from the lake side for pile removal and driving activity; using steel caissons or steel sleeves to prevent turbidity during the pile removal and placement.

There would be no new significant impacts resulting from the continued use of the pier.

3. Cumulative Impacts

The proposed relocation and reconstruction activity would not create significant impacts. Please refer to response

U.2., above.

4. Adverse Impacts

The proposed relocation and reconstruction of the existing pier would not produce any significant adverse effects to human beings or the environment as discussed in the environmental issues areas A. - U., above. In addition, this project would be monitored by the staff of the Tahoe Regional Planning Agency and the State Lands Commission to ensure project modifications proposed to minimize environmental impacts are implemented.

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MONITORING PROGRAM  
NAYLOR PIER RELOCATION AND RECONSTRUCTION

1. Impact: The proposed project has the potential to impact the bed of Lake Tahoe.

Project Modification:

The proposed project would be accessed for pile driving by utilization of an amphibious, rubber-tired vessel which would be anchored to the existing structure to maintain stabilization. Reconstruction activity would be confined to the "footprint" of the pier.

Monitoring:

Staff the State Lands Commission, or its designated representative would visually inspect the project site periodically to ensure implementation of the project modification.

2. Impact: The proposed project has the potential to impact water quality of Lake Tahoe.

Project Modification:

Turbidity would be minimized through use of:

- A. Caissons or steel sleeves placed over the existing piling during extraction of old pilings and placement of new pilings;
- B. Placement of tarps or small boats under the construction area to prevent debris from falling into the lake;
- C. A turbidity screen would be used as prescribed by the California Department of Fish and Game through issuance of its Streambed Alteration Agreement.

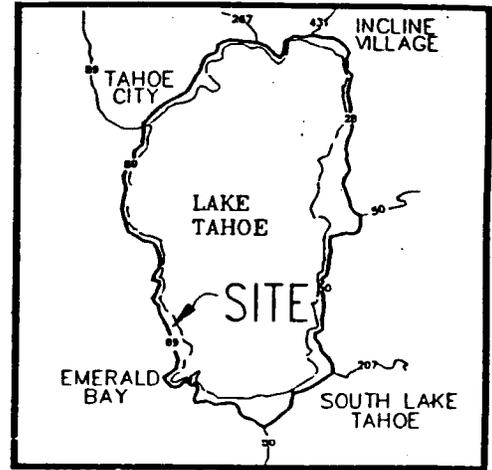
Monitoring:

Staff of the State Lands Commission, or its designated representative would periodically inspect the construction activity to ensure that the project modifications would be implemented.

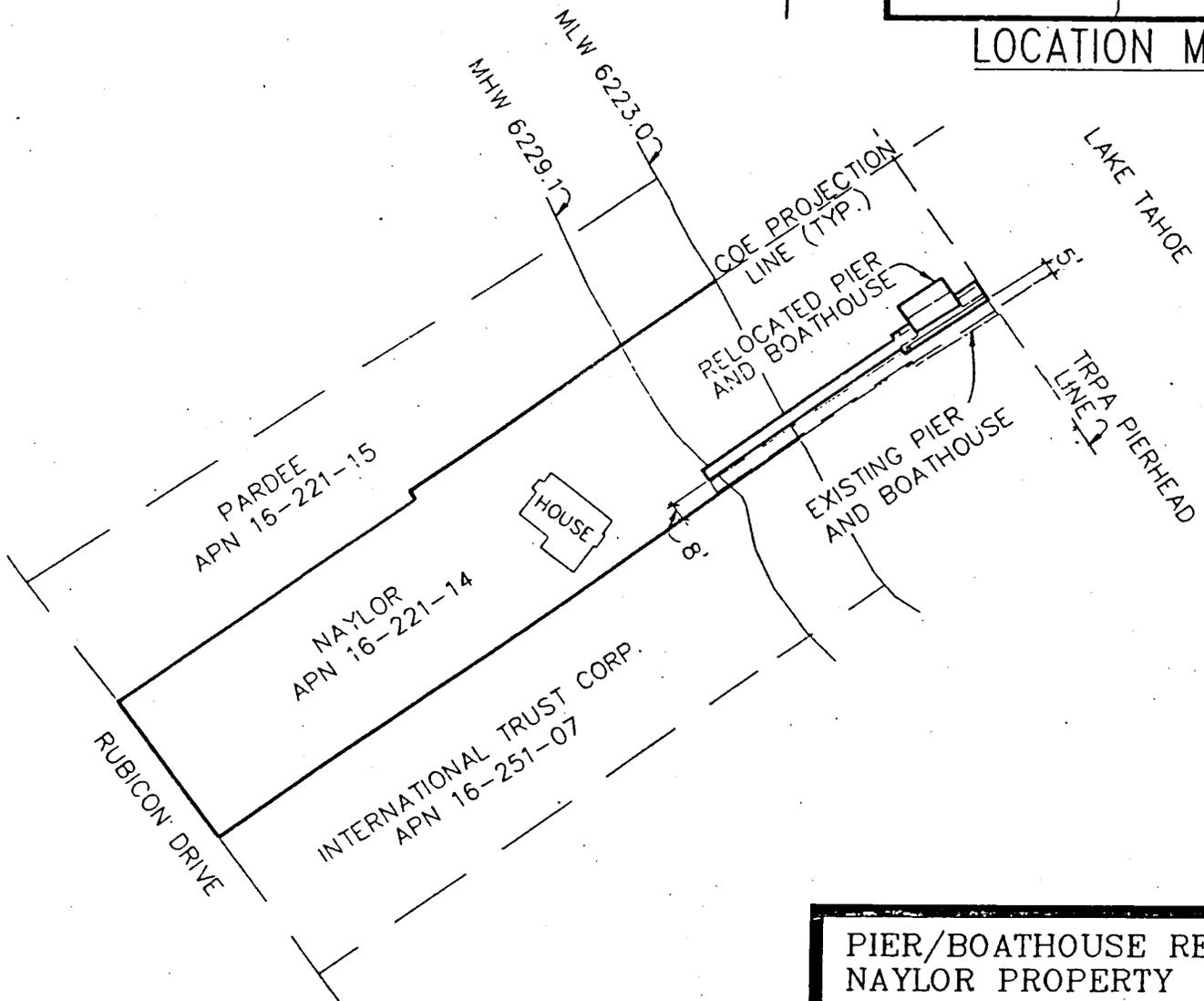
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**NOTE:**

THIS PIER AND BOATHOUSE IS BEING RELOCATED TO MEET THE MINIMUM 5 FOOT SETBACK FOR EXISTING STRUCTURES IN ACCORDANCE WITH THE TRPA CODE OF ORDINANCES.



**LOCATION MAP**

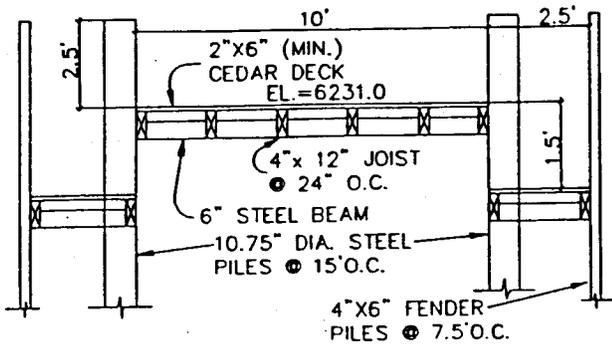


PIER/BOATHOUSE REPAIR  
NAYLOR PROPERTY  
8841 RUBICON DRIVE  
RUBICON BAY AREA  
EL DORADO COUNTY, CA.  
APN: 16-221-14  
MARCH 1993

**CALENDAR PAGE ENGINEERING CORPORATION**  
1070  
TAHOE CITY, CALIFORNIA (916) 583-3417

ADJOINING PROPERTIES	
NORTH	SOUTH
16-221-15	16-251-07

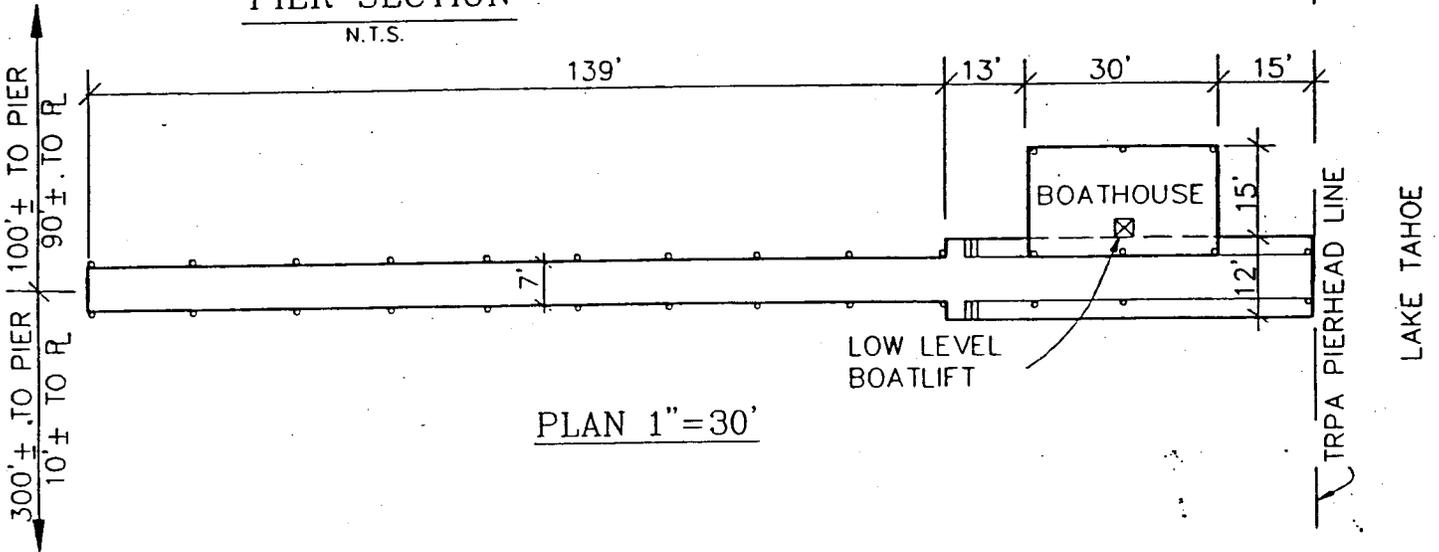
REVISED



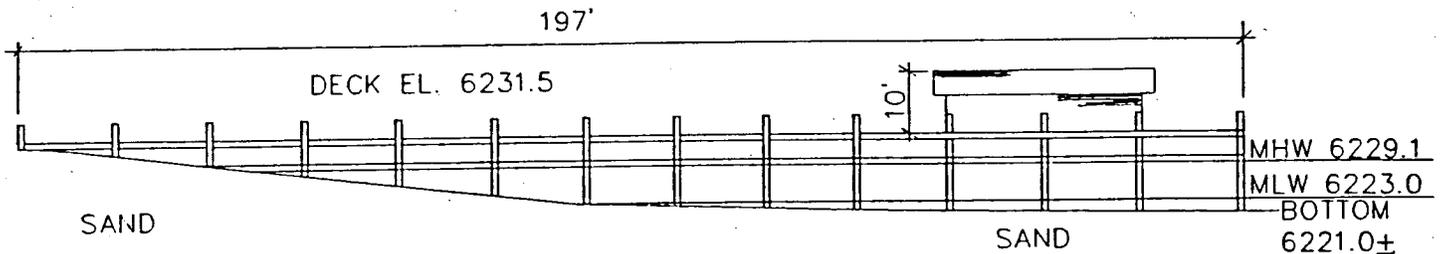
PIER SECTION  
N.T.S.

**NOTE:**

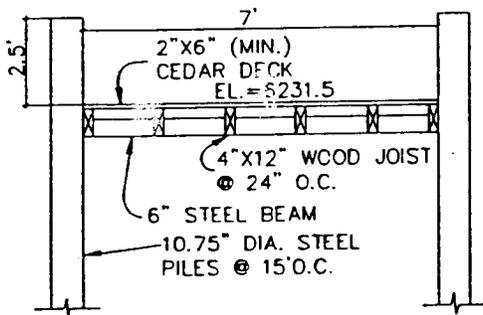
THIS PIER AND BOATHOUSE IS BEING RECONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE AGENCY STANDARDS. NO CHANGE IN SIZE OF EITHER THIS STRUCTURE WILL OCCUR WITHOUT THE APPROPRIATE AGENCY APPROVALS.



PLAN 1"=30'



PROFILE 1' = 30'



WALKWAY SECTION  
N.T.S.

PIER/BOATHOUSE REPAIR  
NAYLOR PROPERTY

8841 RUBICON DRIVE  
RUBICON BAY AREA  
EL DORADO COUNTY, CA.  
APN: 16-221-14  
JANUARY 1991

ADJOINING PROPERTIES  
NORTH SOUTH  
16-221-15 16-251-07

REVISED  
3/93

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