

MINUTE ITEM

This Calendar Item No. C14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 7-19-93
meeting.

CALENDAR ITEM

C14

A 4

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07/19/93
PRC 3599
J. Ludlow

RECREATIONAL PIER PERMIT

APPLICANTS:

Timothy and Kristine Martin, et al
5025 Lakeridge Drive
Reno, Nevada 89509

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in the bed of Lake Tahoe
at Tahoe Pines, Placer County.

LAND USE:

Removal of two existing piers and one boathouse and
construction of one multiple-use pier with three boatlifts,
and retention of three existing mooring buoys.

TERMS OF PROPOSED LEASE:

Initial period: Five years beginning July 19, 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:

Applicants are owners of the 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 2, Div. 3:
Title 14, Div. 6.

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AB 884:

01/01/94

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 625, State Clearinghouse No. 93062067. 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 process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The applicants consist of three adjacent property owners who propose to remove two existing piers and one boathouse from the Martin and Kraus parcels and replace with one multi-use pier and three boatlifts on the Martin parcel. The piers to be removed were authorized under PRC 3599 (Martin) and PRC 3559 (Kraus). Both permits expired during the processing of this transaction. The applicants also propose to retain three existing mooring buoys, one adjacent to each parcel.
4. The existing two double pile walkway piers will be dismantled and removed. The two piers will be replaced with a 219 foot long walkway and 62.5 foot long pierhead deck for a total of 281.5 feet. The new open piling pier and its construction measures will provide mitigation to enhance the scenic quality in this portion of Lake Tahoe by replacing two piers and a boathouse with one single longer pier with a

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lighted pierhead to act as a navigational aid as proposed by the U.S. Army Corps of Engineers (ACOE) and the Tahoe Regional Planning Agency (TRPA).

5. All work will be accomplished by a rubber-tired barge with a pile driver. Access to the construction site will be by barge with a pile driver. Turbidity screens or caissons will be used if sediments are resuspended during pile driving. Small boats and tarps will be placed under the construction areas to provide collection of construction debris, preventing any discharge of wastes to the lake.
6. 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 *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
7. The Permit includes specific provisions by which the Permittee agrees to protect and replace or restore, if required, the *Rorippa* habitat.
8. Commission staff will monitor the removal and reconstruction of the piers in accordance with the Monitoring Program attached as Exhibit "D".
9. The subject property will be physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
10. 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.

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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.

11. 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.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Placer County
Use Permit.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers; State Lands
Commission, Department of Fish and Game.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 625 STATE CLEARING HOUSE NO. 93062067, 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 MITIGATION MONITORING PLAN, AS CONTAINED IN EXHIBIT "D" , 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.

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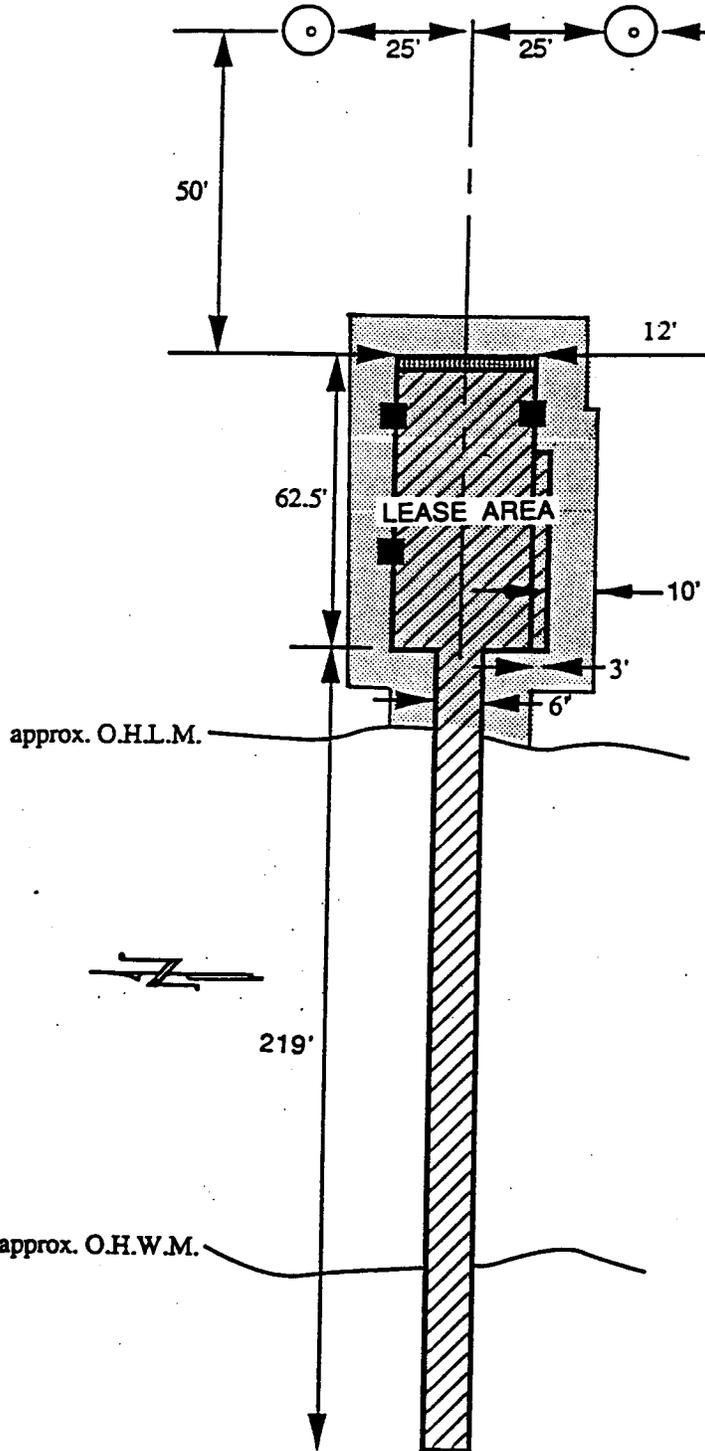
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5. AUTHORIZE ISSUANCE TO TIMOTHY AND KRISTINE MARTIN, TRUSTEES, ET AL, A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JULY 19, 1993, FOR THE REMOVAL OF TWO PIERS AND BOATHOUSE AND THE CONSTRUCTION OF ONE MULTIPLE-USE PIER WITH THREE BOATLIFTS AND THE RETENTION OF THREE EXISTING MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

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LAKE

TAHOE



LEGEND

○ = BOUY

■ = BOAT LIFT

No Scale

EXHIBIT "A"
 Site Map
 PRC 3599
 APN 85 - 202 - 02
 Lake Tahoe
 PLACER COUNTY

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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.

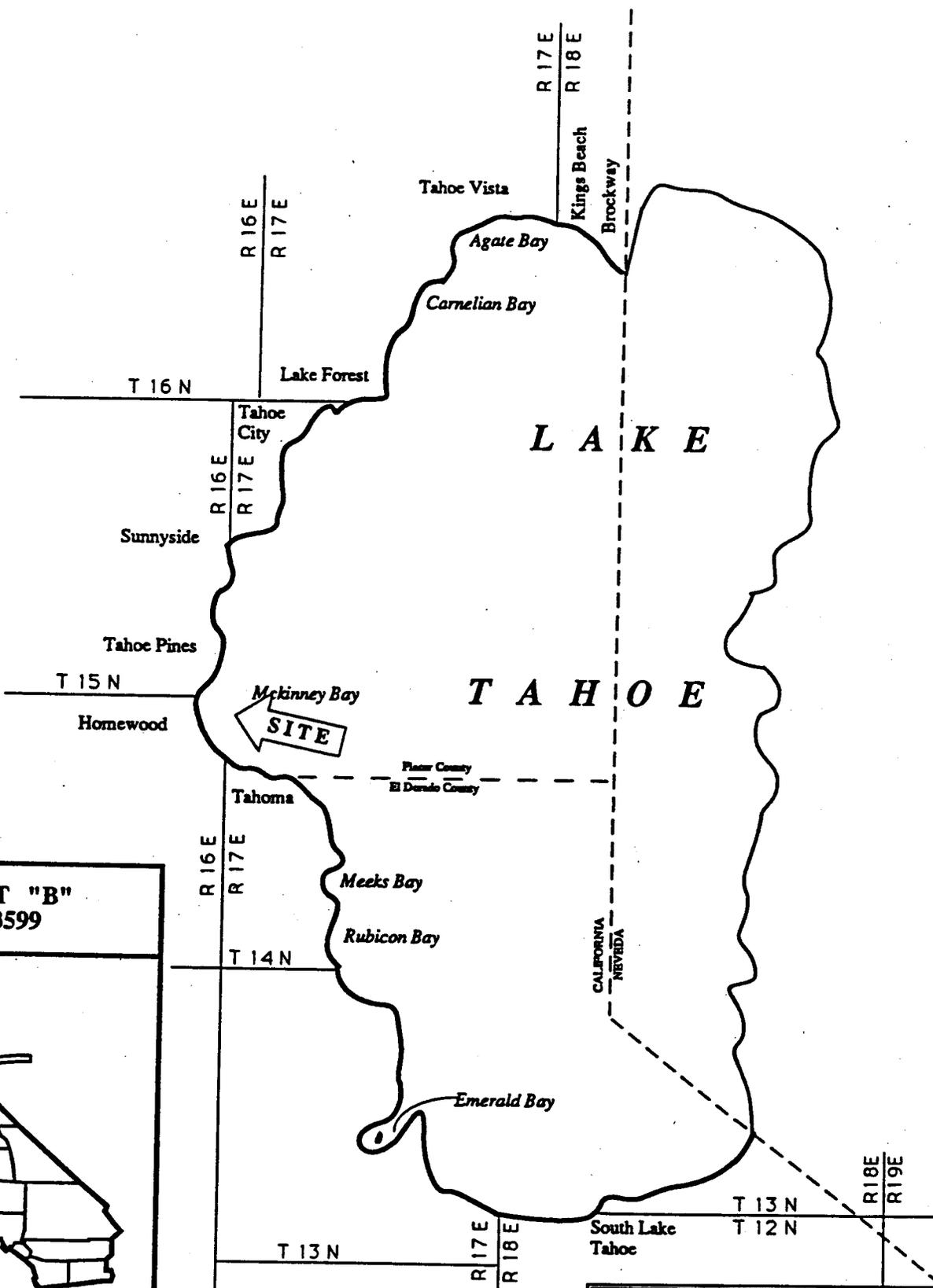


EXHIBIT "B"
PRC 3599



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EXHIBIT "C"

STATE OF CALIFORNIA

PETE WILSON, Governor

STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95811

CHARLES WARREN
Executive Officer

June 17, 1993
File: WP 3599
ND 625
SCH No. 93062067

**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 July 19, 1993.

Should you have any questions or need additional information, please call the undersigned at (916) 322-7826.

Doug Miller

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 95814

CHARLES WARREN
 Executive Officer

PROPOSED NEGATIVE DECLARATION

File: WP 3599
 ND 625
 SCH No. 93062067

Project Title: Martin/Kraus/Wheeler Multiple-Use Pier Replacement & Buoy Authorization

Project Proponent: Tim Martin, Marshal Kraus & John Wheeler

Project Location: 3765 Belleview Drive, APN 85-202-02, Tahoe Pines, Lake Tahoe, Placer County.

Project Description: Proposed authorization for use of three existing buoys, removal of two existing recreational piers and one boathouse, and construction of one multiple-use recreational pier with three boat lifts.

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:

that 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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STATE LANDS COMMISSION

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II
Form 13.20 (7/82)

File Ref: PRC 3599

I. BACKGROUND INFORMATION

- A. Applicant: Tim Martin/John Wheeler/Marshal Kraus
Agent: Hoffman, Lein, Faccinto, Garnett & Lieberman, Attorneys at Law
Attn: Sandy Fetterolf
PO Box 7740, Tahoe City, CA 96145-7740
- B. Checklist Date: 6 / 16 / 93
- C. Contact Person: Doug Miller
Telephone: (916) 322-7826
- D. Purpose: Authorize use of three existing buoys, removal of two piers and one boathouse and construct one multiple use pier with three boat lifts.
- E. Location: 3765 Belevue Ave, Tahoe Pines, Placer County, APN 85-202-02, Lake Tahoe.
- F. Description: Proposed authorization for use of three existing buoys, removal of two recreational piers and one boathouse and construction of one multiple use pier with three boat lifts.
- G. Persons Contacted:
Sandy Fetterolf - Agent
Ginger Tippett - US Army Corps of Engineers
Jim Lancaster - Tahoe Regional Planning Agency

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

A. Earth. Will the proposal result in:	Yes	Maybe	No
1. Unstable earth conditions or changes in geologic substructures?	—	—	<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 reef?	—	—	<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:	Yes	Maybe	No
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:	Yes	Maybe	No
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:	Yes	Maybe	No
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:	Yes	Maybe	No
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:	Yes	Maybe	No
1. The production of new light or glare?	—	—	<u>X</u>

H. Land Use. Will the proposal result in:	Yes	Maybe	No
1. A substantial alteration of the present or planned land use of an area?	—	—	<u>X</u>

I. Natural Resources. Will the proposal result in:	Yes	Maybe	No
1. Increase in the rate of use of any natural resources?	—	—	<u>X</u>
2. Substantial depletion of any nonrenewable resources?	—	—	<u>X</u>

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	Yes	Maybe	No
J. Risk of Upset. Does the proposal result in:			
1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?	—	—	<u>X</u>
2. Possible interference with emergency response plan or an emergency evacuation plan?	—	—	
K. Population. Will the proposal result in:			
1. The alteration, distribution, density, or growth rate of the human population of the area?	—	—	<u>X</u>
L. Housing. Will the proposal result in:			
1. Affecting existing housing, or create a demand for additional housing?	—	—	<u>X</u>
M. Transportation/Circulation. 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>
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?	—	—	<u>X</u>
2. Police protection?	—	—	<u>X</u>
3. Schools?	—	—	
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>
O. Energy. 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>
P. Utilities. 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>
Q. Human Health. 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?	—	—	
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?	—	—	<u>X</u>

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S. Recreation. Will the proposal result in:	Yes	Maybe	No
1. An impact upon the quality or quantity of existing recreational opportunities?	—	—	<u>X</u>
T. Cultural Resources			
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>
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?	—	—	<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: 6 / 16 / 93

Doug Miller
For the State Lands Commission

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PROJECT DESCRIPTIONPROJECT NARRATIVE

PRC 3599 authorized a recreational pier and boathouse for the Martin parcel, and PRC 3559 authorized a pier for the Kraus parcel. The proposed project would authorize the use of three buoys, the removal of two existing piers and boathouse and the construction of one pier which will serve three littoral parcels. Phase I of the project is the removal of the Kraus and Martin Piers from the beach end of the pier lakeward. It is estimated that the entire project should take about 10 weeks.

This project consists of removing the existing pier on the Kraus property and the boathouse and pier on the Martin property. A single pier with a 219 foot long walkway and a 62.5 foot long pierhead deck (total pier length of 281.5 ft.) with three low level boatlifts supported by a single beam adjacent to the pierhead. The new pier will be of single open piling pier construction with 10.75" dia. steel piles at 15' O.C. with 6" x 6" steel H beam caps, 4" x 10" wood stringers at 24" O.C., 2" x 8" cedar decking. The existing two double pile walkway piers will be dismantled, removed, and replaced with a single pile walkway construction pier. These proposed measures are to provide mitigation to enhance the scenic quality in this portion of Lake Tahoe by replacing two piers and a boathouse with a single longer pier with lighted pierhead to act as a navigational aid as proposed by the Army Corps of Engineers (ACOE) and the Tahoe Regional Planning Agency (TRPA) (See attached plan: Exhibit A).

CONSTRUCTION METHOD

The proposed pier construction for this project will be performed by a flotation type rubber-tired barge with pile driver; piles are to be driven 6 feet in depth or refusal (that point at which the pile can not be driven any further). Turbidity screens or caissons or sleeves will be used if sediments are resuspended during pile driving. Anchorage of the barge will be to the existing structure and/or lake anchors as required to provide adequate stabilization of the barge. This is to minimize disturbance to the lakebottom. During low-water seasons, barge access will be confined to the 10 foot wide construction zone for the length of the pier.

All construction wastes will be collected onto the barge and disposed of at the nearest dumpster/sanitary fill site. There will be no storage of construction materials on the shoreline. Small boats and tarps will be placed under the construction areas to provide collection of construction debris, preventing any discharge of wastes to the lake. If disturbed shoreline/lakebottom sediments are found due to the construction activity associated with the removal and installation of this project, the affected areas will be hand rolled and/or rock cobble to be hand picked to reconsolidate the shoreline sediments.

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DESCRIPTION OF ENVIRONMENTAL SETTING

The proposed Martin, Kraus, and Wheeler multiple use pier project is located on the west shore of Lake Tahoe in the Eagle Rock - Tahoe Pines area adjacent to Blackwood Creek, Placer County, California (APN: 85-202-02, 85-202-01, and 85-202-03). These are private residences in the Tahoe Pines Subdivision area, approximately four and one half miles south of Tahoe City on Highway 89 (West Lake Blvd.). The present use of the area is private recreation. The Kraus parcel presently has a pier, and the Martin parcel has a pier and boathouse.

The shorezone in the area of the proposed project is mapped as targeted for fish habitat restoration and spawning habitat on the Prime Fish Habitat Maps identified by the Tahoe Regional Planning Agency. The construction period will be between July 1 and October 15 which will not interfere with the fish spawning season.

SITE DESCRIPTION

The Martin and Kraus recreational residential properties and adjacent recreational residential parcels presently have piers and buoys. From the edge of the proposed Martin/Kraus/Wheeler multiple use pier, the McBride pier is approximately 177 feet to the south and the existing Kraus Pier is 152 feet to the north.

On April 8 and 30, and May 28, 1992 Linda Nelson visited the project area and did a Habitat Evaluation in Regard to Tahoe Yellow Cress (TYC) at which time six population groups were found and identified on the ground.

PRESENT ENVIRONMENT

The proposed Martin, Kraus, and Wheeler multiple use pier project is located on the west shore of Lake Tahoe (T15N, R16E, Section 36) Placer County, California adjacent to the confluence of Blackwood Creek and Lake Tahoe.

The backshore area of the Martin, Kraus and Wheeler parcels (approximately 6230' elevation) is dominated by Jeffrey pine, *Pinus jeffreyi*, white fire, *Abies concolor*, brackenfern, *Pteridium aquilinum*, Black Cottonwood, *Populus trichocarpa*, and Lemon willow, *Salix lemonii*. Approximately 15 plants of Tahoe Yellow cress, *Rorippa subumbellata*, were found on the south side of the Martin pier on the backshore line, 6230.0' (see map) and extending approximately 4' west of the backshore line. The substratum composition is primarily sand with few to moderate small gravel 1/2" to 1" diameter.

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The shoreline zone of the proposed project (approximately 6229.1' elevation to 6223.1') is dominated by Brewer's lupine, *Lupinus brewerii*, Lemon willow, *Salix lemondii*, *Barestem eriogonum*, *Eriogonum nudum*, groundsmoke, *Gayophytum diffusum*, sheep sorrel, *Rumex acetosella*, Northwest cinquefoil, *Poetilla gracilis*, and mullein, *Verbascum thapsus*. Six populations of Tahoe Yellow Cress, *Rorippa subumbellata* ROLLINS, were also identified within the shoreline zone and are mapped on the site plan. Specific locations and suggested mitigation guidelines are discussed in the Habitat Evaluation. The substratum varies from large rock and cobble 3" - 4" diameter underlain by sand (Population #1) to sand and small gravels 1/2" to 1" diameter (Population #2). The shoreline zone is highly variable in relief comprised of old lake terraces and backbeach depressional areas. There is also depositional material from Blackwood Creek on the North boundary of the parcels. The majority of the Tahoe Yellow Cress populations were identified as occurring within the backbeach depressions and along the backshore line.

HABITAT EVALUATION

The proposed project area for APN: 85-202-02, 85-202-01 and 85-202-03 (Martin, Kraus and Wheeler) plus the bordering parcels to the South and North were thoroughly examined for the presence of Tahoe Yellow Cress, *Rorippa subumbellata* ROLLINS and any potential habitat that may occur within the shoreline zone or the backshore.

Tahoe Yellow Cress *Rorippa subumbellata* ROLLINS was first described by Reed C. Rollins in 1941 from a collection made at Meeks Bay in 1919 by A. A. Heller. It is endemic to the Tahoe Basin with the exception of a single collection made from Truckee, CA. (Knapp, 1980). It is a member of the Brassicaceae or "mustard" family and is characterized by yellow flowers with four petals and six stamens. It is also a somewhat fleshy plant which grows close to the ground from a slender rootstalk with the above ground portion of the plant decumbant (i.e. trailing on the ground and raising up at the ground) with branches from two to seven inches long (Loeb, 1991, Knapp, 1980 and Ferreira 1987).

The habitat for *Rorippa subumbellata* ROLLINS has been described (Knapp, 1980 and Ferreira, 1987) as a uniform granitic sand of medium grain size found in moist backshore areas and dry sandy soils on backshore bluffs. Tahoe Yellow Cress has also been found in finer grain sand and some gravel to small cobble size substratum.

A population of Tahoe Yellow Cress, *Rorippa subumbellata* ROLLINS, was re-surveyed by Ferreira (1986) as occurring along the North side of Blackwood Creek (T15N, R17E, NW 1/4, NE1/4, Section 36). At that time, approximately 197 plants were present, mostly occurring along the end of the creek. Sixteen plants were identified on a sandy patch in the central portion of the beach where they had been identified in 1981.

In 1988, the same site was surveyed by Ferreira and 246 aerial stems were identified as occurring along the north edge of Blackwood Creek. Ferreira not

changed much from previous year surveys with the exception of more exposed gravels along the creek. The Tahoe Yellow Cress appears to be colonizing the gravel and rock areas. Another population of Tahoe Yellow Cress has been identified by Ferreira on the South side of Blackwood Creek and was identified as having 423 aerial stems in 1988. During that year, heavy equipment had been on the beach possibly to remove the old boathouse. The creek course has also changed back to the North during the low flow period (Ferreira, 1988). The population described by Ferreira (1988) is the same population identified by Nelson (1992) and is now referred to as Population #1.

Six populations of Tahoe Yellow Cress, *Rorippa subumbellata* ROLLINS, were identified within the shoreline zone and backshore of the Martin, Kraus and Wheeler parcels. All six populations were in flower and were confirmed taxonomically at the University of Nevada, Reno Herbarium. Detailed information was gathered on each population as well as photographs taken. Site records will be filled out and filed with the Natural Diversity Database in Sacramento, California.

Population #1 (South side of Blackwood Creek) has approximately 31 plants. It is located 13' south of the creek, 41' west of the lake (6223.1') and 83' NE of the existing Kraus pier. The substratum can be described as large rock 3"-4" diameter underlain with sand in a small backbeach depressional area. This depressional area appears to be the lake level in 1989 or 1990. This population appears to be healthy and vigorous.

Population #2 (south side of Martin pier) has approximately two plants. This population is located 12' south of the existing Martin pier and 91' east or lakeward of the backshore zone (6230.0'). The substratum can be described as sandy to small gravel 1/2" - 1" diameter in a small backbeach depressional area. This population is directly north of Population #3 and appears to be healthy and vigorous.

Population #3 (south side of Martin pier) has approximately 20 plants. This population is located 1' south of the existing Martin pier and 49' east or lakeward of the backshore line at 6230' elevation. Two additional plants were identified 35' west of Population #3 and 6' south of the pier. The substratum is described as a sandy backbeach area with small intermittent amounts of gravel. This population appears healthy but perhaps somewhat less vigorous than population #1 and #2 from lack of moisture at this site.

Population #4 (south side of Martin pier) is the largest population identified on site and has approximately 90 plants. This population is located 67' south of the existing Martin pier and 58' east or lakeward of the backshore line. This population is located in a small to medium size backbeach depressional area at the 6226' contour interval. The substratum can be described as gravel to small cobbles 1/2" - 1" diameter underlain by a sandy depositional layer. This population is healthy and vigorous and appears to have received adequate moisture this Spring.

Population #5 (south side of Martin pier) has approximately 40 plants. This population is located approximately 91' south of the existing Martin pier and 54' west of the current lake level (6223.1). Two additional plants were identified 40' north of Population #5

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(going towards Martin pier) and appear to be on the same contour or lake terrace as Population #1. The substratum for Population #5 can be described as 1" - 2" diameter gravel and rock underlain by depositional sand. This site is surrounded by Lemon willow, *Salix lemonii*, sprouts indicating a fair amount of available moisture. Also, this location is in a small backbeach depressional area at approximately 6228' elevation. This population appears to be healthy and vigorous.

Population #6 (located between Kraus & Martin pier) has approximately 15 plants. This population is located 75' south of the existing Kraus pier and 75' north of the existing Martin pier and approximately 75' east or lakeward of the backshore line on the 6228' elevation line. The substratum can be described as small gravel and cobble 1/2" - 1" underlain with a sandy depositional layer. This population appears to also occur within a backbeach depressional area and is in good health and vigor.

Additional individual plants of Tahoe Yellow Cress, *Rorippa subumbellata* ROLLINS, were identified along the backshore line south of the Martin pier out of the proposed construction activity area. A total of 15 plants were noted as occurring along the backshore line (6230.0) between the existing Martin pier and Wheeler parcel. These individual plants are mapped and were found occurring in the sandy backshore substratum.

RECOMMENDATIONS

The proposed Martin, Kraus, and Wheeler multiple use pier project will require careful planning and monitoring to eliminate or reduce impact to existing populations of Tahoe Yellow Cress, *Rorippa subumbellata* ROLLINS. Following are some mitigation measures to be followed prior to, during and after demolition of the existing piers and construction of the new multiple use pier.

1. Avoid direct or indirect impact to any existing Tahoe Yellow Cress populations or potential habitat.
2. During pier removal, all equipment and materials removed from the pier or brought in for the operation must not be stored within the 6230.0' elevation to the 6223.1' elevation. The entire shoreline zone of this project area is *Rorippa* habitat.
3. All construction activity shall be conducted from the water side of the pier. The area of impact shall be no greater than the footprint of the pier. In no case shall the space disturbed be greater than that which the pier occupies or will occupy.
4. All existing populations of Tahoe Yellow Cress shall be fenced with the appropriate material to protect it in order that it can be seen by the equipment operator.

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5. If it is determined that an existing population of Tahoe Yellow Cress will undergo direct impact, an acceptable form of mitigation will need to be discussed with State Lands. *Rorippa subumbellata* has been successfully transplanted to various locations around the Lake and appears to be healthy and vigorous.
6. A monitor should be on site prior to, during and after construction to verify that appropriate mitigation activity is taking place and that construction crews are aware of existing populations.
7. If any existing populations of Tahoe Yellow Cress are removed or damaged during construction, the permittee may be responsible for re-establishing a population of *Rorippa subumbellata*, at an appropriate site.
8. All guidelines incorporated into the Interim Management Program (attached as Exhibit "B") will be adhered to.

CONCLUSIONS

With careful pre-construction planning and incorporation of all Interim *Rorippa* Management Plan Guidelines, as proposed by the State Lands Commission, construction activity for the Martin, Kraus, and Wheeler pier project can be conducted in a manner to avoid direct impact to existing populations of Tahoe Yellow Cress, *Rorippa subumbellata* ROLLINS and any potential habitat on site. Most of the populations, if fenced for protection can be avoided during demolition and construction phases. Populations #3 (south side of Martin pier) may need to be mitigated because of its close proximity to the existing pier. Extreme care needs to be taken during all phases of demolition and construction. The suggested mitigation guidelines need to be followed for avoidance and impact to existing populations and potential habitat throughout the entire shoreline and backshore area of Martin, Kraus and Wheeler's parcels.

DISCUSSION OF ENVIRONMENTAL EVALUATION

MARTIN/KRAUS/WHEELER - TWO PIER AND BOATHOUSE REMOVAL,
RECREATIONAL MULTIPLE USE PIER CONSTRUCTION,
THREE BOAT LIFTS, AND THREE EXISTING BUOYS

PRC 4279

A. Earth

1. No. The pier removal and construction project is confined to the surface and will not create any unstable conditions or change any geological structure. The existing buoys anchored by concrete blocks which rest on the lake bottom substrate will not create any geological changes.
2. No. The removal of the two piers and boathouse will not overcover or disturb any new areas. The new pier being constructed is of the single piling open post design and will not involve any overcovering. The existing three concrete buoy anchors cover about three square feet each of lake bottom substrate. There will be no overcovering of upland soils.
3. No. This project will not create any changes in ground surface relief. There will not be any excavating. The three existing mooring buoy anchors rest on the lake bottom substrate. This is a minimal impact.
4. No. The geology in the project area consists of glacial and alluvial deposits. The lake bed at the site is essentially flat and lacks unique features. The removal of the two piers and boathouse and driving of replacement piles for the new multiple use pier and the H beams for the three boat lifts will not change any geological or physical features nor will the three existing buoy anchors which rest on the lake bed substrate.
5. No. This project is for removal of two piers and a boathouse and replacment with one pier which will have no effect on wind or water erosion on or off the site. The open piling construction will not create any changes in deposition from Blackwood Creek. The three existing buoy anchors resting on the lake bottom will not cause any erosion or significant disturbance to the lake bed bottom profiles.
6. No. This pier reconstruction project is about 200 feet south of Blackwood Creek and will not create any new channel changes or erosion of beach sands. The buoy anchors resting on the lake bed substrate will not cause any erosion or significant disturbance to lake bottom profiles.

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7. No. The removal of the existing piers and boat house and the construction of the new pier is neither deep enough nor violent enough to induce any seismic instabilities or ground failures. The three buoy anchors are simply resting on the lake bottom. No impacts are anticipated.

B. Air

1. No. The removal of the old piers and boathouse and the construction of a new pier and three existing buoys will not affect the air quality.
2. No. The replaced pier and three existing buoys 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 fumes are immediately dissipated by the constant prevailing winds associated with Lake Tahoe during normal construction hours.
3. No. The replaced pier and existing buoys will not create any major changes in air movements, temperature, climate, nor create any abnormal weather conditions.

C. Water

1. No. The existing buoys, new boat lifts and open pilings supporting the pier are of a static nature and will not create any changes in water currents or movements.
2. No. The removal of the two existing piers and boathouse which are to be replaced by construction of an open piling pier will not affect absorption rates, drainage patterns, etc. The proposed pier is about 200 feet south of Blackwood Creek and should not significantly affect any drainage patterns.
3. No. The removal of the Kraus and Martin piers, and moving the location of the new multiple use pier south, away from Blackwood Creek, will not create any new significant effects upon flood waters.
4. No. The removal of the two existing piers and boathouse which are being replaced by a single longer pier, with three boat lifts, will not significantly affect the surface water volume of Lake Tahoe. The existing buoys are static in nature and will not affect the surface water volume of Lake Tahoe.
5. No. Mitigation measures required by the Tahoe Regional Planning Agency (TRPA) include the applicant installing turbidity screens or caissons or vertical cylinders (sleeves) to prevent the release

during pile placement activities into the lake. Small boats and/or tarps will be placed under the construction area as necessary to collect construction debris. The removal of the existing piers and boathouse, the construction of the new pier with three boat lifts, and the existence of three buoys will not change the water quality.

6. No. The geology of the project area is composed of glacial and alluvial deposits. The removal of the existing piers and boathouse and the construction of the new multiple use pier with three boatlifts are all relatively shallow operations at or near the water table and should not affect ground water flows. The three buoy anchors rest on the lake bottom and should not affect ground water flows.
7. No. There will not be any changes to ground water quantity caused by the existing three buoys, the removal of the two piers and boat house, the construction of the new pier on open piles, and the installed boat lifts.
8. No. This proposed project is not water consuming and is not located near any intake for any public water utility; therefore, it will not have a significant effect on public water supplies.
9. No. This proposed project will not expose people to water related hazards such as tidal waves or induce flooding.
10. No. There are no thermal springs in the vicinity. The project will not affect any thermal springs.

D. Plant Life

1. No. There will be a temporary change in aquatic sessile plants during the reconstruction period which will be approximately ten weeks. This temporary change will only affect the construction area which will be isolated by caissons or sleeves if sediment is resuspended during pile driving. 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 three buoy anchors have more surface area for sessile aquatic plants to colonize than the lake bottom surface it occupies. The reconstruction project will be conducted during the non-spawning season, identified to be between July 1, 1993 and October 1, 1993 to minimize the impact on fish spawning habitat. The impact to aquatic plants will be temporary.
2. No. In the report for Tahoe Yellow Cress (TYC), *Rorippa subumbellata* habitat which is in the KRAUS/MARTIN/WHEELER PIER APPLICATION ENVIRONMENTAL ASSESSMENT which is on file at

the State Lands Commission Office in Sacramento, six populations of TYC were previously found on the project property of adjacent properties. (See discussion under "Habitat Evaluation".) The mitigation to protect these plant populations include fencing the population colonies, operating construction equipment only within the 10 foot construction zone, avoiding the fenced colonies, and monitoring the construction. With this mitigation implemented into the plan, it is doubtful if any impacts would occur to TYC as a result of this project.

3. No. This pier replacement project and the existing buoys will not introduce new species to the area nor bar existing species from becoming established.
4. No. This pier replacement project and the existing buoys will not reduce the acreage of agricultural crops. There are no agriculture or aquaculture activities in this area; therefore, there will be no impacts.

E. Animal Life

1. No. There will be a temporary disruption in aquatic animal life confined to the actual reconstruction area by the caissons or sleeves during the actual period of driving piles. The construction period for this entire project will be approximately ten weeks. Upon completion of the project, the indigenous aquatic fauna will re-occupy any voids created during the repair operation. The reconstruction project will be conducted during the non-spawning season, identified to be between July 1 and October 15 to minimize the impact on fish spawning habitat. Additionally, the boating season as determined by TRPA is between May 1 and October 15. All buoys will be removed from their chains during the non-boating season.
2. No. There have not been any rare or endangered animals, aquatic or otherwise, reported within the project area.
3. No. The pier replacement project and existing buoys will not introduce any new species to the area nor create a new barrier to aquatic animals.
4. No. The pier replacement project will not reduce the aquatic animal habitat area upon completion. The existing buoys will not change the existing aquatic habitat.

F. Noise

1. No. The reconstructed private recreational pier with its new boat lifts will not increase existing noise levels, nor will the existing buoys. There will be short term additional noises during the reconstruction period, but there will not be an increase in long term noise levels.

2. No. The reconstructed pier with its new boat lifts will not create any new severe noise levels; however, there will be a temporary period when the noise levels increase during the period of reconstruction. 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 temporary increased noise level because the private property between the project and Highway 89 will act as a buffer. The existing buoys will not affect noise levels.

G. Light and Glare

1. No. Neither the modified pier with its new boat lift nor the existing buoys will result in creating new light or glare. The Coast Guard has requested that the pier have a navigational light. This navigational light is used to warn boaters of the existing buoys and anglers that they are approaching the influence of Blackwood Creek. This flashing red navigational light is considered a device to reduce a navigation hazard to humans; therefore, it is not considered a significant negative factor.

H. Land Use

1. No. The replacement of the two existing private recreational piers with a single longer multiple pier with three low-level boat lifts will not alter the present or planned use of the area. The existing piers and buoys serve two private residences and not the general public. The proposed single multiple use pier will serve three residences. This project will not substantially alter the land use in the area.

I. Natural Resources

1. No. The continued seasonal recreational use of this multiple-use private pier and buoys by the Martin, Kraus, and Wheeler families will not increase the use rate of any natural resource.
2. No. The Martin, Kraus, and Wheeler families' seasonal use of their private recreational multiple-use pier and existing buoys will not create any changes which could deplete any nonrenewable resource.

J. Risk of Upset

1. No. The project involves the dismantling of two piers and the construction of a new replacement pier. The "Lark" vessel being used during the

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removal phase and the pile driving during the construction phase is diesel operated which reduces the risk of explosion. Hazardous materials are not to be used during either 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 reconstruction area as necessary to collect construction debris. The use of caissons or vertical cylinders (sleeves) will be required to prevent resuspended sediments during the pile placement activities from entering the lake. The past limited seasonal use of this and adjacent private family recreational piers have not demonstrated a risk of releasing hazardous substances, creating upset conditions, or explosions in the Lake Tahoe Basin.

2. No. The seasonal use of existing private recreational piers, low level boat lifts, and buoys have not demonstrated or created an interface with any emergency response or evacuation plan. This project is not considered significant in this respect.

K. Population

1. No. The seasonal use of this proposed multiple-use three family recreational pier with three existing buoys will not alter the population in the lake basin.

L. Housing

1. No. Neither this proposed three family multiple-use private recreational pier with its three boat lifts, nor the three existing buoys will create a demand for additional housing.

M. Transportation/Circulation

1. No. Three family residences will use this private multiple-use pier with its three boat lifts, and three existing buoys. This is a private project and not for the use of the general public. There are no facilities being added to attract the general public or more people. There will be no change or increase in transportation/circulation by this project nor will there be any substantial increase in vehicle movement created by this project.
2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.

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5. No. See #1 above.

6. No. See #1 above.

N. Public Services

1. No. Three family residences will use this replaced private multiple-use pier with its three boat lifts, and three existing buoys. This is a private project and not for the use of the general public. There are no facilities being added to attract the general public or more people. This project will not create any new demands on government agencies and services such as fire, police protection, parks and recreation, road maintenance, etc.

2. No. See #1 above.

3. No. See #1 above.

4. No. See #1 above.

5. No. See #1 above.

6. No. See #1 above.

O. Energy

1. No. This proposed pier replacement project and existing two buoys will not have any affect on additional energy consumption. Each boat lift is powered by a 1 hp., single phase 230 volt, 60 cycle, 7.15 amp electric motor which is equivalent to about sixteen 100 watt light bulbs when a lift is operating. 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 Navigation light is a single light bulb and is not considered significant.

2. No. See #1 above.

P. Utilities

1. No. Three family residences will use this private multiple-use pier with its three boat lifts, and three existing buoys. This is a private project and not for the use of the general public. 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.

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2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.
5. No. See #1 above.
6. No. See #1 above.

Q. Human Health

1. No. Three family residences will use this private multiple-use pier with its three boat lifts, and three existing buoys. This is a private project and not for the use of the general public and will not create any new health hazards to humans.
2. No. Three family residences will use this private multiple-use pier with its three boat lifts, and three existing buoys. This is a private project and not for the use of the general public and will not expose people to any new potential health hazards.

R. Aesthetics

1. No. The removal of the two piers and boathouse which will be replaced by a single pier was determined to compliment the aesthetics of this residential area consisting of homes, piers, buoys and boats. This area is not visible from highway 89 and the view of this area from the lake in reference to this project is considered to be of low significance.

S. Recreation

1. No. The replacement of the two existing piers with a single longer private multiple-use pier with a navigational warning light mounted on it will actually aid anglers trolling in the area thus enhancing public recreation in the area.

T. Cultural Resources

1. No. This project consists of removing two piers and a boathouse and replacing them with a longer private recreational multiple-use pier with three boatlifts, and maintaining the use of three existing buoys. The

project will take place on the land surface and lake bottom. There are no identified cultural, ethnic, religious, or sacred uses pertinent to this project area.

2. No. See No.# 1 above.
3. No. See No.# 1 above.
4. No. See No.# 1 above.

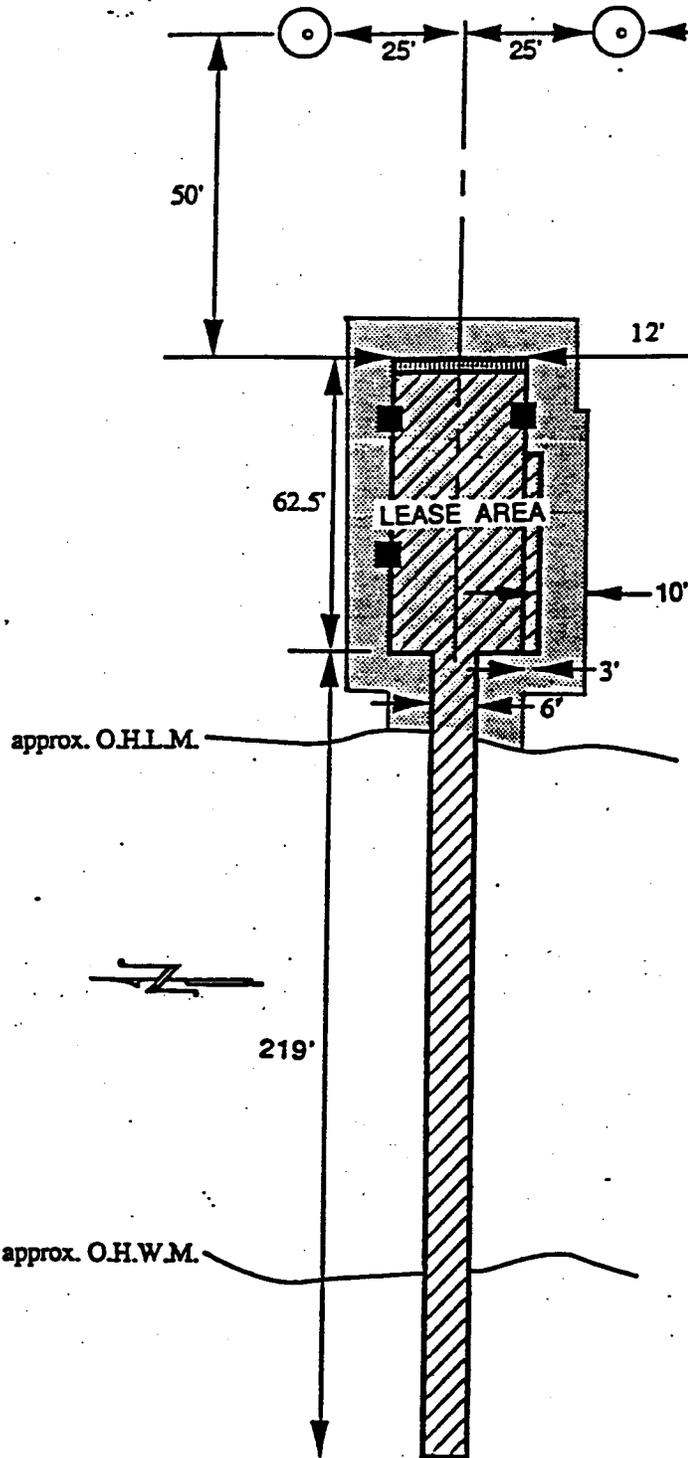
U. Mandatory Findings of Significance

1. No. Two double piling (configuration) piers and a boathouse are being replaced by a single multiple-use pier utilizing a single piling configuration instead of the present double piling configuration. There will be about a ten 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 caissons or vertical sleeves will be used to protect Lake Tahoe during the reconstruction phase of the operation. The continued use of three existing buoys will not create any new significant effects.
2. No. There will be a short term, approximately ten week, disruption of the marine environment in the immediate vicinity of the pier being constructed. 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 reconstruction. There will not be any long term significant changes created by this project.
3. No. The removal of the two family piers and the boathouse, the construction of the multiple-use three family pier with three boat lifts, and the continued use of the three existing buoys will actually decrease cumulative effects.
4. No. The removal of the two family piers and the boathouse, the construction of the multiple-use three family pier with three boat lifts, and the continued use of the three existing buoys will not create any new environmental effects which could create a significant adverse effect on human beings.

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LAKE

TAHOE



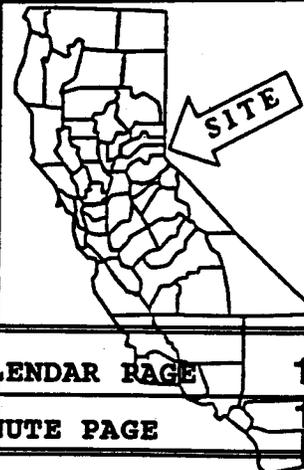
LEGEND

○ = BOUY

■ = BOAT LIFT

No Scale

EXHIBIT "A"
 Site Map
 PRC 3599
 APN 85 - 202 - 02
 Lake Tahoe
 PLACER 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.

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EXHIBIT "B"

INTERIM MANAGEMENT PROGRAM
FOR Rorippa subumbellata Roll.
(TAHOE YELLOW CRESS)

An interim management plan has been developed to eliminate the impacts caused by the construction of piers and appurtenant facilities along the shoreline of Lake Tahoe and to protect Rorippa subumbellata Roll. and its habitat from degradation. This interim plan will function until the final management plan is completed. This interim plan has the following elements: 1) the minimization of the area disturbed due to construction and access to and from the pier; and 2) conservation measures for the species along the shoreline of Lake Tahoe. These interim guidelines apply to any pier project which will disturb the Lake Tahoe shoreline between the elevations 6220' and 6232' LTD.

Construction and Access Guidelines

Construction of new piers, pier extensions, pier replacements, and pier modifications shall be governed by the following guidelines:

- 1) All construction activities shall be conducted from the water side of the pier. The area of disturbance of the lake bottom and shoreline shall be no greater than the footprint of the pier. Construction disturbance caused by the construction vehicle shall be limited to the area where the pier sets or an space of similar size directly adjacent to the pier. In no case shall the space disturbed be greater than that which the pier occupies or will occupy.
- 2) In areas having a cobble or sandy-cobble backshore, the beach and offshore substrate compacted by contact of the substrate with construction equipment shall be rolled to level the depressions created by the tracks of the construction vehicle. Any remaining compacted soils shall be loosened with pronged hand tools to reduce the compaction and then filled with comparable small cobbles taken from the backshore. These cobbles must be taken from the backshore without damaging the habitat or the species.
- 3) No equipment or materials shall be located or stored between elevation 6220' and 6232' LTD.
- 4) No construction activity at the site shall begin or proceed without the presence of the State Lands Commission mitigation monitor on site. The project applicant shall notify the designated mitigation monitor at least 14 days prior to when construction will commence.

- 5) Only one pedestrian path shall be allowed between the upland residence and the pier. Such path shall be bordered by native vegetation similar to willow, service berry, or manzanita. Prior to construction of the pedestrian path, a plan shall be submitted to the State Lands Commission showing the location of the path, the proposed vegetation planting, and the type of vegetation proposed as screening.
- 6) All existing individuals and colonies of *Rorippa subumbellata* on the project applicant's property shall be fenced to prevent damage during construction.

Conservation Guidelines

All applicants for projects which may impact the habitat or potential habitat of *Rorippa subumbellata* Roll. shall be participate in the final conservation and management program set forth in the Management and Enhancement Plan for *Rorippa subumbellata*. For these interim guidelines the following shall be provided at the time of application:

- 1) The project applicant shall submit a report describing the soils and vegetation on the applicants property. The report shall emphasize the area located between elevations 6232' and 6223' LTD. Such report shall describe the texture and composition of the soil, the slope, and the existing vegetation types and their condition. Such report shall be submitted with a plan view map of the area at a scale of 1":10' and photographs of the mapped area.

Other

The project applicant shall be required to provide the State Lands Commission with a letter of credit to insure the compliance with all mitigation measures. The amount of the required letter of credit shall be established at the time of project approval. In the event that the mitigation measures and the conditions are not complied with as determined by the Commission's mitigation monitor, the letter of credit may be forfeited after a hearing before the State Lands Commission. Money forfeited by project applicants shall be used to remedy the impacts of the project and to conserve *Rorippa subumbellata*.

The project applicant shall also reimburse the State Lands Commission for all costs incurred by the State Lands Commission to monitor and enforce these and other requirements imposed on the project as provided by Section 21080.6 of the California Public Resources Code.

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EXHIBIT "C "
MITIGATION MONITORING PROGRAM
FOR THE TUVERSON BOATHOUSE REMOVAL,
PIER RECONSTRUCTION, AND BOAT LIFT PROJECT

1. **Impact:** The proposed project may cause minimal turbidity to lake waters during the driving of piling into the lake bed, and there is the possibility of an upset or spill of construction materials or debris.

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.

Monitoring:

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 fish spawning habitat and could have an impact on the habitat.

Project Modification:

The pier reconstruction project involving disturbance to the lake bed will be conducted during the non-spawning season, identified to be 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.

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EXHIBIT "D"

REVISED
MITIGATION MONITORING PROGRAM

MARTIN/KRAUS/WHEELER - TWO PIER AND BOATHOUSE REMOVAL,
RECREATIONAL MULTIPLE USE PIER CONSTRUCTION,
THREE BOAT LIFTS, AND THREE EXISTING BUOYS
DISCUSSION OF ENVIRONMENTAL EVALUATION

PRC 3599

1. **Impact:** The proposed project may cause minimal turbidity to lake waters during the driving of piling into the lake bed, and there is the possibility of an upset or spill of construction materials or debris.

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.

Monitoring:

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.

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

Project Modification:

The pier reconstruction project involving disturbance to the lake bed will be conducted during the non-spawning season, identified to be between July 1 - October 15 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.

3. **Impact:** There are existing populations of Tahoe Yellow Cress growin on the Martin, Kraus, Wheeler multiple use pier project site. Measures must be made to eliminate or minimize impact to these population colonies during the demolition of the two piers and boathouse and the construction of the new multiple-use pier.

Project Modification:

- a) Avoid direct or indirect impact to any existing Tahoe Yellow Cress populations or potential habitat.
- b) During pier removal, all equipment and materials removed from the pier or brought in for the new multiple-use pier will not be stored between elevations 6223.1 and 6230.0 feet elevation because the entire shoreline is Tahoe Yellow Cress Habitat. Equipment and materials may be stored on the barge and the pier as it is being constructed.
- c) All construction shall be conducted from the lake end of the pier to avoid Tahoe Yellow Cress Habitat. All equipment shall stay within the 10 foot constructon zone or pier footprint.
- d) All populations of Tahoe Yellow Cress will be fenced and delineated on the ground prior to construction to help preserve the colonies by warning the equipment operator of their location.
- e) TYC Colonies decimated as a result of the project will be re-established through artificial regeneration (planting) at the expense of the property owner.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will periodically site inspect the project to ensure the mitigation measures proposed for this project are activity employed for the protection and perpetuation of Tahoe Yellow Cress.

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