

MINUTE ITEM

This Calendar Item No. C21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 7-19-93
meeting.

CALENDAR ITEM

C21

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07/19/93
PRC 3602
J. Ludlow

APPROVE THE ISSUANCE OF A RECREATIONAL PIER PERMIT

APPLICANT:

Alfred E. Maffly, Trustee
c/o David A. Wight
2505 Milvia Street
Berkeley, California 94704

AREA, TYPE LAND AND LOCATION:

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

LAND USE:

Reconstruction and relocation of an existing pier.

TERMS OF PROPOSED PERMIT:

Lease 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:

Applicant is owner 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.

AB 884:

09/15/93

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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 619, State Clearinghouse No. 93052057. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.
Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b)).
2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The applicant proposes to relocate and reconstruct an existing nonconforming pier near the applicant's northerly property boundary. The new pier will be constructed 60 feet north of the applicant's southerly property boundary. The new pier will be in conformance with the Tahoe Regional Planning Agency's (TRPA) shorezone ordinances.
4. The existing pier will be dismantled and removed. Removal and reconstruction of the pier 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.
5. The proposed Permit includes special language in which the Permittee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.

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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. Commission staff will monitor the reconstruction of the pier in accordance with the Monitoring Program included within the proposed Negative Declaration, State Clearinghouse No. 93052057.
8. The subject property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
9. The proposed 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 the Permit will be 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.
10. The proposed 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.

CALENDAR ITEM NO. C21 (CONT'D)

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, El Dorado County

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers, State Lands
Commission

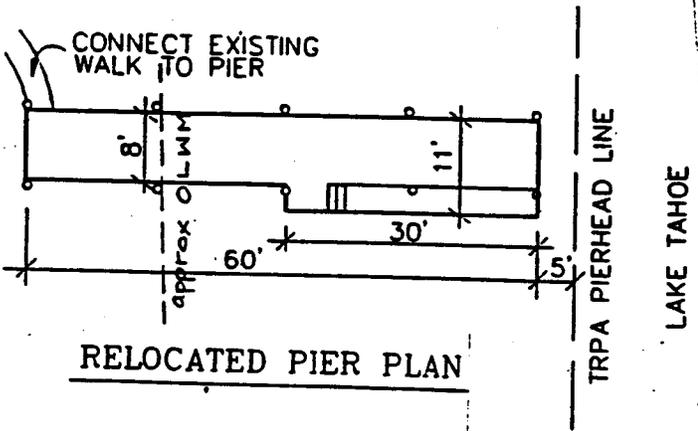
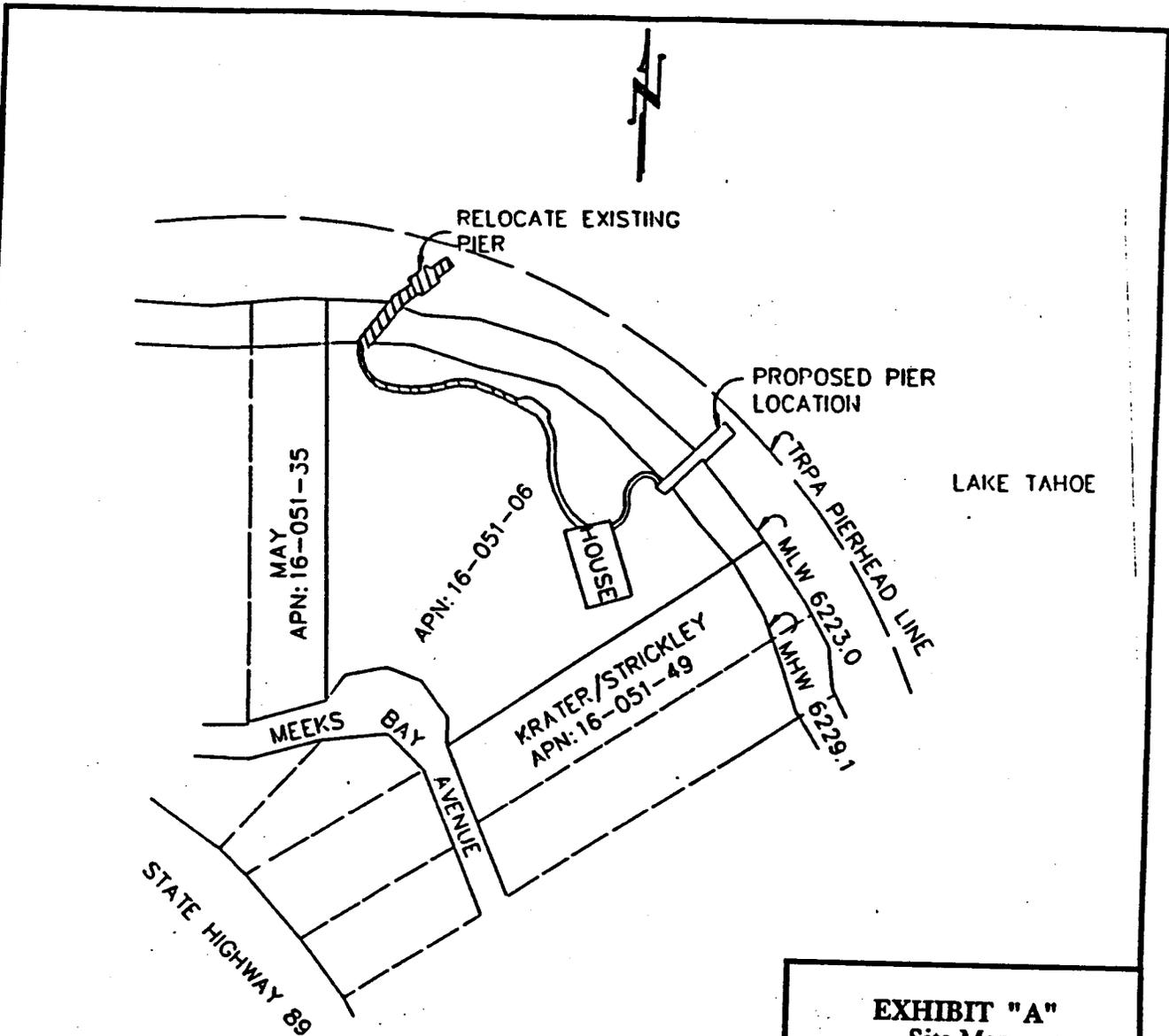
EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, ND 619, STATE CLEARING HOUSE NO. 93052057, 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 ALFRED E. MAFFLY, TRUSTEE, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JULY 19, 1993, FOR THE RECONSTRUCTION AND RELOCATION OF AN EXISTING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

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RELOCATED PIER PLAN

EXHIBIT "A"
 Site Map
 PRC 3602
 APN 16 - 051 - 06
 LAKE TAHOE
 EL DORADO COUNTY



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Lake Tahoe

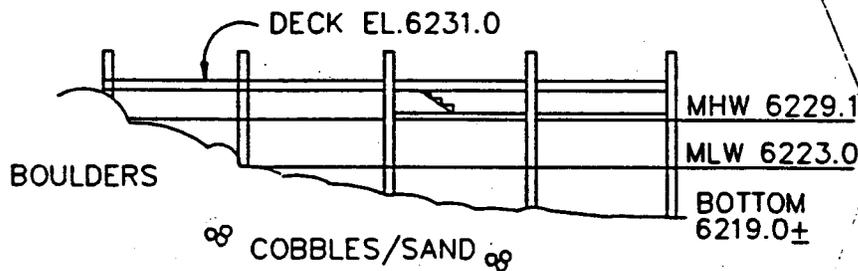
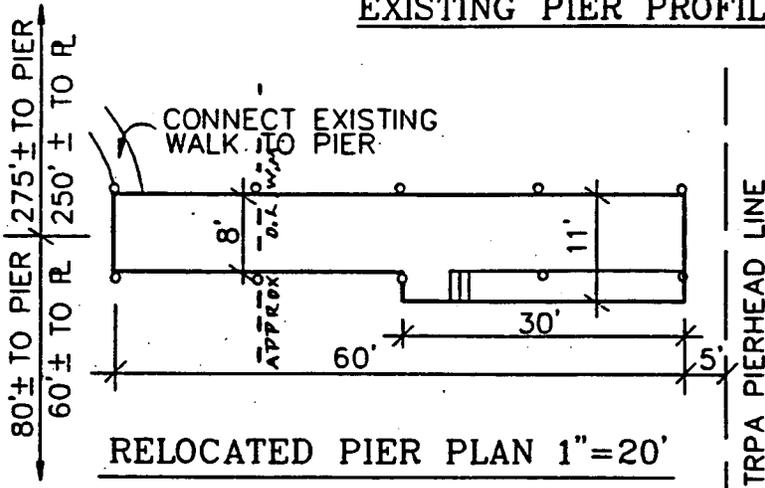
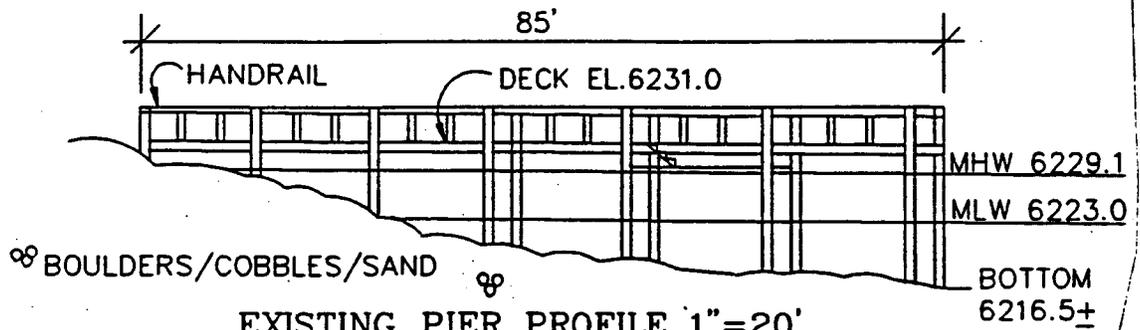
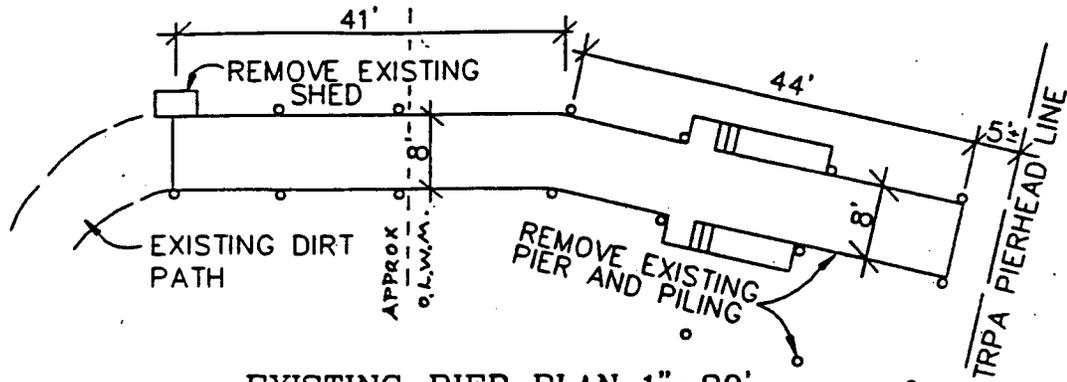


EXHIBIT "A"
 Site Map
 PRC 3602
 Lake Tahoe
 PLACER COUNTY



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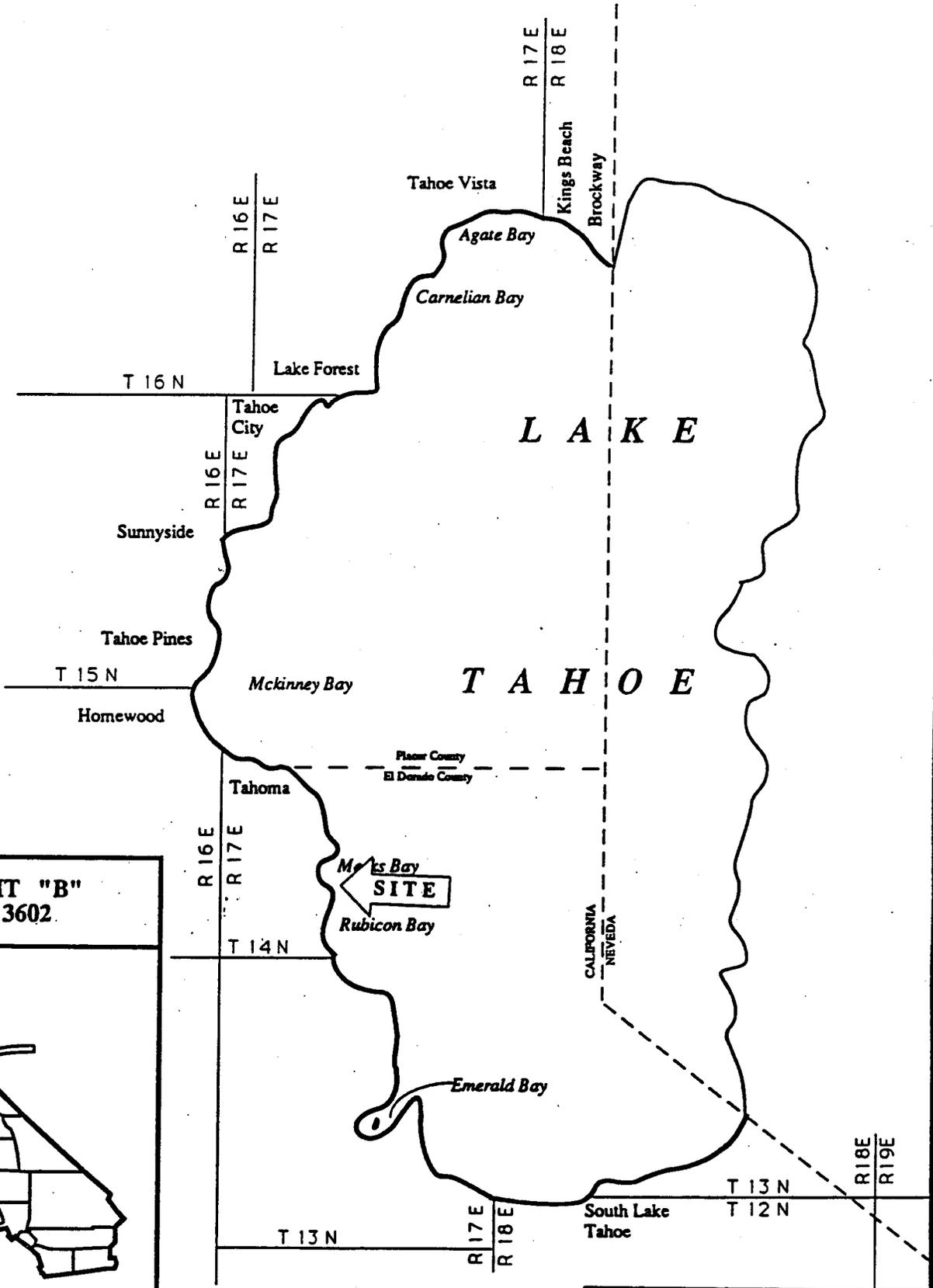


EXHIBIT "B"
PRC 3602



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STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, CA 958

CHARLES WARREN
 Executive Officer

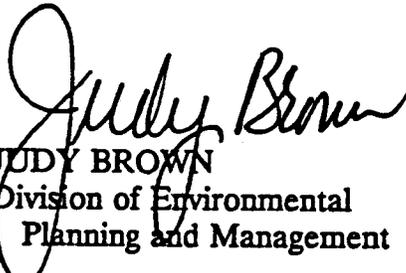
May 20, 1993
 File: WP 3602
 ND 619

**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 June 19, 1993.

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


 JUDY BROWN
 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

ND 619
 File: WP 3602
 SCH No. 93052057

Project Title: Maffly Pier Relocation/Reconstruction

Project Proponent: Alfred Maffly

Project Location: APN: 016-051-06, Meeks Bay, Lake Tahoe, El Dorado County.

Project Description: Removal of an existing 8' x 89' nonconforming private recreational pier and three unattached pilings located near the northerly property boundary. Relocate and reconstruct a new 8' x 60' pier 60' north of the southern property line. The new pier will be in conformance with TRPA shorezone ordinances. Removal of the existing pilings and placement of new pilings will be accomplished by a rubber-tired barge with pile driver attached. The project is located in a "clear" area according to TRPA fish habitat maps. The project site was surveyed by a qualified botanist for Rorippa in the Spring of 1991. The report concluded that the proposed project site did not contain Rorippa or habitat suitable to support the plant species.

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:

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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I. BACKGROUND INFORMATION

A. Applicant: Alfred Maffly
C/O Vail Engineering Corporation
PO Box 879
Tahoe City CA 96145

B. Checklist Date: 05 / 11 / 93

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

D. Purpose: Consideration of relocation and reconstruction of an existing recreational pier.

E. Location: Meeks Bay, APN 16-051-35, Lake Tahoe, El Dorado County

F. Description: Remove an existing 8' X 89' pier, relocate and reconstruct a new 8' x 60' pier on the same parcel within 60' of the southern property line.

G. Persons Contacted: _____
TRPA
USACOE

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?..... | — | — | X |
| 2. Disruptions, displacements, compaction, or overcovering of the soil? | — | — | X |
| 3. Change in topography or ground surface relief features?..... | — | — | X |
| 4. The destruction, covering, or modification of any unique geologic or physical features? | — | — | X |
| 5. Any increase in wind or water erosion of soils, either on or off the site? | — | — | — |
| 6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? | — | — | X |
| 7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | — | — | X |

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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 direction 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> |
|--|---|---|----------|

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> |
|--|--|--|----------|

I. Natural Resources. Will the proposal result in:

| | | | |
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| 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 |
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| 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? | — | — | v |
| 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? | — | — | x |
| 4. Parks and other recreational facilities? | — | — | - |
| 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? | — | — | <u>X</u> |
| 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? Yes Maybe No

T. Cultural Resources

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

U. Mandatory Findings of Significance.

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Yes Maybe No
- 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Yes Maybe No
- 3. Does the project have impacts which are individually limited, but cumulatively considerable? Yes Maybe No
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes Maybe No

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 5 / 14 / 93

Judy Brown
 For the State Lands Commission
 Judy Brown LB

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Form 13-20 (7/82)

Project Description

Remove an existing 8' x 89' nonconforming, private recreational pier and three unattached pilings which are all located near the northerly property boundary of APN: 16-051-35; relocate and reconstruct a new 8' x 60' pier 60' north of the southern property line which will be in conformance with TRPA ordinances.

The relocated pier will be a distance of 80' from an existing pier to the south and 275' from an existing pier to the north. (See attached Exhibit C & D). The length of the reconstructed pier will be 5' within the TRPA pierhead line, as was the 8' x 89' pier to be removed. Relocation of the pier will shorten the pathway needed to access the pier from the existing upland residence. The proposed pier pathway already exists.

Removal and reconstruction of the existing pilings will be accomplished by a rubber-tired barge with a pile driver (see attached Project Narrative and Construction Method - Exhibit D).

TRPA has issued their conditional approval on March 10, 1993, project #910217.

Environmental Setting

The pier location is in an area identified by TRPA fish habitat maps to be "clear". The slope from the residence to the shoreline is steep and covered with dense brush and boulders. The area between low and high water contains large boulders 3-5+' in diameter with no vegetation.

The soils and vegetation of the project site was surveyed by Julie Etra, a qualified botanist, in the Spring of 1991 to determine whether Rorippa subumbellata, Roll. (a California-State listed threatened and endangered plant species) was present or whether the site contains suitable habitat to support such species. The report concluded that the project site contained large boulders with no sandy substrate and was therefore not suitable habitat for the Rorippa plant to be established. The report further mentioned that no vegetation existed between elevations 6223' and 6228.75' LTD, the ordinary low and high water marks, respectively.

Consultation with the California Department of Fish and Game pursuant to the California Endangered Species Act is occurring simultaneously with the public comment period for this environmental document.

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III. DISCUSSION OF ENVIRONMENTAL EVALUATION
MAFFLY PIER REMOVAL, RELOCATION AND RECONSTRUCTION

A. Earth

1. Earth Conditions

This project involves the removal of 16 pilings, two of which do not support the pier structure, decking, catwalks and an existing shed. The pier will be relocated within 60' of the southern property line and will be 60' in length. Ten new pier pilings will be driven into the lake bed a minimum of 6' or to refusal. These impacts should not create unstable earth conditions or change the geologic substructure of the project site.

2. Compaction, Overcovering of the Soil

The proposed project will remove a pier structure which is much longer and covers more area than the structure to be relocated and reconstructed. In addition, the relocated pier will be accessed by a more direct route from an existing pathway from the upland residence which is located on a bluff overlooking Meeks Bay. No significant impacts are anticipated.

3. Topography

Removal, relocation and reconstruction of an existing recreational pier would not significantly change the topography for this shoreline area. No significant impacts are anticipated.

4. Unique Features

The shoreline in this area contains many large boulders. Relocation and reconstruction of the existing pier will require construction over boulders within the shorezone between low and high water. Since many boulders occur within this area of Meeks Bay, this impact is considered to be insignificant.

5. Erosion

The pier to be relocated and reconstructed is of open piling design. The project will be accessed from the waterway by a rubber-tired barge. This project would not increase wind or water erosion of soils at this site.

6. Siltation

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Removal of the existing pilings may create some siltation as the substrate settles after piling removal. This impact is anticipated to be minor as this shoreline area is predominantly occupied by boulders and large cobble.

7. Geologic Hazards

The new pier pilings would be driven into the lake bed a minimum of 6' or to refusal. This depth of installation would be considered shallow and should not induce seismic instabilities or ground failures. There are no known geologic hazards along the shoreline within the vicinity of this project; therefore there would be no impacts.

B. Air

1. Emissions

The pier would be accessed by a diesel-operated, rubber-tired barge. Some emissions will result during the relocation and reconstruction of the existing pier from the arrival and departure of construction vehicles and amphibious craft. This impact will be minimal and temporary, lasting during the reconstruction of the pier.

Emissions may be generated from continued use of the pier by fuel-powered boats. This is an ongoing impact as the pier has existed since the mid-1960's. No significant impacts are identified.

2. Odors

The reconstruction activity would create some odors from crew vehicles arriving and leaving the project. Continued use of the pier would create some odors as boats arrive and leave. The existing and proposed use of the recreational pier is for the applicants use only. No commercial activity is proposed. The odors described are considered to be insignificant.

3. Air Movement, Moisture, Temperature, Climate

This project does not propose the placement of any structure which would create air movement, moisture or temperature, or any change in the climate locally or regionally. There would be no such impact resulting from this project.

C. Water

1. Currents, Water Movements

This project does not propose any intake or discharge of any fluids or materials into the lake waters. The proposed pier

reconstruction is of open piling design. There would be no impacts to water currents or movements resulting from this project.

2. Absorption Rates

This project involves dismantling of an existing pier and relocating the pier farther to the south on the same parcel. This project would not have an impact on the existing absorption rates or drainage patterns of surface water runoff.

3. Flood Waters

This project occurs within the bed and shores of Lake Tahoe. The proposed pier projects from a parcel which contains a residential dwelling. There are no stream inlets located on this property. This project would not have an effect on the course or flow of flood waters.

4. Surface Water

The deck of the proposed pier to be relocated and reconstructed would be built above high water (6628.75' LTD) at an elevation of 6232'. There would be no significant impacts to the lake water's surface.

5. Discharge, Dissolve Oxygen

This project would cause minimal turbidity to lake waters during the removal of the existing pier pilings from the lake bed and the placement of new pier pilings into the lake bed. Specific water quality measures to be implemented include:

- a) Use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile removal and placement;
- b) Placement of a boat and/or tarp and/or water skimmer under the construction area to prevent debris from entering the water;
- c) Collection of waste material onto a barge for disposal at an approved site.

Continued use of the pier by motorized boats would have a minor impact upon the lake's water quality. No significant impacts are identified.

6. Flow of Ground Waters

The existing pier pilings would be removed and new pilings would be placed at the revised location within the applicant's shoreline frontage and as identified with **CALENDAR** Plans, 232

attached as Exhibits A & C. New pilings would be driven into the lake bed a minimum of 6' or to refusal. The depth of placement should not affect the existing flow of ground water entering Lake Tahoe.

7. Quantity of Ground Waters

This project does not propose the extraction or use of existing ground water; therefore, there would be no impact on ground water quantity.

8. Public Water Supply

This project does not propose the extraction, use or contamination of water used for an existing public water supply. There would be no impacts to public water supplies.

9. Water-Related Hazards

The proposal involves the removal of an existing non-conforming pier and the relocation and reconstruction of the pier at a location closer to the southern property line. It does not propose any new extension of the pier into the lake waters which would create a new water-related hazard. The pier will be located within the TRPA pierhead line.

10. Temperature, Flow or Chemical Content

There are no known thermal springs located within the project vicinity. The project is located in Meeks Bay, Lake Tahoe, El Dorado County.

D. Plant Life

1. Diversity of Species

The proposed project would involve removal of 14 existing pier pilings. Two pilings are located above 6229, and the remainder of the pilings waterward of high water. The soils and vegetation of the proposed project site were surveyed on June 17, 1993 by Julie Etra, a qualified botanist. The report indicated that the shorezone area contains large boulders and cobbles of varying sizes. No sandy substrate or vegetation of any kind were found between the high and low water levels. Therefore, this project would not impact the diversity of species.

2. Endangered Species

The site survey was conducted to determine whether the presence of Rorippa subumbellata, Roll., a State-listed plant species or its habitat would be affected by the proposed project. The report concluded that the project site does not contain Rorippa or its habitat.

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3. Introduction of Plants

Relocation and reconstruction of the existing pier would involve removal of 14 existing pilings and placement of 10 new pilings. The new steel pilings will afford a hard substrate for sessile aquatic plants. The project site is located in a "clear" area according to TRPA fish habitat maps. The area in which the pier is proposed to be reconstructed is of sand and cobble substrate area, so introduction of the new pier pilings would not create a significant new impact on plant populations. There would be a minor impact to existing plant populations which have existed due to the reduced number of pier pilings to be used.

4. Reduction of Agricultural Crops

The proposed project would occur within the body and shoreline area of Lake Tahoe. No agricultural crops would be affected.

E. Animal Life

1. Animal Species Diversity

The proposed project is located in an area determined by TRPA for fish habitat purposes to be a "Clear" area. Replacement of the existing pilings could have a minor impact to fish and benthic organisms which were attracted to the pilings for grazing and shelter.

2. Rare Species

The project is located in a "clear" area determined by TRPA staff for designation of fish habitat purposes as described above. This project would have no impact upon rare animal species.

3. New Species

This project does not propose the introduction of any new animals species to Lake Tahoe. There would be no impacts.

4. Habitat Deterioration

Refer to responses E.1.-3., above. There would be no impacts to fish habitat.

F. Noise

1. Noise Increases

The proposed project would cause periodic, moderate increases to existing noise levels during the driving of steel pilings. Noise from pile driving activity may occur

for two or three weeks. Noise from work crew vehicles arriving and leaving the project site would occur at the beginning and ending of each work day during the reconstruction activities. These impacts would be considered temporary, and insignificant. No new noise would occur from the continued use of the recreational pier.

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. 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 to the shorezone of Lake Tahoe, and are controlled by TRPA.

G. Light and Glare

1. The proposed project would be reconstructed during daylight hours, so significant artificial lighting would not be necessary. No new lighting is proposed. There would be no significant impacts resulting from this project.

H. Land Use

1. This project does not propose new land uses which would alter local use patterns. The existing pier to be relocated and reconstructed would occur waterward of the same land parcel which is designated for residential and recreational use.

I. Natural Resources

- 1-2. The proposed reconstruction of the existing recreational pier would not increase the rate of use of any natural resource, or loss of non-renewable resources. The pier would continue to be used for private recreational use. No new facilities are proposed as part of this pier reconstruction project which would have an impact on the use of natural resources.

J. Risk of Upset

1. Explosion

Risk of explosion of fuel during reconstruction activity would be remote as the amphibious vehicle/watercraft used to remove and replace pier pilings is driven by diesel fuel. Risk of explosion during motorized boat usage of

the pier would be minimized through TRPA's conditional permit. Such precautions include: no discharge of petroleum products into the Lake and, no containers of fuel, paint or hazardous materials stored on the pier.

2. Emergency Response Plan

The existing recreational pier has been authorized at this location by the State Lands Commission since 1966. The proposed reconstruction and relocation of this pier would not include any new modifications to extend the length of the pier which would interfere with any existing emergency response plan for this area. The pier length will be well within the TRPA pierhead line.

K. Population

1. The proposed project would not affect the population density or growth patterns within the area. The pier has existed at this location since at least 1966. The pier will continue to be used for the private recreational use of the applicant. The pier would not be used to dock live-aboard vessels. There would be no impacts to population resulting from this project.

L. Housing

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

M. Transportation/Circulation

1. Vehicular Movement

Some additional vehicular movement would occur temporarily during the proposed decking repair activities from construction workers arriving and leaving the project site. No new vehicular traffic would result from the continued use of the pier.

2. Parking

No new parking is proposed or would be required to conduct the proposed pier removal/reconstruction. Parking for the construction workers is available at the applicant's upland residence which is located on Meeks Bay Avenue, a residential street off Highway 89.

3. Transportation Systems

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The proposed relocation and reconstruction of the existing pier 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 decking. No new impacts to transportation systems would occur from the continued use of the pier.

4. Circulation

The pier, once relocated, will be approximately 275' in distance to the nearest pier to the north and approximately 80' in distance to an existing pier to the south. Relocation and design of the pier will bring the pier into conformance with TRPA design and placement standards. The relocated pier will be five feet in distance within the TRPA pierhead line. There would be no identified circulation impacts which would result from this proposed project.

5. Traffic

Refer to response M.4., above.

6. Hazards

The proposed repair activity would occur in the body of the lake, therefore there would be no impacts to motor vehicles, bicyclists or pedestrians. Construction vehicles needed for this project would be few in number and would utilize existing roadways. Parking would occur on Meeks Bay Avenue, off Highway 89, thereby creating minimal effect on the existing motor, bicycle and pedestrian traffic.

N. Public Services

1.-6.

The proposed relocation and reconstruction of an existing pier would be located along the shoreline of the same parcel. The relocation/reconstruction and the continued use of the pier would not have a new effect on public services. No new facilities are proposed which would have an impact on existing 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 conduct the removal/relocation/reconstruction activity. These impacts would be temporary, lasting during the

reconstruction period only. Continued use of the pier would not create any new significant impacts upon existing fuel or energy use.

2. Demand

As discussed in J.1., and O.1., above, the reconstruction of the existing pier would require use of minor amounts of fuel and electricity. Continued use of the pier by motorized boats would have a minor impact on the demand for fuel use within the Lake waters. No significant impacts have been identified.

P. Utilities

1.-6.

The proposed pier relocation/reconstruction 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. Necessary utilities are available at the residence. No new impervious structures are proposed which would require a change to the existing storm drainage systems.

Q. Human Health

1.-2. Creation/Exposure to Health Hazard

Access for the removal of the existing pier pilings would be from the water by a rubber-tired amphibious barge with a crane mount. The new pilings would be of steel material, and the remainder of the materials would be wood. This construction method and these materials would not pose a potential health hazard to humans.

R. Aesthetics

The relocation/reconstruction of the existing pier would occur at the same assessor parcel. The existing pier would be brought into conformance with TRPA ordinances with regard to design and placement standards. The pier design is of open piling construction, and is not visible from the public roadway. There would be no significant adverse impacts to scenic views resulting from this project.

S. Recreation

It appears that other recreational uses of the waterway exist along this shoreline due to the existence of adjacent recreational piers. The existing pier will be relocated approximately 60' from the applicant's southerly property line boundary with APN: 16-051-49, and will be relocated within the

TRPA pierhead line. The pier has been authorized by TRPA and will be located within allowable distances to other structures. The applicant's shoreline frontage is approximately 200'+ which enables this relocation and redesign. There would be no significant impacts to existing recreational uses of the waterway at this location.

T. Cultural Resources

1.-4. Prehistoric/Archaeological Sites

The proposed pier removal, relocation and reconstruction would occur along the shoreline of a residential property in Meeks Bay. There are no known archaeological or ethnic sites at this location. There would be no impacts.

U. Mandatory Findings of Significance

1. Degradation of the Environment

This project will bring an existing pier into conformance with the TRPA Shorezone Ordinances with respect to design and placement standards. The project is not located in a fish habitat area, and the shorezone environment does not contain the endangered plant Rorippa subumbellata, Roll., or its habitat. As discussed in the preceding environmental issue areas numbered A. - T., above, which include specified environmental precautions, there would be no significant impacts to the environment resulting from this proposed project.

2. Environmental Goals

Refer to U.1., above.

3. Cumulative Impacts

Refer to U.1, above.

4. Adverse Impacts

All identified impacts which would result from the proposed activity have been discussed in environmental issue areas above, and have been minimized to the extent possible. The construction activity would be monitored by staff of the State Lands Commission and the Tahoe Regional Planning Agency to ensure project modifications and permit conditions are accomplished.

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MONITORING PROGRAM

MAFFLY PIER RELOCATION/RECONSTRUCTION

1. Impact: Water quality of the lake could be impacted during the removal of old pilings and the placement of new pilings into the bed of Lake Tahoe.

Project Modification:

Specific water quality measures to be implemented include:

- a) Use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile removal and placement;
- b) Placement of a boat and/or tarp and/or water skimmer under the construction area to prevent debris from entering the water;
- c) Collection of waste material onto a barge for disposal at an approved site.

Monitoring: Staff of the State Lands Commission, or its designated representative will periodically monitor the construction activity to ensure the project modification is implemented.

2. Impact: Potential disturbance to the lake bottom may result from operation of an amphibious, rubber-tired craft for the removal and placement of pier piling.

Project Modification:

If disturbed lake bottom 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 lake bottom sediments.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will monitor the project site during and after construction to ensure project modification is implemented, if the project modification is necessary.

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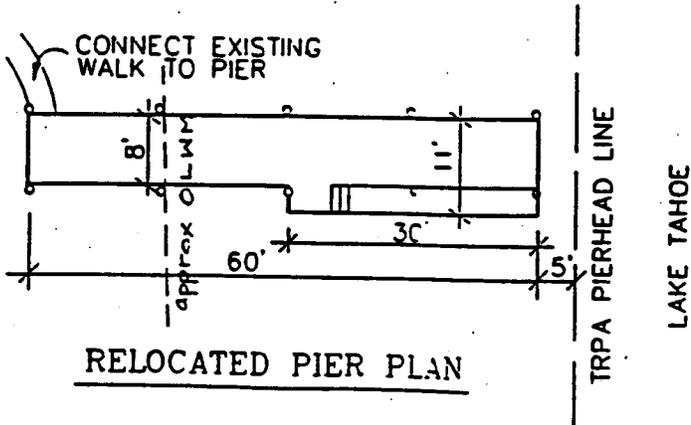
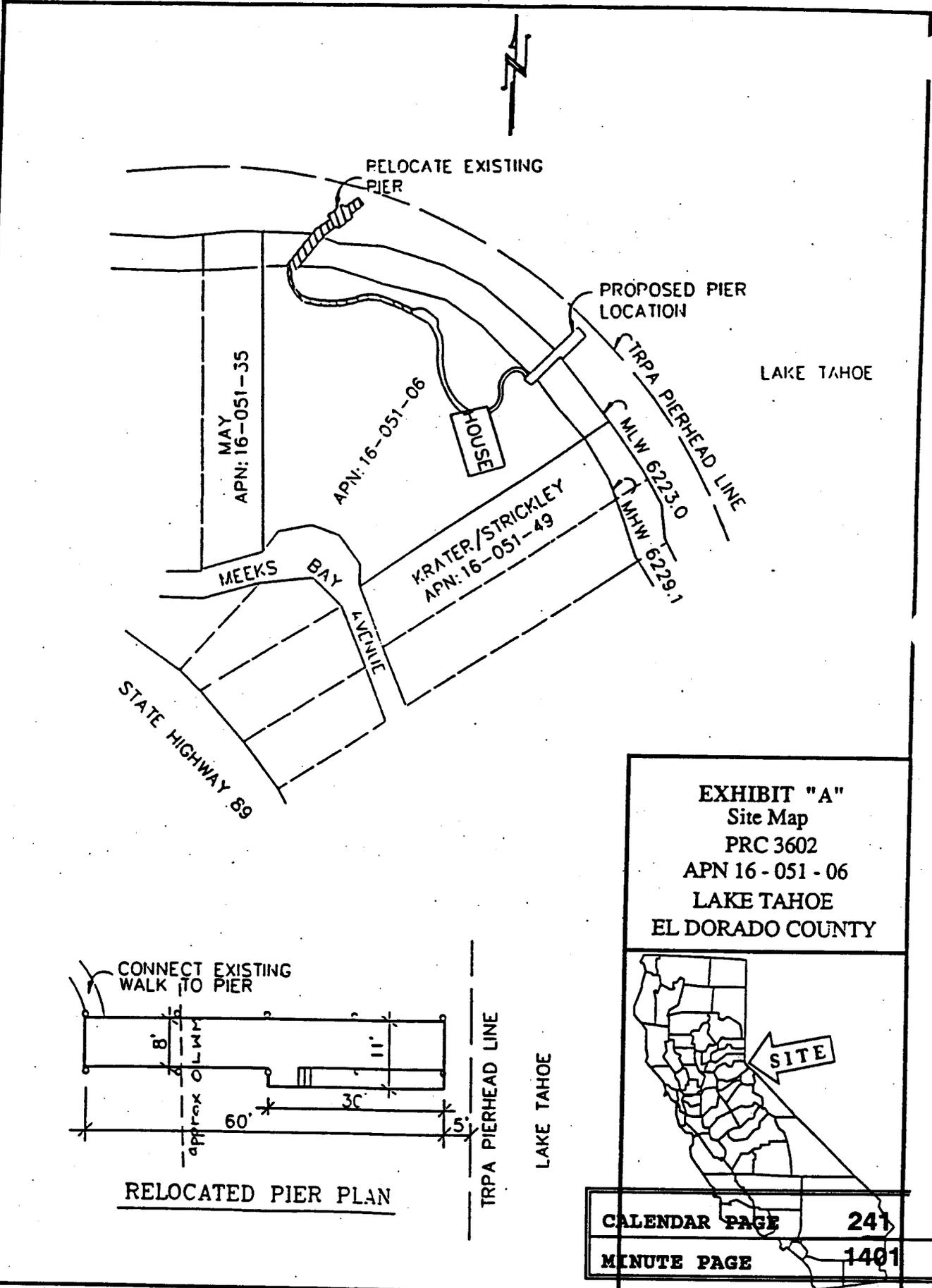
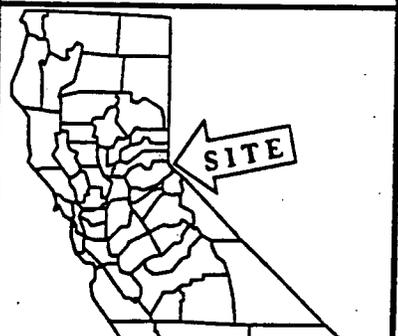


EXHIBIT "A"
 Site Map
 PRC 3602
 APN 16 - 051 - 06
 LAKE TAHOE
 EL DORADO COUNTY



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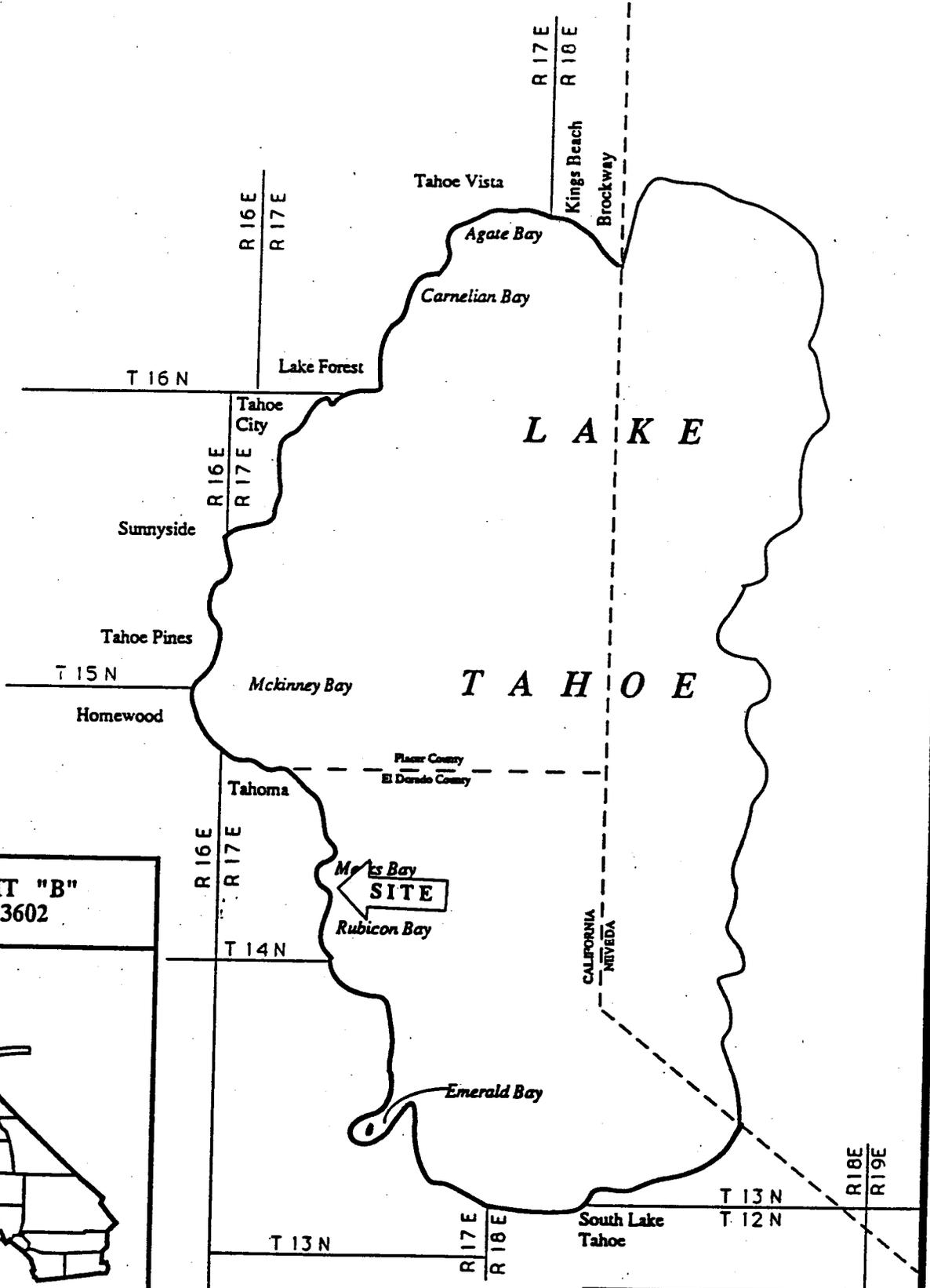
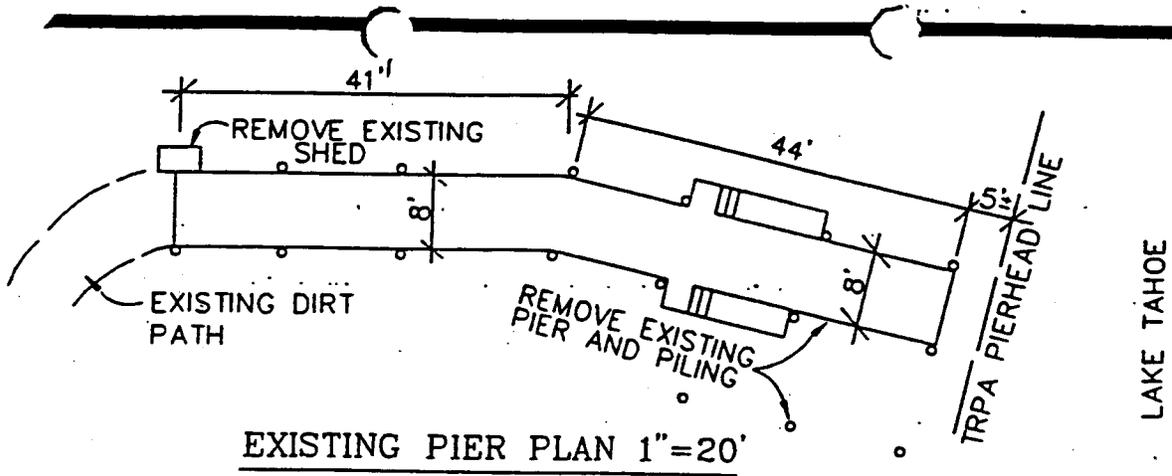


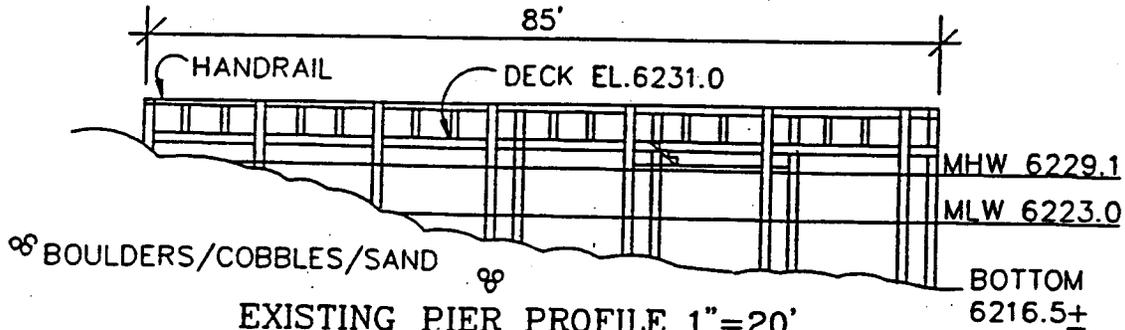
EXHIBIT "B"
PRC 3602



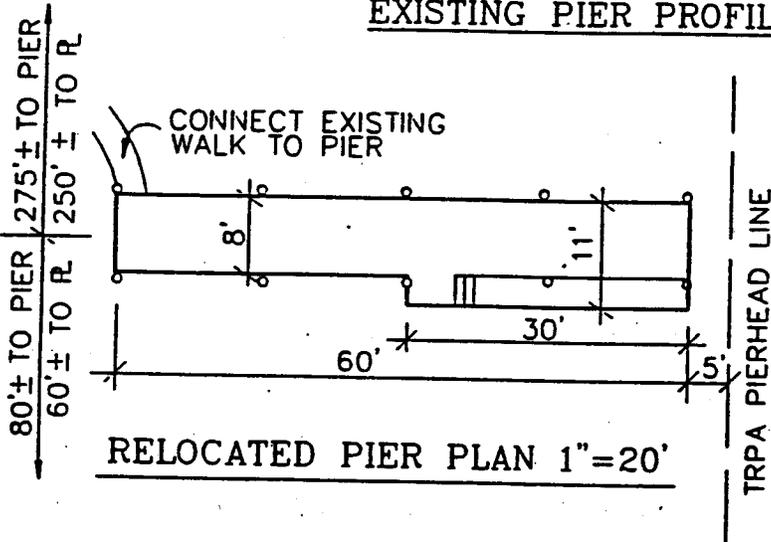
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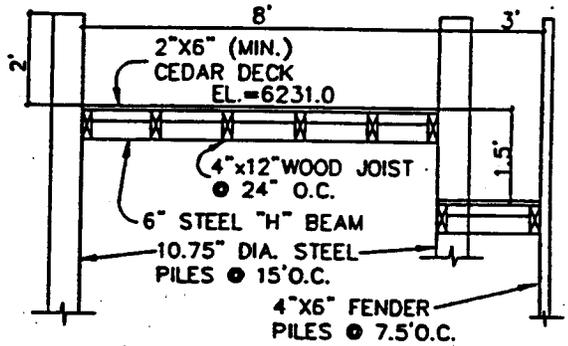
EXISTING PIER PLAN 1"=20'



EXISTING PIER PROFILE 1"=20'

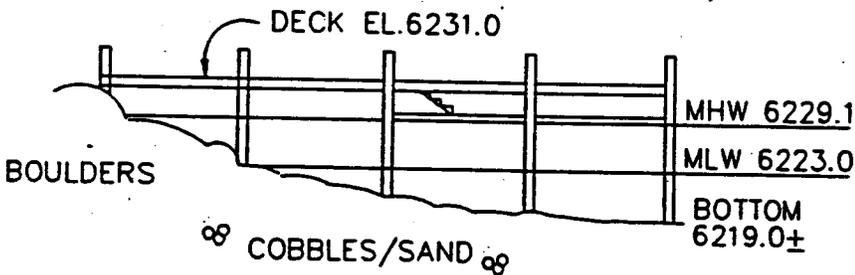


RELOCATED PIER PLAN 1"=20'



PIERHEAD SECTION
N.T.S.

EXHIBIT C



RELOCATED PIER PROFILE 1"=20'

PIER RELOCATION/MODIFICATION
MAFFLY PROPERTY
8217 MEEKS BAY AVENUE
MEEKS BAY AREA
EL DORADO COUNTY, CA
APN: 16-051-06
FEBRUARY 1992

ADJOINING PROPERTIES
SOUTH 16-051-49
WEST 16-051-35

REVISED
4/92

CALENDAR PAGE 243
ENGINEERING CORPORATION
1403
SAN JOSE CITY, CALIFORNIA (415) 555-5477

EXHIBIT D

W.O. 7125.36S

RE: PIER RELOCATION/MODIFICATION - MAFFLY PROPERTY
EL DORADO COUNTY APN: 16-051-06

PROJECT NARRATIVE

The existing non-conforming pier to be removed is currently located approximately 175 feet westerly from the existing residence at the southern point of Meeks Bay. This proposal is relocating this pier and modifying it to meet the current TRPA design codes. In addition, the proposed pier location would be placing this structure in a existing cove that currently has a established access to the lake. This proposal is also consolidating development, since the proposed pier location would be directly lakeward of the existing residence. The relocated pier will be constructed with 10.75" steel piles, 6" steel beams, 4" x 12" wood joists, 2" x 6" min. cedar deck, with a catwalk on one side of the pierhead. The pier will extend approximately 60 LF from shore. (See submittal drawings).

CONSTRUCTION METHOD

The demolition and construction activity associated with these piers will be by a rubber-tired barge with a pile driver; caissons or sleeves will be used if sediment is resuspended while pile driving. Anchorage of the barge will be to the existing structure and/or anchors required for adequate stabilization. All construction wastes will be collected onto the barge and disposed at the nearest dumpster/sanitary landfill site. Small boats and tarps will be placed under construction areas to provide collection of construction debris, preventing any discharge of these wastes to the lake. If disturbed 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 lakebottom sediments.

In regards to potential Tahoe Yellow Cress Habitat (*Rorippa Subumbellata*, Rollins), an assessment was conducted of the existing pier site by Julie Etra of Tahoe Native Plants on June 17, 1991. This assessment indicated that the shoreline possesses numerous large boulders and cobbles of varying size, with no sandy substrate nor vegetation between the high and low water levels and consists entirely of large boulders. Based on this assessment, we can safely assume this site does not meet the criteria for potential rorippa habitat.

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