MINUTE ITEM

C33

March 8, 1994
PRC 653
J. Ludlow

OBEXER AND SON, INC. (APPLICANT)

Calendar Item C33(c) was pulled from the agenda prior to the meeting.

A 4

S 1

CALENDAR PAGE
MINUTE PAGE 326

CALENDAR ITEM

C33

A 4

S 1

03/08/94
PRC 653
PRC 7364
W 22081
J. Ludlow
PRC7746

LAKE TAHOE LEASES AND RECREATIONAL PIER PERMITS WITH NEGATIVE DECLARATIONS

APPLICANTS:

A) Donald A. Wells, Jr., et al
303 Twin Dolphin Drive, Suite 122
Redwood City, CA 94065 (W 22081)

B) Janet H. Angell, Trustee
17 La Fond Lane
Orinda, CA 94563 (PRC 7364)

C) Obexer and Son Inc.
P.O. Box 186
Homewood, CA 96141 (PRC 653)

LAND USE:

As listed on Exhibit "A" attached

LEASE TERM:

Initial Period:
Items A and B: Five (5) years
Item C: Forty (40) years beginning July 1, 1980

CONSIDERATION:

Items A and B: Rent-free pursuant to Section 6503.5 of the P.R.C.

Item C: Minimum annual rental of $1006.38 against five percent (5%) of gross income and one cent (1¢) per gallon of fuel sold annually on or over the lease premises to a maximum of 100,000 gallons and 1.5 cents(1-1/2¢) per gallon thereafter; Five year rent review;

Public Liability Insurance: $500,000 Combined Single Limit

Item C Amended Lease Terms:
This amendment authorizes the reconstruction of the commercial rock crib pier and replacement to the retaining

wall at the harbor entrance on the southerly end and increases the public liability insurance to $1,000,000. All other terms and conditions of the lease remain in full force and effect.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003

APPLICANT STATUS:
Items A & B: Applicants are owners of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Item A): Filing fee, processing costs, and environmental fees have been received.

Item B): Filing fee, processing costs and environmental fees have been received.

Item C): Filing fee, processing costs and environmental costs and environmental fees have been received.

STATUTORY AND OTHER REFERENCES:

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

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

AB 884: Item A: N/A
Item B: 03/22/94
Item C: 05/31/94

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 for each project as listed in the material contained in Exhibit "A". Such Proposed Negative Declarations were prepared and circulated for public review pursuant to the provisions of CEQA.

   Based upon the proposed Negative Declarations, and the comments received in response thereto, there is no substantial evidence that the projects will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b).

2. A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Section 21081.6, P.R.C.) and is attached as Exhibit "C" within each Negative Declaration. (Items B and C).

3. These activities involve 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 projects, as proposed, are consistent with their use classifications.

4. These properties were physically inspected by staff for purposes of evaluating the impact of the proposed activities on the public trust.

5. The permit/lease documents include specific provisions by which the Permittees/Lessee agree 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.

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 Rorippa or its habitat. (Item B).

7. The applicants have agreed to incorporate the Interim Management Program Construction and Access Guidelines into the project for the protection of Rorippa and these Guidelines have been included as part of the Negative Declaration(s) referred to herein.

8. The permits/lease are conditioned on Permittees'/Lessee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, the permit is automatically terminated, effective upon

notice by the State, and the site shall be cleared pursuant to the terms thereof.

If the location, size, or number of any structure, authorized under these permits/lease, is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Permittee/Lessee shall request the consent of the State to make such alteration.

9. The permits and lease are conditioned on the public's right of access along the shorezone below the high water line (Elevation 6228.75 feet, Lake Tahoe Datum) pursuant to the holding in State v. Superior Court (Fogerty), 2 Cal. 3d. 240 (9181), and provides that the Permittees/Lessee must provide a reasonable means for public passage along the shorezone, including, but not limited to, the area occupied by the authorized improvements.

10. Permittees/Lessee agree to conserve the natural resources on the subject property and to prevent pollution and harm to the environment.

11. Staff has determined that the Department of Fish and Game Fee, dictated by Section 711.4 of the Fish and Game Code, is applicable to all of the projects presented herein.

11. (Item B) The issuance of this permit supersede any prior authorization by the State Lands Commission at this location.

EXHIBITS:

A: Applicants; Location; Land Use and Status; Property Description, ND# and State Clearinghouse #

B: Negative Declaration(s)/Monitoring Program(s)

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION WAS PREPARED FOR THE PROPOSED PROJECTS AS LISTED IN ATTACHED EXHIBIT "A" PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. ADOPT THE MONITORING PROGRAM ATTACHED AS EXHIBIT "B" HERETO FOR ITEM B.

4. FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

5. AUTHORIZE THE ISSUANCE OF A FIVE YEAR PERMIT BEGINNING MARCH 8, 1994, TO THOSE APPLICANTS LISTED ON EXHIBIT "A" AS ITEMS A AND B ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

6. AUTHORIZE THE AMENDMENT OF LEASE PRC 653 ISSUED TO OBEXER AND SON, INC. FOR THE RECONSTRUCTION, USE AND MAINTENANCE OF AN EXISTING COMMERCIAL ROCK CRIB PIER AND RETAINING WALL EFFECTIVE MARCH 8, 1994 AND SHOWN ON EXHIBIT "A" AS ITEM C, AND BY REFERENCE MADE A PART HEREOF.

7. FIND THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 653 (ITEM C) REMAIN IN FULL FORCE AND EFFECT.

8. FIND THAT THE ISSUANCE OF PRC 7364 (ITEM B) SUPERSEDES ANY PRIOR AUTHORIZATION BY THE STATE LANDS COMMISSION AT THIS LOCATION.

NEGOTIATOR: JUDY LUDLOW
NEG. DEC.

EXHIBIT "A"

Lake Tahoe Permits and Leases for Calendar of March 8, 1994

Work Order No.	Applicant/Address	Waterway and County	Land use and Status Existing/Proposed	Upland Property Description	Classification SCH#	ND#
W 22081	Donald Wells Jr. , et al 303 Twin Dolphin Drive Suite 122 Redwood City,CA 94065	Lake Tahoe Placer County	Retention of an existing pier and two mooring buoys	APN 98-191-28 48 Moana Circle	920322061	583
PRC 7364	Janet A. Angell, Trustee 17 La Fond Lane Orinda , CA 94563	Lake Tahoe Placer County	Partial reconstruction and modification of an existing pier and use of two buoys	APN 83-202-05 1260 West Lake Boulevard	93102068	633
PRC 6538	Obexer and Son, Inc. P. O. Box 186 Homewood, CA 96141	Lake Tahoe Placer County	Amend lease to reconstruct retaining wall and commercial pier	APN 97-154-001 5300 West Lake Boulevard	94022016	641

CALENDAR PAGE 262.5
MINUTE PAGE 332

EXHIBIT B

STATE OF CALIFORNIA

STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95

CHARLES WARREN
Executive Officer

March 19, 1992
File: W 22081
ND 583

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 April 19, 1992.

Should you have any questions or need additional information, please call the undersigned at (916) 323-2694.

Jane Smith

JANE SMITH
Division of Environmental
Planning and Management

Attachment

CALENDAR PAGE	262.6
MINUTE PAGE	333

STATE OF CALIFORNIA — PETE WILSON, Gover

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 W/
Executive Off.

PROPOSED NEGATIVE DECLARATION

File: W 22081
ND 583
SCH No. 92032061

Project Title:	Wells Pier and Buoys Authorization
Proponent:	Donald O. Wells, Jr.
Project Location:	Lake Tahoe, near Homewood, APN 98-101-28, 48 Moana Circle, Placer County
Project Description:	This project involves authorization of an existing single-use pier, constructed in 1980, and two existing buoys. The existing 130' pier was constructed with 12" diameter steel piles, with a 3' x 45' launch deck at the waterward end of the pier. The two existing mooring buoys are located approximately 125' and 350' from the end of the pier.
Contact Person:	Jane Smith Telephone: 916/323-2694

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

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

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

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

CALENDAR PAGE	262.1
MINUTE PAGE	334

STATE LANDS COMMISSION

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST – PART II

Form 13.20 (7/82)

File Ref.: W 22081

I. BACKGROUND INFORMATION

A. Applicant: Mr. Donald Wells, Jr.
Wells Properties
400 Oyster Point Blvd.,Suite 418
South San Francisco CA 94080

B. Checklist Date: 03 / 16 / 92

C. Contact Person: Jane Smith

Telephone: (916) 323-2694

D. Purpose: To consider authorization of existing pier and two existing buoys.

E. Location: 48 Moana Circle, near Homewood, Lake Tahoe, APN 98-191-28.

F. Description: Consider authorization of existing pier (single-use) constructed with 12 inch diameter steel piles, approximately 130 feet from high water. An eight foo~~t wide deck sits atop the pier, with a 3 foot x 45 foot launch deck at the waterward~~ of the pier. Also consider authorization of two existing moorino buoys, located approximately 125 feet and 360 feet from the end of the pier.

G. Persons Contacted:

Kevin Roukey
U.S. Army Corps of Engineers
~~1325 J Street, Suite 1444~~
Sacramento CA 95814-2922

Jim Hamilton
Tahoe Regional Planning Agency
~~P.O. Box 1038~~
Zephyr Cove NV 89448-1038

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

A. *Earth.* Will the proposal result in:

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

CALENDAR PAGE 262.8

MINUTE PAGE 335

	Yes	Maybe	No
B. *Air.* Will the proposal result in:			
1. Substantial air emmissions or deterioration of ambient air quality?	☐	☐	☒
2. The creation of objectionable odors?	☐	☐	☒
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	☐	☐	☒
C. *Water.* Will the proposal result in:			
1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?	☐	☐	☒
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	☐	☐	☒
3. Alterations to the course or flow of flood waters?	☐	☐	☒
4. Change in the amount of surface water in any water body?	☐	☐	☒
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	☐	☐	☒
6. Alteration of the direction or rate of flow of ground waters?	☐	☐	☒
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	☐	☐	☒
8. Substantial reduction in the amount of water otherwise available for public water supplies?	☐	☐	☒
9. Exposure of people or property to water-related hazards such as flooding or tidal waves?	☐	☐	☒
10. Significant changes in the temperature, flow or chemical content of surface thermal springs?	☐	☐	☒
D. *Plant Life.* Will the proposal result in:			
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	☐	☐	☒
2. Reduction of the numbers of any unique, rare or endangered species of plants?	☐	☐	☒
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	☐	☐	
4. Reduction in acreage of any agricultural crop?	☐	☐	☒
E *Animal Life* Will the proposal result in:			
1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?	☐	☐	☒
2. Reduction of the numbers of any unique, rare or endangered species of animals?	☐	☐	☒
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	☐	☐	☒
4. Deterioration to existing fish or wildlife habitat?	☐	☐	☒
F. *Noise.* Will the proposal result in:			
1. Increase in existing noise levels?	☐	☐	☒
2. Exposure of people to severe noise levels?	☐	☐	☒
G. *Light and Glare.* Will the proposal result in:			
1. The production of new light or glare?	☐	☐	☒
H. *Land Use.* Will the proposal result in:			
1. A substantial alteration of the present or planned land use of an area?	☐	☐	☒
I *Natural Resources.* Will the proposal result in:			
1. Increase in the rate of use of any natural resources?	☐	☐	
2. Substantial depletion of any nonrenewable resources?	☐	☐	

CALENDAR PAGE 262

MINUTE PAGE 336

J. *Risk of Upset.* Does the proposal result in:

	Yes	Mayl
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?	☐	☐
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?	☐	☐

L. *Housing.* Will the proposal result in:

1. Affecting existing housing, or create a demand for additional housing?	☐	☐

M. *Transportation/Circulation.* Will the proposal result in:

1. Generation of substantial additional vehicular movement?	☐	☐
2. Affecting existing parking facilities, or create a demand for new parking?	☐	☐
3. Substantial impact upon existing transportation systems?	☐	☐
4. Alterations to present patterns of circulation or movement of people and/or goods?	☐	☐
5. Alterations to waterborne, rail, or air traffic?	☐	☐
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	☐	☐

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?	☐	☐
2. Police protection?	☐	☐
3. Schools?	☐	☐
4. Parks and other recreational facilities?	☐	☐
5. Maintenance of public facilities, including roads?	☐	☐
6. Other governmental services?	☐	☐

O. *Energy.* Will the proposal result in:

1. Use of substantial amounts of fuel or energy?	☐	☐
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?	☐	☐

P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

1. Power or natural gas?	☐	☐
2. Communication systems?	☐	☐
3. Water?	☐	☐
4. Sewer or septic tanks?	☐	☐
5. Storm water drainage?	☐	☐
6. Solid waste and disposal?	☐	☐

Q. *Human Health.* Will the proposal result in:

1. Creation of any health hazard or potential health hazard (excluding mental health)?	☐	☐
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?	☐	☐

S. *Recreation.* Will the proposal result in:

1. An impact upon the quality or quantity of existing recreational opportunities	☐	☐

CALENDAR PAGE 262.16

MINUTE PAGE 337

T. *Cultural Resources.*

	Yes	Maybe
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?	☐	☐
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	☐	☐
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	☐	☐

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?	☐	☐
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	☐	☐
3. Does the project have impacts which are individually limited, but cumulatively considerable?	☐	☐
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐

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 wi be prepared.

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

[ ] I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT RE is requied.

Date: 3 / 16 / 92

For the State Lands Commission

CALENDAR PAGE 262.11
MINUTE PAGE 338

WELLS PIER AND BUOYS

PROJECT DESCRIPTION

The project proposes to consider authorization of both an existing pier, constructed in 1980, and two existing buoys in Lake Tahoe, near Homewood, waterward of the upland address of 48 Moana Circle, Placer County. The existing pier is located on the northern property line between parcels 27 and 28.

The existing pier extends out approximately 130 feet from high water. Approximately 15 feet of the pier extends beyond low water (6223 foot elevation). Pier construction consisted of an 8 feet wide wood deck atop 12 inch diameter steel piles spaced at 15 feet on center. Piles were driven to 6 feet or refusal. At the waterward end of the pier is a 3 foot x 45 foot launch deck. A locked gate fence spans the width of the existing pier. The existing pier is located in an in-fill area, with adjacent piers located approximately 90 feet on either side.

The two existing mooring buoys are located approximately 125 feet and 345 feet waterward of the ordinary low water mark (6223 foot elevation) and, according to the applicant have been in existence since 1972, however, the applicant has not submitted supporting documentation. The buoys are approximately 220 feet apart in distance, the most lakeward and northeasterly buoy being located approximately 375 feet from the shoreline. According to the attached drawings provided by the applicant, the existing buoys are within 75 feet of at least six other buoys, also spaced at 75 foot intervals, with the most waterward of these other buoys extending out approximately 75 feet from the applicant's most lakeward buoy.

DESCRIPTION OF ENVIRONMENTAL SETTING

The applicant's property and site of the existing pier is located on a portion of natural beach shoreline at the west side of Lake Tahoe. The site is part of a private residence, assessor's parcel no. 98-191-28, located on Moana Circle near Chambers Lodge in Placer County.

The beach profile is a very shallow slope and composed of shallow lake bottom sediments. The beach form is three small benches, the last one a higher upland. The residence, landscaping and vegetation are found on the elevated upland portions of the parcel.

The portion of the lake bottom (submerged) below elevation 6223 consists of cobbles and small boulders between six inches and fifteen inches in size. The first bench consists of cobble and pebble substrate ranging between three inches and one inch in size. The second bench consists of sand and gravel partially sorted into long bands parallel with the lake shore alignment. The third bench is composed of primarily coarse sand and granules

fairly sorted between a half of an inch and a sixteenth of an inch grain size.

The upland consists of established topsoil and humus which has been landscaped. Pine needles and decaying leaves and branches cover the remainder of the unaltered areas of the parcel.

A small stream, McKinney Creek, is located approximately 300 feet northwest of the pier. The stream flows through a woodland. It passes adjacent to a crib and across a gravelly to sandy substrate before entering Lake Tahoe. Hardwood trees, evergreens, shrubs and grasses are found along this stream course. A population of Rorippa subumbellata has been found on the beach sediment adjacent to McKinney Creek.

No vegetation including Rorippa subumbellata were found at the project site during this survey. The beach area was void of vegetation.

The sand gravel cobble substrate characteristic of this site is similar to other Rorippa subumbellata habitats (Knapp, 1979) (Ferrerira, 1987). This site is considered as potential habitat for the plant.

The existing pier is located in one of the highest density stretches of shoreline at Lake Tahoe. There is 3,150 feet of shoreline in this area. The February 1978 Phillips Brandt Reddick report on The Cumulative Impacts of Shorezone Development at Lake Tahoe identified the project area as having a 1978 density of 4.13 piers per 1000 feet of shoreline, with a future density of 6.03 piers per 1000 feet of shoreline. The shorezone in the area is mapped spawning habitat on the Prime Fish Habitat Maps identified by the Tahoe Regional Planning Agency.

A.1. Earth Conditions

The project involves an existing recreational pier and two buoys. The existing pier was constructed with open steel pilings supporting a wood deck. The buoys are anchored by concrete blocks resting on the lakebed. This construction did not alter or cover any ground features and did not create unstable conditions.

A.2. Overcovering Soil

The existing pier was constructed with 12" diameter steel pilings for support driven into the lakebed. An eight foot wide wood deck was constructed on pilings, approximately six feet above the lakebed. This open construction did not cover the lake bottom except the space occupied by pilings and the buoy anchors. The buoys are anchored with concrete blocks approximately two feet in diameter resting on the lakebed. The amount of soil coverage which the piles and buoy anchors occupy is considered to be a minor impact.

A.3. Topography

The existing pier was constructed using an open construction. The pilings were set with hydraulic pressure to minimize impacts to the lakebed. The structure does not modify the topography of the lakebed. No new shore modification resulted from the pier construction. The mooring buoys were installed with concrete anchor blocks resting on the substrate of the lakebed. This impact was minimal.

A.4. Unique Features

The lakebed at the pier site is flat and lacks unique features. The existing pier was designed with open construction to reduce impacts to the lakebed. The pier and buoys do not affect any unique features.

A.5. Erosion

The pilings were placed directly in the lakebed substrate and the buoy anchors rest on the bottom of the lakebed within the body of the lake. They did not cause any wind or water erosion or significant disturbance to lake bottom profiles.

A.6. Siltation/Deposition

The existing pier was constructed using an open construction. Their placement would not have an impact to existing erosion or depositional processes.

A.7. Geologic Hazards

The pilings were set directly into the lakebed. The buoy anchors rest on the bottom of the lakebed. The depths of installation were shallow and did not induce seismic instabilities or ground failures. No impacts occurred.

B.1. Emissions

The pilings were set using a barge-mounted pile driver. Construction crews arrived by car and truck during construction. Some emissions resulted from operation of the pile driving equipment and vehicles used by commuting workers. This impact was small and temporary, lasting during the construction.

B.2. Odors

The construction operations created some odors as engines were operated during the piling installation and from crew vehicles arriving at and leaving the site. This impact was not significant and was temporary; lasting until construction was completed. Use of the pier creates some odors as boats arrive and leave. This impact is seasonal, intermittent, and considered to be minimal.

B.3. Air Alterations

The existing pier and buoys are located in the lake. They do not contain fuel-operated equipment, nor features which would create impacts which would alter air characteristics in any way.

C.1. Currents

The existing pier was constructed using an open piling design and the buoys held by submerged anchor blocks and chains. These structures do not create a significant impact on currents or water movements.

C.2. Runoff

The existing pier and buoys were placed within the body of Lake Tahoe. They do not affect surface water drainage patterns, etc.

C.3. Flood Waters

The existing pier and buoys were placed within the body of Lake Tahoe. They do not affect flood waters from streamflows.

C.4. Surface Water

The existing pier and buoys were placed in the body of Lake Tahoe. The pilings and

CALENDAR PAGE 262.15
MINUTE PAGE 342

buoys do not affect the surface water volume of Lake Tahoe.

C.5. Turbidity

The existing pier was constructed in the dry land area so no turbidity resulted from the operations. The buoy blocks rest on the lake bottom. Minor amounts of sediment may be disturbed from boat movements at the pier. These impacts are considered minimal.

C.6. Ground Water Flows

The pier pilings and buoy blocks were set at relatively shallow depths. They do not affect ground water flows.

C.7. Ground Water Quality

The pier and buoy anchor blocks were set at relatively shallow depths and do not serve as water acquisition facilities. They do not affect ground water supplies.

C.8. Water Supplies

The existing pier and buoys are not intended for water acquisition. They do not affect water supplies.

C.9. Flooding

The cumulative volume of the pilings and buoy assemblies will not induce flooding. The structures do not interfere with water movements to induce flooding.

C.10. Thermal Springs

There are no thermal springs in the vicinity. The existing pier and buoys do not affect any thermal springs.

D.1. Plant Species Diversity

The lake bottom at the site consists of small pebbles with an underlie of course sand. The structures furnish a substrate for sessile aquatic plants. The property is approximately 300 feet from McKinney Creek, which is a known location for populations of Rorippa subumbellata, Roll. A soils and vegetation report was prepared on the applicant's property but no specimens of Rorippa subumbellata, Roll. were found. However, the site is conducive to supporting the species.

The applicant has agreed to participate in the Interim Management Program for Rorippa subumbellata, Roll. and will adhere to all conservation and access guidelines.

Attachment C.

D.2. Endangered Species

A site inspection for Rorippa subumbellata, Roll. was conducted on the dry lakebed. No specimens were found. The applicant has agreed to participate in the Interim Management Program for Rorippa subumbellata, Roll. and will adhere to all conservation and access guidelines, Attachment C. The continued use of this pier, implementing the conservation and access guidelines for Rorippa subumbellata, Roll. would not impose a significant impact to threatened or endangered plant species.

D.3. Introduction of Plants

The existing anchor chains and pier pilings afford a hard substrate for sessile aquatic plants. Other piers and buoys are located in the vicinity of the site so no new impact on plant populations is created. No landscaping is proposed in this project.

D.4. Agricultural Crops

The existing pier and buoys are located in Lake Tahoe. No agriculture or aquaculture are carried out in this area. There is no impact.

E.1. Animal Species Diversity

The existing pier pilings and buoy anchors affect access to the lake bottom by burrowing organisms. Fish and benthic organisms are attracted to the pilings and buoy assemblies for grazing and shelter. The impacts are minimal.

E.2. Rare Species

The existing pier may serve as shelter and a food source to fish. The two existing mooring buoy anchors cover a small portion of the lake bottom. Each buoy utilizes a concrete anchor block approximately two square feet in size. There is no impact on rare fish species.

E.3. New Species

No new animal species are being introduced to the area by this project nor is the existence of the pier or buoy anchors within the boy of the lake posing a barrier to animal migration. No new animal species were introduced as a result of the applicant's pier.

E.4. Habitat Deterioration

CALENDAR PAGE 262.11
MINUTE PAGE 344

The project is located in a designated fish spawning area. However, since the pier and buoys are already in existence, there is minimal impact.

F.1. Noise Increases

The construction of the existing pier involved a period of moderate noise levels as the pilings were being set and the pier itself was being constructed. Noise from work crew vehicles arriving and leaving the site occurred at the beginning and end of work days. This activity ended when the project was completed. Some noise will continue to result from seasonal use of the dock for boating access. These occurrences are brief and minimal. No new noise will occur from the continued existence or use of the two existing mooring buoys.

F.2. Severe Noise

The construction of the existing pier may have caused periods of extreme noise as pile driving equipment was being used. These episodes were brief, lasting seconds or minutes in duration. Some severe noise may arise from boat use during engine operation. These occurrences will be brief.

G.1. Light and Glare

The existing pier was constructed during daylight hours. There are no navigational lights on the existing pier or buoys to create light or glare. No reflections or glare are created from finished surfaces.

H.1. Land Use

The existing pier and buoys were installed among existing piers and buoys on either side, so there is no alteration of land use patterns. Adjacent piers are approximately 90 feet to the right and left of the site.

I.1. Resource Use

The existing pier and buoys do not increase resource depletion or loss of non-renewable resources. The existing pier and buoys are used only for recreational boating purposes.

J.1. Explosion

As the pier and buoys currently exist, there is no risk of explosion of fuel during construction. Recreational boats will use the pier and buoys. Possibility of explosion will be minimal.

CALENDAR PAGE 262.18
MINUTE PAGE 345

J.2. Emergency Plans

The pier and buoys do not have an impact upon emergency vessel movements in the area as they are located among other piers and buoys.

K.1. Alter Population

The existing pier and buoys do not affect the population density or growth patterns in the area. The pier and buoys are for private use by the applicant for mooring of a recreational vessel. There are no live-aboard vessels or increases in local population resulting from this project.

L.1. Housing

The existing pier and mooring buoys are used by the applicant whose property is located at the shoreward end of the pier. A residence exists o the upland. No new housing was constructed in association with the existing pier and buoys.

M.1. Vehicular Movement

The existing pier and buoys are for the applicant's private use. No new parking facilities were created or required to accommodate the use of these facilities.

M.2. Parking

See response to M.1. above.

M.3. Transportation Systems

The construction crew accessed the site using existing roadways. The project would have no significant impact to transportation systems.

M.4. Circulation

The existing pier and buoys were constructed among several other existing piers and buoys. Adjacent piers and buoys are located on either side. The pier on the north is 135 feet long and is approximately 90 feet from the applicant's pier. The pier on the south is 105 feet long and is approximately 90 feet from the applicant's pier. As there exists a buoy some 90 feet waterward of the applicant's most lakeward buoy, effects on current land or water traffic circulation are negligible.

M.5. Traffic

The existing pier and buoys are located among several existing piers and buoys at th

CALENDAR PAGE 262.1
MINUTE PAGE 346

west shore of Lake Tahoe. All of these existing piers and buoys affect boat traffic, driving it waterward to avoid collision with these structures. Waterskiing and fishing must be conducted away from the piers and buoys to avoid injury to skiers or fouling of trolling lines. This impact is not new, but ongoing. According to TRPA, the existing pier is within an established pierhead line.

M.6. Hazards

As the pier exists within the shoreline of Lake Tahoe and the existing buoys are located in the body of the lake, they do not pose a hazard to motor vehicles, pedestrians or bicyclists.

N.1-6 Public Services

Continued use of the existing pier and buoys would not create a new impact on public services including fire and police protection, school and park facilities, road maintenance or other public services.

O.1. Energy Use

The existing pier and buoys did not require use of energy for navigational aids. Fuel and electricity were required during construction. Since construction has been completed, there is no further impact on energy use.

O.2. New Energy

The existing pier and buoys require no energy, therefore there is no impact on future energy needs.

P.1-6 Utilities

The existing pier and buoys do not create an impact on utilities services including power, water, sewerage and waste or communications. A residence is located on the upland which provides these needs.

Q.1-2 Health Hazards

The existing pier was constructed with steel pilings, steel and wood framing and wood decking. The buoys used a 2-inch chain attached to concrete anchor blocks and plastic floats. These materials do not pose a health hazard or potential health hazard to humans.

R.1. Views

The existing pier is located in one of the highest density stretches of shoreline

CALENDAR PAGE 262.20
MINUTE PAGE 347

Lake Tahoe. The existing pier and buoys are located among several other piers and buoys. This does not create a new impact upon the present view status, but contributes to an existing condition.

S.1. Recreation

The existing pier and buoys do not create a new impact upon recreation in this area as they exist among several other piers and buoys. The structures in this area would continue to have a minor impact on waterskiing, fishing and possibly swimming activities. This pier has been constructed within the limits of the established TRPA pierhead line.

T.1-4 Historic Ethnic Sites

The existing pier and buoys are located waterward of the lake shore. There are no known archaeologic or ethnic sites in this location so there is no impact.

U.1. Degradation

The existing pier was constructed with steel pilings and steel/wood decking. This structure does create a visual impact which could be considered a degradation. There are several piers in the immediate area so this impact is not new, but ongoing.

U.2. Environmental Goals

The continued presence of the existing pier among other existing waterward structures does not adversely affect current environmental goals.

U.3. Cumulative Impacts

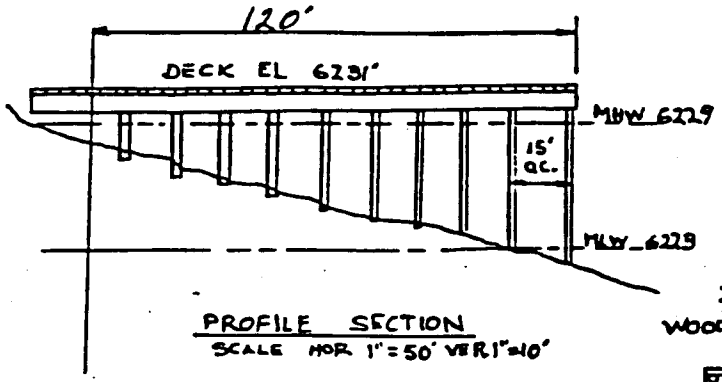
The existing pier and buoys are located among several existing piers. Greater pier densities create a greater negative impact on the public than few or no piers. These structures also create a negative barrier to beach walking. This existing pier does add to the cumulative impact of piers already installed. The project does not create significant impacts on its own merits.

U.4. Adverse Impacts

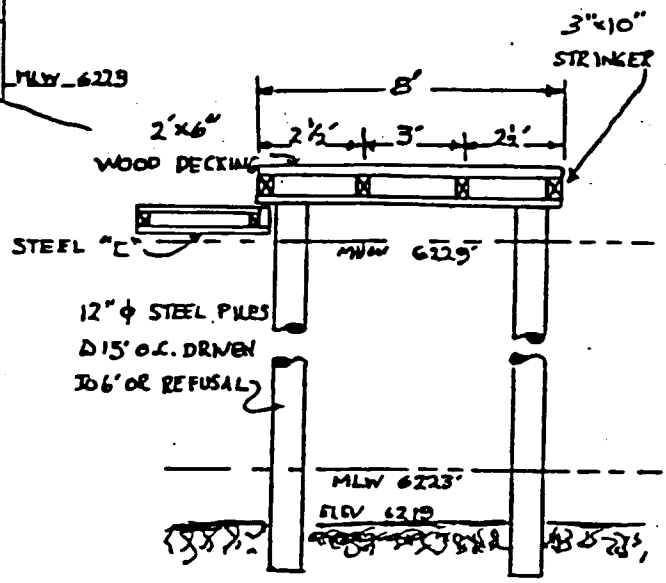
The accumulation of several piers in this area including the applicant's existing pier may contribute to the scenic quality of this segment of shoreline, but the added impact of the applicant's existing pier is negligible. There is no significant adverse impact on humans.

CALENDAR PAGE 262.21
MINUTE PAGE 348

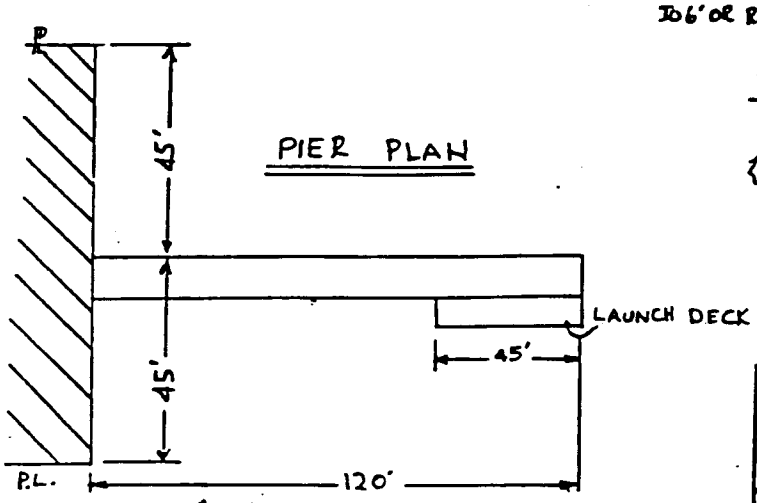
EXHIBIT A



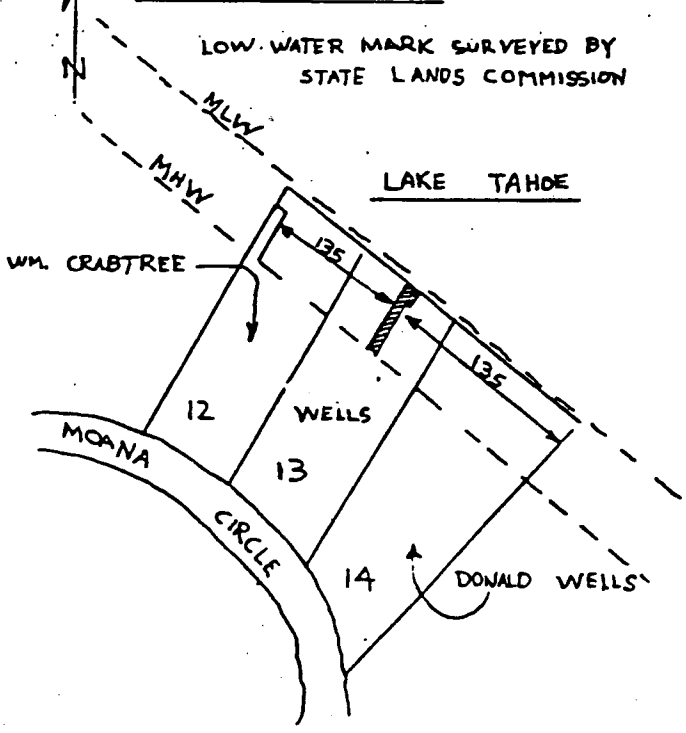
PROFILE SECTION
SCALE HOR 1" = 50' VERT 1" = 10'



TYPICAL SECTION
SCALE 1" = 4'

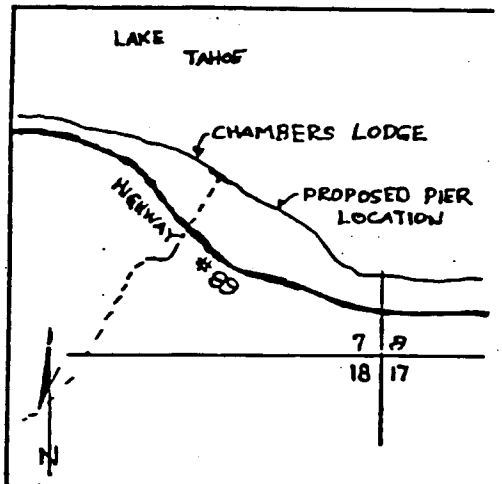


PIER PLAN



PROPERTY LOCATION

LOW WATER MARK SURVEYED BY STATE LANDS COMMISSION



LOCATION MAP SCALE 1" = 2000'
TAKEN FROM USC - GS CHART 5001

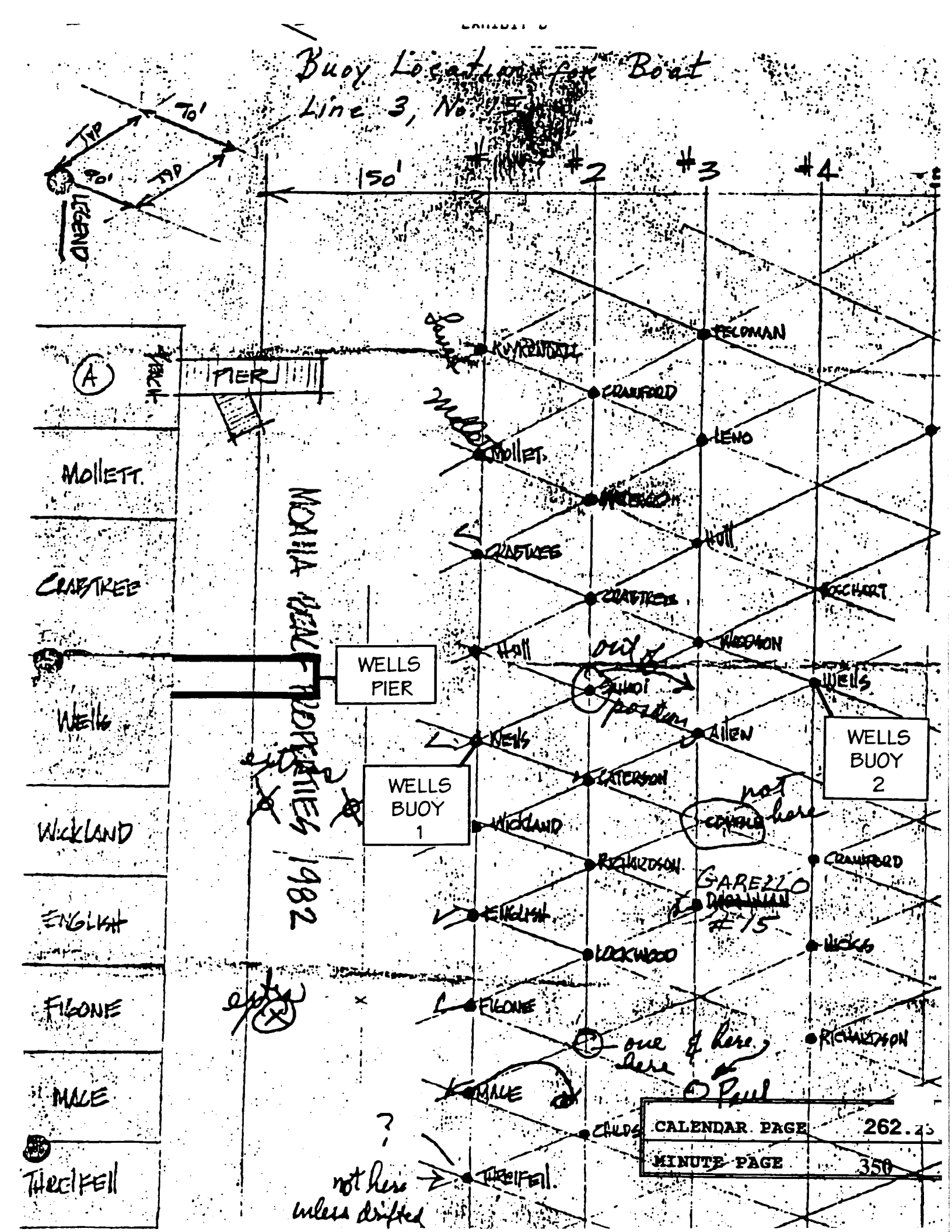
PROPOSED PIER

LAKE TAHOE, CA. MOANA BEACH
SECTION 7 T1AN R17E
M.R.M. PLACER COUNTY, CAL.

APPLICATION BY:
DONALD WELLS
33 BARRY LN.
ALBANY, CAL. 94025

CALENDAR PAGE 262.22
MINUTE PAGE 349

DATE OCT 1, 1978


Buoy Location for Boat
Line 3, No. 15
TYP
90'
90'
TYP
LEGEND
150'
#1
#2
#3
#4
A
PIER
MOLLETT
CRABTREE
WELLS
WICKLAND
ENGLISH
FIGONE
MACE
THREIFELL
MOANA BEACH PROPERTIES 1982
WELLS PIER
WELLS BUOY 1
WELLS BUOY 2
KUYKENDALL
FELDMAN
CRAWFORD
LENO
MOLLET
HULL
CRABTREE
BOSCHART
WOODSON
WELLS
ALLEN
CATERSON
WICKLAND
RICHARDSON
CRAWFORD
GARELLO
#15
ENGLISH
LOCKWOOD
FIGONE
RICHARDSON
MACE
CHILDS
THREIFELL
out of position
not here
one & here here
Paul
not here unless drifted
CALENDAR PAGE 262.25
MINUTE PAGE 350

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, ser berry, or manzanita. Prior to construction of a 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, slope, and the existing vegetation types and the 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.

EXHIBIT D

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 95814-7187

CHARLES WARREN
Executive Officer

October 22, 1993
File: PRC 7346
ND 633
SCH No. 93102068

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 November 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

CALENDAR PAGE	262.26
MINUTE PAGE	353

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 95814-[illegible]

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 7346
ND 633
SCH No. 93102068

Project Title:	Angell Recreational Partial Pier Reconstruction & Conversion of Boathouse
Project Proponent:	Janet H. Angell
Project Location:	Lake Tahoe, APN 83-202-05, 1260 West Lake Blvd., Sunnyside Area, Placer County.
Project Description:	Reconstruct landward terminus (135 L.F.) of a 400 L.F. pier and convert the boathouse to a pier deck. Utilize 10.75" steel piles, 6" steel beams, 4" x 10" wood joists, and 2" x 6" cedar decking.
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.

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

CALENDAR PAGE	262.27
MINUTE PAGE	354

PROJECT DESCRIPTION

PROJECT NARRATIVE

PRC 7681.9 authorized two buoys, a boatlift and a recreational pier with boathouse. The proposed project would authorize the reconstruction of the older 135 foot landward portion of an existing 400 foot pier and modification of a boathouse, both of which were destroyed by last winter's snow load. The modification is the removal of the existing boathouse and lowering the upper sun deck to the pier deck elevation. The 4 foot by 15 foot landing located between the boathouse and landward terminus of the pier is also being removed. This will result in a reduction to the structure's overall height, area, and bulk of the existing pier structure. The reconstruction will utilize 10.75" steel piles, 6" steel beams, 4" x 10" wood joists, and 2" x 6" min. cedar deck. Lowering the sun deck, reducing the overall area of the structure, and removing the landing are measures incorporated into the project to enhance the scenic quality along this portion of Lake Tahoe. (See attached plan: Exhibit "A").

CONSTRUCTION METHOD

The demolition and partial reconstruction activity associated with this pier and boathouse will be performed by a 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 and/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 required to provide adequate stabilization of the barge. During low-water seasons, barge access will be confined to the "footprint" established by the width of either the existing or proposed pier plus the width of the barge placed adjacent to it. This access "footprint" will minimize the disturbance to the lakebottom.

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 or within 50 feet of the beach bluff. 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.

DESCRIPTION OF ENVIRONMENTAL SETTING

The proposed Angell pier partial reconstruction project is located at 1260 West Lake Blvd., Sunnyside, Lake Tahoe, Placer County, California (APN 83-202-05). This is a private residence in the Sunnyside area, approximately three miles south of Tahoe City, on Highway 89 (West Lake Blvd.). The present use of the area is private recreation. A pier, boathouse, boat lift, and two buoys presently exist on site. The Sunnyside shoreline is primarily rocky, generally offering little habitat for Tahoe Yellow Cress (TYC) (Rorippa subumbellata ROLLINS.

SITE DESCRIPTION

The Angell property is in a recreational-residential area of Lake Tahoe where the recreational-residential parcels have piers and buoys. From the centerline of the Angell pier, there is a pier 750 feet to the north and another pier 220 feet south. There is a backshore bluff at 6229.1 feet elevation (MHW) and approximately 135 feet west of mean low water (elev 6223.0 feet). The backshore area of the Angell parcel (approximately 6230' elevation) is dominated by Jeffrey pine, Pinus jeffreyi, white fire, Abi concolor, incense cedar, Libocedrus decurrens, mountain alde., Alnus incana, var. tenuifolia, and choke cherry, Prunus virginiana. The shoreline at the time of the habitat evaluation in regard to Tahoe Yellow Cress (TYC), Rorippa Subumbellatat Rollins, on July 22, 1993, was approximately 6225' elevation, and was dominated by swordfern rush, Juncus ensifolius, golden-eyed grass, Sisyrinchium elmeri, lotus, Lotus purshianus, coyote willow. Salix exigua, and black cottonwood, Populus balsamifera var. trichocarpa. The substratum was almost entirely comprised of large cobble 4-5" in diameter and underlain by sand.

CONCLUSIONS

Tahoe Yellow Cress habitat was not present on the Angell parcel in the shoreline zone or the backshore area of the proposed project. the substratum present is comprised of large cobbles 4-5" in diameter and rocks 6-8" in diameter. There were no areas noted within the parcel supporting backshore sandy or gravelly depression zones. The proposed project appears to pose no negative impact to any existing or potential habitat for TYC.

The shorezone in this area is mapped as spawning habitat on the Prime Fish Habitat Maps identified by the Tahoe Regional Planning Agency. The construction period will be between July 1 and Octob 1 which will not interfere with the fish spawning season.

STATE LANDS COMMISSION

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

File Ref.: PRC 7346.9

I. BACKGROUND INFORMATION

A. Applicant: Janet H. Angell — Kevin Agan - Agent

17 La Fond Lane — Vail Engineering Corp.

Orinda CA 94563 — PO Box 879

Tahoe City CA 96145

B. Checklist Date: 10 / 14 / 93

C. Contact Person: Doug Miller

Telephone: (916) 322 - 7826

D. Purpose: Reconstruct landward 135 foot portion of pier and convert boathouse to a pier deck, both of which were destroyed by snowload i winter.

E. Location: 1260 West Lake Blvd., Sunnyside Area, Placer County - Lake Tahoe

F. Description: Reconstruct landward terminus (135 L.F.) of a 400 L.F. pier and convert the boathouse to a pier deck. Utilize 10.75" steel pil 6" steel beams, 4" x 10" wood joists and 2" x 6" cedar decking.

G. Persons Contacted:

Kevin Agan - Vail Engineering Corp.

Brad Hubbard - Army Corps of Engineers - Sacramento

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

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

CALENDAR PAGE 262.30
MINUTE PAGE 357

	Yes	Maybe	N
B. Air. Will the proposal result in:			
1. Substantial air emissions or deterioration of ambient air quality?	—	—	-
2. The creation of objectional odors?	—	—	-
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	—	—	-
C. Water. Will the proposal result in:			
1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?	—	—	-
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	—	—	-
3. Alterations to the course or flow of flood waters?	—	—	-
4. Change in the amount of surface water in any water body?	—	—	-
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	—	-
6. Alteration of the direct on or rate of flow of ground waters?	—	—	-
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	—	—	-
8. Substantial reduction in the amount of water otherwise available for public water supplies?	—	—	-
9. Exposure of people or property to water-related hazards such as flooding or tidal waves?	—	—	-
10. Significant changes in the temperature, flow or chemical content of surface thermal springs?	—	—	-
D. Plant Life. Will the proposal result in:			
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	—	—	-
2. Reduction of the numbers of any unique, rare or endangered species of plants?	—	—	-
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	-
4. Reduction in acreage of any agricultural crop?	—	—	-
E. Animal Life. Will the proposal result in:			
1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?	—	—	-
2. Reduction of the numbers of any unique, rare or endangered species of animals?	—	—	-
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	—	-
4. Deterioration to existing fish or wildlife habitat?	—	—	-
F. Noise. Will the proposal result in:			
1. Increase in existing noise levels?	—	—	-
2. Exposure of people to severe noise levels?	—	—	-
G. Light and Glare. Will the proposal result in:			
1. The production of new light or glare?	—	—	-
H. Land Use. Will the proposal result in:			
1. A substantial alteration of the present or planned land use of an area?	—	—	-
I. Natural Resources. Will the proposal result in:			
1. Increase in the rate of use of any natural resources?	—	—	-
2. Substantial depletion of any nonrenewable resources?	—	—	-

CALENDAR PAGE 262.31
MINUTE PAGE — 358 X

J. Risk of Upset. Does the proposal result in:

	Yes	Maybe
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?	—	—
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?	—	—
L. Housing. Will the proposal result in:		
1. Affecting existing housing, or create a demand for additional housing?	—	—
M. Transportation/Circulation. Will the proposal result in:		
1. Generation of substantial additional vehicular movement?	—	—
2. Affecting existing parking facilities, or create a demand for new parking?	—	—
3. Substantial impact upon existing transportation systems?	—	—
4. Alterations to present patterns of circulation or movement of people and/or goods?	—	—
5. Alterations to waterborne, rail, or air traffic?	—	—
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	—	—
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?	—	—
2. Police protection?	—	—
3. Schools?	—	—
4. Parks and other recreational facilities?	—	—
5. Maintenance of public facilities, including roads?	—	—
6. Other governmental services?	—	—
O. Energy. Will the proposal result in:		
1. Use of substantial amounts of fuel or energy?	—	—
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?	—	—
P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:		
1. Power or natural gas?	—	—
2. Communication systems?	—	—
3. Water?	—	—
4. Sewer or septic tanks?	—	—
5. Storm water drainage?	—	—
6. Solid waste and disposal?	—	—
Q. Human Health. Will the proposal result in:		
1. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—
2. Exposure of people to potential heath 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?		

CALENDAR PAGE 262.32
MINUTE PAGE 359

	Yes	Maybe	
S. Recreation. Will the proposal result in:			
1. An impact upon the quality or quantity of existing recreational opportunities?	—	—	-
T. Cultural Resources			
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?	—	—	-
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	—	—	-
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	—	—	-
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	—	—	-
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?	—	—	-
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	—	—	-
3. Does the project have impacts which are individually limited, but cumulatively considerable?	—	—	-
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	—	—	-

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 prepare

_X_ 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 DECLARATIO will be prepared.

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

Date: 10 / 14 / 93

Doug Miller

For the State Lands Co[illegible]

CALENDAR PAGE 262.33

MINUTE PAGE 360

DISCUSSION OF ENVIRONMENTAL EVALUATION
ANGELL RECREATIONAL PARTIAL-PIER
RECONSTRUCTION, AND BOATHOUSE
CONVERSION TO A PIER DECK

PRC 7346.9

A. Earth

1. No. This proposed partial pier reconstruction project is confined to the surface and will not create any unstable conditions or change any geological structure.

2. No. This project will not overcover or disturb any new areas. 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. 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 and driving of replacement piles for the pier will not change any geological or physical features existing on the lake bed substrate.

5. No. This pier partial reconstruction project is simply repairing and modifying an existing structure and will have no effect on wind or water erosion on or off the site.

6. No. This pier reconstruction project is confined to the existing footprint of the structure which will not create any new channel changes or erosion of beach sands. The beach is comprised of large cobble and rock with very little exposed sand present to erode.

7. No. The reconstruction of the existing pier is a surface project and not deep enough nor violent enough to induce any seismic instabilities or ground failures. No impacts are anticipated.

B. Air

1. No. The reconstructed pier will not affect the air quality.

2. No. The reconstructed pier will not create objectionable odors. However, during construction hours, there will be about a four week period when fumes from the diesel

engine will be noticeable in the immediate vicinity of the project. These fumes are immediately dissipated by the constant prevailing winds associated with Lake Tahoe during normal construction hours.

3. No. The reconstructed pier will not create any major changes in air movements, temperature, or climate, nor create any abnormal weather conditions.

C. Water

1. No. The replaced piles supporting the pier are of a static nature and will not create any changes in water currents or movements.

2. No. The replaced pilings of the existing pier will not affect absorption rates, drainage patterns, etc.

3. No. The replaced pilings of the existing pier will not create any new effects upon flood waters.

4. No. The replaced pilings of the existing pier 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 of resuspended sediments during pile placement activities from entering the lake. Small boats and/or tarps will be placed under the construction area as necessary to collect construction debris. The modified pier will not change the water quality.

6. No. The geology of the project area is composed of glacial and alluvial deposits. The replacement of the existing pilings are relatively shallow (approximately 6 feet deep) operations and should not affect not affect ground water flows.

7. No. There will not be any changes to ground water quantity caused by the modified pier.

8. No. The reconstructed pier will have no effect on public water supplies.

9. No. The reconstructed existing pier will not expose people or property 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 four 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 partial reconstruction project will be conducted during the non-spawning season, identified to be between July 1 and October 1 to minimize the impact on fish spawning habitat. The impact to aquatic plants will be temporary.

2. No. There are no rare or endangered species on the property. In the report for Tahoe Yellow Cress (Rorippa subumbellata) habitat, no TYC nor TYC habitat was found on the project property of adjacent properties.

3. No. The partial pier reconstruction project will not introduce new species to the area nor bar existing species from becoming established.

4. No. The partial pier reconstruction project will not reduce the acreage of agricultural crops. There are no known agriculture or aquaculture activities in this area; therefore, there will be no impacts.

E. Animal Life

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 will be approximately four 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 1 to minimize the impact on fish spawning habitat.

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

3. No. The pier reconstruction project will not introduce any new species to the area nor create a new barrier to aquatic animals.

4. No. The pier reconstruction project will not reduce the aquatic animal habitat area upon completion.

F. Noise

1. No. The reconstructed private recreational pier will not increase existing noise levels. There will be short term additional noises during the reconstruction period, but there will not be an increase in long term noise levels.

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

G. Light and Glare

1. No. The modified pier will not result in creating new light or glare.

H. Land Use

1. No. The partial reconstruction of the existing private recreational pier will not alter the present or planned use of the area. The existing pier serves a private residence and not the general public. There are presently buoys and piers on adjacent properties. There is a pier 750 feet to the north and 220 feet to the south of the centerline of the Angell's existing pier. This project will not substantially alter the land use in the area.

I. Natural Resources

1. No. The continued seasonal recreational use of this private pier and buoys by the Angell family will not create any new effects upon the use rate of any natural resource.

2. No. The Angell family's seasonal use of their private recreational pier and buoys will not create any changes which could deplete any nonrenewable resource.

J. Risk of Upset

1. No. The project involves the dismantling and reconstruction of an existing pier and converting the boathouse into a pier deck. The "Lark" vessel being used is diesel operated which reduces the risk of explosion. Hazardous materials are not to be used during the reconstruction 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 the release of resuspended sediments during the pile placement activities from entering the lake during reconstruction. The past limited seasonal use of this and adjacent private family recreational piers have not demonstrated a risk of releasing hazardous substances, creating upset conditions, or explosions in the Lake Tahoe Basin. Precautions will be taken to minimize these risks.

2. No. The continued seasonal use of the Angell's partially reconstructed private recreational pier, existing low level boat lift, and existing buoys will not create an interface with any emergency response or evacuation plan.

K. Population

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

L. Housing

1. No. Neither this private reconstructed recreational pier will create a demand for additional housing.

M. Transportation/Circulation

1. No. This is a private residence and the reconstructed pier is for the benefit of the members of the Angell family and not the general public. There are no facilities being added to attract the general public or more people. The use of this private residence will not be changed by this project nor will there be any substantial increase in vehicle movement created by this project.

2. No. See #1 above.

3. No. See #1 above.

4. No. See #1 above.

5. No. See #1 above.

6. No. See #1 above.

N. Public Services

1. No. This is a private residence and the reconstructed pier will not create any additional use or increase of

use by the general public. This project will not create any new demands on government agencies and services such as fire, police protection, parks and recreation, road maintenance, etc.

2. No. See #1 above.

3. No. See #1 above.

4. No. See #1 above.

5. No. See #1 above.

6. No. See #1 above.

O. Energy

1. No. This pier reconstruction project will not have any affect on additional energy consumption. The continued use of this recreational pier will not constitute a substantial increase in energy being used in the Lake Tahoe Basin.

2. No. See #1 above.

P. Utilities

1. No. The reconstruction of the private recreational pier will not create any changes in utilities. This project is for the private benefit of the Angell family. There will be no additions to the existing facilities which will significantly affect the current uses of power, communications, water, septic tanks, storm water drainage, or solid waste disposal.

2. No. See #1 above.

3. No. See #1 above.

4. No. See #1 above.

5. No. See #1 above.

6. No. See #1 above.

Q. Human Health

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

2. No. The two existing buoys and reconstructed private recreational pier will not expose people to any new potential health hazards.

R. Aesthetics

1. No. The Angell's recreational pier is an existing facility. As TRPA mitigation the boathouse is being removed and being replaced by a pier deck in the same footprint as the boathouse. The removal of the boathouse and reconstruction of the pier is designed to compliment the aesthetics of this residential recreational area consisting of homes, piers, buoys and boats.

S. Recreation

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

T. Cultural Resources

1. No. This project consists of removing a boathouse and replacing it with a pier deck and reconstructing the landward 135 feet of an existing private recreational pier within the footprint of the existing pier and boathouse. There are no identified cultural, ethnic, religious, or sacred uses pertinent to this project area.

2. No. See No.# 1 above.

3. No. See No.# 1 above.

4. No. See No.# 1 above.

U. Mandatory Findings of Significance

1. No. The pier is being partially reconstructed using a single piling configuration. There will be about a four week period during reconstruction when the indigenous aquatic biota will be displaced but will recolonize and return to normal after the project is completed. Mitigation measures, including caissons or vertical sleeves will be incorporated to protect Lake Tahoe during the reconstruction phase of the operation.

2. No. There will be a short term, approximately four weeks, disruption of the marine environment in the immediate vicinity of the pier being reconstructed. 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.

3. No. The Angell's private family rec

existing facility. The Conversion of the boathouse to a pier deck, the partial pier reconstruction do not add or create impacts which will increase the propensity for considerable cumulative effects.

4. No. This private pier partial reconstruction and boathouse conversion to a pier deck will not create any new environmental effects which could create a significant adverse effect on human beings.

EXHIBIT "C "
MITIGATION MONITORING PROGRAM
ANGELL RECREATIONAL PARTIAL-PIER
RECONSTRUCTION AND
BOATHOUSE CONVERSION TO A PIER DECK

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.

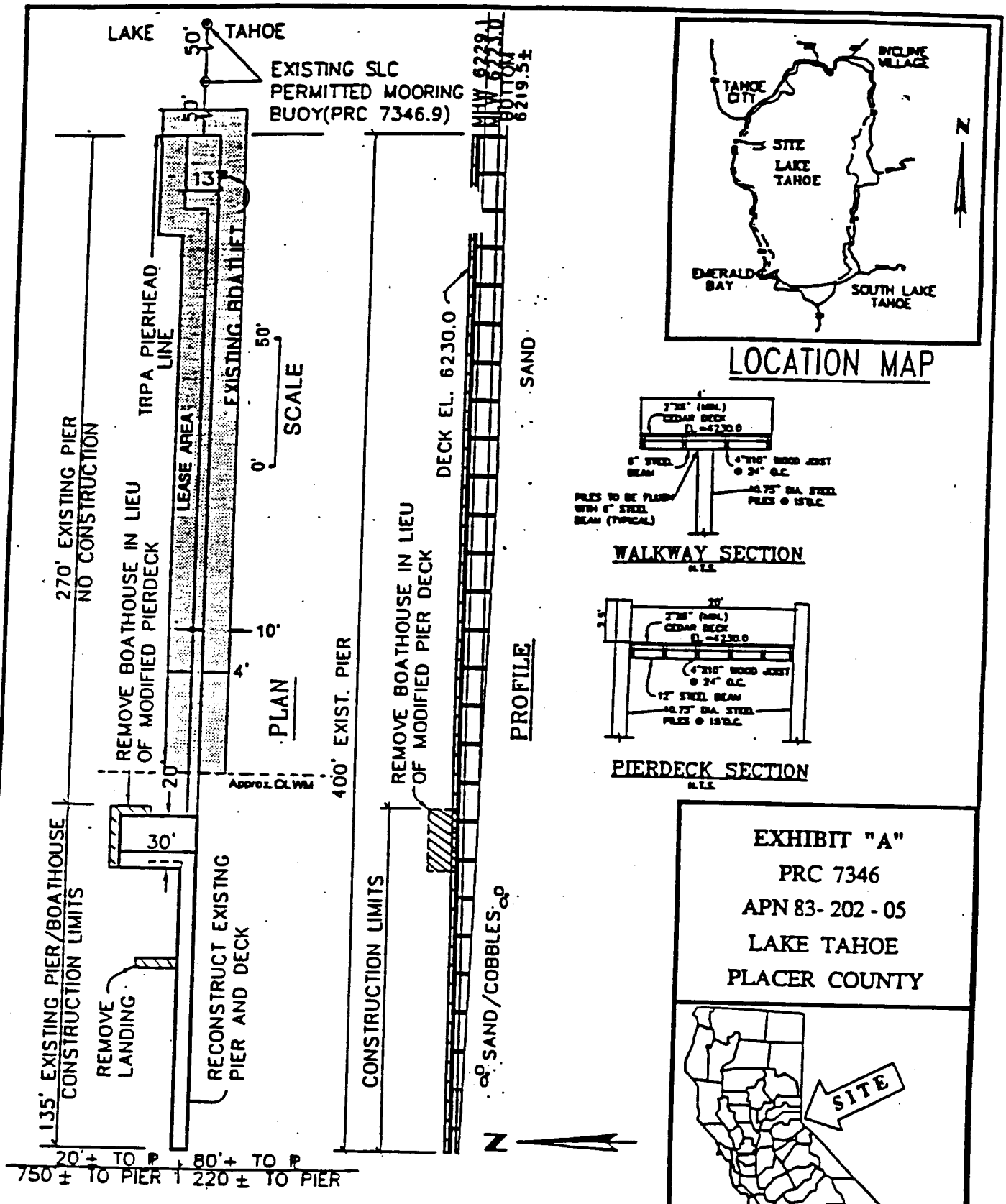
2. Impact: The proposed project is located in designated fish spawning habitat and could have an impact on the habitat.

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 that the proposed activity will occur within the allowable construction time period.



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.

CALENDAR PAGE 263

MINUTE PAGE 771

CO 6/93