

MINUTE ITEM

This Calendar Item No. C31 was approved as Minute Item No. 31 by the State Lands Commission by a vote of 3 to 0 at its 4/6/94 meeting.

CALENDAR ITEM

C31

A 4
S 1

04/06/94
PRC 653
J. Ludlow

LAKE TAHOE LEASES AND RECREATIONAL PIER PERMITS WITH NEGATIVE DECLARATIONS

APPLICANT:

Obexer and Son, Inc.
P.O. Box 186
Homewood, California 96141

LAND USE:

As listed on Exhibit "A" attached.

TERM:

Initial Period: Forty (40) years beginning July 1, 1980.

CONSIDERATION:

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.

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 Combined Single Limit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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

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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:

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 this project as listed on the attached Exhibit "A". Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon 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. 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 "B".
3. 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 classifications.
4. This property was physically inspected by staff for the purpose of evaluating the impact of the proposed activity on the public trust.
5. The lease document includes specific provisions by which the Lessee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.

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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, LTD) of the subject property. This procedure will prevent any disturbance to the Rorippa or its habitat.
7. The applicant has 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 referred to herein.
8. The lease is conditioned on 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 lease 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, is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Lessee shall request the consent of the State to make such alteration.
9. The lease is 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 (1981), and provides that the 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. Lessee agrees 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 §711.4 of the Fish and Game Code, is applicable to the project presented herein.

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EXHIBITS:

- A. Applicant; Location; Land Use and Status; Property Description, ND# 641 and State Clearinghouse # 94022016.
- B. Negative Declaration/Monitoring Program.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION WAS PREPARED FOR THE PROPOSED PROJECT LISTED ON THE 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".
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 THE AMENDMENT OF LEASE PRC 653 ISSUED TO OBEXER AND SON, INC. FOR (1) THE RECONSTRUCTION, USE AND MAINTENANCE OF AN EXISTING COMMERCIAL ROCK CRIB PIER AND RETAINING WALL AND (2) TO INCREASE THE PUBLIC LIABILITY INSURANCE TO \$1,000,000, EFFECTIVE MARCH 8, 1994, AND SHOWN ON EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.
6. FIND THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 653 REMAIN IN FULL FORCE AND EFFECT.

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NEGOTIATOR: JUDY LUDLOW
 NEG. DEC.

EXHIBIT "A"

Lake Tahoe Permits and Leases for Calendar of April 6, 1994

Work Order No.	Applicant/Address	Waterway and County	Land use and Status Existing/Proposed	Upland Property Description	Classification SCIM NDM
PRC 653	Chester and Son, Inc. P. O. Box 186 Hornewood, CA 96141	Lake Tahoe Placer County	Amend lease to reconstruct retaining wall and commercial pier and increase public liability insurance.	APN 97-154-001 5300 West Lake Boulevard	94022016 641

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STATE LANDS COMMISSION

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

EXHIBIT B

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814
CHARLES WAF
Executive Office

February 4, 1994
File: PRC 653
ND 641
SCH No. 94022016

**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 March 9, 1994.

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

File: PRC 653
 ND 641
 SCH No. 94022016

Project Title: Obexer's Marina Phased Repairs

Project Proponent: Obexer's Marina, c/o Hoffman, Lien, Faccinto, Garnet & Lieberman

Project Location: Homewood, Hwy. 89, APN 97-154-01, Lake Tahoe, Placer County.

Project Description: Proposed phased reconstruction of an existing rock crib pier and retaining wall. (Refer to Project Description and Attachment A, Site Plan.)

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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PROJECT DESCRIPTION

Obexer's Marina Proposed Retaining Wall, Crib, and Miscellaneous Repairs

Deteriorated wood cribbing sections in the harbor breakwater structures have lost their integrity and have compromised the safety of the public walkways which they support, and it has become necessary to repair them. One is a forty foot long section of six foot wide pier, and the other is a ten foot square section, both located at the harbor entrance on the southerly end.

A wooden retaining wall adjacent to the to an existing steel sheet pile wall on the north end of the harbor has also failed and jeopardizes the main access walkway to the fuel pumps and boat berths and must be repaired for safety reasons.

In addition to the foregoing, there are a number of locations where ordinary repair and replacement work is required to maintain safe conditions.

Proposed Phasing and Schedule of Work

The proposed construction will be carried out in four phases. At the beginning of each phase which involves retaining wall or cribbing repair, an impermeable barrier curtain will be installed to limit disturbance to the immediate work area.

The work proposed in each of the four phases is shown on the Crib and Retaining Wall Repair Plan as revised on September 27, 1993 and described below.

Phase 1 - 1994

Install a forty foot length of steel sheet piling wall from the end of the existing steel sheet piling on the west (land) end to sound timber cribbing on the east (lake) end. Backfill will be removed from the area behind the failed timber wall in order to drive the new sheet piling and then replaced. The face of existing cribs will be left in place and the piling driven in front of them in order to avoid damage to gas and electric lines located within the cribs.

Phase 2 - 1994

Replace the existing ten foot square section of crib with a new timber crib. The timber deck above the crib will be removed and discarded, and the rock ballast in the crib removed and temporarily stored on the contractor's barge. The existing crib timbers will then be dismantled and discarded. Upon completion of the new timber crib, the rock will be replaced and a new timber deck installed.

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PROJECT DESCRIPTION (Cont'd.)

Phase 3 - 1994

Replace the existing forty foot by six foot wide section of existing timber crib and decking with new timber crib and decking.

Phase 4

1994

Items 4-11, 4-12 and 4-13 consisting of the removal of five existing deteriorated wooden piles, the driving of four new steel pipe piling to restrain further lateral movement of existing timber cribbing that has been deflected by wave forces, and the removal of several deteriorated vertical fascia timbers that are no longer needed on the lakeward face of existing cribs.

1994 and 1995

Items 4-1 through 4-10, 4-14 and 4-15 consisting of repairs to and replacement of finger pier planks, supports and ladders; replacement of main breakwater decking and supports at specified locations; the removal and replacement of damaged timber finger piles; and the removal of existing damaged mooring piles that are no longer needed.

Work Methods and Equipment

Phase 1

Existing backfill will be removed and temporarily stored on existing pavement or heavy plastic sheeting, and then replaced, working from the landside with a backhoe and hand labor. The new sheet piling will be installed along the face of the existing cribs from a barge moored in the harbor. Those portions of the new steel sheet piling wall that are to be installed on the east end beneath the harbor master's office may require the use of shorter lengths of sheet piling and welded splices due to the limited overhead clearance. The contractor may also use a vibratory driver that requires less overhead clearance. The remainder of the wall does not have an overhead clearance limitation, and the proposal is to drive full sheets with a steel waler tied to the existing steel sheet wall on the opposite side of the cribs.

Phases 2 and 3

The existing timber crib, deck and rock ballast will be removed by a combination of a crane on the contractor's barge and hand labor. The new crib and replacement of rock ballast will be by the same procedure, and the new timber deck installed manually with access along the main breakwater or from the contractor's barge.

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PROJECT DESCRIPTION (Cont'd.)

Phase 4 - 1994

Items 4-11 through 4-13 will all be performed from the contractor's barge. The wooden piling to be removed will be cut just above the water line and lifted onto the barge. Filter fabric on the water surface will keep sawdust from lake waters. New steel pipe piles will be driven from the contractor's barge and will not require a turbidity curtain. Removal of existing fascia boards from the lakeward face of the existing cribs will be by hand from the barge.

Phase 4 - 1994 and 1995

This work will be performed by Obexer staff with the exception of new upright supports for finger piers which will be driven from the contractor's barge. All other work will be accessed from the existing decks and walkways and performed manually.

General

All cutting of wood members will be done on shore to avoid contamination of the lake.

Earthen backfill material that is temporarily stored on pavement or plastic sheets is to have an approved berm or siltation barrier placed around the stockpile to prevent erosion by unexpected rainfall from reaching lake waters.

No new timber will be pressure-treated or painted.

All appropriate agencies will be notified prior to any work that requires a barrier curtain in lake waters, and will be kept advised of Phase 4 work status on a regular basis.

Upon completion of work, and after water clarity is back to normal, barrier curtains will be removed after authorization from the appropriate regulatory agencies.

September 29, 1993 EGH

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SHEET 3 of 3

Environmental Setting

Obexer's Marina is located off of Highway 89 and South Street in the unincorporated community of Homewood at Assessor Parcel: 97-154-01, 5300 West Lake Boulevard, McKinney Bay, Lake Tahoe, Placer County. This is one of two marinas located within the McKinney Bay shoreline.

Upland improvements include marine storage and repair buildings, an office, and outdoor marine vessel storage/parking. The marina harbor is protected by a rock crib pier which encloses the harbor from north to south. A separate rock crib pier projects lakeward on the south side of the harbor forming the harbor entrance. A harbor master's office is located on a raised deck above the rock crib pier on the north side of the harbor. The boatramp is located on the north side of the rock crib pier. A bulkhead/retaining wall separates the harbor from the upland.

The upland surface above high water is mostly compacted gravel with the exception of the boat ramp which is an asphalt surface. There is approximately 100' of highly disturbed beach area on either side of the marina which consists of coarse sand and small cobble and which is sparsely vegetated below high water.

I. BACKGROUND INFORMATION

- A. Applicant: Oberer's Marina
C/O Hoffmann, Lien, Faccinto, Garnett and Lieberman
PO Box 7740
Tahoe City CA 96145-7740
- B. Checklist Date: 01 / 05 / 94
- C. Contact Person: Judy Brown
 Telephone: (916) 324 - 4715
- D. Purpose: To reconstruct a pier and retaining wall of an existing commercial marina facility.
- E. Location: Lake Tahoe, Homewood, APN: 97 - 154 - 01
- F. Description: Proposed phased reconstruction and repair of a marina pier and retaining wall as specified in the attached detailed project description.
Installation of one, new 40' length of steel sheet piling wall. (see Phase I of the attached Project Description).
- G. Persons Contacted: _____
Jim Lawrence - Tahoe Regional Planning Agency

Brad Hubbard - US Army Corps of Engineers

Mark Zumsteg - California Department of Fish and Game

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?	—	—	—
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 estuary?	—	—	—
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	—	—	—

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D. 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?

Yes Mayoc

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?

J. **Max of Oppel.** 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 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?

— —

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S. Recreation. Will the proposal result in:

Yes Maybe

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 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: 01 / 14 / 94

Judy Brown

For the State Lands	CALENDAR PAGE	253
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Discussion of Environmental Evaluation

II. Environmental Impacts

A. Earth

1. Unstable earth conditions

This project is located within the bed of Lake Tahoe in an area containing cobble substrate. Reconstruction of the existing rock crib pier and retaining wall would disturb shallow sediments but would not significantly impact the geologic subsurface. The area proposed for repair has been previously disturbed. No significant impacts are anticipated.

2. Disruptions, displacements, compaction, or overcovering of the soil.

As mentioned in A.1., above, shallow sediments will be disturbed during reconstruction activity during placement of the support piling. No new fill is proposed for use. All existing rocks from the cribbing will be temporarily stored on the contractor's barge during reconstruction of the wood cribbing, and the same rock material will be returned once the crib structure has been reconstructed. No significant impacts are anticipated.

3. Change in topography or ground surface relief features.

This project does not propose rearrangement or addition of existing surface relief features. The pier and retaining wall would be temporarily dismantled, as described in the project description, and reconstructed in the same design and capacity as previously existing.

4. Destruction, covering, or modification of any unique geologic or physical features.

There are no known unique geologic features located at the site of the proposed project. The structure has existed at this location for many years. There would be no impacts.

5. Increase in wind or water erosion of soils, either on or off the site.

The proposed project involves the reconstruction of an existing rock crib pier and retaining wall of an existing marina. The marina is located within the lake bed of Lake Tahoe. There would be no new impacts resulting from wind or water erosion of soils resulting from this proposed project. The Tahoe Regional Planning Agency regulates projects in which erosion of soils would occur. The applicant has received approval from the Tahoe Regional Planning Agency for this project. No impacts are anticipated.

6. Change in deposition or erosion of beach sands.

The existing marina is located within a cobble substrate area which would not significantly effect the deposition or erosion of beach sands. The proposed project involves reconstruction of an existing rock crib pier and retaining wall of an existing marina as described in the project description.

7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards.

The existing marina has been located at this site for many years. Reconstruction of the structure is necessary to maintain structural integrity and thereby avoiding future hazards to humans. No impacts are anticipated.

B. Air

1. Substantial air emissions or deterioration of ambient air quality.

The proposed project, reconstruction of an existing marina rock crib pier and retaining wall, would involve the use of a diesel-fueled barge mounted with crane and/or pile driver. Some fumes would be temporarily experienced from this equipment during the reconstruction activity which would be phased, as described in the project description, and as permitted by TRPA. This impact would be a minor, temporary increase in emissions which would be dispersed by local winds. No significant impacts are anticipated.

2. The creation of objectionable odors.

No, please refer to response B.1., above.

3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally.

This proposed project does not include the construction of structures or mechanisms which would create air movement. No impacts are anticipated.

C. Water

1. Changes in the currents, or the course or direction of water movements.

The structural design of the marina consists of rock crib piers which deflect the water current. Portions of the marina contain sheet pile walls to increase the integrity of the structure against severe wave action. A new 40' section of sheetpile wall will be installed on the harbor interior of the north pier, see Phase 1 on the drawing on Attachment "A"; however, this would not constitute a significant increase to the change in current or direction of water movements beyond that which exists. The existing structural design of the marina is not part of this evaluation.

The proposed reconstruction of the marina with the inclusion of the sheetpile wall would not significantly change the water currents over that which exists from the existing marina construction. Temporary barrier curtains installed around the rock crib piers during reconstruction would have a minor impact to water currents for a short time, and once reconstruction was completed, would return to pre-construction conditions. No new significant impacts are anticipated.

2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff.

Reconstruction of the existing marina rock crib pier and retaining wall would not change existing absorption rates, drainage patterns, or the rate and amount of surface water runoff. No additional impervious surfaces are proposed. No significant impacts are anticipated.

3. Alteration to the course or flow of flood waters.

The existing marina is located within the bed of Lake Tahoe and does not obstruct a stream inlet or levee which would impact flood waters. No impacts are anticipated from the proposed reconstruction activity.

4. Change in the amount of surface water in any water body.

This project does not propose any discharge into the waters of Lake Tahoe. No impacts are anticipated.

5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity.

Some minor disturbance of lake bed sediments would occur during removal of old and placement of new rock crib pier pilings. This impact would be minimized through proposed installation of a temporary barrier curtain around the construction area. No significant impacts are anticipated.

6. Alteration of the direction or rate of flow of ground waters.

This project is located within the bed of Lake Tahoe. Reconstruction of the marina rock crib pier and retaining wall would not impact the existing flow of ground waters. Existing pier pilings would be removed and replaced with new pilings driven 6' or to refusal. No impacts are anticipated.

7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavation.

Reconstruction of the marina pier and retaining wall would not involve significant cuts or excavations in the ground surface. There are no known aquifers within the project area affected by reconstruction. No impacts are anticipated.

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8. Substantial reduction in the amount of water otherwise available for public water supplies.

This project does not propose withdrawal of water from the body of Lake Tahoe. There would be no impact upon water otherwise available for public water supplies.

9. Exposure of people or property to water-related hazards such as flooding or tidal waves.

This project seeks to correct a structurally deficient facility. Upon completion of reconstruction, the facility would prevent exposure of people and property to rough Lake waters during inclement weather. No impacts are anticipated.

10. Significant changes in the temperature, flow or chemical content of surface thermal springs.

The proposed project is located within the bed of Lake Tahoe, and is not located within any known surface thermal spring. No impacts are anticipated.

D. Plant Life

1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops and aquatic plants).

Reconstruction activity is proposed for existing structures supporting a marina facility. Access to replace pilings and rock cribbing would be from the lake side of the project. Construction wastes and material would be stored on the contractor's barge or on plastic sheeting on an improved surface or barren upland location at the marina site.

Aquatic plant life existing on the old pier pilings would be impacted during reconstruction activity. It is anticipated that similar aquatic plant life would soon attach to the new pilings and wooden crib timber. This impact would not be significant to aquatic plant life.

2. Reduction of the numbers of any unique, rare or endangered species of plants.

The project site was not evaluated to determine the presence of the endangered plant, Tahoe Yellow Cress, (*Rorippa subumbellata*, Roll.). The proposed reconstruction activity would occur within the confines of the marina and the substrate composition of the surrounding lake bed areas possibly affected by the rubber-tired amphibious barge is dense cobble. The upland areas potentially available for material storage would be above high water that are either improved surfaces or barren, compacted dirt, both of which would be unsuitable habitat for Tahoe Yellow Cress. No impacts are anticipated.

3. Introduction of new species of plants into an area.

This project does not propose landscaping of any kind. No impacts are anticipated.

4. Reduction in acreage of any agricultural crop.

This project is located within the body of Lake Tahoe. There would be no impact to agricultural crops resulting from this project.

E. Animal Life

1. Change in the diversity of species.

The project site is located in an area designated by TRPA to be fish habitat. The reconstruction activity which would disturb lake bed sediments would occur during the non-spawning season identified by TRPA to be July 1 - October 15, or as otherwise allowable by authorization from the California Department of Fish and Game.

2. Reduction of the numbers of any unique, rare or endangered species of animals.

The reconstruction activity, as proposed, does not contemplate the mortality of any fish species. Freshwater organisms and local fish species would be impacted during piling and rock crib removal and replacement. This impact is not considered significant as it is a temporary disturbance and not a permanent removal of habitat. No significant impacts are anticipated.

3. Introduction of new species of animals into an area.

This project does not propose the introduction of animals into the local environment. No impacts are anticipated.

4. Deterioration to existing fish or wildlife habitat.

The project is located in an area designated by TRPA to be fish habitat. Reconstruction activity would occur during the non-spawning season identified by TRPA and as allowed by the California Department of Fish and Game through issuance of the Streambed Alteration Agreement. Applicant has proposed to return lakebed sediments to pre-reconstruction conditions in the event lakebed sediments are disturbed from the rubber-tired amphibious barge. No significant impacts are anticipated.

F. Noise

1. Increase in existing noise levels.

Temporary increases in existing noise levels would occur during the replacement of rock crib pier pilings. This impact is controlled by existing TRPA Ordinances. The proposed reconstruction activity would be phased as indicated in the project description. The phased reconstruction approach should also minimize the cumulative noise increase which would otherwise occur if reconstruction were completed in one segment. No significant impacts are anticipated.

2. Exposure of people to several noise levels.

No. Refer to response F.1., above.

G. Light and Glare

1. The production of new light or glare.

This project does not propose any new lighting or surfaces which would create new glare. No impacts are anticipated.

H. Land Use

1. A substantial alteration of the present or planned land use of an area.

The proposed project involves reconstruction of an existing marina. There are no plans for expansion or added facilities which would change the existing or planned land use of this area. No impacts are anticipated.

I. Natural Resources

1. Increase in the rate of use of any natural resources.

This project does not propose the extraction of natural resources from this project area. No impacts are anticipated.

2. Substantial depletion of any nonrenewable resources.

Minor use of nonrenewable resources would be used during reconstruction activity. These would mostly be fuel to power the construction equipment. The existing marina facilities includes the commercial sale of fuel for marine vessels. The sale of fuel would not be interrupted during reconstruction activity. No new significant impacts are anticipated.

J. Risk of Upset

1. Risk of explosion or release of hazardous substances.

Proposed reconstruction of the existing rock cribbing within the marina will proceed with caution around the existing fuel lines. The face of existing cribs will be left in place and the new piling will be driven in front of them in order to avoid damage to gas and electric lines located within the cribs. Fuel and electrical service will not be interrupted during the proposed reconstruction activity.

2. Possible interference with emergency response plan or an emergency evacuation plan?

The marina rockcribbing and retaining wall reconstruction will be conducted in phases. This method would have the least impact on the continuity of the marina operations. Please refer to Attachment "B" for further explanation of impacts to marina use during reconstruction. This project would not significantly impact an emergency evacuation plan.

K. Population

1. The alteration, distribution, density, or growth rate of the human population of the area.

Reconstruction of an existing marina rock cribbing and retaining wall would be conducted within the body of Lake Tahoe and would not impact the distribution, density or growth rate of the human population in this area. No significant impacts are anticipated.

L. Housing

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

Reconstruction activities will be conducted in phases. Local construction crews will be utilized which would not have an impact on or create a demand for additional housing. No significant impacts are anticipated.

M Transportation

1. Generation of substantial additional vehicular movement.

As discussed previously, the reconstruction activity will be conducted in phases. Construction equipment which would repair the rock cribbing and retaining wall would be by an amphibious barge with rubber tires which would access the site from lake waters to shore. A few construction vehicles would access the site from the upland to accomplish decking and other surface repairs. This project would not create substantial additional vehicular movement, therefore there would be no significant impact.

2. Affecting existing parking facilities, or create a demand for new parking.

Reconstruction activities do not include expansion of the capacity of the marina. Temporarily, small construction crews would have a minor impact on marina parking spaces available for commercial use during each phase of reconstruction. No significant impacts are anticipated.

3. Substantial impact upon existing transportation systems.

This project would not require significant numbers of vehicles which would impact existing transportation systems. Access to the marina would be obtained from Highway 89 and across existing improved surfaces. No significant impacts are anticipated.

4. Alterations to present patterns of circulation or movement of people and/or goods.

Boat moorage within the marina would be limited during each phase of the rock cribbing reconstruction creating a minor impact. This impact would be intermittent and temporary during the conduct of each phase. Use of the launch ramp and fuel sales would continue without interruption. No significant impacts are anticipated.

5. Alterations to waterborne, rail or air traffic.

This project is located within the body of Lake Tahoe. It would have no impact on rail or air traffic. As described in M.1.-3., above, there would be a minor impact to waterborne traffic within the marina as each phase of the rock cribbing reconstruction is conducted. This impact would be intermittent and temporary. No significant impacts are anticipated.

6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians.

Improved access from Highway 89 to and from the marina already exist. A small construction crew would utilize existing parking available on the upland. There would not be a significant increase in vehicular numbers, size, or movement beyond that experienced for commercial operation of the marina. No significant impacts are anticipated. Workspace needed on the improved upland surfaces would be properly secured to avoid hazard to motor vehicles, bicyclists or pedestrians. No significant impacts are anticipated.

N. Public Services

1.-6. Fire, police, schools, parks and recreation facilities, maintenance of public facilities, other governmental services.

This reconstruction project does not propose expansion nor would it create an impact to any of the public services available. This project seeks to repair and continue the use of an existing commercial marina.

O. Energy

1. Use of substantial amounts of fuel or energy.

The existing commercial marina offers the sale of fuel to marine watercraft. This project does not propose expansion of fuel capacity beyond that which already exists. Minor amounts of fuel will be used for the amphibious barge and for a small crew of construction vehicles. No significant impacts are anticipated.

2. Substantial increase in demand upon existing sources of energy, or require the development of new sources.

This project involves reconstruction of an existing marina for which power and fuel are already available. Reconstruction activity would utilize the existings sources of power. Fuel to operate construction vehicles and equipment would be obtained locally. This impact would be temporary, lasting during the phased reconstruction activity. No significant impacts are anticipated.

P. Utilities

1. Power or natural gas.

Refer to response O.2., above.

2. Communication systems.

No new expansion is proposed which would require construction of communication systems. No impacts are anticipated.

3. Water.

No new consumption of water is proposed. No impacts are anticipated.

4. Sewer or septic tanks.

No new facilities are proposed. Restrooms are available at the marina's upland facilities. No impacts are anticipated.

5. Storm water drainage.

No new impervious surfaces are proposed.

6. Solid waste and disposal.

Construction wastes will be collected and captured to avoid contact with Lake waters and disposed of at an approved sanitary waste facility. Solid waste services exist for the marina. No significant impacts are anticipated.

Q. Human Health

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

This project would remedy potential health hazards resulting from marina facilities in need of repair. The reconstruction activity would not be conducted so as to create health hazards. No significant impacts are anticipated.

2. Exposure of people to potential health hazards.

This project seeks to correct structural deterioration to portions of the existing marina. Repair work would minimize hazards to humans. No significant impacts are anticipated.

R. Aesthetics

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.

Obexer's Marina is partially visible from Highway 89 and from nearby shoreline structures and from uses occurring within the lake. The proposed phased reconstruction of the marina rock cribbing and retaining wall would also be an intermittent but temporary offensive site open to public view. This impact would last until the time period authorized by TRPA for its accomplishment which is 9/3/95. No significant impacts are anticipated.

S. Recreation

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

Internal marina boat mooring would be intermittently interrupted during the phased reconstruction activity; however, the applicant represents that the marina can facilitate boat storage needs through utilization of existing mooring buoys and land storage already available. The boat launching ramp and marine fueling facilities would not be interrupted. There would be minor, temporary impacts to existing recreational opportunities enjoyed at this marina site. No significant impacts are anticipated.

T. Cultural Resources

1. Will the proposal result in the alteration or the destruction of a prehistoric or historic archaeological site.

This project proposes the driving of new steel pilings to replace deteriorated wooden piling. Pilings would be driven a minimum of 6 feet into the lake bed or until refusal. No excavation is proposed; therefore no impacts are anticipated.

2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object.

This project involves reconstruction of an existing commercial marina within the body of Lake Tahoe. There would be no impacts to prehistoric structures or objects. No impacts are anticipated.

3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values.

As discussed in T.1., above, no excavation is proposed. In addition, the lake bed within the marina has been previously disturbed during the conduct of authorized maintenance dredging. Minor impacts to the lake bed would occur during compaction of soil during pile driving. No known unique ethnic cultural values are present at this site. No significant impacts are anticipated.

4. Will the proposal restrict existing religious or sacred uses within the potential impact area.

The marina to be reconstructed has existed at this site for a number of years. There would be no new impacts to existing land uses which have not occurred previously to repair this marina. There are no known existing religious or sacred uses of the potential impact area. No significant impacts are anticipated.

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?

The manner in which this project is proposed would have little impact upon the environmental integrity of the project site. Proposed disturbance to the lake bed would occur during the non-spawning season, as indicated by TRPA and as monitored by the California Department of Fish and Game. Lake bed disturbance would occur within the existing marina and on existing improved surfaces of the upland marina facility, thereby eliminating potential impacts to known potential habitat of the California-listed, endangered plant species, Tahoe Yellow Cress (*Rorippa subumbellata*, Roll.).

No expansion or design changes would occur to affect any potential historic values of the project site. Work proposed is within the body of Lake Tahoe. No significant impacts are anticipated.

2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals.

The project involves the reconstruction of an existing marina which contains decking around the harbor which is supported by rock cribbing. Rock cribbing could be viewed as detrimental to the transport of sediments to and along the shores of Lake Tahoe. The lake bed substrate surrounding the project site is of cobble composition, thereby having minimal or no effect on sediment transport.

Reconstruction activity would have limited, short-term impacts to the environment which would be properly mitigated and monitored by the State Lands Commission, the Tahoe Regional Planning Agency, the California Regional Water Quality Board, Lahontan Region, and the United States Army Corps of Engineers, as well as Placer County. The reconstruction activity would not have a significant effect upon the environment.

3. Does the project have impacts which are individually limited, but cumulatively considerable?

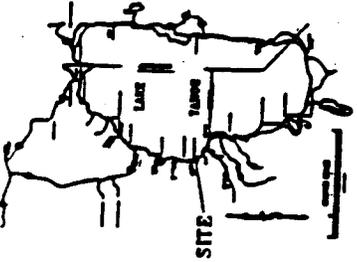
Environmental discussion of impacts has previously been addressed above. The attached Monitoring Program addresses impacts and modifications, and monitoring required to assure project modifications are implemented. There would be no significant cumulative impact to the environment resulting from this reconstruction activity, as proposed.

4. Does the project have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

Reconstruction of the existing marina facility, as proposed and previously analyzed in the environmental issue areas preceding, would not have a significant impact upon humans.

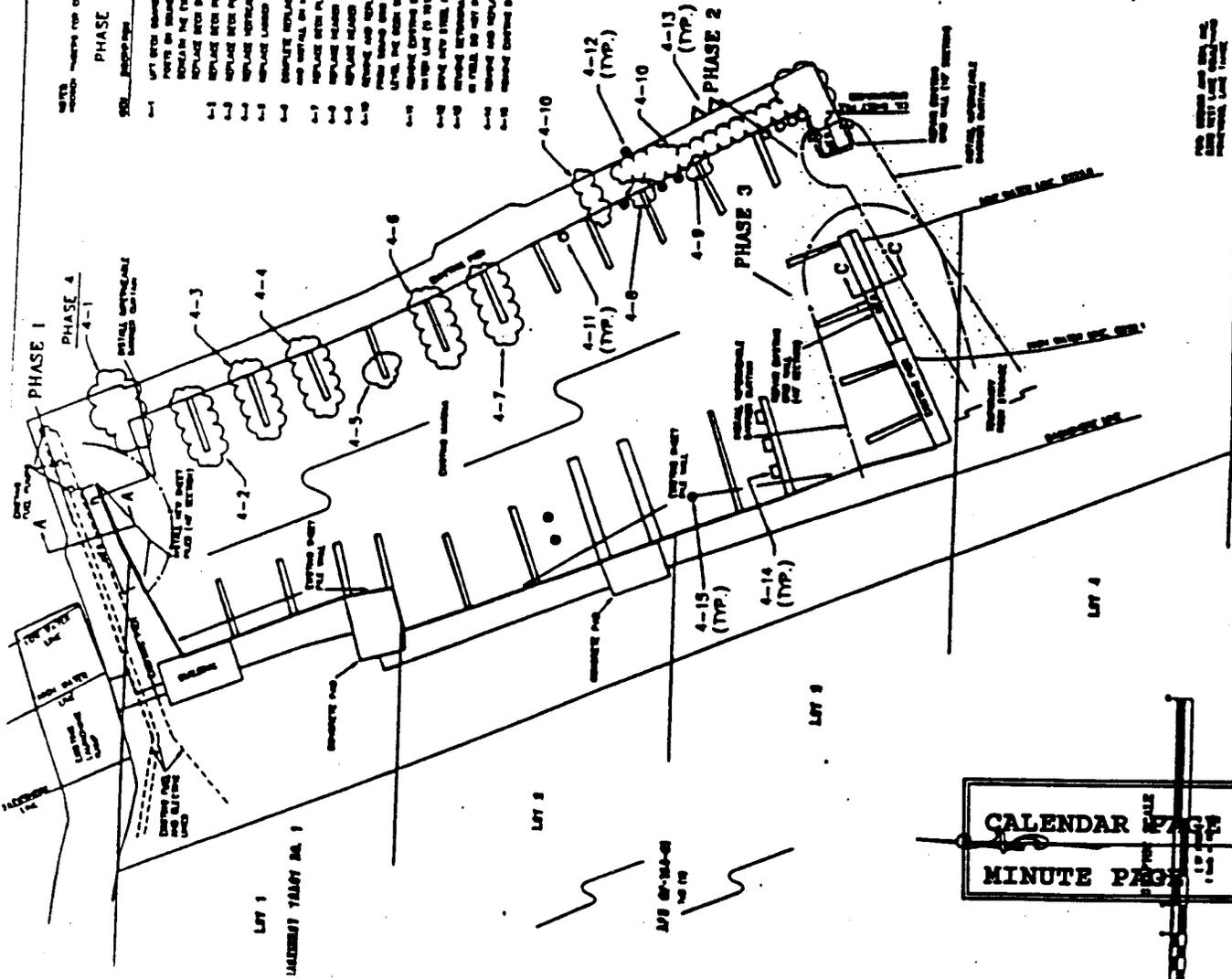
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- GENERAL NOTES:**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR PORT AND MARINE CONSTRUCTION, AND THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR MARINE CONSTRUCTION.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR PORT AND MARINE CONSTRUCTION, AND THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR MARINE CONSTRUCTION.
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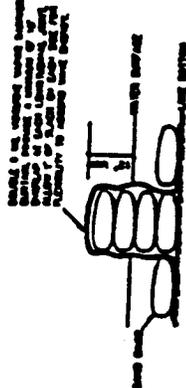


NEARBY MAP

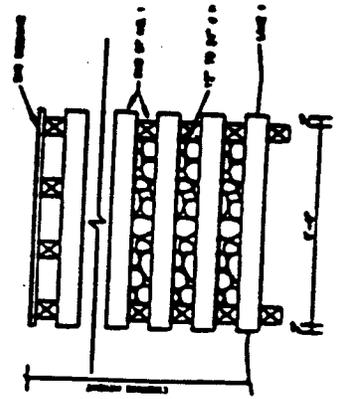
- PHASE 4 WORK DESCRIPTION**
- 1.1. REMOVE EXISTING CURB AND SIDEWALK AND RECONSTRUCT WITH NEW CURB AND SIDEWALK.
 - 1.2. RECONSTRUCT EXISTING SIDEWALK WITH NEW SIDEWALK.
 - 1.3. RECONSTRUCT EXISTING SIDEWALK WITH NEW SIDEWALK.
 - 1.4. RECONSTRUCT EXISTING SIDEWALK WITH NEW SIDEWALK.
 - 1.5. RECONSTRUCT EXISTING SIDEWALK WITH NEW SIDEWALK.
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 - 1.20. RECONSTRUCT EXISTING SIDEWALK WITH NEW SIDEWALK.



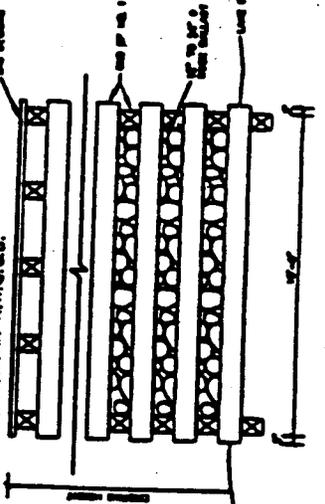
ATTACHMENT A



SECTION A-A



SECTION C-C



SECTION B-B

OBEXER'S MARINA
CRIB AND RETAINING WALL REPAIR

HAILE-TIPPIN
CONSULTANTS

HAILE-TIPPIN CONSULTANTS
 1000 S. GARDEN ST.
 ANAHEIM, CALIF. 92805
 (714) 771-1111

ATTACHMENT B.

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
STATEMENT OF SIGNIFICANT EFFECT

(702) 588-4547
Fax (702) 588-4527

PROJECT DESCRIPTION Obexer's Marina Rock Cribbing Repair APN 97-154-01

PERMITTEE(S) Edna Obexer FILE 920829

COUNTY/LOCATION Placer, 5300 West Lake Boulevard, Homewood

Staff Analysis: In accordance with Article VI of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

Len Burnett

TRPA Chairman or Executive Director

9/9/92

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—

LAHONTAN REGION

2092 LAKE TAHOE BOULEVARD
SOUTH LAKE TAHOE, CALIFORNIA 96150
(916) 544-3481 FAX (916) 544-2271



ATTACHMENT (C)

December 24, 1993

Gregg Lien
Hoffman, Lien, Faccinto, Garnett & Lieberman
P.O. Box 7740
Tahoe City, CA 96145

Dear Mr. Lien:

**WAIVER OF 401 WATER QUALITY CERTIFICATION FOR IMPROVEMENTS TO
OBEXER'S MARINA; PROCEED UNDER EXISTING WASTE DISCHARGE
REQUIREMENTS**

This office was contacted by telephone and requested to provide written verification for the Army Corp of Engineers that improvements to Obexer's Marina near McKinney Bay, California, are authorized by the Lahontan Regional Water Quality Control Board (Board).

Our understanding is that repairs to the existing rock crib pier are needed, and will be completed in four phases. Ms. Edna Obexer and Obexer and Son, Inc. are subject to waste discharge requirements contained in Board Order No. 6-89-133 and are also responsible for compliance with Monitoring and Reporting Program No. 89-133, as attached to the waste discharge requirements. Maintenance of, and repairs to, existing facilities are covered under these waste discharge requirements. Repairs must be made in accordance with the waste discharge requirements; the facility is subject to periodic compliance inspections by Board staff.

The authorization to proceed under existing waste discharge requirements constitutes a waiver of Clean Water Act Section 401 Water Quality Certification pursuant to Title 23, Section 3857 of the California Code of Regulations. The Regional Board hereby notifies the applicant, the Army Corps Of Engineers, and the U. S. Environmental Protection Agency that the State hereby waives Section 401 Water Quality Certification.

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Gregg Lien

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Should you have need of further assistance, you may contact me at (916) 542-5434, or Alan Miller, at 542-5430.

Sincerely,



**HAROLD J. SINGER
EXECUTIVE OFFICER**

cc: U.S. Army Corps of Engineers
Oscar Balaguer/SWRCB

AEM/sh

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ATTACHMENT D
MONITORING PROGRAM

FOR

OBEXER'S MARINA PHASED REPAIR

1. **Impact:** Phased reconstruction work of the rock crib pier and retaining wall would involve disturbance to the lakebed which may create turbidity in lake waters.

Project Modification:

Temporary barrier curtains would be installed around the rock crib pier during reconstruction, to minimize water quality impacts from disturbance to the lake bed.

Monitoring:

Staff of the State Lands Commission, or its designated representative, would monitor the construction site before and after lake bed disturbance would be proposed.

2. **Impact:** The proposed project is located in an area designated by TRPA to be fish spawning habitat and could therefore cause a detrimental effect to such habitat.

Project Modification:

The proposed project would be conducted during the non-spawning season identified by TRPA to be July 1 - October 15, or as otherwise allowed by Streambed Alteration Agreement issued by the California Department of Fish and Game.

Monitoring:

Staff of the State Lands Commission, or its designated representative, would inspect the construction site periodically to confirm that disturbance to the lakebed occurs within the allowable timeframe to avoid impacts to fish habitat.