

MINUTE ITEM  
This Calendar Item No. 67  
was approved as Minute Item  
No. 67 by the State Lands  
Commission by a vote of 3  
to 0 at its 11/15/94  
meeting.

MINUTE ITEM

67

A 4  
S 1

11/15/94  
W25157  
J. Ludlow  
M. Crow

LAKE TAHOE CRUISES (APPLICANT)

Calendar Item C67 was approved and additionally motion was  
and unanimously carried that requires a completed application  
within a four month deadline for the Tahoe Queen. After that  
time, docking privileges will be rescinded.

CALENDAR PAGE \_\_\_\_\_  
MINUTE PAGE 3939

S 1

J. Ludlow

PRC7799 W 25157

Nov. 15, 1994

CONSIDERATION OF REMEDIATION PROJECT BY LAKE TAHOE CRUISES  
IN SETTLEMENT OF LITIGATION FOR UNAUTHORIZED DREDGING**BACKGROUND:**

Lake Tahoe Cruises (LTC) operates the paddle wheel vessel "Tahoe Queen" from Ski Run Marina at South Lake Tahoe. The access channel to the marina docking facilities is approximately 1500 feet long and 100 feet wide. In 1987 LTC proposed to conduct dredging operations in the access channel to maintain sufficient depth for operations in it. LTC obtained permits from the Tahoe Regional Planning Agency and the Lahontan Regional Water Quality Control Board in 1987 for this maintenance dredging but failed to obtain a dredging lease from the State Lands Commission or a permit from the United States Army Corps of Engineers.

Dredging was conducted in December, 1987, February, 1988, April, 1988 and August, 1988. The dredging resulted in (1) interference by the dredged spoils with regional sediment circulation patterns and littoral transport, (2) creation of unnatural settling ponds caused by the physical orientation of the spoils, which have built up in fines and organic matter at an alarming rate inconsistent with the shoreline immediately adjacent to the project, (3) creation of semi-stagnant or quiescent regions where higher aquatic vegetation, periphyton and terrestrial vegetation has been able to grow, and (4) creation of an area with serious potential navigation and public safety consequences.

In 1990 the State Lands Commission brought suit against LTC, El Dorado Improvement Corporation, which held a lease from the Commission for the marina, and T. J. Ragan, the dredging contractor. The complaint sought injunctive relief, removal of the dredging spoils, remediation of the site, damages for trespass and nuisance and monetary penalties.

**THE SETTLEMENT PROPOSAL:**

Since the filing of the litigation, Commission staff and representatives of the Attorney General's Office have met with representatives from LTC, the COE and the United States Attorney's Office which filed its own action for violation of federal law. LTC has agreed to enter into a settlement agreement with the Commission in lieu of further litigation. Under the principal terms of the settlement, LTC will implement a Remedial Action Plan under which approximately 2700 cubic yards of deleterious material will be removed from the lake bed and the bed will be recontoured to a more natural configuration. Additionally, LTC will also restore the inner Ski Run Marina by dredging sand, debris and organic materials from it.

Further, LTC will pay a combined fine of \$250,000 to the State of California and the United States. Of this amount, \$150,000 will be waived when the remediation is completed. The remaining amount will be paid in equal shares to the Commission and the United States.

All work will be done in accordance with the terms and conditions of any permits or licenses issued by appropriate regulatory agencies. Commission staff or its consultants will be present during the remediation action to ensure compliance with the Remedial Action Plan including but not limited to assuring that natural beach materials will not be removed with the deleterious material.

Staff of the Commission and representatives of the Office of the Attorney General recommend that the settlement be accepted.

**OTHER PERTINENT INFORMATION**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the State has prepared a proposed Negative Declaration identified as ND 662, State Clearinghouse Number 94102011. Such proposed Negative Declaration was prepared and circulated for public

review pursuant to the provisions of CEQA.

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

2. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA. (Pub. Res. C. Sec. 21081.6).
3. The project will result in a positive impact on the physical environment by:
  - a. removing fine organic deposits which will have a negative impact on water quality if left in place;
  - b. recontouring the dredge spoils so that they no longer act as a barrier to natural littoral processes, thereby improving nearshore circulation;
  - c. removing the potential navigation hazard created by the dredged material at higher water levels; and
  - d. removing the negative aesthetic impact created by the unnatural mounds of dredged material at existing low water levels.
4. This activity involves lands identified as possessing significant environmental values pursuant to Pub. Res. C. Section 6370 et. seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project as proposed is consistent with its use classification.
5. Applicant will obtain all required approvals from other agencies prior to commencement of the project.

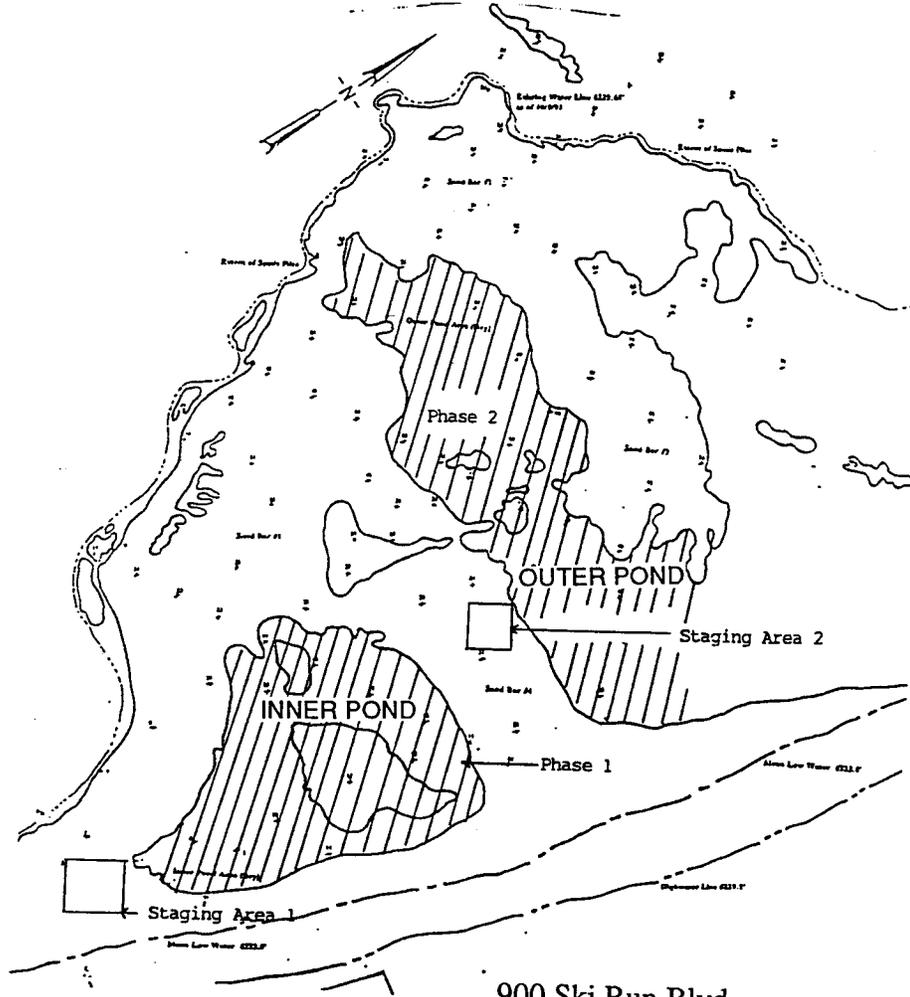
6. Authorization of this project does not constitute Commission approval or waiver of future review of the channel location or its continued maintenance or its environmental impacts.

**EXHIBITS:** A: Site and Location Map  
B: Negative Declaration and Mitigation Monitoring Program

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. CERTIFY THAT A PROPOSED NEGATIVE DECLARATION, ND 662, STATE CLEARING HOUSE NO. 94102011, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THE COMMENTS RECEIVED IN RESPONSE THERETO.
2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT B ATTACHED HERETO.
4. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PUBLIC RESOURCES CODE SECTION 6370 ET SEQ. SUCH ACTIVITIES HAVE BEEN DETERMINED TO BE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE STATUTES.
5. APPROVE THE PROPOSED SETTLEMENT AGREEMENT AND REMEDIAL ACTION PLAN BETWEEN THE COMMISSION AND LAKE TAHOE CRUISES, INC., EL DORADO IMPROVEMENT CORP. AND T. J. RAGAN MARINE SERVICES IN LIEU OF LITIGATION AS SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICES OF THE COMMISSION.

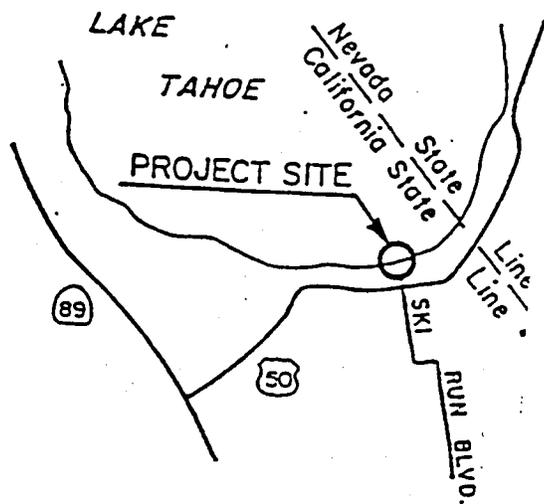
EXISTING WATER LINE ON OCTOBER 9, 1992—6220.68'



900 Ski Run Blvd.

NO SCALE

**LOCATION MAP**



NO SCALE

**EXHIBIT "A"**

W 25157  
 APN 27 - 051 - 09  
 Lake Tahoe  
 EL DORADO COUNTY  
 Sheet 1 of 4 Sheets

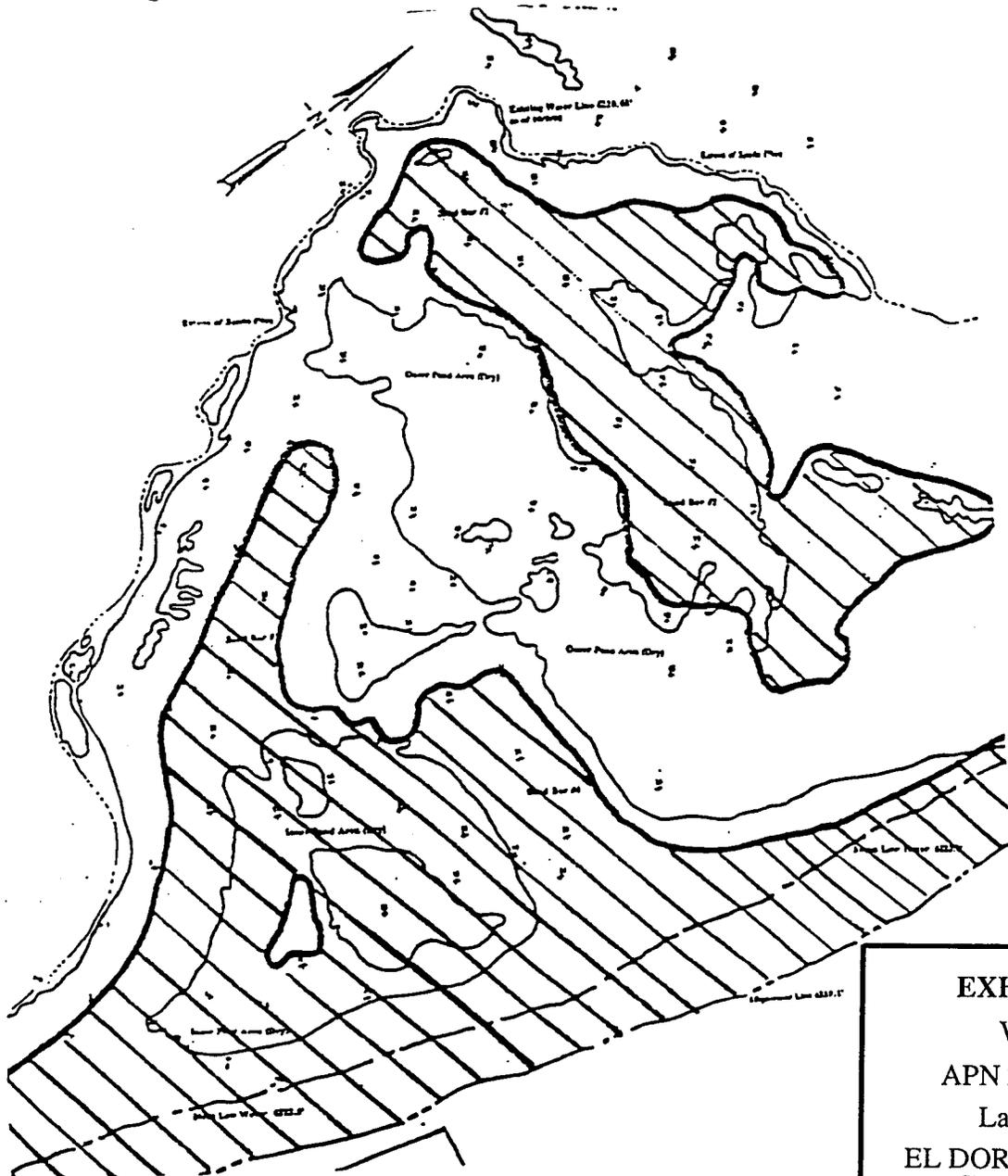


This Exhibit is solely for purposes of generally defining the remediation premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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PREDICTED WATER LINE ON AUGUST 15, 1994 — 6222.15'

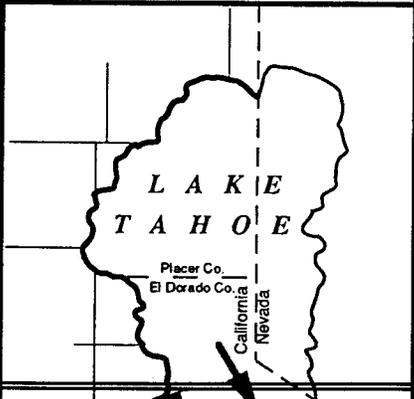


 - DESIGNATES ALL AREAS ABOVE WATER LINE

NO SCALE

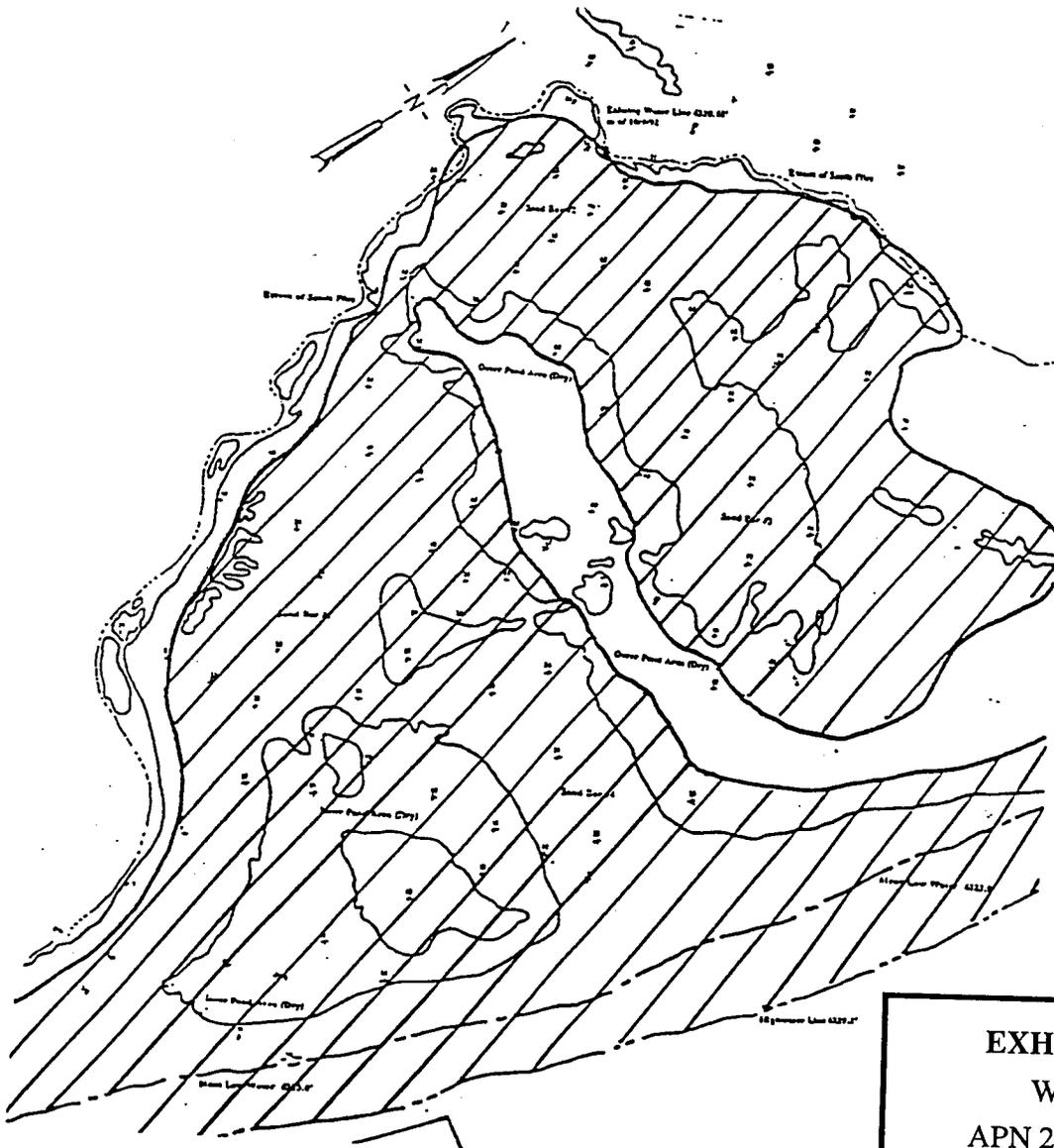
This Exhibit is solely for purposes of generally defining the remediation premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT "A"  
 W 25157  
 APN 27 - 051 - 09  
 Lake Tahoe  
 EL DORADO COUNTY  
 Sheet 2 of 4 Sheets



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 MINUTE PAGE 3944  
 CG 11/94

PREDICTED WATER LINE ON SEPTEMBER 30, 1994 ---6221.65'

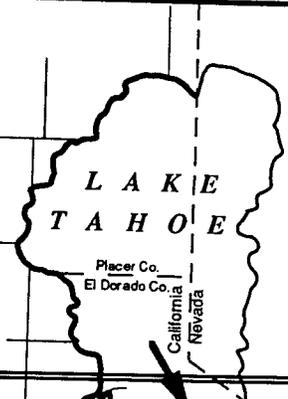


 -DESIGNATES ALL AREAS ABOVE WATER LINE

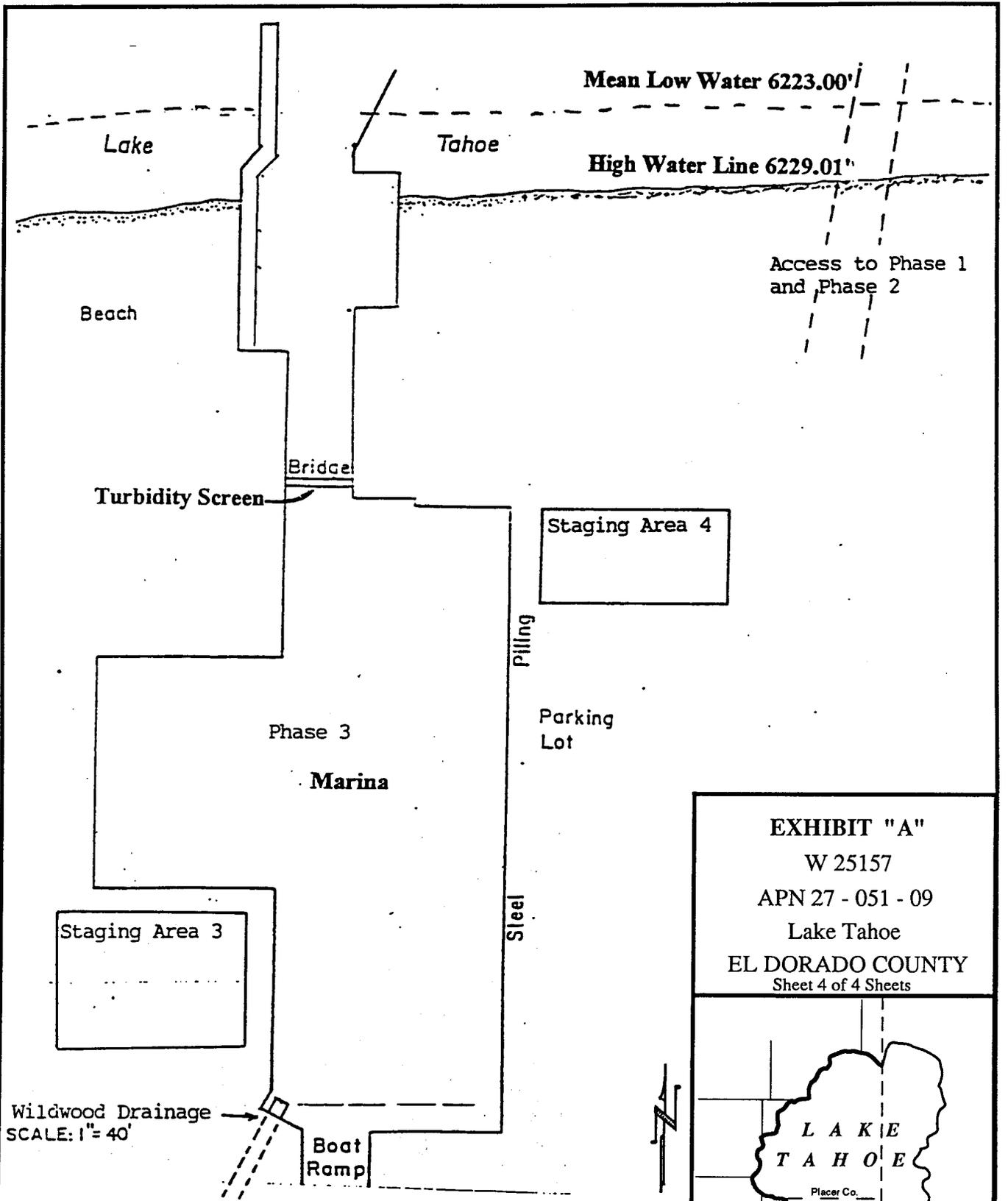
NO SCALE

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EXHIBIT "A"  
 W 25157  
 APN 27 - 051 - 09  
 Lake Tahoe  
 EL DORADO COUNTY  
 Sheet 3 of 4 Sheets

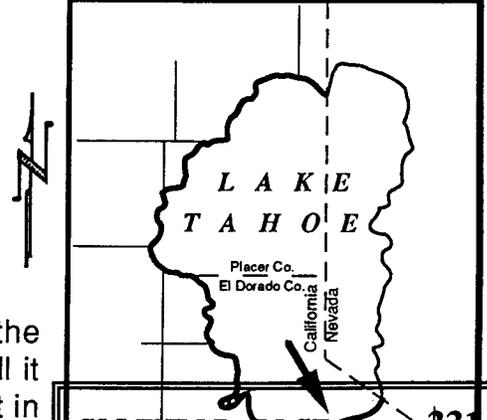


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This Exhibit is solely for purposes of generally defining the remediation premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

**EXHIBIT "A"**  
 W 25157  
 APN 27 - 051 - 09  
 Lake Tahoe  
 EL DORADO COUNTY  
 Sheet 4 of 4 Sheets



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CG 11/04

**STATE LANDS COMMISSION**

LEO T. McCARTHY, *Lieutenant Governor*  
GRAY DAVIS, *Controller*  
RUSSELL S. GOULD, *Director of Finance*

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95814-7187  
ROBERT C. HIGHT  
Executive Officer

October 7, 1994

File: W 25157  
ND 662  
SCH No.94102011

**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 October 28, 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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# Notice of Completion Appendix F

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

See NOTE below

SCH 94102011

**Project Title:** SKI RUN REMEDIATION

**Lead Agency:** STATE LANDS COMMISSION **Contact Person:** JUDY BROWN

**Street Address:** 1807 13th STREET **Phone:** (916) 324 - 4715

**City:** SACRAMENTO **Zip:** 95814 **County:** SACRAMENTO

### Project Location

**County:** EL DORADO **City/Nearest Community:** SOUTH LAKE TAHOE

**Cross Streets:** LAKE TAHOE BLVD. (HWY. 50) **Total Acres:** \_\_\_\_\_

**Assessor's Parcel No.** 27 - 051 - 09 **Section:** \_\_\_\_\_ **Twp.** \_\_\_\_\_ **Range:** \_\_\_\_\_ **Base:** \_\_\_\_\_

**Within 2 Miles: State Hwy #:** 50 **Waterways:** LAKE TAHOE

**Airports:** \_\_\_\_\_ **Railways:** \_\_\_\_\_ **Schools:** \_\_\_\_\_

### Document Type

<input type="checkbox"/> CEQA: <input type="checkbox"/> NOP	<input type="checkbox"/> Supplement/Subsequent	<input type="checkbox"/> NEPA: <input type="checkbox"/> NOI	<input type="checkbox"/> Other: <input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> EIR (Prior SCH No.)	<input type="checkbox"/> EA	<input type="checkbox"/> Final Document
<input checked="" type="checkbox"/> Neg Dec	<input type="checkbox"/> Other _____	<input type="checkbox"/> Draft EIS	<input type="checkbox"/> Other _____
<input type="checkbox"/> Draft EIR		<input type="checkbox"/> FONSI	

### Local Action Type

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Prezone	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Land Division (Subdivision Parcel Map, Tract Map, etc.)	<input type="checkbox"/> Other _____

### Development Type

<input type="checkbox"/> Residential: Units _____ Acres _____	<input type="checkbox"/> Water Facilities: Type _____ MGD _____
<input type="checkbox"/> Office: Sq.Ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Transportation: Type _____
<input type="checkbox"/> Commercial: Sq.Ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Mining: Mineral _____
<input type="checkbox"/> Industrial: Sq.Ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Power: Type _____ Watts _____
<input type="checkbox"/> Educational _____	<input type="checkbox"/> Waste Treatment: Type _____
<input type="checkbox"/> Recreational _____	<input type="checkbox"/> Hazardous Waste: Type _____
	<input checked="" type="checkbox"/> Other: <u>REMEDIATION - REMOVAL OF FINES AND ORGANICS FROM LAKE TAHOE</u>

### Project Issues Discussed in Document

<input checked="" type="checkbox"/> Aesthetic/Visual	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input type="checkbox"/> Agricultural Land	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Wildlife
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input type="checkbox"/> Growth Inducing
<input checked="" type="checkbox"/> Drainage/Absorption	<input type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Landuse
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input checked="" type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation	<input type="checkbox"/> Other _____

### Present Land Use/Zoning/General Plan Use

COMMERCIAL

### Project Description

REMOVAL OF FINES AND ORGANIC MATERIAL FROM LAKE TAHOE AND WITHIN THE INNER MARINA IN THREE PHASES. PHASE I INNER POND IN LAKE TAHOE - APPROXIMATELY 700 CUBIC YARDS (TO ELEVATION 6,221). PHASE II OUTER POND IN LAKE TAHOE - APPROXIMATELY 1,000 CUBIC YARDS (TO ELEVATION 6,221). PHASE III INNER MARINA (LANDWARD OF HIGH WATER) - APPROXIMATELY 800 CUBIC YARDS (TO ELEVATION 6,219).

Note: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

**Reviewing Agencies Checklist**

- Resources Agency
- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- Conservation
- Fish & Game
- Forestry
- Office of Historic Preservation
- Parks & Recreation
- Reclamation
- S.F. Bay Conservation & Development Commission
- Water Resources (DWR)
- Business, Transportation & Housing**
- Aeronautics
- California Highway Patrol
- CALTRANS District # 3
- Department of Transportation Planning (headquarters)
- Housing & Community Development
- Food & Agriculture
- Health & Welfare**
- Health Services
- State & Consumer Services**
- General Services
- OLA (Schools)

**KEY**  
**S** = Document sent by lead agency  
**X** = Document sent by SCH  
**✓** = Suggested distribution

- Environmental Affairs**
- Air Resources Board
- APCD/AQMD
- California Waste Management Board
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- Regional WQCB # 6 (Lahontan)
- Youth & Adult Corrections**
- Corrections
- Independent Commissions & Offices**
- Energy Commission
- Native American Heritage Commission
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency
- Other U.S. Army Corps of Engineers  
 Attn: Bob Junell  
1325 J Street  
Sacramento CA 95814-2922

**Public Review Period (to be filled in by lead agency)**

Starting Date October 7, 1994

Ending Date October 28, 1994

Signature Judy Brown

Date October 6, 1994

**Lead Agency (Complete if applicable):**

Consulting Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

**For SCH Use Only:**

Date Received at SCH \_\_\_\_\_

Date Review Starts \_\_\_\_\_

Date to Agencies \_\_\_\_\_

Date to SCH \_\_\_\_\_

Clearance Date \_\_\_\_\_

**Applicant:** Lake Tahoe Cruises  
C/O Aspen Environmental Planning  
& Consulting - Mike Dill

Address: PO Box 624608

City/State/Zip: South Lake Tahoe CA 96154

Phone: (916) 542-0454

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**STATE LANDS COMMISSION**

LEO T. McCARTHY, *Lieutenant Governor*  
GRAY DAVIS, *Controller*  
RUSSELL S. GOULD, *Director of Finance*

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95814-7187

ROBERT C. HIGHT  
Executive Officer

**PROPOSED NEGATIVE DECLARATION**

File: W 25157

ND 662

Project Title: Ski Run Remediation

Proponent: Lake Tahoe Cruises

Project Location: Ski Run Marina, APN: 27-051-09, El Dorado County

Project Description: Proposed three-phase removal of fines and organic material from the shore of Lake Tahoe and within the inner marina as a result of a previous dredging project in the lake bed without a State Lands Commission permit.

Contact Person: Judy Brown

Telephone: (916) 324-4715

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

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

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

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

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST

Form 13.20 (7/82)

File Ref.: W 25157

I. BACKGROUND INFORMATION

A. Applicant: Lake Tahoe Cruises  
C/O Aspen Environmental  
PO Box 624608  
South Lake Tahoe CA 96154

B. Checklist Date: 10 / 04 / 94

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

D. Purpose: The State Lands Commission and Lake Tahoe Cruises have reached a settlement in principle of the lawsuit which requires Lake Tahoe Cruises to remove a portion of the dredged spoils containing fine sediments and organic materials and to recontour the site to return the natural slope of the lakebed and to prevent future interference with natural littoral processes.

E. Location: Ski Run Marina, APN: 27 - 051 - 09, 900 Ski Run Blvd., South Lake Tahoe, El Dorado County

F. Description: Removal of fines and organic material from Lake Tahoe and within the inner marina in three phases. Phase I Inner Pond in Lake Tahoe - 1700 cubic yards (to elevation 6.221); Phase II Outer Pond in Lake Tahoe - 1,000 cubic yards (to elevation 6.221); and Phase III Inner Marina (landward of high water) - 800 cubic yards (to elevation 6.219).

G. Persons Contacted: Jim Lawrence/Mike Solt - Tahoe Regional Planning Agency - (702) 588-4547  
John Short - Lahontan Regional Water Quality Control Board - (916) 542-5400  
Mark Zumsteg/Julie Horenstein - California Dept. of Fish and Game, Region II - (916) 577-5416/(916) 355-0274  
Bob Junell - US Army Corps of Engineers - (916) 557-5254  
Mary Kay Henninger - City of South Lake Tahoe Planning - (916) 542-6024 Tim Oliver - Public Works - (916) 542-6035  
Ginger Huber - El Dorado County Environmental Health Department - (916) 573-3450  
Bob Macomber, California Department of Parks and Recreation - (916) 525-9523  
Dennis Otani - El Dorado County Air Pollution Control District - (916) 621-5804  
Libby Haraughty - Caltrans - Environmental Document Review - (916) 741-4539

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

A. Earth. Will the proposal result in:

	Yes	Maybe	No
1. Unstable earth conditions or changes in geologic substructures? . . . . .	—	—	X
2. Disruptions, displacements, compaction, or overcovering of the soil? . . . . .	—	X	—
3. Change in topography or ground surface relief features? . . . . .	—	X	—
4. The destruction, covering, or modification of any unique geologic or physical features? . . . . .	—	—	X
5. Any increase in wind or water erosion of soils, either on or off the site? . . . . .	—	—	X
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	X
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? . . . . .	—	—	X

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

	Yes	Maybe	No
<b>J. Risk of Upset. Does the proposal result in:</b>			
1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? .....	—	<u>X</u>	—
2. Possible interference with emergency response plan or an emergency evacuation plan? .....	—	—	<u>X</u>
<b>K. Population. Will the proposal result in:</b>			
1. The alteration, distribution, density, or growth rate of the human population of the area? .....	—	—	<u>X</u>
<b>L. Housing. Will the proposal result in:</b>			
1. Affecting existing housing, or create a demand for additional housing? .....	—	—	<u>X</u>
<b>M. Transportation/Circulation. Will the proposal result in:</b>			
1. Generation of substantial additional vehicular movement? .....	—	<u>X</u>	—
2. Affecting existing parking facilities, or create a demand for new parking? .....	—	<u>X</u>	—
3. Substantial impact upon existing transportation systems? .....	—	—	<u>X</u>
4. Alterations to present patterns of circulation or movement of people and/or goods? .....	—	—	<u>X</u>
5. Alterations to waterborne, rail, or air traffic? .....	—	—	<u>X</u>
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? .....	—	—	<u>X</u>
<b>N. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:</b>			
1. Fire protection? .....	—	—	<u>X</u>
2. Police protection? .....	—	—	<u>X</u>
3. Schools? .....	—	—	<u>X</u>
4. Parks and other recreational facilities? .....	—	<u>X</u>	—
(IMPROVEMENT)			
5. Maintenance of public facilities, including roads? .....	—	—	<u>X</u>
6. Other governmental services? .....	—	—	<u>X</u>
<b>O. Energy. Will the proposal result in:</b>			
1. Use of substantial amounts of fuel or energy? .....	—	—	<u>X</u>
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? .....	—	—	<u>X</u>
<b>P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:</b>			
1. Power or natural gas? .....	—	—	<u>X</u>
2. Communication systems? .....	—	—	<u>X</u>
3. Water? .....	—	—	<u>X</u>
4. Sewer or septic tanks? .....	—	—	<u>X</u>
5. Storm water drainage? .....	—	—	<u>X</u>
6. Solid waste and disposal? .....	—	—	<u>X</u>
<b>Q. Human Health. Will the proposal result in:</b>			
1. Creation of any health hazard or potential health hazard (excluding mental health)? .....	—	—	<u>X</u>
2. Exposure of people to potential health hazards? .....	—	—	<u>X</u>
<b>R. Aesthetics. Will the proposal result in:</b>			
1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? .....	—	<u>X</u>	—
(TEMPORARY)			

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S. Recreation. Will the proposal result in:

1. An impact upon the quality or quantity of existing recreational opportunities? . . . . .  Yes  Maybe  No

T. Cultural Resources

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

U. Mandatory Findings of Significance.

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

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 10 / 04 / 94

*Judy Brown*  
 For the State Lands Commission  
 JUDY BROWN

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10/07/94

**PROPOSED NEGATIVE DECLARATION**

**SKI RUN REMEDIATION PROJECT**

**APN: 27-051-09**

**El Dorado County**

Prepared by: **Judy Brown**  
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In consultation with  
**John Reuter, Ph.D.,**  
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of the Attorney General

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ATTACHMENTS:	A, A-1	Ski Run Marina Overview Site Plan
	B	Inner Marina Site Plan
	C	Existing Topography - Remediation Area
	D-1, 2, 3	1992 Water Level
		August 1994 Water Level
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**PROJECT LOCATION**

The project is located at the Ski Run Marina, Lake Tahoe, California, as shown on Attachment A. The Ski Run Marina is the home port of the Tahoe Queen, Miss Tahoe, Tahoe Princess, and Lake Tahoe Cruises. The physical address is 900 Ski Run Boulevard, City of South Lake Tahoe, located in Section 33, Township 13 North, Range 18 East, Mount Diablo Base and Meridian, and is mapped on the South Lake Tahoe 7.5' U.S.G.S. topographic quadrangle. The assessor's parcel number for the marina is 27-051-09, lots 258-262 of the Bijou Park and Recreation Subdivision.

The project applicant, Lake Tahoe Cruises, is owned and operated by Henry Joseph Thiemann.

**EXISTING CONDITIONS**

**Environmental Setting - Project**

The proposed project location is in the nearshore of Lake Tahoe. The actual remediation area is located between elevations 6223' and elevation 6220' (refer to Attachment C). The slope at the site is less than 5%. All work is proposed below the high water line with the exception of the inner marina basin. The area leading to the project site, a "barrier beach", designated by the TRPA, has a slope of approximately 6%. The soil type is predominantly sand. There is a small area that has been vegetated with grass for aesthetic purposes, associated with the small beach front restaurant. The scenic aspects of the site include extended views across Lake Tahoe to the mountain range on the west shore. The immediate visual attractions include the extended sandy beach to the east and west.

The natural lake bottom in the vicinity of the project site is part of the extensive shelf that characterizes the south shore of Lake Tahoe. The material is typically sand with a very gentle slope of less than 1%. Aerial photographs show no major disruptions to this pattern outside the project area.

Five groundwater test wells are located on the Ski Run Marina site as depicted in Attachment M, and are indicated by MW-1 through MW-5 on this attachment. These areas will be protected from construction impacts by the placement of barricades, pop-fencing and orange ribbon prior to the start of construction.

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## Environmental Setting - Material Disposal Site

The proposed material disposal site is located at the Washoe Meadows State Park located in South Lake Tahoe, west of Tahoe Paradise and North of Meyers. The Washoe Meadows site contains an inactive sand and gravel quarry which is the proposed location of the material disposal. The quarry is located within approximately 600 feet of the Upper Truckee River. A sediment pond exists approximately 400 feet from the Upper Truckee River between the quarry and the Upper Truckee River to catch potential runoff from the quarry. Construction vehicle access to the Washoe Meadows site will be from Sawmill Road and across the Amacker Ranch property. There is an existing dirt road across the Amacker Ranch and Washoe Meadows site which is delineated by cut logs. Trucks will travel this route to the quarry, where there is sufficient space for construction equipment to operate and for the dump trucks to turn around.

## Environmental Setting - Area Surrounding Remediation Site

The adjoining properties have characteristics similar to the Ski Run Marina site; they also contain long sandy beaches with little vegetation, and slopes that are approximately 4-6%. The development to the east, the Tahoe Meadows subdivision, has been designated as a historic landmark by the State of California. Its small homes and designated open space areas are reflective of the turn of the century architectural styles. The parcel to the west, the Tahoe Beach and Ski Timeshare Resort, is reflective of a lakefront commercial development. Units are set back minimally from the lake, and their architectural styles reflect that of a more recent development. Along with the long, wide sandy beach, the Tahoe Beach and Ski Club has extensive trees and shrubs that were planted as a result of the original resort development.

The nearest water intake line is located approximately 400' to the west of the proposed project and is operated by the Tahoe Beach and Ski Resort. Other water intakes down current of the project are Lakeside Marina and the Edgewood Golf Course.

### Vegetation (Remediation Site)

The overstory consists mostly of Aspen and Jeffrey Pine trees, with an occasional Lodge Pole Pine. The understory is mostly bitterbrush, manzanita and squaw carpet, intermixed with the riparian vegetation, willows and grasses.

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## Land Use (Remediation Site)

The Ski Run Marina is used for recreational purposes throughout the summer months. Uses include swimming, sailing, boating, sunbathing, and the Tahoe Queen tour boat operation. Access is maintained across the parcel for use by the general public, however, there are fees associated with parking at the marina for day use of the site. The adjoining parcel to the east is part of the Tahoe Meadows subdivision. This area has remained unchanged. The parcel to the west, the Tahoe Beach and Ski Club, is operated as a year-round time share resort.

## Marina Facilities

The Ski Run Marina, a commercial boating marina, contains a small berthing basin, two commercial recreational piers, a boat ramp, approximately 80 buoys, fueling and sewage facilities, and a navigational channel which is approximately 100' wide by 1500' long. There are several water dependent recreational opportunities available at the marina including parasailing, jetskiing, boat rentals, and a tour boat operation. Additionally, the Ski Run Marina has several upland commercial facilities at the marina. These facilities include a small eating facility, tee-shirt stand, and timeshare sales facility. Most improvements to the parcel occurred in the 1970's. Due to the low levels of Lake Tahoe, the marina berthing facility has been inoperable since 1988.

## Endangered Species

The shorezone area around Lake Tahoe has been identified by the Tahoe Regional Planning Agency as potential habitat for the endangered species *Rorippa subumbellata*, Roll., or Tahoe Yellow Cress. Specifically, the areas in front of the El Dorado Beach, located approximately 1/2 mile to the west, and the eastern portions of the Tahoe Meadows subdivision have been mapped as Tahoe Yellow Cress habitat. In 1993 TRPA conducted a shorezone survey of each littoral parcel surrounding Lake Tahoe. This survey indicated that the assessor parcel of the project site and influence area contains degraded habitat for Tahoe Yellow Cress. The 1993 survey revealed that plants were found in the area of El Dorado Beach to the west, and around the Tahoe Meadows existing pier, on the eastern portion of the subdivision. No Tahoe Yellow Cress plants were found on the project site as a result of a site inspection by TRPA staff in the summer of 1994.

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### Nearby Commercial Facilities

Within one lakeshore mile of the Ski Run Marina exist two marina facilities, the Lakeside Marina, and the Timber Cove Marina. The Lakeside Marina is located approximately 1/2 mile to the east of the Ski Run Marina. The marina has a boat ramp, sewage and fueling facilities, and approximately 50-60 boat slips. The boat slips can accommodate boats up to approximately 40 feet in length.

The Timber Cove Marina is located approximately 1/4 mile to the west. The Timber Cove Resort and Hotel is located on the upland from the marina. The Timber Cove marina includes a 1,000 foot pier, a boat ramp, a boat rental and jet ski concession, and approximately 80 buoys. There are bathing facilities available for the patrons of the resort.

Within one lakeshore mile of the facility there are also two private resorts, the Tahoe Beach and Ski Resort, and Lakeland Village. These resorts have private use piers and facilities but no boat launching facilities or other marina type uses. The El Dorado Recreational Beach, owned and operated by the City of South Lake Tahoe, has an existing boat launching ramp, and several outdoor recreational opportunities.

### Water Intake Lines

There are two freshwater intake lines permitted by the Water Resources Control Board which are located immediately to the east of the proposed project and are owned and operated by Heavenly Valley, a Nevada Limited Partnership.

There are two municipal water intake lines located on either side of the proposed project, one to the west, near El Dorado Beach, approximately 4,200 feet from the proposed project, and one located to the east near Stateline, approximately 4,450 feet from the proposed project.

### Public Access

Public fishing and access is available throughout the one mile shoreline area. Access is limited to the established marinas and public easements available laterally between lake elevations 6223' and 6228.75' LTD.

There are two nearby public recreational facilities which are used for swimming, sunbathing, picnicking and sightseeing. They are the El Dorado Beach recreation area, and Thomas Reagan Memorial Beach recreational area.

## PROJECT BACKGROUND

Ski Run Marina, a commercial recreational boating marina, contains a turning basin and a navigational channel to accommodate the Tahoe Queen tour boat operation and existing concessions operating out of the Ski Run Marina site. The access channel to the docking facilities at Ski Run Marina is approximately 1500 feet long by 100 feet wide and extends into Lake Tahoe from Ski Run Marina in a northerly direction. The channel provides access for the Tahoe Queen which operates from this location.

In 1987/88, the applicant applied for and received permits to conduct maintenance dredging of the Tahoe Queen's navigational channel from the Tahoe Regional Planning Agency and the Lahontan Regional Water Quality Control Board. These permits indicated that a total quantity of 5,500 cubic yards of material could be dredged to a lake elevation of 6219'. The permits allowed the material to be disposed in the Lake east of the marina at the water line. This channel was dredged between early December, 1987 and late February, 1988 and then again between early April, 1988 and early August, 1988.

Necessary permits, however, were not obtained from the United States Army Corps of Engineers or the State Lands Commission to perform this maintenance dredging. As a result, the State Lands Commission and the Attorney General brought suit in 1990 against Lake Tahoe Cruises, Inc., El Dorado Improvement Corporation, the owner of Ski Run Marina, and T.J. Ragan, the dredging contractor who performed much of the work. The lawsuit seeks injunctive relief requiring removal of the dredged material and remediation of the site, damages for trespass and nuisance on state-owned sovereign lands, and monetary penalties for unlawful business practices. The Plaintiff also contends that the Defendant dredged in excess of the quantity and depth authorized in the TRPA and Lahontan Regional Water Quality Control Board permits.

Under the terms of the proposed agreement which the parties have reached in principle in order to settle the litigation, Lake Tahoe Cruises, Inc. would be required to fund, contract for, and perform the dredge spoil remediation project described herein, including the preparation of plans and engineering methods for clean up, removal and regrading of dredge material, and the obtainment of all required regulatory permits and environmental studies necessary to implement the remedial action.

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Most of the dredged material from the 1987/88 project were disposed east of the navigational channel, and since that time have not significantly dispersed. The positioning of this material created two isolated and/or semi-isolated areas--an inner pond area (near the shoreline) and an outer pond area (farther offshore) (refer to Attachment D-1). The existence of these areas has created an area where the fines and organic material has accumulated.

#### Assessment of Impacts

At the request of the State Lands Commission and the Attorney General, a report was prepared by John E. Reuter, Ph.D., Robert C. MacArthur, Ph.D., and Charles R. Goldman, Ph.D. (January 1991), to identify the environmental impacts of the deposited dredged material. Areas of concern included: Water Quality, Characteristics of Benthic Sediment, Alteration of Fish Habitat, Influence of Disposed Dredged Material on Nearshore Currents and Littoral Sediment Transport, and Creation of Aesthetic Impacts and Possible Attractive Nuisance.

This report concluded that "...the disposal of the dredged material from the Ski Run Marina access channel directly into Lake Tahoe has, (1) had significant, albeit seasonal, negative impacts on localized water quality, (2) changed the characteristics of the bottom sediment in the area of deposition so that now these lake sediments are less desirable, vis-a-vis, water quality protection objectives mandated by water resource agencies in the Lake Tahoe Basin, (3) created conditions which are favorable to colonization by aquatic macrophytes (water weeds), and (4) significantly changed nearshore currents and littoral sediment transport." The report further concluded that "...current historical aerial photographs of this region of the lake clearly show that the presence of these dredged spoils are a new and striking feature of the littoral zone which is clearly 'out of place' with the remainder of the nearshore zone. These materials have created an aesthetic and attractive nuisance. Mitigation for this condition includes sediment removal."

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In addition to this 1991 report, extensive testing of sediment materials in the disposal area were done cooperatively between Dr. Reuter for the Attorney General and Lake Tahoe Cruises. The objective of this work was to further assess the impacts of this material on water quality by determining the actual volume of material and its nutrient characteristics. The results revealed that as of November, 1992, a substantial volume of the dredged material from the 1987/88 navigation channel dredging operation still remained on the lake bottom. In addition, chemical analysis of water extracted sediments taken from two depths at six individual stations at the project site indicated that the existence of approximately 600 pounds of total nitrogen and 11 pounds of total phosphorus could potentially be released to Lake Tahoe upon sediment resuspension by wave action and littoral transport. These findings suggested that this material was not "clean" and posed a potential threat to water quality.

As described in the general discussion of the proposed Settlement Agreement, above, the parties have agreed in principle to the removal of approximately 1700 cubic yards of material from the inner pond, 1,000 cubic yards from the outer pond, and 800 cubic yards from the inner marina.

## PROJECT DESCRIPTION

### General

To comply with the proposed settlement agreement, the applicant will be required to remove approximately 2700 cubic yards of fines and organic material trapped in the inner and outer pond areas, along with approximately 800 cubic yards of material from the inner marina. These values were calculated using the sediment quantity data collected by consultants for the State and Lake Tahoe Cruises and as previously described. In addition, material from adjacent sandbars will be rearranged at the site to conform to adjacent lake contours and prevent future buildup of fines and organic material.

The proposed project will be conducted in an area of about five acres, between elevations 6,223 and 6,220 (refer to Attachment C) in the shorezone area. The project consists of three phases.

### Phase I

Phase I will be the removal of fines and organic material trapped in the inner pond area (refer to Attachments A and D-1) to an elevation of 6,221 feet. This involves an area of 1.28 acres (55,757 square feet) with an average removal depth of approximately one foot, or about 1,700 cubic yards. Once the material is removed, the existing sand bars and island will be redistributed to improve water circulation, and assist the natural littoral

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transport of sand.

### Phase II

Phase II will be the removal of the fines and organic material trapped in the outer pond area (refer to Attachments D-1) down to an elevation of 6,221 feet. This consists of an area of 1.24 acres (54,000 square feet) with an average removal depth of 0.5 feet, or about 1,000 cubic yards. Subsequent to removal, rearrangement of material from the existing adjacent sand bars will occur.

### Phase III

Phase III will be the removal of the material in the inner marina. As proposed, the marina will be dredged to an elevation of 6,219 feet, the previously permitted maintenance dredging depth.

Phase I and II are proposed to be conducted first.

Following removal of the fine and organic sediment from the inner and outer ponds, the adjacent sandbar material will be rearranged at the site to re-conform the post-project lake bottom to be as consistent with adjacent shoreline contours as possible. Every effort will be made to insure that material is not spread to adjacent areas which currently are not impacted by the spoils material. Assuming that a total of 16,000 cubic yards of material are present, that 2,700 will be permanently removed and that an additional 2,700 cubic yards will be used to fill in areas where removal occurred, 10,600 cubic yards will remain.

As part of the November 1992 study, it was calculated that the 15,000 - 17,000 cubic yards of disposed material occupied an area of approximately 8.5 acres. Given that this is equivalent to approximately 41,000 square yards and that 10,600 cubic yards will be redistributed within this area, the final elevation of the re-contoured material could be up to 0.75 feet. Special consideration is required to insure that the new slope is similar to the nearby natural bottom and that the re-contoured material blends into the adjacent lake bottom in such a manner as to avoid significant underwater erosion and resuspension.

The proposed settlement agreement requires that Phases I and II are to be completed within 45 days of final approval of the Agreement by all parties and obtaining all necessary permits for the work. Phase III is to be completed, weather permitting, following completion of Phases I and II, and would also require all approvals and permits by all State and federal trustee and responsible agencies.

## PHASE I AND II OPERATIONS PLAN

### Staging

There will be three staging areas for the dredged material removal operation. The proposed staging area for Phase I would be established just below the high water line east of the Ski Run Marina pier and just to the west of the Tahoe Meadows property line. The proposed staging area for Phase II would be immediately east of the outer pond area at approximately 6,222 feet, on exposed lakebed. (refer to Attachment K-1). These staging areas will be constructed with filter fabric fencing, hay bales and steel mats. They are designed to accommodate the semi-trucks which will transport the extracted beach material. Staging areas are also proposed to be used to store beach material in between truck trips. Any material remaining at the end of each work day would be covered with plastic.

### Site Preparation

Steel mats would be placed in the shorezone area for water-tight trucks to drive on during the staging process including the loading of spoils. Turbidity screens, hay bales and filter fabric fencing would be placed around all three staging areas, as required by regulating agencies. If the outer pond area has not dried out within two weeks of the anticipated removal date, it is proposed that the applicant manipulate the pond to assist in the evaporation process. Manipulation includes building a temporary sand bag dam on the eastern side of the pond to isolate the pond from the main body of Lake Tahoe. If the accelerated evaporation of the outer pond is not complete, the applicant will pump any remaining water into a water truck for removal. This would occur at least two weeks prior to the dredged material removal to insure removal of dry previously-dredged material.

### Material Removal and Disposal

All ponded water would be disposed of in the South Tahoe Public Utilities District sewer system, or at an approved location by TRPA. Turbidity screens would be installed under the Ski Run Marina bridge prior to dewatering.

The removal process will consist of using conventional construction equipment both at the Ski Run Remediation site and at the material disposal site. Equipment proposed to operate within Lake Tahoe below high water includes one dozer, one loader, and three 20-yard water tight trucks, and one 4500 gallon water truck. A water truck containing non-chlorinated water would be available from the contractor and on standby for use at the remediation site to minimize fugitive dust. The fines and organic material would be

placed directly into 20 yard water-tight dump trucks for transport to the approved off-site location. Three disposal trucks will be used involving approximately 135 total truck trips for Phase I and II, averaging 16-20 truck trips per day.

The preferred disposal location is the Washoe Meadows State Park gravel pit located off Sawmill Pond Road near the Amacker Ranch in South Lake Tahoe (refer to Attachment H). The site is proposed to be restored by California State Parks and the spoils materials would greatly enhance any revegetation effort. Bob Macomber with the California Department of Parks and Recreation has written a letter of interest in accepting the spoils material (refer to Attachment L). A formal agreement would be required between Lake Tahoe Cruises and California Department of Parks and Recreation for acceptance of the material, grading to Parks specifications and which may include vegetative restoration if necessary. Access across the Washoe Meadows site would be obtained via an existing dirt road delineated by cut logs. There should be no disturbance to vegetation resulting from construction access to the quarry site.

Access to the disposal site from the remediation site is depicted on Attachment H-1. This route utilizes public roads and through the Amacker Ranch. The Amacker Ranch is a private landholding, and their consent would be required for access across their property to the disposal site.

Phase I and II also involve leveling of the sand bars using a low pressure bladed bull-dozer and front-end loader in two steps. First the top foot of sand on the bars would be transferred into the depression resulting from the removal of materials from the inner and outer pond. The hole left by the extraction of material from the sediment bars will be filled using sandy dredged material from the adjacent sandbars. In addition, the remaining sandbar will be rearranged to be brought back to natural contours by dragging the edge of the bucket of the front-end loader across the surface of adjacent sand bars. Both steps would be conducted from the most lakeward portion of the bars and proceed inland towards the backshore area. Work would proceed on the inner portions of the existing sediment bars first allowing the outer portions of the sand bars to act as a natural turbidity screen.

### **Phase III - Operations Plan**

#### **Site Preparation**

The marina would be inspected two weeks prior to material removal for standing water. If standing water is present, then the water would be removed immediately to allow the marina spoils material to dry. Water standing in the inner marina would be removed and disposed in accordance with Lahontan Regional Water

Quality Control Board, TRPA, and City of South Lake Tahoe Public Utility District requirements.

It is anticipated that the STPUD sewer system or a disposal site which is acceptable to all regulatory responsible agencies would be utilized. Water would be pumped into the STPUD sewer system directly from the inner marina, or the water would be pumped into water tight trucks and would be removed from the site to an approved location or facility.

Should it be necessary, Wildwood drainage may need to be temporarily diverted. Wildwood drainage consists of two 48" CMP's that discharge into the southwest corner of the Ski Run Marina. The diversion proposal involves diversion of the two 48" CMP's into one 48" flexible CMP by using an aluminum storm discharge apron in a reverse fashion. The apron would be placed directly below the discharge area and would catch all runoff. The proposed 48" flexible CMP would be placed on the west side of the marina for temporary discharge into a small sediment basin to be built along the west side of the existing Ski Run Marina pier.

The final drainage diversion method would be reviewed and approved by the City of South Lake Tahoe, TRPA, and Lahontan Regional Water Quality Control Board.

#### Staging

There will be two staging areas proposed for Phase III. One on the west side of the marina and one on the east side of the marina in the Ski Run Marina parking lot. These staging areas will be used for equipment access and for temporary storage of extracted materials, if necessary. These staging areas will be surrounded by hay bales wrapped in filter fabric fencing.

#### Material Removal

For material removal, a backhoe would operate on the east side of the marina in the parking lot. The backhoe would lower its bucket on a 40 foot extension boom over the existing steel bulkhead for excavation of the material. The material in the southeastern portion of the marina would be removed first, placed in trucks, and hauled to the approved disposal site. Upon completion of the eastern spoils removal in the marina, the backhoe would begin removal of material that is located on the western side of the marina. The backhoe staging area would be moved to the western side of the marina for this portion of the operation.

## Material Disposal

All removed material from the inner marina would be hauled offsite to a TRPA approved disposal location, presumably the same site used for disposal of Phase I and II sediments. However, the inner marina will be required to be tested for metals, as specified by TRPA and the Lahontan Regional Water Quality Control Board. Results of testing would determine precautionary measures to be incorporated in the removal of material from the inner marina and the disposal site of water and materials removed.

## REMEDIATION SITE RESTORATION

Upon completion of Phases I, II and III, the areas would be cleaned up within 72 hours. Final cleanup would consist of the removal of the staging areas, removal of the steel mats, manual raking of the beach and staging areas, and removal of the turbidity screens, filter fabric fencing and hay bales. Final inspections would then be conducted by the Lead Agency monitor in conjunction with all applicable agencies having discretion over the project.

To access the preferred disposal site at Washoe Meadows State Park, there may be some minor disturbance to an existing meadow restoration area as the dump trucks reach the quarry site. However, this impact should be minimal, as the dirt access road is clearly delineated by cut logs. State Parks staff has indicated that in acceptance of the material, they would require the deposited material to be rough-graded to their specifications and may also require restoration and revegetation of certain areas as specified by DPR.

## PROPOSED ORDER OF PROJECT IMPLEMENTATION

Obtain contractor's bids for proposed work  
Obtain regulatory agency approvals  
Installation of Temporary BMP's as required by regulatory agencies  
Initiate Phase I and Phase II Operations  
Manipulate Outer Pond (if necessary)  
Site Cleanup and Final Inspections of Phases I and II  
Initiate Phase III  
Site Cleanup and Final Inspections of Phase III

## PROPOSED MITIGATION MEASURES

### Earth

Placement of steel mats in the shorezone where truck traffic is proposed. The steel mats are Army Landing mats that interlink and are anchored to the lakebed. They are approximately 18' x 14' in size. They will also be used in staging areas on the beach. Temporary stockpiles will be covered with plastic tarp at the end of each work day.

The material disposal site will be rough graded to California Department of Parks and Recreation specifications in conjunction with proposed restoration plans for the Washoe Meadows State Park site.

Site Cleanup and Restoration of the Remediation site and Material Disposal site, as described on Page 11, above.

### Water Quality

Use of Turbidity Screens, Hay Bales, Filter Fabric Fencing, and Other Best Management Practices control measures as required; Use of Water-tight trucks to transport sediments removed from beach and inner marina areas.

Groundwater test wells at the Ski Run Marina site (depicted on Attachment M) would be protected by the use of barricades, pop-fencing and orange ribbon.

A Spill Contingency Plan (refer to Attachment N) will be implemented to minimize impacts relating from equipment fuel/petroleum product leaks/spills.

To minimize the impact of construction vehicles tracking soils and material onto the roadways, the use of steel army mats will be used in the staging areas. Lake Tahoe Cruises will provide a truck washing area in the southwest corner of the Ski Run Marina Parking lot to remove any sand or earthen materials from the trucks. Runoff from truck washing would be contained in an adjacent previously-disturbed but moderately vegetated area.

At the entrance to the Amacker Ranch, the Amacker Construction Company has a truck washing area for removal of earthen material from tires and hulls of the vehicles. If necessary, the access roads into the Washoe Meadows State Park may also be watered using a 4500 gallon water truck. There would be no grading proposed of the dirt access road to Washoe Meadows State Park.

Testing of inner marina water quality for petroleum products, heavy metals and other toxics as required by Lahontan Regional Water

Quality Control Board and the Tahoe Regional Planning Agency prior to disposal. Proposed disposal methods, pending water quality testing, have been described in Phase III Operations, above.

Temporary diversion of existing stormwater (Wildwood Drainage) around Ski Run inner marina during Phase III. Temporary diversion is proposed to include a 48"-50" flexible culvert and a 4' aluminum discharge apron. Diversion plans would be reviewed and approved by City of South Lake Tahoe, Lahontan Regional Water Quality Control Board and Tahoe Regional Planning Agency prior to installation.

#### Traffic

Traffic direction will be provided, if necessary, in the Ski Run Marina Parking Lot.

#### Public Safety

Public safety signs and fencing will be provided around the remediation site until the project is completed.

#### Air Quality

Dust Abatement involving the use of a 4500 gallon water truck containing non-chlorinated water will be on standby for use at the extraction and disposal sites.

#### Vegetation - Disposal Site

A grassy area located on the Ski Run Marina property which will be affected by construction vehicle access will be replaced with sod upon completion of the project.

Restoration of impacts as directed by California Department of Parks and Recreation, if any, to meadow area presently under restoration.

#### PROPOSED PROJECT MONITORING

The Lead Agency monitor, or its designated representative, would be present at all times during the material removal and redistribution of material to ensure that the conduct of the project is consistent with the maximum approved removal depth of 6,219 feet, and to ensure that all conditions of approval are implemented.

State Lands Commission, or its designated representative, will provide a qualified project monitor to supervise the depth to which the equipment operator will remove the material from the inner and outer pond and marina. The project monitor will ensure that there is always a four-inch buffer between the removal depth and the

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natural lake bottom.

A Detailed Work Plan is being prepared in cooperation with the United States Army Corps of Engineers, Tahoe Regional Planning Agency, Lahontan Regional Water Quality Control Board, California Department of Fish and Game, City of South Lake Tahoe, and South Tahoe Public Utilities District which will be incorporated into the Proposed Environmental Monitoring Plan. The Monitoring Plan will be available prior to State Lands Commission consideration of the proposed project.

#### NOTIFICATION TO ADJACENT LANDOWNERS

On September 15, 1994, the applicant provided written notification to adjacent landowners of the proposed project. The list of adjacent property owners which were notified is identified as Attachment O.

#### APPROVALS REQUIRED

The following approvals are required for this project: Tahoe Regional Planning Agency; Lahontan Regional Water Quality Control Board; California Department of Fish and Game; City of South Lake Tahoe Public Works; and if water is acceptable to be disposed in the South Tahoe Public Utilities District (STPUD) system, STPUD.

#### AGENCIES CONTACTED

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## DISCUSSION OF ENVIRONMENTAL IMPACT EVALUATION

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

1. Unstable earth conditions or changes in geologic substructures?

Heavy equipment as described in the Project Description, above, would be operated on the sandy shore of Lake Tahoe between elevations 6223 and 6220 (LTD). 140 steel mats (18' x 14') will be placed on the sand surface to provide stability for construction equipment across the shore area to access the Phase I and II sites. Excavation of material would be shallow as described previously, and would therefore not be a significant impact to geologic substructures.

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

Heavy equipment would compact the existing sandy material of the shore area while extraction and material manipulation is conducted. This impact would be minimized by the placement of steel mats to be used as staging areas for the rubber-tired front-end loader and dump truck access. If necessary, the beach area would be raked by hand to loosen compacted material. The project is located near heavily used public beaches. It is anticipated that normal public use of this area would restore the beach material to natural conditions. No significant impacts have been identified.

3. Change in topography or ground surface relief features?

The proposed project involves removal of previously disposed material from a dredging project which has created small mounds in the shore area. Removal of nutrient-laden materials and redistribution of remaining dredged sand to surrounding lake contours would restore the project site to more natural conditions. While this is a moderate change in the topography, it is a positive change, returning the environment to more natural conditions.

4. The destruction, covering, or modification of any unique geologic or physical features?

No unique geologic or physical features are known at this site, therefore, no significant impacts have been identified. The beach would be restored to more natural conditions.

5. Any increase in wind or water erosion of soils, either on or off site?

Several drainage areas are located within the project influence area (refer to Attachment A). The proposed project would remove and redistribute existing shore material to promote better water circulation and drainage from the upland. Erosion control measures are proposed during the conduct of the remediation project to minimize potential impacts. Erosion control measures include, but are not limited to, placement of steel mats, placement of hay bales, and use of non-chlorinated potable water for dust abatement.

To minimize the tracking of soils and material onto the roadways at the remediation site, steel army landing mats will be used in the staging areas. Lake Tahoe Cruises will provide a truck washing area in the southwest corner of the Ski Run Marina Parking lot to remove any sand or earthen materials from the trucks. This area contains no designated parking spaces and will contain any potential runoff in a previously-disturbed, but moderately vegetated area.

The disposal site access road is unpaved and construction vehicles may deposit soils or other sediments from tires and vehicle hulls onto the paved roadways. At the entrance to the Amacker Ranch, Amacker Construction Company has a truck washing area for removal of earthen material from the tires and hulls of the vehicles. If necessary, the access roads into the Washoe Meadows State Park may also be watered down using a 4500 gallon water truck. There would be no grading of the access road.

These and other measures would be implemented as directed by the regulating agency and monitored by the State Lands Commission or its designated representative. No significant impacts have been identified.

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?

Phase I and II areas proposed to be remediated would benefit the natural littoral drift process along this shoreline. The project area is currently above the existing lake water elevation, and the intent of this proposal is to remove a specified quantity of material before the lake elevation increases to restore the natural contours of the lake bed consistent with the adjacent beach profile. Turbidity screens will be set in place as directed to minimize impacts to lake waters. No significant impacts are anticipated.

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

The proposed project is located on a wide sandy beach above the present lake water elevation. The Lake Tahoe basin has recently experienced ground shaking as a result of an earthquake centered approximately 30 miles south of Lake Tahoe. No impacts are known to have occurred to the project site as a result. Staging areas are proposed for heavy equipment to operate in sandy substrate to minimize impacts which may occur. There is a remote possibility of the occurrence of a seiche (oscillating waves resulting from seismic disturbance). Turbidity screens will be utilized around the project influence area and will be placed as directed by Lahontan Regional Water Quality Control Board, TRPA, and CDFG staff. The project as proposed would not expose people or property to unsafe conditions. No significant impacts have been identified.

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

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

The proposed project would involve the use of one dozer, one rubber-tired front-end loader and two water-tight 20-yard dump trucks and one 4500 gallon water truck during Phase I and II, and one backhoe with boom extension and three water tight 20-yard dump trucks during Phase III. Equipment proposed for use would be licensed by the California Department of Motor Vehicles and would conform to current emissions standards for such equipment.

The project may induce a drying condition of the sandy substrate if dewatering of the pond areas becomes necessary, and during redistribution of clean material on the beach. These impacts would be minimized by implementation of dust abatement measures (spraying of non-chlorinated water in the project area). This should

not create a significant impact. Emissions from this equipment would be temporary and dispersed with prevailing winds. It is anticipated that Phase I and II would be conducted within a three-week period. The disposal site, Washoe Meadows State Park, has historically been used as a rock quarry. If determined necessary by TRPA or El Dorado County, domestic potable water would be used for dust abatement at the disposal site. No significant impacts have been identified.

**2. The creation of objectional odors?**

Some exhaust odors may be experienced within the vicinity of the heavy equipment operating in the shorezone. This would be temporary, lasting during the remediation work and would disperse naturally with the prevailing wind. No significant impacts have been identified.

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

This project would not create significant air movements. The project does not proposed construction of buildings or permanent placement of motor-driven equipment or apparatus which would affect air movement, temperature or climate. No significant impacts have been identified.

**C. Water**

**1. Changes in the currents, or the course or direction of water movements in either marine or fresh waters?**

Material proposed to be removed was deposited in the lake bed during a by-pass dredging operation in 1988. The proposed project would restore the contour of the lake bed at this site to natural conditions. This activity would not change the natural direction of water currents or water movements, as the proposed project would be conducted during lake water levels lower than the project site. No significant impacts are anticipated.

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

The project site contains material deposited in the lake bed during a previous dredging operation. In addition, at the inner marina area, the low lake water levels created an entrapment of water and material containing fines and organics and into which an existing untreated stormwater drainage outfall has contributed deposits.

The proposed project would restore the site to allow natural drainage patterns to occur which would be an improvement over existing conditions. No significant impacts are anticipated.

**3. Alterations to the course or flow of flood waters?**

The proposed project involves removal of a specified quantity of material and redistribution of remaining material to conform to the natural lake bed contours. As the lake water level rises, the water line would be more evenly distributed in this area. Two stormwater drainage systems deposit untreated water within the project vicinity. The project proposes to allow more natural dispersal of shoreline sediments and storm drainage to occur in this area. No significant impacts have been identified.

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

The proposed project involves removal and redistribution of a specified amount of material. This action would not significantly impact the amount of surface water in the lake.

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

Depending on lake elevation, the proposed project contains ponded water which is at a higher elevation than the present lake water level. Precautionary measures are proposed to minimize and/or avoid discharges into lake waters. Water in the ponded areas are proposed to be removed if not naturally dry before construction begins. Water would be tested as required by Lahontan Regional Water Quality Control Board to determine appropriate disposal methods. Other water quality control measures proposed for use on site include the use of turbidity screens and/or containment structures as required by TRPA and Lahontan Regional Water Quality Control Board to protect water quality in the lake.

Should it be necessary, Wildwood drainage may need to be temporarily diverted. Wildwood drainage consists of two 48" CMP's that discharge into the southwest corner of the Ski Run Marina. The diversion proposal involves diversion of the two 48" CMP's into one 48" flexible CMP by using an aluminum storm discharge apron in a reverse fashion. The apron would be placed directly below the discharge area and would catch all runoff. The proposed 48" flexible CMP would be placed on the west side of the

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marina for temporary discharge into a small sediment basin to be built along the west side of the existing Ski Run Marina pier.

The final drainage diversion method would be reviewed and approved by the City of South Lake Tahoe, TRPA, and Lahontan Regional Water Quality Control Board.

No significant impacts have been identified.

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

The proposed project involves removal of a specified quantity of material in Phases I and II to a depth of approximately 1-1/2' below the sandy surface of the lake bed. Material proposed for removal within the inner marina, Phase III, would be to a depth previously evaluated and established for navigation purposes.

Five groundwater test wells are located on the Ski Run Marina site as depicted in Attachment M, and are indicated by MW-1 through MW-5 on this attachment. These areas will be protected from construction impacts by the placement of barricades, pop-fencing and orange ribbon prior to the start of construction. No significant 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?**

Phase I and II of the proposed remediation project does not involve deep excavation which would impact ground waters. Possible removal of ponded water would be isolated as described in the project description, above. Phase III involves removal of material in the inner marina to maintain a depth previously authorized by TRPA and the United States Army Corps of Engineers. Moisture within the material to be disposed at the Washoe Meadows State Park could potentially drain to the Upper Truckee River nearby. The Truckee River is located approximately 600 feet from the quarry site. A sediment pond exists approximately 400 feet from the Upper Truckee River between the quarry and the Upper Truckee River to catch potential runoff from the quarry. This would minimize impacts of indirect discharge from the deposited material into the Truckee River. No significant impacts have been identified.

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

The proposed project does not involve significant extraction of fresh water otherwise available for public water supplies. The removal and redistribution of lake materials would occur above the current lake water elevation. The use of non-chlorinated potable water may be used for dust abatement and truck washing at the remediation and material disposal sites as described in the Project Description, above; however, this is a short-term impact involving a three-to-four-week period. No significant impacts have been identified.

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

There is a remote possibility of the occurrence of oscillating lake waves created by seismic disturbance. Turbidity screens will be utilized around the project influence area which would minimize potential impacts resulting from this unusual occurrence. Continuing low lake levels should also minimize the possibility of this impact. The proposed remediation project does not involve the construction of structures to which people would be subjected to flooding or tidal waves. The project proposes to restore the lake bed to conform to surrounding natural contours. No significant impacts have been identified.

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)?

The proposed project involves removal and redistribution of sandy lakebed material between lake elevations 6220-6223. This area under normal lake level conditions, would be inundated with water. A minor amount of grasses may exist within the project influence area which may be affected. The project proponent proposes to restore a grassy area presently in use on the Ski Run Marina site upon completion of the remediation project. This is not anticipated to be a significant impact to plants. No significant impacts have been identified.

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

In the summer of 1993, TRPA staff surveyed the shoreline of Lake Tahoe. Results of this survey reveal that the project site does not contain the California-listed endangered plant, Tahoe Yellow Cress (*Rorippa subumbellata*, Roll.), but does contain potential but degraded habitat for this species. An informal consultation with the California Department of Fish and Game (CDFG) is in progress. Interim Management Guidelines have been adopted by the California State Lands Commission until a final management plan (now called stewardship plan) can be completed. These guidelines enable projects which may contain plants or habitat to be evaluated through the CEQA process without requiring the preparation of a site-specific Environmental Impact Report. Commission staff and the CDFG staff have been working together to develop the final Plan.

In order to minimize potential impacts to the species, the site will be inspected at least two weeks prior to construction, and any plant occurrences will be flagged and fenced prior to initiation of any of the remediation phases. No significant impacts are anticipated.

**3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?**

The project does not propose landscaping of any kind. Construction equipment proposed to operate within the lake bed would be steam-cleaned and maintained throughout the remediation project. The area proposed for material removal and redistribution is located above the present lake water level. Under normal lake water levels, the project area would be inundated by water. This project would not significantly contribute to the unnatural establishment of plants in this area. No significant impacts have been identified.

**4. Reduction in acreage of any agricultural crop?**

The proposed project is located within the bed of Lake Tahoe. No agricultural crops are present nor would any be affected by this proposed project. The disposal site proposed is identified in Attachment H, and do not contain any agricultural crops which could be affected. No significant impacts have been identified.

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**E. Animal Life**

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)?**

The proposed project would involve removal of a specified quantity of material to a depth of approximately one-half to one foot. The proposed project area is presently above the existing lake water level. It is unlikely that the proposed activity would have a significant impact upon existing benthic organisms in this area due to the lack of moisture and the existing substrate conditions. The project area is not located in mapped fish habitat. The substrate in the project area consists of 100% sand.

The preferred disposal site, the Amacker Ranch, is a highly disturbed quarry area proposed for restoration by the California Department of Parks and Recreation, Sierra District. Material removed from the Ski Run inner marina site will be tested for the presence of heavy metals and petroleum products to determine an appropriate disposal site. If toxic materials are present in the Ski Run sediment, the material would be removed and placed in covered trucks and then transported to a qualified disposal site out of the Lake Tahoe basin. No significant impacts have been identified which cannot be minimized through project modification.

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

No unique, rare or endangered species of animals are known to exist at the remediation site, which is located within the lake bed between elevations 6220' and 6223' LTD. The nutrient laden material will be removed to the Washoe Meadows disposal site. Adjacent cleaner sand material will be used to cap the extraction area to prevent future bio-accumulation of nutrients by fisheries. Material containing high concentrations of nutrients will be removed, thereby improving the water quality.

The preferred disposal location, Washoe Meadows State Park, has previously been highly disturbed for many years during use as a rock quarry. The rock quarry is now inactive. The Washoe Meadows State Park disposal site is in the early stages of restoration. Disposal of material at this site would be consistent with the Department's

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plans for this site. (Refer to Attachment L). No significant impacts have been identified.

3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

The proposed project does not involve construction of housing which could introduce new species of animals into the area. The disposal site, Washoe Meadows State Park, has been previously highly disturbed and the Department of Parks and Recreation is in the process of restoring this site. The Department would direct the distribution of materials at the Washoe Meadows State Park site. No significant impacts have been identified.

4. Deterioration to existing fish or wildlife habitat?

The proposed remediation site is not located in a mapped fish habitat as defined by TRPA or CDFG staff. The proposed disposal sites are either existing reclamation sites or sites proposed for restoration.

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

1. Increases in existing noise levels?

There may be a temporary increase in the local noise levels during operation of a front-end loader, three semi trucks, and a small grader. TRPA's ordinances concerning noise standards indicate that exemptions to noise limitations would apply to construction projects provided such activities are limited to the hours between 8:00 a.m. and 6:30 p.m. The limitation of hours of construction in addition to the temporary nature of the project minimize noise impacts. No significant impacts have been identified.

2. Exposure of people to severe noise levels?

The project is proposed during the off-season for marina and cruise operations. Refer to response F.1., above. No significant impacts have been identified.

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

**1. Produce new light or glare?**

Some glare may occur in the beach area during the presence of heavy construction equipment as previously described in the shore area and of trucks transporting material to the preferred disposal site. This impact would be temporary. There would be no long-term impacts resulting from this proposed project. No significant impacts have been identified.

**H. Land Use. Will the proposal result in:**

**1. Substantial alteration of the present or planned land use of an area?**

The present use of the project site is a commercial marina. Phase I and II would occur on State-owned land under the jurisdiction of the State Lands Commission, with additional responsible agency authority by the Tahoe Regional Planning Agency, Lahontan Regional Water Quality Control Board, and the California Department of Fish and Game, and the United States Army Corps of Engineers. The Lahontan Regional Water Quality Control Board would need to consider the proposed material removal project as being located within a Stream Environment Zone (Lake Tahoe). The project is proposed to improve water quality and health and safety. It is anticipated that this project would proceed in conformance with the Lahontan's Basin Plan.

The South Tahoe Public Utilities District may require approval of use of their sewer system. The City of South Lake Tahoe would need to consider the proposed temporary diversion of any existing storm drainage systems.

The United States Army Corps of Engineers would issue a directive for the remediation action to proceed upon conclusion of litigation.

Phase III, removal of material from the inner marina, would occur in an area under the direct review authority of the Tahoe Regional Planning Agency, Lahontan Regional Water Quality Control Board, California Department of Fish and Game, and the United States Army Corps of Engineers.

The present and planned use of this area is a commercial marina. The proposed project would not substantially

alter the present or planned use of this project site. No significant impacts have been identified.

**I. Natural Resources. Will the proposal result in:**

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

The only natural resource proposed for use in this project is non-chlorinated potable water to be used for dust abatement, if necessary, at the remediation and material disposal sites. The source of non-chlorinated water would be obtained from the Amacker Ranch, or from temporary extraction from Lake waters at the Ski Run site. This use would be temporary and a minor impact to public water supplies available. No significant impacts have been identified.

**2. Substantial depletion of any nonrenewable resources?**

Nonrenewable resources to be used involve fuel to operate the equipment described previously. The equipment would be California licensed and operated by a licensed contractor. No significant impacts are anticipated.

**J. Risk of Upset. Will the proposal involve:**

**1. A risk of 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?**

Heavy equipment as described previously, would be operating in the shorezone of Lake Tahoe. There is a possibility that oil or gas leakage could occur. Best Management Practices will be required by TRPA authorization and implemented by the applicant for the protection or restoration of water quality. The applicant proposes to steam clean all mechanical equipment proposed to operate in the shorezone area. A spill contingency plan has been prepared and will be implemented (refer to Attachment N). No significant impacts have been identified.

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

The remediation project is located below high water on the shore of Lake Tahoe. The project would be conducted during the Fall of 1994 which is a significantly slower tourist season for the Tahoe Queen excursions. Applicant represents that the other cruise operations mentioned in