MINUTE ITEM
This Calendar Item No. C26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 3
to 0 at its May 3, 1995
meeting.

CALENDAR ITEM
C26

A 4

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05/03/95
W 21091 PRC 7828
J. Ludlow

APPROVE THE ISSUANCE OF A RECREATIONAL PIER LEASE

APPLICANT:
Viva D. Liner, Trustee
230 Southhampton Avenue
Berkeley, California 95707

AREA, TYPE LAND AND LOCATION:
A parcel of submerged land located in the bed of Lake Tahoe at Carnelian Bay near Flick Point, Placer County.

LAND USE:
Reconstruction and 40 foot extension of an existing pier, including the addition of a low level boatlift and retention of one existing mooring buoy.

TERMS OF PROPOSED LEASE:
Initial period:
Ten years beginning May 3, 1995.

CONSIDERATION:
Rent-free pursuant to Section 6503.5 of the P.R.C.

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

APPLICANT STATUS:
Applicant is owner of the upland.

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

STATUTORY AND OTHER REFERENCES:

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

B. Cal Code Regs.: Title 2, Div. 3: Title 14, Div. 6.

AB 884:
04/26/95.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 666, State Clearinghouse No. 95022042. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

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

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

3. The applicant proposes to remove an existing 20' by 7.5' pier and replace with a 60' pier, catwalk, and low level boatlift. A 13" wide pierhead will be added within the 40' extension to the pier.

4. The project will be accomplished using a barge-mounted pile driver. Anchorage of the barge will be to the existing structure or by lake anchors to ensure adequate stabilization of the barge.

5. Commission staff or its designated representative will monitor the reconstruction of the pier in accordance with the Monitoring Program included within the Proposed Negative Declaration.

6. The subject property was physically inspected by staff for purposes of evaluating the impact of the proposed activity at the site.

7. The lease is conditioned on Lessee's compliance with all other federal, state and local permits and/or requirements.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Placer County.

FURTHER APPROVALS REQUIRED:

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

EXHIBITS:

A. Site and Location Map
B. Negative Declaration and Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, ND 666, STATE CLEARINGHOUSE NO. 95022042, 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 ANY COMMENTS RECEIVED IN RESPONSE THERETO.

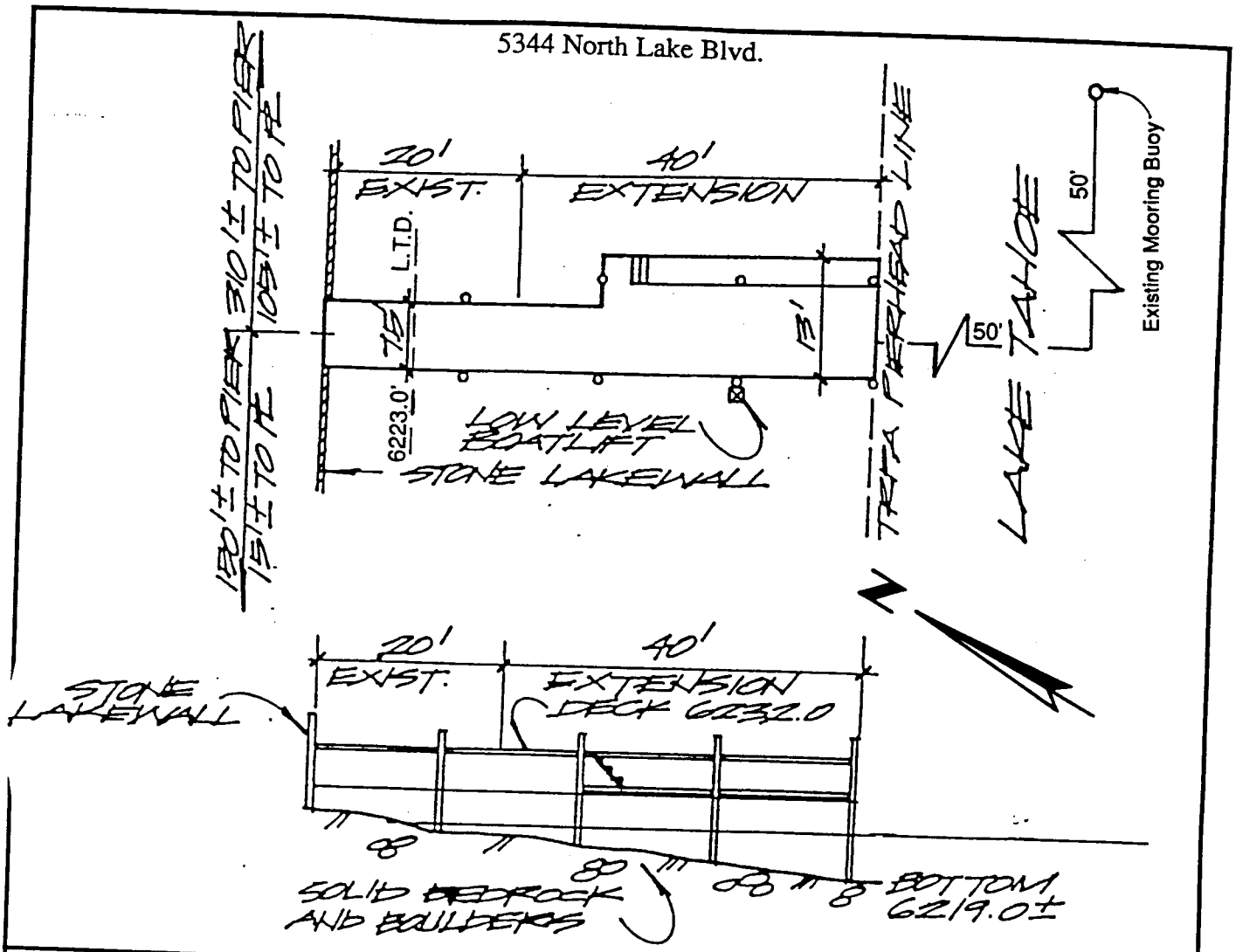
2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. ADOPT THE MONITORING PLAN AS CONTAINED IN EXHIBIT "B", ATTACHED HERETO.

4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

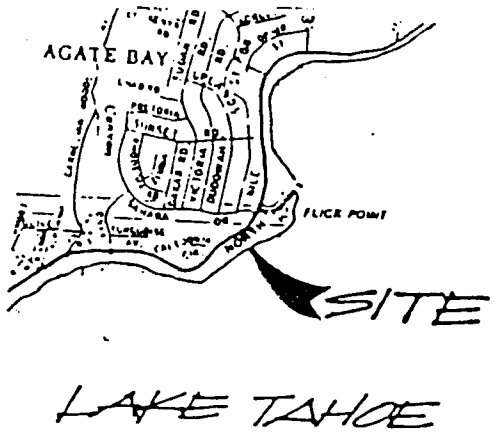
5. AUTHORIZE ISSUANCE TO VIVA D. LINER, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING MAY 3, 1995, FOR THE RECONSTRUCTION AND 40 FT. EXTENSION OF AN EXISTING PIER INCLUDING THE INSTALLATION OF A LOW LEVEL BOATLIFT AND RETENTION OF AN EXISTING MOORING BUOY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

5344 North Lake Blvd.



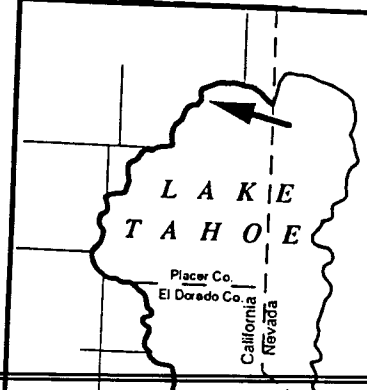
NO SCALE

LOCATION MAP



NO SCALE

EXHIBIT "A"
W 21091
APN 115 - 120 - 01
Lake Tahoe
PLACER COUNTY



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

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CG 3/95

EXHIBIT 'D'

STATE OF CALIFORNIA

PETE WILSON, *Governor*

STATE LANDS COMMISSION

GRAY DAVIS, *Lieutenant Governor*
KATHLEEN CONNELL, *Controller*
RUSSELL S. GOULD, *Director of Finance*

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

ROBERT C. HIGHT
Executive Officer

February 15, 1995

File: W 21091
ND 666
SCH: 95022042

NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED NEGATIVE DECLARATION

(SECTION 15073 CCR & SECTION 21092 PRC)

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 State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project application currently being processed by the staff of the State Lands Commission.

This document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by March 17 , 1995.

The Negative Declaration will be considered for adoption at a meeting of the State Lands Commission no earlier than March 17, 1995. You will be notified of the date and location at least 10 days prior to the meeting.

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

Judy Brown

JUDY BROWN
Division of Environmental
Planning and Management

Attachment

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STATE OF CALIFORNIA

PETE WILSON, *Governor*

STATE LANDS COMMISSION

GRAY DAVIS, *Lieutenant Governor*
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EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814-7187

ROBERT C. HIGHT
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: W 21091

ND 666

Project Title: Liner Pier Reconstruction and Extension

Proponent: Viva D. Liner; c/o Hoffman, Lien

Project Location: Placer 5344 N. Lake Blvd., APN: 115-020-01, Carnelian Bay, Lake Tahoe, County.

Project Description: Remove an existing 20' wooden pier. Reconstruct a 60' pier with wooden deck, catwalk, low-level boat lift, and steel pilings. The pier will extend to the TRPA pierhead line. Construction access will occur from the lake side of the pier using a rubber-tired barge with pile driver. One existing mooring buoy will be retained a distance of 50' from the end of the pier and will be used seasonally between May 1 - October 30 at which time the float and chain will be removed.

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.

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

STATE LANDS COMMISSION

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: W 21091

I. BACKGROUND INFORMATION

A. Applicant: VIVA D. LINER
C/O HOFFMAN, LIEN
PO BOX 7740
TAHOE CITY CA 96145

B. Checklist Date: 01 / 31 / 95

C. Contact Person: JUDY BROWN

Telephone: (916) 324 - 4715

D. Purpose: TO REPAIR AND EXTEND AN EXISTING RECREATIONAL PIER. TO ADD A LOW-LEVEL BOATLIFT AND RETAIN ONE MOORING BUOY.

E. Location: 5344 NORTH LAKE BOULEVARD. APN: 115 - 020 - 01. CARNELIAN BAY. LAKE TAHOE. SOUTH OF FLICK POINT. PLACER COUNTY.

F. Description: REPAIR EXISTING 7.5' X 20' RECREATIONAL PIER AND CONSTRUCT A 40' EXTENSION WITH A 13' WIDE PIERHEAD; ADD A LOW-LEVEL BOATLIFT. ONE MOORING BUOY WILL BE RETAINED. THE PIER WILL EXTEND TO THE TRPA PIERHEAD LINE.

G. Persons Contacted:

JIM LAWRENCE	TAHOE REGIONAL PLANNING AGENCY	402 588-4547
MARK ZUMSTEG	CALIFORNIA DEPARTMENT OF FISH AND GAME	916 355-7030

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

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

	Yes	Maybe	No
1. Substantial air emissions or deterioration of ambient air quality?	—	—	X
2. The creation of objectional odors?	—	—	X
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	—	—	X

C. **Water.** Will the proposal result in:

1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?	—	—	X
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	—	—	X
3. Alterations to the course or flow of flood waters?	—	—	X
4. Change in the amount of surface water in any water body?	—	—	X
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	—	X
6. Alteration of the direct on or rate of flow of ground waters?	—	—	X
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	—	—	X
8. Substantial reduction in the amount of water otherwise available for public water supplies?	—	—	X
9. Exposure of people or property to water-related hazards such as flooding or tidal waves?	—	—	X
10. Significant changes in the temperature, flow or chemical content of surface thermal springs?	—	—	X

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)?	—	—	X
2. Reduction of the numbers of any unique, rare or endangered species of plants?	—	—	X
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	X
4. Reduction in acreage of any agricultural crop?	—	—	X

E. **Animal Life.** Will the proposal result in:

1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?	—	—	X
2. Reduction of the numbers of any unique, rare or endangered species of animals?	—	—	X
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	—	X
4. Deterioration to existing fish or wildlife habitat?	—	—	X

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

1. Increase in existing noise levels?	—	—	X
2. Exposure of people to severe noise levels?	—	—	X

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

1. The production of new light or glare?	—	—	X

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

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

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

1. Increase in the rate of use of any natural resources?	—	—	X
2. Substantial depletion of any nonrenewable resources?	—	—	X

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

	Yes	Maybe	No
S. Recreation. Will the proposal result in:			
1. An impact upon the quality or quantity of existing recreational opportunities?	__	__	X
T. Cultural Resources			
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?	__	__	X
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	__	__	X
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	__	__	X
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	__	__	X
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?	__	__	X
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	__	__	X
3. Does the project have impacts which are individually limited, but cumulatively considerable?	__	__	X
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	__	__	X

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

X I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE 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: 02 / 01 / 95

Judy Brown

For the State Lands Commission
JUDY BROWN

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Form 13.20 (7/82)

PROJECT DESCRIPTION

Applicant proposes to repair and extend an existing 7.5' x 20' recreational pier. A 13' wide pierhead will be added within the 40' extension to the pier. The width of the pierhead includes a catwalk to be constructed on the north side of the pierhead. Steel piles will replace existing wooden piling. One low-level boatlift with electric service will be added. One existing mooring buoy will be retained. (Refer to Attachment A).

Removal and reconstruction will be accomplished using a rubber-tired barge with a pile driver. Caissons or sleeves will be used while pile driving. Anchorage of the barge will be to the existing structure and/or by lake anchors to ensure adequate stabilization of barge.

All construction wastes will be collected onto the barge and disposed at an approved location. Small boats and tarps will be used under construction areas in order to prevent discharge of materials into lake waters.

No materials will be stored above the low water elevation (6223' LTD).

The pier and buoy are proposed to be permitted by the State Lands Commission.

ENVIRONMENTAL SETTING

The proposed project is located in Carnelian Bay, Placer County (APN: 115-020-01), lakeward of 5344 N. Lake Blvd., Lake Tahoe. The upland terrain from the pier to the residence is a gradual incline with the residence at moderate distance above the high water elevation.

A retaining wall has been constructed between the high and low water elevations of 6223 and 6228.75 LTD. and it is represented by the applicant as being in place before 1967, per aerial photos.

The pier to be removed and reconstructed is supported by piling driven into the lakebed substrate which consists of cobbles and boulders, see Attachment A. The substrate of the project site was site verified on March 22, 1990, by TRPA staff and characterized as "prime fish habitat".

The projected site was checked within the TRPA 1993 Shorezone Inventory to ascertain if the project was capable of supporting the California-listed plant species, Tahoe Yellow Cress. The database indicated that the project site did not contain nor was the substrate capable of supporting Tahoe Yellow Cress.

The nearest recreational piers are located 150' to the south of this project and 310' to the north of this project.

III. DISCUSSION OF ENVIRONMENTAL EVALUATION
LINER PIER RECONSTRUCTION/EXTENSION

A. Earth

1. Stability, Geologic Substructures

This project involves complete removal, reconstruction and extension of the existing recreational pier structure. Steel pilings and wooden decking will be used. The piling will be driven 6' or to refusal into the lakebed substrate to stabilize the pier structure. No significant impacts have been identified.

2. Compaction, Overcovering of the Soil

As discussed in A.1., above, old wooden pilings will be removed and new steel pilings will be placed. The pier will be extended 40' into the lake to the TRPA pierhead line. The TRPA permit indicates that the proposed extension in fish habitat would not have a significant effect on the environment. No significant impacts have been identified.

3. Topography

There are no known changes to the ground surface to accomplish this pier repair/extension project. No impacts have been identified.

4. Geologic Features

The lake bed substrate at the project location is comprised of large cobbles. Steel piling will be driven into the lake bed substrate 6' or until refusal. No manipulation of lakebed features is proposed. No significant impacts have been identified.

5. Wind, Water Erosion of Soils

Access to perform the reconstruction work will be achieved from the lake side of the project by a rubber-tired barge. Access to the pier from the upland residence is via a naturally vegetated area. The proposed project of this evaluation, reconstruction and extension of an open piling recreational pier would not have an impact to erosion or depositional processes which would normally occur in a cobble substrate. The project is located within the body of the lake. No natural stream inlets are present within the project influence area. No significant impacts have been identified.

6. Erosion, Deposition

No significant impacts are anticipated, refer to discussion in A.5., above.

7. Geologic Hazards

There are no known geologic hazards at or near the project site. No significant impacts are anticipated.

B. Air

1. Emissions/Deterioration

This project would involve the use of a barge and pile driver. The amphibious watercraft will access the site from the lake side of the project. Some emissions will result from the construction equipment. This impact will be minor and temporary, lasting during the repair activity which may take several weeks. Continued operation of the applicant's boat for the use of the pier and buoy would be a minor contribution to the cumulative air emissions within the Lake Tahoe Basin. The California Environmental Protection Agency has been evaluating air emissions from boat engines and is taking steps to minimize air emissions from boat usage. No significant impacts are anticipated from this proposed project.

2. Objectionable Odors

This project does not propose the use of any hazardous materials for the reconstruction of the existing pier. Some odors will be experienced from emissions of the waterborne vessel and equipment used to drive the piles. The pile driving activity is anticipated to take approximately ten working days. Continued use of the pier and buoy would create some odors as boats arrive and leave. The existing and proposed use of this pier and buoy is for the applicant only. No commercial activity is proposed at the project site. The impacts are considered to be insignificant.

3. Air Movement, Moisture, Temperature, Climate

This project does not propose the placement of any structure which would affect the air movement, moisture or temperature, or any change in climate, locally or regionally. No significant impacts would occur.

C. Water

1. Currents, Water Movements

This project does not propose any new intake or to discharge any fluids or materials into the lake waters.

2. Absorption, Drainage, Runoff

This project does not propose the construction or placement of any new impervious structures. No significant impacts to drainage or runoff would result from this pier reconstruction/extension project.

3. Flood Waters

The pier is located within the body of Lake Tahoe. The proposed reconstruction activity would not have a significant impact upon the lake water elevation. The pier is of open piling design with support pilings and/or footing placed into/on the lakebed substrate. No significant impacts have been identified.

4. Surface Water

No significant impacts have been identified as discussed in C.3., above.

5. Discharge, Dissolved Oxygen

This project would cause minimal turbidity to lake waters during the removal of the existing wooden piling and placement of new steel piling. Specific water quality measures proposed include:

a) Use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile placement;

b) Placement of a boat and/or tarp under the construction area to prevent debris from enter the lake waters;

c) Collection of waste materials onto the barge and disposed at an approved site.

Continued use of the mooring buoy would not significantly affect the water quality of Lake Tahoe.

6. Flow of Ground Waters

New steel pilings would replace the existing wooden pilings. The pilings would be driven into the lake bed a minimum of 6' or to the point of refusal. The pier is located within the body of Lake Tahoe. Reconstruction activity would not affect the flow of ground water. The existing mooring buoy anchor rests on the lake bottom and would also not affect flows of ground water. No significant impacts have been identified.

7. Quantity of Ground Waters

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

8. Reduction of Public Water Supplies

This project does not propose the extraction, use or contamination of water used for an existing public water supply. No impacts have been identified.

9. Water-Related Hazards

The proposed project involves repair and extension of an existing recreational pier. The pier is proposed to extend to the TRPA pierhead line. The mooring buoy will be located approximately 75' beyond the pier once extended. Extension of the pier to the pierhead line and retention of the mooring buoy are not considered to be water-related hazards. Other piers exist within the vicinity as described in the environmental setting discussion, above. No significant impacts have been identified.

10. Temperature, Flow or Chemical Content

There are no known thermal springs in the vicinity of this project; therefore no impact is anticipated.

D. Plant Life

1. Diversity of Species

The proposed lakebed disturbance for the repair and extension of this pier will occur from approximately elevation 6225 lakeward. The lake bed substrate consists of large cobbles. The wooden pilings to be removed may have served as substrate for a now established sessile plant population. Replacement of the pilings will cause a minor population loss of aquatic plants at the site.

Placement of the new steel pilings could furnish new substrate for sessile aquatic plants. This impact would be minimal as the site is dominated by cobbles and can furnish habitat for sessile aquatic plants.

2. Endangered Species

The proposed area of lake bed disturbance will occur from lake elevation 6225' lakeward. According to the 1993 Tahoe Regional Planning Agency shoreline survey, the project site does not contain habitat suitable to support the California-listed Tahoe Yellow Cress, an endangered plant species. The project site contains predominantly medium to large cobble. Access to the site to conduct the reconstruction activity will take place from the

lakeside of the pier by an amphibious rubber-tired barge with pile driver. No materials will be stored on the lake bed between elevation 6223' and elevation 6229' LTD. There would be no impacts to endangered species resulting from this project.

3. Introduction of Plants

Removal of the old wooden pilings may disturb sessile aquatic plants growing on them. New steel pilings will provide additional area for sessile aquatic plants to populate. The project is located in an area containing mostly large cobble which can provide a great amount of habitat for sessile aquatic plants. The mooring buoy anchor rests on the lake bottom. No significant impacts have been identified.

4. Reduction of Agricultural Crops

The pier and mooring buoy are located within the body of Lake Tahoe. No agriculture or aquaculture activities are conducted in this area. There would be no impact.

E. Animal Life

1. Animal Species Diversity

The proposed project is located in prime fish habitat according to a TRPA staff site verification on March 22, 1990, on file in the office of the State Lands Commission.

Replacement of the existing pier pilings could affect access to the lake bottom by burrowing organisms. Replacement of the existing pilings could impact fish and benthic organisms which were attracted to the pilings for grazing and shelter. Construction activity has been limited to the period July 1 through October 15 by the California Department of Fish and Game through issuance of a Streambed Alteration Agreement. The agreement has expired, therefore, the applicant will need to contact the Department of Fish and Game to extend or re-evaluate the existing agreement prior to the start of construction.

TRPA has conditioned the use of the mooring buoy to be seasonally used between May 2 and October 14 of each year, at which time the mooring buoy float and chain are to be removed during the non-use period, Attachment B.

No significant impacts have been identified.

2. Rare Species

The lakebed substrate at the project site is predominantly cobbles and boulders. Timing of

construction activity involving disturbance to the lake bed will be restricted to July 1 through October 15 unless further evaluation is required by the California Department of Fish and Game to extend or re-evaluate the existing Streambed Alteration Agreement. A valid Agreement is required to be obtained by the applicant prior to construction. No significant impacts have been identified.

3. New Species

This project does not propose the introduction of any new animal species into Lake Tahoe. There would be no impacts in this issue area.

4. Habitat Deterioration

The reconstruction activity would cause a temporary disturbance to fish habitat during the driving of new steel piling. The project area is located in a fish habitat area. Timing of construction has been limited to the period July 1 through October 15 by the California Department of Fish and Game through issuance of the Streambed Alteration Agreement. The current Agreement for this project has expired and will require further coordination with the California Department of Fish and Game prior to construction. Continued use of the pier once reconstructed and extended would not have any known detrimental impact upon existing fish habitat. Continued use of the mooring buoy, now to be seasonal use, would not have a significant impact upon fish habitat. No significant impacts have been identified.

F. Noise

1. Noise Increases

The proposed project would cause periodic, moderate increases to existing noise levels during the driving of steel pilings. Noise from pile driving activity may occur during work days for two to three weeks. Periodic intermittent increases in noise levels may be experienced during the continued use of the recreational pier for recreational boating. These impacts would be considered temporary, and insignificant.

2. Severe Noise

Noise from pile driving activity may expose persons within the vicinity to periodic episodes of extreme noise levels. These noise increases may last seconds or minutes in duration. These brief occurrences are not considered to be significant impacts, as they are exempted under the Noise Limitations standards set forth in TRPA Code of Ordinances when TRPA has issued a construction permit; however, the temporary construction activity must take place between 8:00 a.m. and 6:30 p.m.. Periodic, brief increases to the existing noise levels would occur adjacent to the recreational pier and mooring buoy when

motorized boat engines are used. Noise standards are monitored and enforced through TRPA ordinances. No significant impacts have been identified.

G. Light and Glare

1. New light or glare

The proposed project would be constructed during the hours of 8:00 a.m. to 6:30 p.m. No lighting for construction activity has been proposed. Colors proposed for the placement of the steel pilings, and low-level boat lift must be of earth-tone color, as a compliance measure of the TRPA permit conditions. No significant impacts have been identified.

H. Land Use

1. Alteration of the Present or Planned Land Use

This project does not propose new land uses at this location which would alter local use patterns. The pier to be repaired and extended is located within the water influence area of the applicant's upland littoral property. No significant impacts have been identified.

I. Natural Resources

1-2. Rate of Use of Natural Resources/ Depletion of Nonrenewable Resources

The proposed repair and extension of the existing recreational pier and continued seasonal use of the mooring buoy would not increase the rate of use of any natural resource, or loss of non-renewable resources. The pier would continue to be used for private recreational use of the applicant. No new facilities are proposed which would have a significant impacts on the use of natural resources.

J. Risk of Upset

1. Explosion

Risk of explosion of fuel could occur during reconstruction of the pier or boat usage of the mooring buoy; however, TRPA permit conditions provide precautions to minimize this possibility. Such precautions include: no discharge of petroleum products into the Lake and, no containers of fuel, paint or hazardous materials may be stored on the pier. No significant impacts have been identified.

2. Emergency Response Plan

The recreational pier has existed at this location for many years, as described in the Environmental Setting discussion, above. The proposed repair and extension of this pier to the TRPA pierhead line would not interfere with any existing emergency response plan for this area. The mooring buoy is located approximately 75 feet from the end of the recreational pier. TRPA has indicated in their permit that the mooring buoy be used seasonally between May and October. No significant impacts have been identified.

K. Population

1. Alteration, Distribution, Density, or Growth Rate

The proposed project is a repair and extension of an existing facility which is an accessory use to the existing upland residence. There would be no live-aboard vessels or increases in local population resulting from this project.

L. Housing

1. Affect Existing Housing/Demand for Additional Housing

The proposed project would not have any effects in this issue area. As indicated in K.1., above, it is an accessory use to the existing upland residence, and it is used for private recreational purposes of the applicant. No significant impacts have been identified.

M. Transportation/Circulation

1. Vehicular Movement

The project site will be accessed from the lake for reconstruction and extension of the pier; therefore, there would be no additional vehicular movement within the project area to conduct this project. No new vehicular movement is anticipated for the continued use of the recreational pier as a change in use is not proposed. No significant impacts have been identified.

2. Parking

No new parking is proposed or required to conduct the proposed reconstruction activity. Parking is available for the applicant's use at the upland residence. No significant impacts have been identified.

3. Transportation Systems

No significant impacts have been identified, refer to discussion in M.1., above.

4. Circulation

The recreational pier would be repaired and extended as indicated in the Project Description discussion, above. The pier will be extended to the TRPA pierhead line established as a standard of the limit of extension into the lake by shoreline structures. Construction access will be obtained from the lake side of the pier. There would be no new impacts to the circulation or movement of people and/or goods. The existing mooring buoy will be used seasonally as indicated by TRPA permit #900469, Attachment "B".

5. Traffic

Construction traffic will be minimized through lakeside access to reconstruct the pier. No new impacts are anticipated to waterborne traffic, as the extension of the pier will stop at the TRPA pierhead line. Please refer to Attachment "B", showing the distances to the nearest piers. No significant impacts have been identified.

6. Hazards

The proposed repair activity and access to the pier site would occur in the body of the Lake, therefore, no impacts to motor vehicles, bicyclists or pedestrians would occur. Continued use of the pier and mooring buoy within the body of the Lake would create no new impacts to this issue area.

N. Public Services

1.-6. Fire, Police, Schools, Parks, Public Facilities, Other Governmental Services

The proposed repair and extension of an existing recreational pier would occur from the same point on the shoreline within the applicant's water influence area . Continued use of the pier and mooring buoy would not have a new effect on public services. No new facilities are proposed which would have a significant impact upon any of the Public Service issue areas.

O. Energy

1. Use

Minor amounts of fuel and electrical power would be required to conduct the reconstruction of the existing pier. These impacts would be temporary, lasting several weeks. Electrical power would be provided to the low-level boatlift. This service can be easily provided from the existing upland residence. Continued use of the existing pier and

mooring buoy would not create a significant demand upon the existing sources of energy or require the development of new sources of energy.

2. Demand

As discussed in O.1., above, no significant impacts have been identified.

P. Utilities

1.-6. Power, Communication Systems, Water, Sewer, Storm Drainage, Solid Waste

The proposed repair and extension of the existing pier and retention of the mooring buoy would not significantly increase these issue areas. The applicant maintains an existing residential dwelling located on the upland littoral property from which the pier presently extends. All necessary utilities are provided for the residential dwelling. No significant features are proposed which would require a change to the existing utility systems.

Q. Human Health

1.-2. Creation/Exposure to Health Hazard

Repair and extension of the existing recreational pier is needed in order to maintain a safe structure for the use of the applicant and which will be more useful during low lake levels. All materials used are conditioned and enforced by TRPA ordinances and CDFG regulations. Construction materials have been previously described in the Project Description section of this document. No significant impacts have been identified.

R. Aesthetics

The repair and extension activity will occur within the shoreline area where other similarly sized recreational piers occur with similar features and design. Colors to be used for the pier, stairway and boatlift will be earth-toned colors that blend rather than contrast with the surrounding environment as regulated by the conditional TRPA permit requiring . TRPA staff have evaluated the aesthetic impacts which may result from the proposed project and retention of nonconforming features. The applicant has agreed to implement all TRPA permit conditions, (refer to Attachment B). No significant impacts to the scenic view have been identified. Use of the mooring buoy has been conditioned by the TRPA permit to require seasonal use between May and October of each year.

S. Recreation

Reconstruction and extension of the existing recreational pier would occur totally within the water influence area of the applicant's littoral property. This should not impact adjacent recreational uses within the shoreline area. The existing mooring buoy has been permitted by TRPA (refer to Attachment B) for seasonal use as indicated in R., above. The pier will extend to the TRPA pierhead line, established as a standard of the limit of extension for private shorezone structures. No significant impacts have been identified.

T. Cultural Resources

1.-4. Prehistoric/Archaeological Sites

The proposed pier repair activity will occur from approximately elevation 6225' waterward of the low water elevation 6223' (LTD). There are no known archaeological or ethnic sites at this location. Impacts to the lakebed anticipated from this proposed reconstruction activity are minor and would not require excavation of earth materials. The mooring buoy anchor rests on the lake bottom. No significant impacts are anticipated to prehistoric or archaeological features.

U. Mandatory Findings of Significance

1. Degradation of the Environment

The pier to be reconstructed and extended is located in a fish habitat area designated by TRPA and the CDFG. The proposed activity is limited to the period July 1 through October 15 by the California Department of Fish and Game through issuance of the Streambed Alteration Agreement. The mooring buoy use has been conditioned by TRPA to be seasonal use between May and October of each year. Other impacts to water quality and scenic view have been minimized to the extent feasible as discussed above. No significant impacts have been identified.

2. Environmental Goals

The impacts which would be caused by the pier reconstruction/extension and retention of the mooring buoy would be minimized as a result of the incorporation of project modifications which are described but not limited to: accessing the site from the lake side for pile driving; placing tarps or small boats under the construction area to prevent debris from entering the lake; using caissons or steel sleeves to prevent the resuspension of sediments during the pile driving activity; conducting the repair work in accordance with the CDFG Streambed Alteration Agreement; seasonal use of the mooring buoy, use of earth-tone colors for construction materials, definition of daily construction work hours. Through the use of all these mitigations, it does not appear that environmental goals would be jeopardized by this proposed project.

3. Cumulative Impacts

The proposed reconstruction/extension of the pier and retention of the pier and mooring buoy would not create any significant impacts as indicated in environmental issue areas described above.

4. Adverse Impacts

The proposed pier reconstruction/extension activity and retention of the mooring buoy would not produce any significant adverse effects to human beings or the environment as discussed in the environmental issue areas above. In addition, this project will be monitored by the staff of the Tahoe Regional Planning Agency, the State Lands Commission and the California Department of Fish and Game to ensure project modifications are implemented.

MONITORING PROGRAM
LINER PIER RECONSTRUCTION AND EXTENSION
5344 North Lake Boulevard
APN: 115-020-01, Carnelian Bay, Placer County

1. Impact: The proposed repair activity will occur within designated fish habitat and may disturb it.

Project Modification:
The construction activity will be limited to the period July 1- October 15, as designated by the California Department of Fish and Game through issuance of a Streambed Alteration Agreement.

Project Monitoring:
Staff of the State Lands Commission, or its designated representative, will be notified prior to the start of construction and will inspect the project site periodically, coordinate this activity with other responsible agencies, and upon conclusion of the project, ensure project modifications are and have been implemented.

2. Impact: The proposed repair and extension activity may have the potential to create a discharge into lake waters affecting the water quality of the lake.

Project Modification:
During the proposed repair activity, small boats or tarps will be placed under the construction area to prevent debris from entering the lake. Caissons or sleeves will be used to prevent the resuspension of sediments during the driving of piles.

Project Monitoring:
Staff of the State Lands Commission, or its designated representative, will periodically monitor the project site and coordinate with other responsible agencies to ensure project modifications are implemented.

3. Impact: The proposed project, once extended, may have an impact upon the scenic quality enjoyed by the public.

Project Modification:
The applicant will use earth-toned colors for all construction materials, as well as the boatlift and catwalk.

Project Monitoring:

TRPA would ensure this project modification through compliance with its conditions contained in permit #9000469 for this project.

4. Impact: The proposed project involves construction activity within the shorezone of Lake Tahoe. More specifically, the pile driving activity may increase the ambient noise level within the vicinity.

Project Modification:

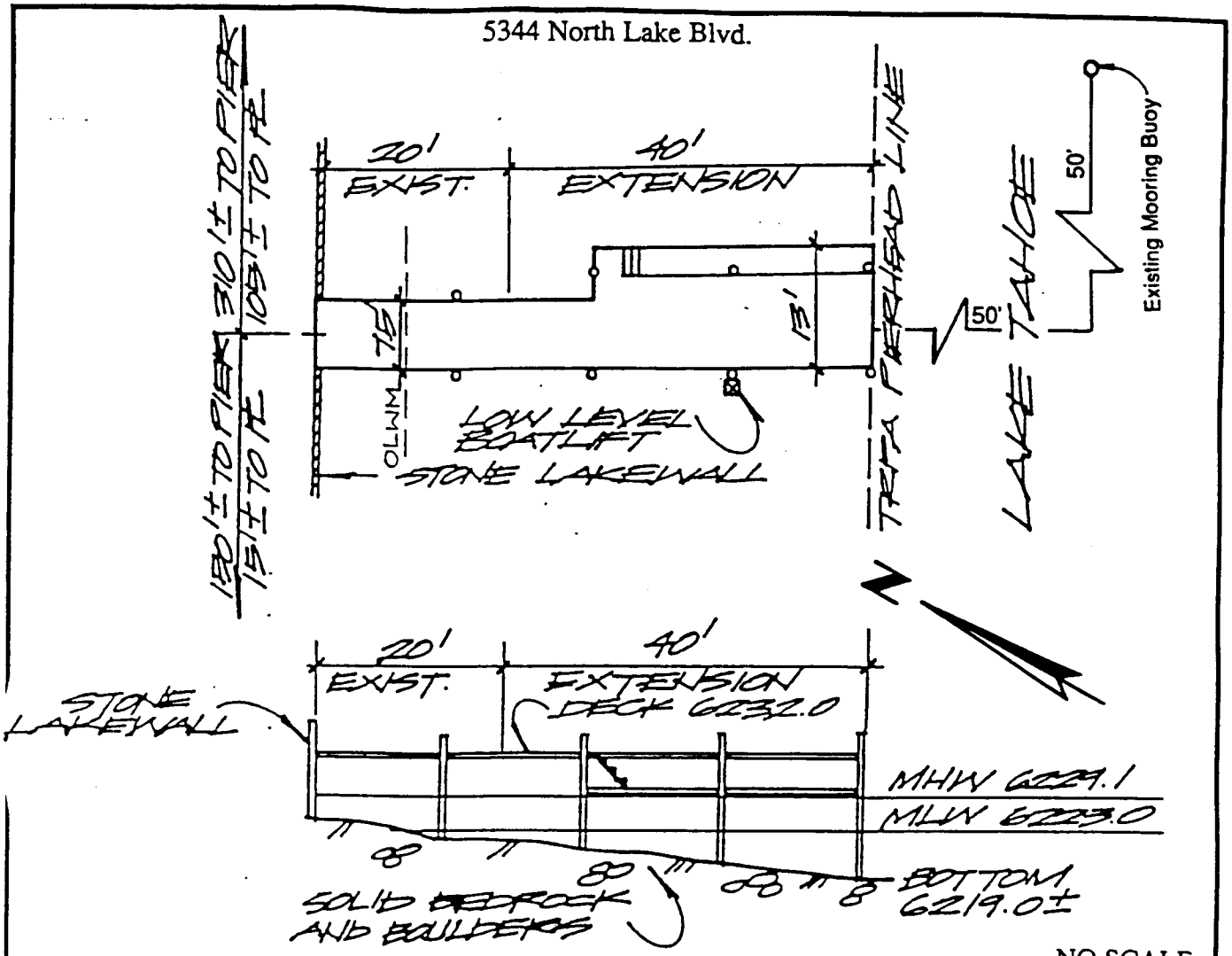
Applicant will conduct all construction activity within the hours of 8:00 a.m. to 6:30 p.m.

Project Modification:

TRPA would ensure this project modification through compliance with its conditions contained within permit #9000469 for this project.

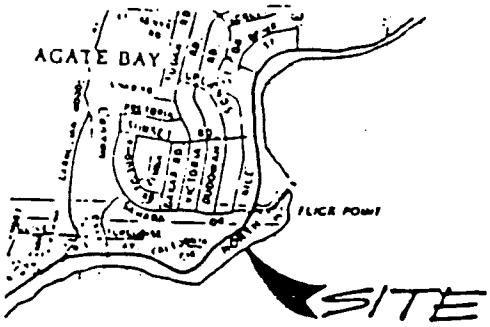
ATTACHMENT "A"

5344 North Lake Blvd.



NO SCALE

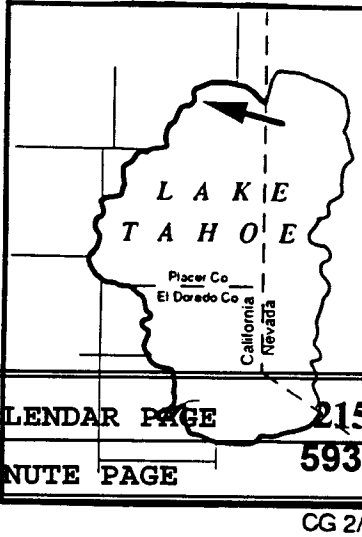
LOCATION MAP



LAKE TAHOE

NO SCALE

EXHIBIT "A"
W 21091
APN 115 - 120 - 01
Lake Tahoe
PLACER COUNTY



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

CG 2/95

ATTACHMENT "B"

RECEIVED
OCT 24 1994
H.L.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

308 Dorla Court
Elks Point, Nevada

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

PERMIT

PROJECT DESCRIPTION: Pier Extension APN 115-020-01

PERMITTEE(S): Dr. Robert Liner FILE #900469

COUNTY/LOCATION: Placer, 5444 N. Lake Boulevard

Having made the findings required by Agency ordinances and rules, TRPA approved the project on September 29, 1994, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on September 29, 1997 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGMENT IS NECESSARY TO OBTAIN A COUNTY/CITY BUILDING PERMIT.

Gen Barnett
TRPA Executive Director/Designee

9/29/94
Date

* *

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

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* *

JL/jm

PERMIT CONTINUED ON NEXT PAGE

APN 115-020-01
File No. 900469

Excess Coverage Mitigation Fee: Amount $ * Paid _______ Receipt No. ____

Shorezone Mitigation Fee: Amount $1,700 Paid _______ Receipt No. _______

Security Posted: Amount $ * Posted ______ Receipt No. ______ Type ____

Security Administrative Fee: Amount $ * Paid _______ Receipt No. _______

* To be determined.

Required plans determined to be in conformance with approval: Date__________

TRPA ACKNOWLEDGMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_______________________________ ______________________________
TRPA Executive Director/Designee Date

** *

SPECIAL CONDITIONS

A. The Standard Conditions of Approval listed in Attachment S.

B. This permit is for a 40 foot pier extension. The permitted pier shall not extend beyond the TRPA pierhead line (lake bottom elevation 6219.5')

C. Prior to commencement of construction the following special conditions of approval must be satisfied:

1. The security required under Standard Condition A.3 of Attachment S shall be equal to 110 percent of the cost for installation of all water quality improvements and scenic quality mitigation. The permittee shall submit cost estimates for the water quality improvements and scenic mitigation. Please see Attachment J, Security Procedures.

2. The permittee shall mitigate excess land coverage within the project area by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 9.

   The excess coverage mitigation fee shall be calculated as follows:

   Estimated Construction Cost x .0012

   Please provide a construction cost estimate by your contractor, architect or engineer.

3. The permittee shall submit a pier mitigation fee of $1,700 for the construction of 40 feet of new pier and the addition of a new boatlift.

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4. The applicant shall submit a construction schedule prior to commencement of construction. The schedule will identify dates for the following: when installation of temporary erosion control structures will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.

5. The permittee shall submit a landscaping/screening plan, to be approved by TRPA, for the screening of the residence. The landscaping/screening plan shall include painting the chimney of the residence and painting the steel wave deflector of the sea wall. The color of the chimney shall be an earthtone color and shall blend with the surrounding. The color must be approved by TRPA prior to acknowledgment of the pier extension permit.

6. The permittee shall submit to TRPA color and material samples for the pier. All colors and materials for the pier shall be approved by TRPA prior to acknowledgment of this permit.

7. The applicant shall submit a maintenance agreement to TRPA for all proposed water quality improvements and landscaping.

8. The applicant shall submit 3 sets of final construction drawings and upland site plans to TRPA.

D. None of the pilings shall extend beyond the height of the pier deck.

E. Spray painting and the use of tributyltin (TBT) is prohibited.

F. Storage of construction materials shall be prohibited on the beach or within 50 feet of the beach bluff.

G. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

H. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.

I. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

J. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.

K. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.

L. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe.

M. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters.

N. Cassions shall be installed for the construction of the pier pilings.

O. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

P. The existing buoy shall be a seasonal buoy and only installed during the boating season. The boating season shall be defined as May 1st through October 15th. Prior to October 15th, the buoy and chain shall be removed and not re-installed until May 1st of the following year.