

MINUTE ITEM
This Calendar Item No. C15
was approved as Minute Item
No. C15 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

A 7

C 1 5

S 1

03/27/90
PRC 5120
J. Ludlow

APPROVAL OF A RECREATIONAL PIER PERMIT

APPLICANT: Cyrus A. Johnson and
Stephen M. Stevick, et al.
300 Capitol Mall, Suite 1700
P. O. Box 3034
Sacramento, California 95812-3034

AREA, TYPE LAND AND LOCATION:
A parcel of submerged land in Lake Tahoe near
Homewood, Placer County.

LAND USE: Use and maintenance of an existing, authorized,
multi-use pier and retention of three (3)
previously unauthorized buoys.

TERMS OF PROPOSED PERMIT:
Initial period: Five-years beginning
March 27, 1990.
Consideration: Rent-free pursuant to Section
6503.5 of the P.R.C.

APPLICANT STATUS:
Applicant is owner of upland.

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

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 5, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: 06/03/90.

OTHER PERTINENT INFORMATION:

1. As to the existing pier, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Code Regs 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

2. As to the existing unauthorized mooring buoys, 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 499, State Clearinghouse No. 90020092. 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)]

3. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, Department of Fish and Game, County of Placer, and the Tahoe

CALENDAR ITEM NO. C 1 5 (CONT'D)

Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.

4. All permits issued at Lake Tahoe include special language in which the permittee/lessee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
5. All applicants at Lake Tahoe will be notified that the public has a right to pass along the shoreline and the permittee must provide a reasonable means for public passage along the shorezone area occupied by the permitted structure.
6. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's shorezone ordinance, and if alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this lease is automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof. If the location, size, or number of any structure hereby authorized is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Lessee shall request the consent of State to make such alteration.

APPROVALS OBTAINED:

All approvals for pier previously obtained.

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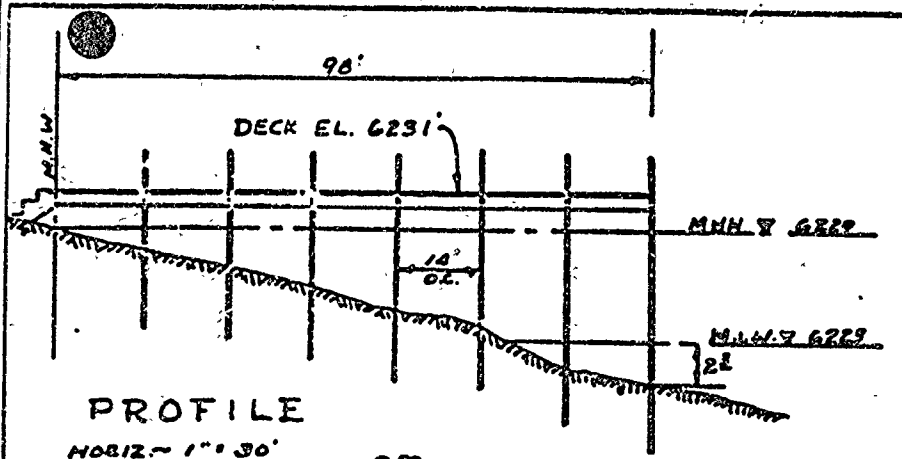
- EXHIBITS:
- A. Land Description.
 - B. Location Map.
 - C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE PIER, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).
2. AS TO THE BUOYS, CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 499, STATE CLEARINGHOUSE NO. 90020092, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO CYRUS A. JOHNSON AND STEPHEN M. STEVICK, ET AL, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING MARCH 27, 1990; FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING AUTHORIZED PIER AND FOR THE RETENTION OF THREE EXISTING MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

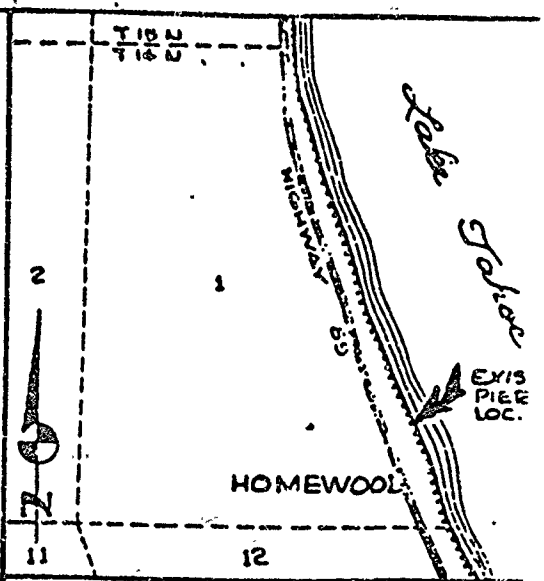
EXHIBIT "A"
LAND DESCRIPTION

PRC 5120

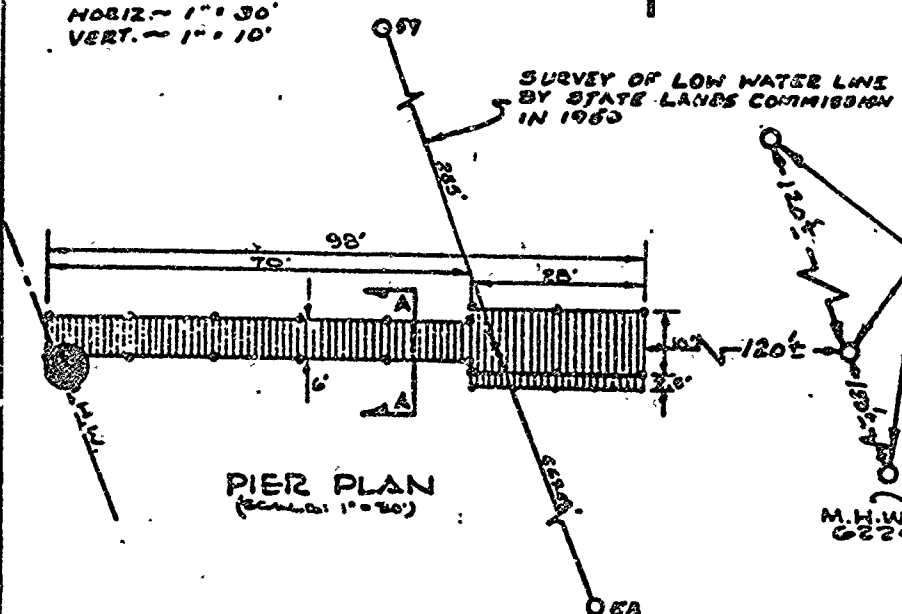


PROFILE

HORIZ. ~ 1" = 30'
VERT. ~ 1" = 10'

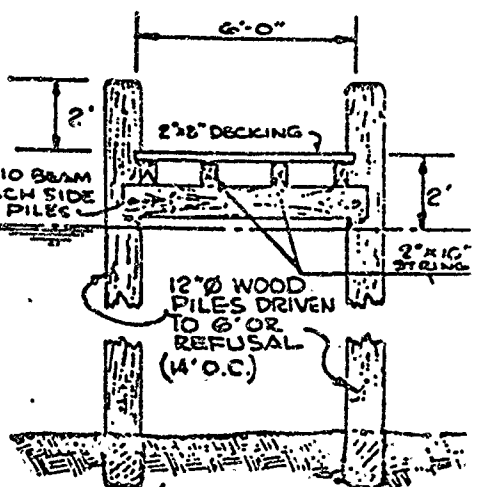


LOCATION MAP (SCALE: 1" = 2,000')
TAKEN FROM: U.S.C. & G.S. CHART 5001



PIER PLAN
(SCALE: 1" = 30')

Mooring Buoys



(SCALE: 1" = 5')
SECTION
A-A

(97-122-02)
ELIZABETH STEVICK (ET AL)
5% PAUL MCCOMISH
1811 MILLS TOWER
SAN FRANCISCO CAL.

(97-122-03)
M.E. BAYON (ET AL)
2251 HAWTHORNE ST
N. SACRAMENTO
CALIF.

(97-122-04)
MARTHA HECKE
R.T.1 BOX 10
WOODLAND CAL.

(97-122-05)
JOSEPHINE PATTERSON
1802 7E AVE.
SACRAMENTO CAL.

APPLICATION FOR PERMIT

FOR REPAIRING AN EXISTING PIER
ON LAKE TAHOE, PLACER COUNTY,
CALIFORNIA.
POR. N. 1/2 S 1/2 SEC. 1 T. 14 N.,
R. 16 E. (M.D.M.) PLACER COUN
CALIFORNIA.

APG 15 - 0050 A PN 97-122-

APPLICATION BY:

MR. W.K. EATON
2251 HAWTHORNE ST
N. SACRAMENTO
CALIF.

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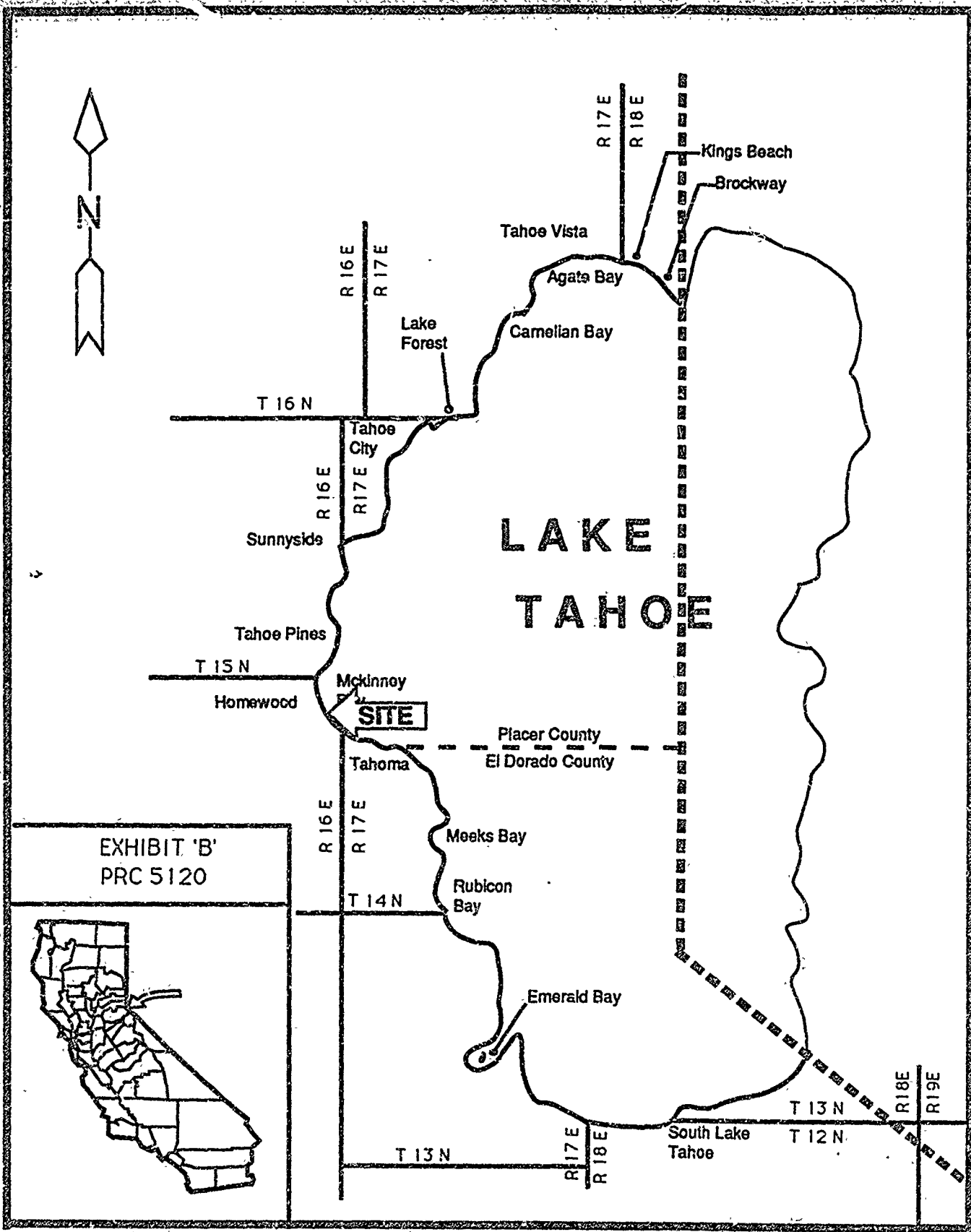


EXHIBIT 'B'
PRC 5120



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STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814



PROPOSED NEGATIVE DECLARATION

EIR ND 499

File Ref.: PRC 5120

SCH#:

Project Title: *Stevick/Johnson Buoys Application*
Project Proponent: *Steve Stevick and Cyrus Johnson*
Project Location: *McKinney Bay, Lake Tahoe, Placer County*

Project Description: *Authorize two existing mooring buoys anchored on the bed of Lake Tahoe.*

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:

the 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 FORM -- Part I
(To be completed by applicant)
FORM 69.3(11/82)

A. GENERAL INFORMATION

1. Name, address, and telephone number:

a. Applicant

STEPHEN M. STEVICK
Shiloh STEVICK
LYONS Johnson
415 199-923-5743

b. Contact person if other than applicant:

STEPHEN M. STEVICK

2. a. Project location: (Please reference to nearest town or community and include county)

HOMESWOOD CALIF

b. Assessor's parcel number: 097-122-03-STEVIK ; 097-122-13-Johnson

3. Existing zoning of project site: R-1

4. Existing land use of project site: RESIDENCE

5. Proposed use of site: RESIDENCE

6. Other permits required: N/A

B. PROJECT DESCRIPTION

1. For building construction projects, complete "ATTACHMENT A".

2. For non-building construction projects: Describe fully, the proposed activity, its purpose and intended use, e.g. for proposed mineral prospecting permits, include the number of test holes, size of holes, amount of material to be excavated, maximum surface area of disturbance, hole locations, depth of holes, etc. Attach plans or other drawings as necessary.

LIESIADE OF MORING BOYS NOW IN PLACE FOR SWIRAT D. M. M. D.

C. ENVIRONMENTAL SETTING

1. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures.
2. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.).

D. ENVIRONMENTAL IMPACT ASSESSMENT

Answer the following questions by placing a check in the appropriate box. Discuss all items checked "yes" or "maybe".
(Attach additional sheets as necessary)

Will the project involve:	YES	MAYBE	NO
1. a change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. a change in scenic views or vistas from existing residential areas or public lands or roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a change in pattern, scale, or character of the general area of project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. a significant effect on plant or animal life?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. significant amounts of solid waste or litter?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. a change in dust, ash, smoke, fumes, or odors in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. a change in ocean, bay, lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. a change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. construction on filled land or on slope of 10 percent or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. use or disposal of potentially hazardous materials, such as toxic or radioactive substances, flammables, or explosives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. a change in demand for municipal services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. an increase in fossil fuel consumption (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a larger project or a series of projects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E. CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: March 27, 1989

Signed: *Stephen M. Jones*

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/92)

File Ref.: PRC 5120

I. BACKGROUND INFORMATION

A. Applicant: Steven Stevick
170 Greenoaks Dr.
Atherton, CA 94025

B. Checklist Date: 01 / 10 / 90

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

D. Purpose: Authorize three existing mooring buoys.

E. Location: McKinney Bay, Lake Tahoe, near Homewood, Placer County.

F. Description: Three existing buoys anchored on the bed of Lake Tahoe.

G. Persons Contacted:

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

A. Earth. Will the proposal result in:

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

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- B. Air:** Will the proposal result in:
1. Substantial air emissions or deterioration of ambient air quality? Yes Maybe No
 2. The creation of objectionable odors? Yes Maybe No
 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? Yes Maybe No
- 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? Yes Maybe No
 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? Yes Maybe No
 3. Alterations to the course or flow of flood waters? Yes Maybe No
 4. Change in the amount of surface water in any water body? Yes Maybe No
 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? Yes Maybe No
 6. Alteration of the onset or rate of flow of ground waters? Yes Maybe No
 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through inter-connection of an aquifer by cuts or excavations? Yes Maybe No
 8. Substantial reduction in the amount of water otherwise available for public water supplies? Yes Maybe No
 9. Exposure of people or property to water-related hazards such as flooding or tidal waves? Yes Maybe No
 10. Significant changes in the temperature, flow or chemical content of surface thermal springs? Yes Maybe No
- 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)? Yes Maybe No
 2. Reduction of the numbers of any unique, rare or endangered species of plants? Yes Maybe No
 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? Yes Maybe No
 4. Reduction in acreage of any agricultural crop? Yes Maybe No
- 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)? Yes Maybe No
 2. Reduction of the numbers of any unique, rare or endangered species of animals? Yes Maybe No
 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? Yes Maybe No
 4. Destruction of existing fish or wildlife habitat? Yes Maybe No
- F. Noise:** Will the proposal result in:
1. Increase in existing noise levels? Yes Maybe No
 2. Exposure of people to severe noise levels? Yes Maybe No
- G. Light and Glare:** Will the proposal result in:
1. Interference with astronomical observations? Yes Maybe No
- H. Land Use:** Will the proposal result in:
1. Conversion of agricultural or forested land to other uses? Yes Maybe No
- I. Natural Resources:** Will the proposal result in:
1. Destruction or substantial impairment of any natural resources? Yes Maybe No
 2. Substantial reduction of any natural resource? Yes Maybe No

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

Yes Maybe No

- 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?
- 2. Possible interference with emergency response plan or an emergency evacuation plan?

K. *Population.* Will the proposal result in:

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

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

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

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

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

N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

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

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

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

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

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

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

- 1. Creation of any health hazard or potential health hazard (excluding mental health)?
- 2. Exposure of people to potential health hazards?

R. *Aesthetics.* Will the proposal result in:

- 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

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

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

CALENDAR PAGE	140	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MINUTE PAGE	452	<input type="checkbox"/>	<input type="checkbox"/>

T. Cultural Resources.

Yes Maybe No

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

U. Mandatory Findings of Significance.

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?
- 3. Does the project have impacts which are individually limited, but cumulatively considerable?
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

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

Date 01 / 09 / 90

Judy A. Binn
 For the State Lands Commission
 CALENDAR CASE 141
 MINUTE PAGE 403

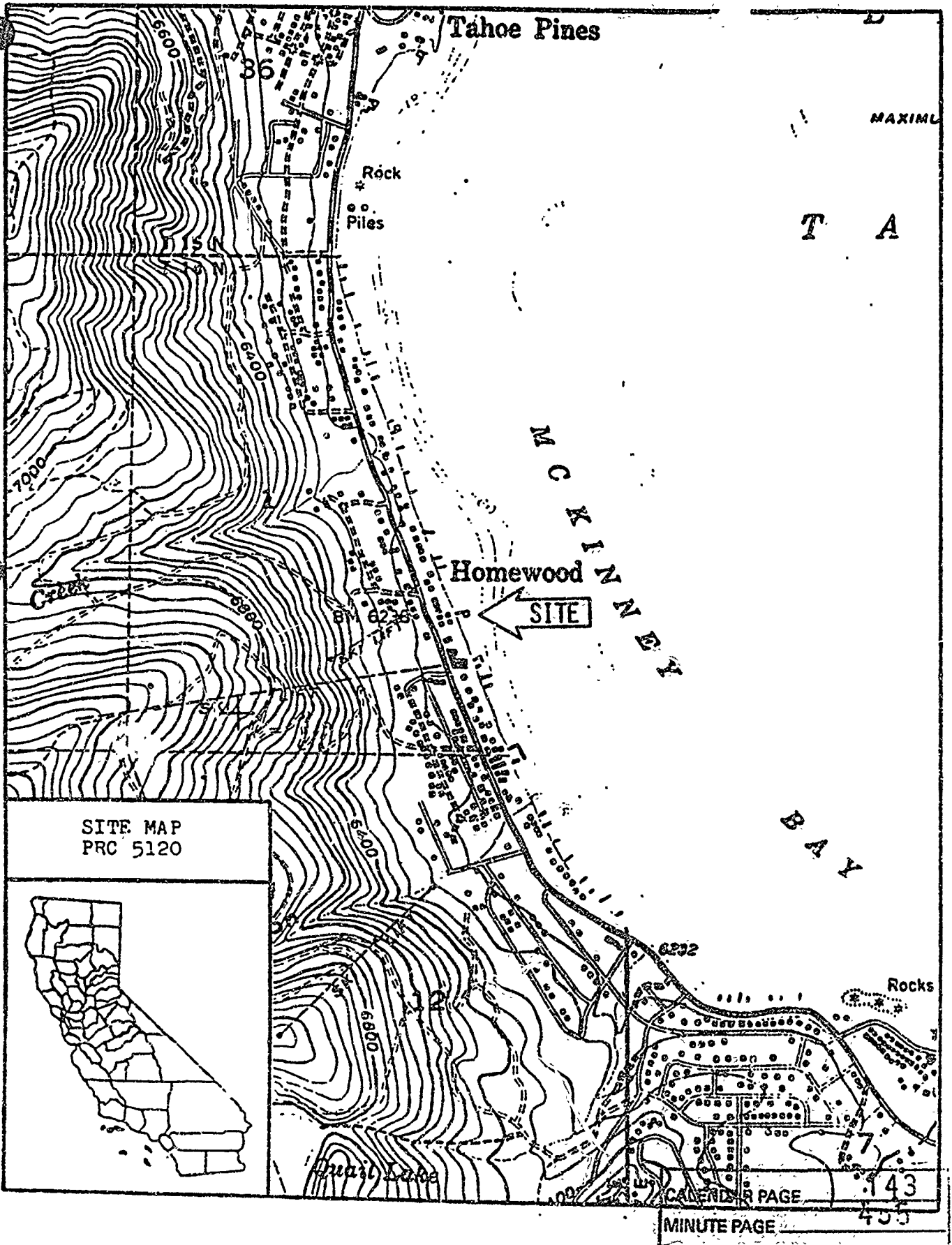
III. DISCUSSION OF ENVIRONMENTAL EVALUATION
(Attachment to Environmental Impact Assessment Checklist - Part II
PRC 5120 - Cyrus A. Johnson)

- E1. McKinney Bay, Lake Tahoe is designated as a fish spawning/habitat restoration area on the Tahoe Regional Planning Agency maps. Placement of buoys at this location will not substantially change the lake bottom and thus will not adversely affect the spawning habitat. Recreational use induced in this area of the Lake by the project may affect fish productivity minimally.
- M5. Two of the buoys of this application are located approximately 120 feet from shore directly in line with the north and south boundaries of parcel 097-122-15. The existing pier, located on the south property line of this parcel, is already permitted by the State Lands Commission. The third buoy in this application is located on the Johnson parcel, located directly to the south of 097-122-15, on parcel 097-122-16, and is approximately 225 feet south of the Stevick/Johnson property line, also 120 feet from shore.

There are permitted structures to other individuals located to the south of the Johnson parcel. A permitted buoy is located approximately 150 feet south of the Johnson's southern parcel boundary, followed by a pier located approximately 200 feet south, and another pier approximately 300 feet further south.

The three buoys of this application are located adjacent to private upland ownership and when boats are secured to them, will limit public access by boat to the shore area at these locations, and will continue to restrict use of the shore area available to trolling fishermen out 120 feet or more from shore, which is where the closest shoreward trolling can take place along this shoreline segment. There are no stretches of shore 800 feet or more clear of waterward structures in this area, therefore there is no significant effect to trolling in this area.

- R1. Buoys themselves do not present much of a visual obstruction, According to The Cumulative Impacts of Shorezone Development at Lake Tahoe, by Phillips, Brandt, Reddick, McDonald, and Grafe, dated February 1978, PP.4-79, in public responses to visual aspects of shorezone development and use, a grouping of seven boats closely spaced was considered to be a "visual dislike", therefore this proposal does not constitute a significant effect.
- S1. The quality and quantity of recreation will change to the owners of these buoys, who will benefit in more convenient, and perhaps more frequent recreational use of Lake Tahoe. Recreational quality will not substantially change for topline trollers as mentioned in discussion of M5 above.



SITE MAP
PRC 5120



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