

MINUTE ITEM
This Calendar Item No. C11
was approved as Minute Item
No. C11 by the State Lands
Commission by a vote of 2
to 0 at its 9/27/90
meeting.

CALENDAR ITEM

A 7
S 1

C11

09/27/90
PRC 6714
J. Ludlow

**TERMINATE LEASE AND ACCEPT QUITCLAIM DEED
FOR GENERAL PERMIT - RECREATIONAL USE PRC 6714 AND
APPROVE A RECREATIONAL PIER PERMIT**

APPLICANT: Rogers Revocable Trust
T. Gary Rogers and
Kathleen T. Rogers, Trustees
5929 College Avenue
Oakland, California 94618

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

LAND USE: A 30-foot extension to an existing pier,
installation of a low-level boatlift, and the
retention of two existing previously
unauthorized mooring buoys.

TERMS OF PROPOSED PERMIT:
Initial period: Five years beginning
September 27, 1990.

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 upland.

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PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee and processing costs 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: 01/14/91.

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 473, State Clearinghouse No. 89051524. 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 review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. Effective September 1, 1984, the State issued a General Permit - Recreational Use to the Bank of California, a trustee for the Mein Family Trust, owners of the subject pier. In 1987, the Bank of California transferred its title as trustee back into the Mein Family Trust, who in turn sold the property to the Applicant. The bank has executed a quitclaim deed

CALENDAR ITEM NO. C 1 1 CONT'D

which transferred all of its right, title, and interest in the State's leasehold back to the State of California.

4. The extension of the pier will be conducted waterward of the 6,229-foot low water line and will be accomplished from a barge with a pile driver. All construction wastes will be collected onto the barge and disposed of at the nearest dumpster/sanitary landfill site.
5. Materials will be neither stored nor placed above the low water line of the subject property. This procedure will prevent any disturbance to Tahoe Yellow Cress (*Rorippa*) habitat.
6. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: TRPA, Department of Fish and Game, County of Placer, and the Tahoe 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.
7. 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.
8. The Applicant has been 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.

CALENDAR ITEM NO. C 1 1 CONT'D

9. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this permit will be 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 the State to make such alteration.
10. The issuance of this permit supersedes any prior authorization by the State Lands Commission at this location.
11. The property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.

APPROVALS OBTAINED:

Department of Fish and Game, Lahontan Regional Water Quality Control, Placer County, and Tahoe Regional Planning Agency.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Placer County Letter of Approval.
- D. Negative Declaration
- E. Fish and Games Letter of No Jeopardy.

IT IS RECOMMENDED THAT THE COMMISSION:

1. TERMINATE GENERAL PERMIT - RECREATIONAL USE ISSUED TO THE BANK OF CALIFORNIA, TRUSTEE, APPROVED BY THE COMMISSION ON AUGUST 21, 1984, MINUTE ITEM 8, AND ACCEPT A QUITCLAIM DEED TRANSFERRING ALL RIGHT, TITLE AND INTEREST IN THE LEASEHOLD FROM THE BANK OF CALIFORNIA BACK TO THE STATE OF CALIFORNIA, EFFECTIVE NOVEMBER 12, 1987.

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2. CERTIFY THAT A NEGATIVE DECLARATION, EIR NO 473, STATE CLEARINGHOUSE NO. 89051524, 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 ROGERS REVOCABLE TRUST, T. GARY ROGERS AND KATHLEEN T. ROGERS, TRUSTEES, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING SEPTEMBER 27, 1990, FOR A 30-FOOT EXTENSION TO AN EXISTING PIER, INSTALLATION OF A LOW-LEVEL BOATLIFT, AND THE RETENTION OF TWO PREVIOUSLY UNAUTHORIZED MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

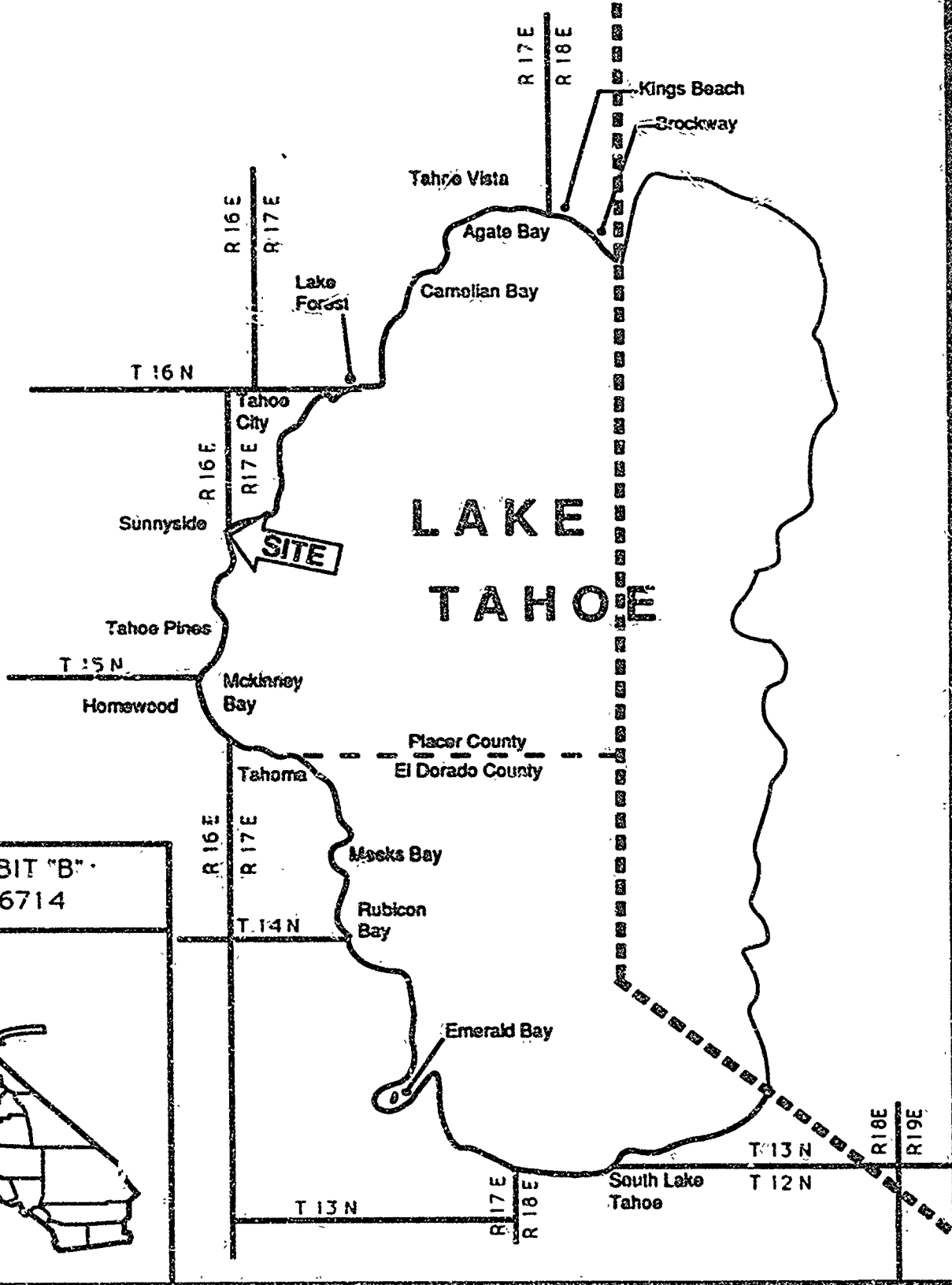


EXHIBIT "B"
PRC 6714



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PLACER COUNTY

Exhibit "C"
PRC 6714

DEPARTMENT OF PUBLIC WORKS

JACK WARREN, Director
JAN WITTER, Assistant Director
LARRY ODDO, Deputy Director
ALAN ROY, Deputy Director

- OPERATING DIVISION
- Administration
 - Engineering
 - Equipment Maintenance
 - Road Maintenance
 - Special Districts
 - Surveying
 - Transportation

March 3, 1989.

Judy Ludlow
California State Lands Commission
1807 - 13th Street
Sacramento, CA 95814

RE: PIER - SHOREZONE CONSTRUCTION

The County of Placer has reviewed the below referenced requests for construction activities within the Shorezone of Lake Tahoe. We have no objection to the construction activities described in the below applications contingent upon approval by your office.

- | | | |
|-----|-----------------------------|------------|
| 1. | E.S. Bertagnolli | PRC 209.9 |
| 2. | Charlotte and Robert Angell | W 24144 |
| 3. | Sweet/Avnessian | PRC 5022 |
| 4. | Wickland | WP 3599 |
| 5. | Lyons/Hawkins | WP 5884 |
| 6. | Mein - 83-162-28 (Rogers) | PRC 6714 |
| 7. | Mein - 83-162-31 | W 24134 |
| 8. | McFarland | PRC 3659 |
| 9. | Gibb | WP 3652 |
| 10. | Crabtree | W 21445 |
| 11. | English | W 1124.38 |
| 12. | Wallis | PRC 4314 |
| 13. | Metas | W 24103 |
| 14. | Barrow | PRC 7167.9 |
| 15. | Nahas | PRC 4066 |
| 16. | Hicks | W 21665 |

Should you have any questions or if I can be of further assistance, please call at your convenience.

COUNTY OF PLACER
DEPARTMENT OF PUBLIC WORKS
JACK WARREN, DIRECTOR

[Handwritten Signature]
JAMES MCLEOD
ASSISTANT CIVIL ENGINEER

JH:ms

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STATE LANDS COMMISSION

JOE T. McCARTHY, Lieutenant Governor
 GRAY DAVIS, Controller
 JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, CA 95814

CHARLES WARREN
 Executive Officer

August 1, 1990
 File Ref: WP 6714
 SCH. NO. 89051524

NOTICE OF PUBLIC REVIEW
 OF AN
 AMENDED 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.

This project was previously circulated in 1989, and received comments from the Tahoe Regional Planning Agency regarding fish habitat and from the California Department of Fish and Game concerning possible effects to the State-listed endangered species Tahoe yellow cress (*Rorippa subumbellata*). The Tahoe Regional Planning Agency has since issued its permit and conditions relative to the reconstruction and extension activities within the fish habitat area and the California Department of Fish and Game has issued an informal determination of "No Jeopardy" to the Tahoe yellow cress. This circulation reflects discussion of these issue areas raised by the previous circulation.

The amended 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 August 31, 1990.

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


 JUDY BROWN
 Division of Research
 and Planning

JB:ma
 Attachment

STATE LANDS COMMISSION

LEOT. McCARTHY, Lieutenant Governor
GRAY DAVIS, Controller
JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95811
CHARLES WARREN
Executive Officer

AMENDED NEGATIVE DECLARATION

EIR ND: 473

File Ref: WP 6714

SCH. NO.: 89051524

Project Title: ROGERS PIER EXTENSION, BOATLIFT, AND BUOYS

Project Proponent: T. Gary and Kathleen T. Rogers, Trustees

Project Location: Lake Tahoe, Placer County adjacent to APN: 83-162-28, 1390 W. Lake Blvd., Sunnyside

Project Description: A 30' extension of an existing pier (total length to be 135'), installation of one low-level boatlift, and the retention of two existing, unauthorized mooring buoys.

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

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

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

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

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

FORM 13.17 (4/90)

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ENVIRONMENTAL IMPACT ASSESSMENT FORM -- Part I
 (To be completed by applicant)
 FORM 69-3111/82)

A. GENERAL INFORMATION

1. Name, address, and telephone number:

a. Applicant

T. Gary Rogers
c/o Dreyers Grand Ice Cream Corp.

5929 College Avenue

Oakland, CA 94618

(415) 652-8187

b. Contact person if other than applicant:

Kevin M. Agan - Agent
Raymond Vail & Associates

P.O. Box 879

Tahoe City, CA 95730

(916) 383-3417

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

In Lake Tahoe adjacent to 1390 West Lake Blvd. Cunnyside area

Southwesterly of Tahoe City, Placer County.

b. Assessor's parcel number: 83-162-283. Existing zoning of project site: single family residential4. Existing land use of project site: pier and two mooring buoys5. Proposed use of site: 30 LF pier extension and boatlift installation6. Other permits required: Tahoe Regional Planning Agency, Placer County**B. PROJECT DESCRIPTION**

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

For non-building construction projects: Describe fully, the proposed activity, its purpose and intended use, e.g. for proposed mineral prospecting permits, include a 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.

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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 bays, 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: _____

Signed: 
 Kevin M. Agan - Agent
 Raymond Vail & Associates

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W.O. 7218.07
February 13, 1989

RE: PIER EXTENSION/BOATLIFT - ROGERS PROPERTY
PLACER COUNTY APN: 83-162-28

PROJECT NARRATIVE

Extension of an existing single family pier with 10.75" diameter steel piles at 15' O.C. 6" steel "H" beams, 4" x 10" wood joists at 24" O.C., 2" x 6" min. cedar deck, with one (1) catwalk on north side of pier. Extend 135 LF to provide necessary water depth (lake bottom 6219.0) and installation of one (1) low level boatlift with electric service. (See submittal drawing.)

CONSTRUCTION METHOD

Reconstruction and extension of existing pier is to be by barge; with pile driver; cassions or sleeve will be used when sediment is resuspended while pile driving. Anchorage of barge will be to existing structure and/or anchors required for adequate stabilization of barge on the lake. All construction wastes will be collected onto barge and/or onshore dumpster and disposed at the nearest dumpster/sanitary landfill site. Small boats (John boats) and tarps to be under construction areas to provide collection of construction debris preventing any discharge of wastes to the lake.

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TIME

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 12-20 (7/82)

File Ref.: WP 6714

I. BACKGROUND INFORMATION

- A. Applicant: T. Gary and Kathleen T. Rogers, Trustees
c/o Freyers Grand Ice Cream Corp.
5929 College Ave.
Oakland, CA 94618
- B. Checklist Date: 5 / 17 / 89
- C. Contact Person: Judy Brown
 Telephone: (916) 324-4715
- D. Purpose: To obtain a permit for the modification and the continued use and maintenance of an existing pier and two mooring buoys.
- E. Location: In Lake Tahoe adjacent to 1390 West Lake Blvd. - Sunnyside area, southwesterly of Tahoe City, Placer County.
- F. Description: A 30' extension of an existing pier (total length to be 135'), installation of one low level boatlift, and the retention of two existing, unauthorized mooring buoys.
- G. Persons Contacted: _____

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Disruptions, displacements, compaction, or overcovering of the soil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Change in topography or ground surface relief features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The destruction, covering, or modification of any unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Any increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or estuary?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, or similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Yes Maybe No

1. Substantial air emissions or deterioration of ambient air quality?
2. The creation of objectionable odors?
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Water. Will the proposal result in:

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

D. *Plant Life.* Will the proposal result in:

1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
2. Reduction of the numbers of any unique, rare or endangered species of plants?
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
4. Reduction in acreage of any agricultural crop?

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

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

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

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

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

1. The production of new light or glare?

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

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

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

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

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- 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? Yes Maybe No
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?

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will the proposal restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the project have impacts which are individually limited, but cumulatively considerable? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

SEE ATTACHED COMMENTS

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: 07 / 31 / 90

Judy Brown
For the State Lands Commission

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III. DISCUSSION OF ENVIRONMENTAL EVALUATION - WP 6714 - ROGERS

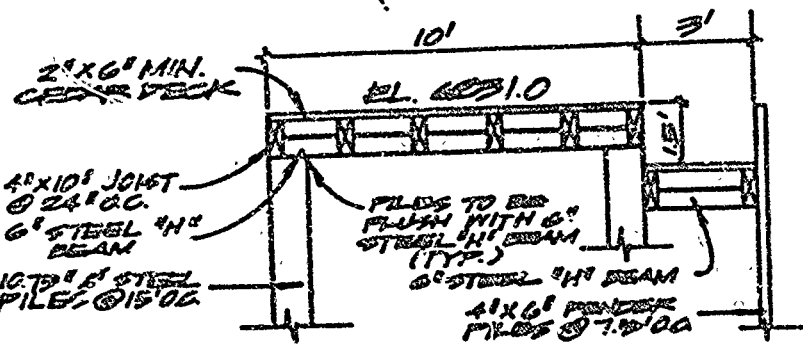
- C5. There could be a slight rise in the turbidity level during pile driving, however caissons or sleeves will be used to avoid or minimize turbidity-related impacts to water.
- D2. This project involves construction activities above elevation 6223'. For discussion, please refer to the attached Department of Fish and Game memorandum dated July 13, 1990.
- E4. TRPA fish habitat maps indicate that this project is in a fish spawning/habitat restoration area and has the potential of adversely affecting spawning grounds; however, TRPA has concluded that this activity will not cause a significant impact to this habitat and has issued their permit.
- F1. A temporary rise in the ambient noise levels may occur during construction which will be of short-term duration.
- M5. This proposal also considers proposed authorization of two existing mooring buoys. One buoy is located 50 feet directly lakeward from the end of the proposed pier extension, and the second buoy is located 50 feet to the south of the first buoy (see attached drawing).

Public access to the shoreline is limited by the use of these and other buoys placed along this shore area. The nearest waterward structures to this pier and buoys are a pier located approximately 270 feet to the north, and a pier located approximately 250 feet to the south.

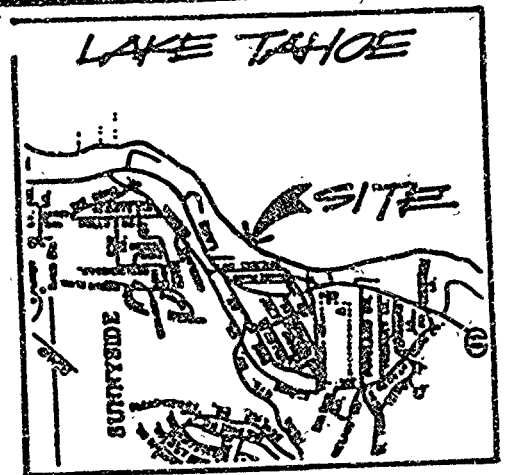
The buoys of this proposal in conjunction with the other piers and buoys located in this shorezone segment will not change the availability of shoreline available to topline trollers.

- R1. Individual buoys do not present a significant visual obstruction. In addition, public responses to visual aspects of shorezone development and use mentioned in the Cumulative Impacts of Shorezone Development at Lake Tahoe, by Phillips, Brandt, Reddick, McDonald and Grefe, considered a grouping of seven boats closely spaced to be a "visual dislike". Thus, the two mooring buoys proposed do not constitute a significant effect.
- S1. Both buoys are located approximately 185 feet from the shore line. There are many piers and buoys located within this shorezone segment, and the addition of these buoys will not change the existing pattern of topline trolling as mentioned in M5, above.

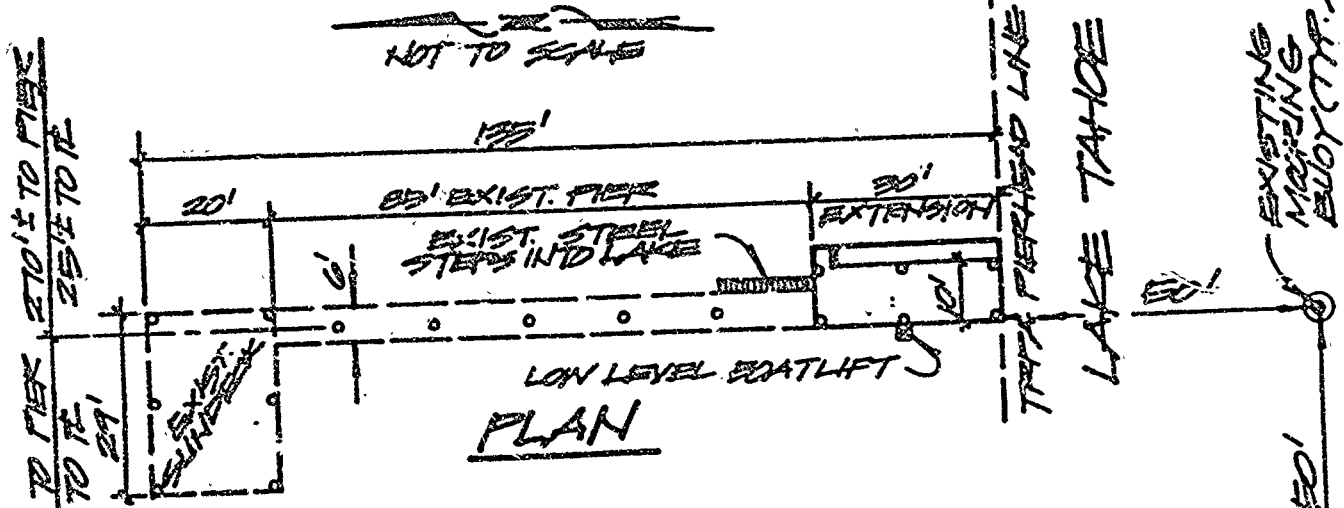
The owners of these buoys will enjoy more convenient and possibly more frequent use of Lake Tahoe.



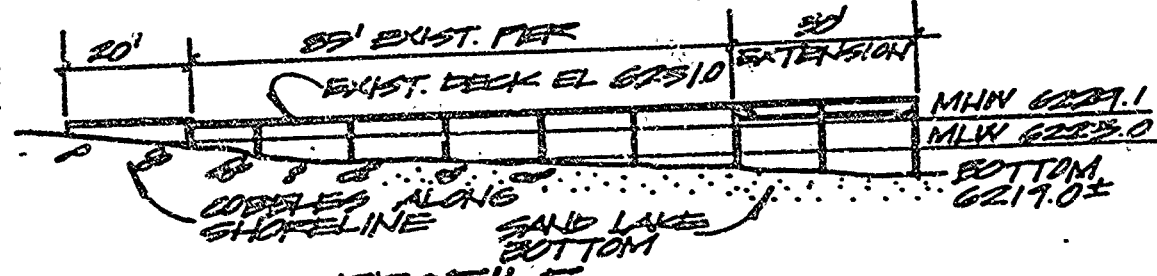
PIERHEAD SECTION



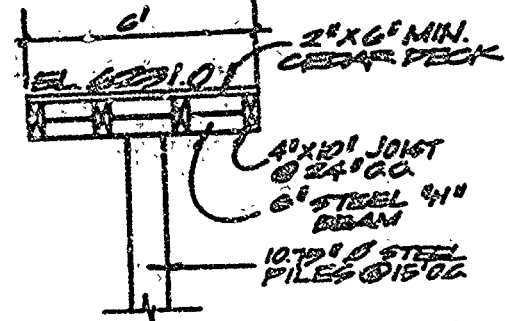
LOCATION MAP



PLAN



PROFILE



EXIST. SECTION

PIER EXTENSION
 ROGERS PROPERTY
 1390 W. LAKE BLVD.
 SUNNYSIDE AREA
 PLACER COUNTY, CA.
 APN 83-162-28
 AUGUST 1988

ADJOINING PROPERTIES
 NORTH 83-162-27 SOUTH 83-162-26

REVISED 5/89

RAYMOND GARDANO ASSOCIATES
 ENGINEERING • PLANNING • ARCHITECTURE • SURVEYING

NO 7218.07

Memorandum

To : Mr. Charles Warren, Executive Officer
State Lands Commission
1807 13th Street
Sacramento, CA 95814-9990

Date : July 13, 1990

Attention: Dan Cohen, Environmental Coordinator

From : Department of Fish and Game - Region 2

Subject : Rogers Pier Extension Project, Placer County


RECEIVED
JUL 16 1990

STATE LANDS COMMISSION

The Department of Fish and Game (DFG) has reviewed the request from the State Lands Commission for informal consultation pursuant to the California Endangered Species Act to determine if the proposed Rogers Pier Extension Project APN 83-162-28 would jeopardize the Tahoe yellow cress (Rorippa subumbellata). The Tahoe yellow cress is a State-listed Endangered species and a Federal Candidate species that is found only on granitic sandy beach and sandy cobblestone habitats on the shores of Lake Tahoe. Pier construction and maintenance activities may seriously impact existing populations and habitat for this species.

If potential or existing habitat is found on the project site, the DFG must make a determination of jeopardy until such time as the Rorippa habitat management plan has been completed and has identified appropriate mitigation measures which will offset adverse impacts to Rorippa. The Roger's Project proposes the extension of an existing open piling pier. All construction would be completed from the lakeside. The onshore area is heavily vegetated with trees and shrubs. The DFG finds that this project will not impact Rorippa nor does the project site contain suitable Rorippa habitat. Therefore, if formally requested the DFG would issue a determination of no jeopardy for this project.

If we can be of further assistance, please contact Ms. Sherry Teresa, Associate Wildlife Biologist, or Mr. Jerry Mensch, Environmental Services Supervisor, telephone (916) 355-7030.


James D. Messersmith
Regional Manager

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MINUTE PAGE	2562

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Date: 7/18 84

Memorandum

EXHIBIT "E"
PRC 6714.9

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James D. Messersmith
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GAT