

MINUTE ITEM

This Calendar Item No. 003
was approved as Minute Item
No. 03 by the State Lands
Commission by a vote of 3
to 0 at its 5/5/92
meeting.

CALENDAR ITEM

A 3

C 0 3

S 1

05/05/92
W 8670.119 PRC 7622
Gordon

APPROVE A RECREATIONAL PIER PERMIT

APPLICANTS:

Douglas L. Bohner, Rita J. Bohner,
Edmond C. Hallberg and Kaylene Hallberg
235 Isabel Drive
Santa Cruz, California 95060

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in Donner Lake near
Truckee, Nevada County.

LAND USE:

Construction and maintenance of a pier utilized for boat-
mooring purposes.

TERMS OF PROPOSED PERMIT:

Initial period:
Ten (10) years

CONSIDERATION:

Nonmonetary, pursuant to Section 6503.5 of the P.R.C.

APPLICANT STATUS:

Applicants are littoral landowners, as defined in
Section 6503.5, P.R.C.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and estimated processing 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.

CALENDAR ITEM NO. C 0 3 (CONT'D)

AB 884:

09/05/92

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 588, State Clearinghouse No. 92042003. 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. Commission staff will monitor the construction of the proposed project as stated in Exhibit "D".
3. The Applicants have been notified that the public has a right to pass along the shoreline and the Applicants must provide a reasonable means for public passage along the shorezone area occupied by the proposed structure.
4. 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.
5. The issuance of this proposed permit would supersede any prior authorization by the State Lands Commission at this location.

APPROVALS OBTAINED:

None

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and County of Nevada

EXHIBITS:

- A: Land Description
- B: Location Map
- C: Negative Declaration
- D. Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 588, STATE CLEARINGHOUSE NO. 92042003, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE MONITORING PROGRAM ATTACHED AS EXHIBIT "D".
4. AUTHORIZE ISSUANCE TO DOUGLAS L. BOEHNER, RITA J. BOEHNER, EDMOND C. HALLBERG AND KAYLENE HALLBERG, OF A TEN-YEAR RECREATIONAL PIER PERMIT FOR THE CONSTRUCTION AND MAINTENANCE OF A PIER UTILIZED FOR BOAT-MOORING PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.
5. FIND THAT THE ISSUANCE OF THIS PERMIT SUPERSEDES ANY PRIOR AUTHORIZATION BY THE STATE LANDS COMMISSION AT THIS SITE.

EXHIBIT "A"

W 8670.119

LAND DESCRIPTION

A parcel of land in the bed of Donner Lake, Nevada county, California, more particularly described as follows:

All that land lying immediately beneath a dock, TOGETHER WITH the necessary use area extending 10 feet from the extremities of said structure, said structure being adjacent to and waterward of Parcel 2, as shown on the Parcel Map No. 85-89 for H. & M. Enterprises, Inc., filed in the office of the County Recorder on January 26, 1984, in Book 16 of Parcel Maps, Page 10-, County of Nevada, California.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Donner Lake.

END OF DESCRIPTION

PREPARED JANUARY, 1992 BY LLB

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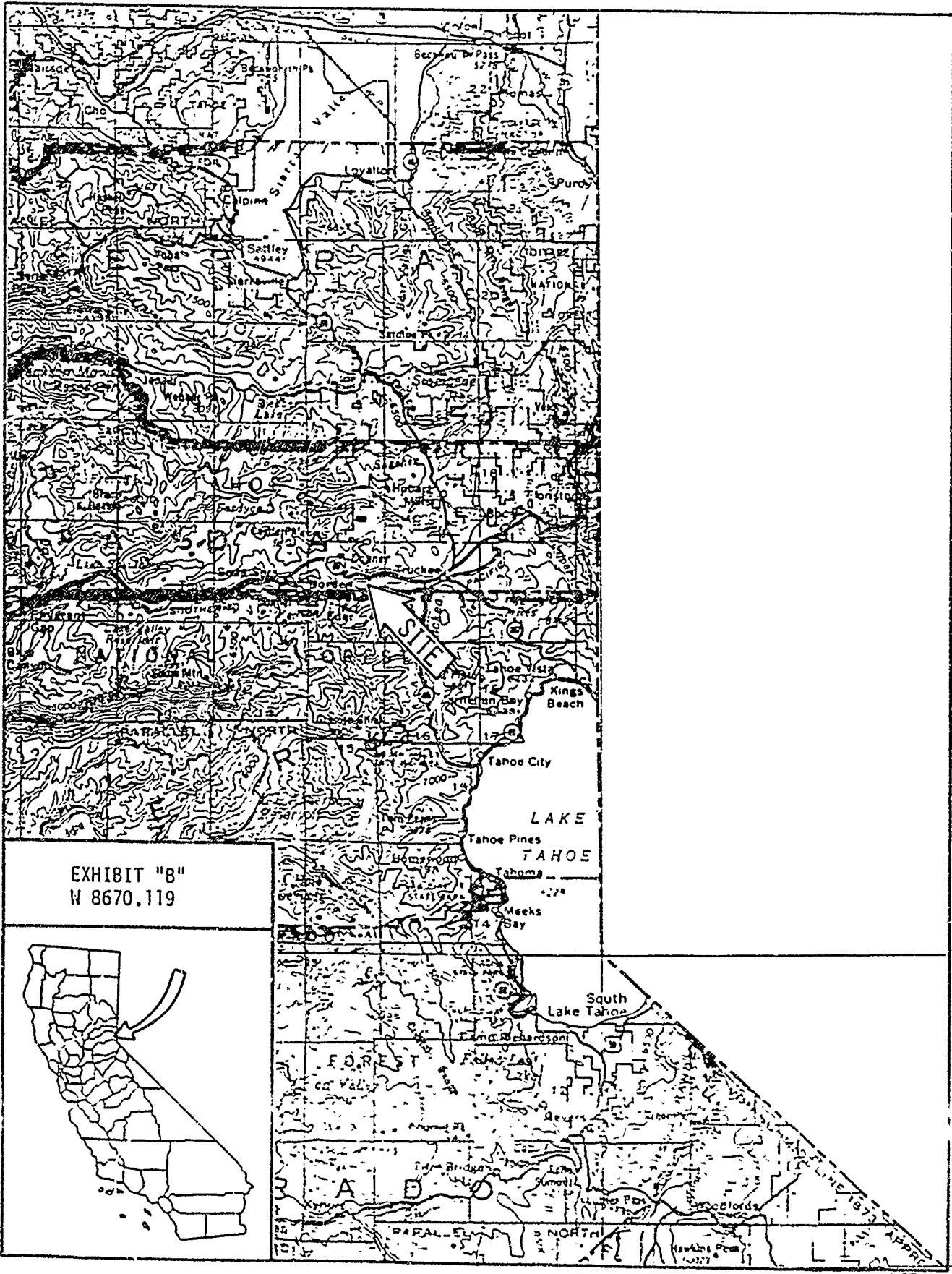


EXHIBIT "B"
W 8670.119



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STATE LANDS COMMISSION

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

EXHIBIT "C"

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 958

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: W 8670.119
ND 588
SCH No. 92042003

Project Title: Boehner/Hallberg Pier Construction

Proponents: Douglas L. & Rita J. Boehner and
Edmond D. & Kaylene Hallberg

Project Location: 15655 Donner Pass Road, Truckee, APN 17-170-35, Nevada
County.

Project Description: Proposed construction of a two-berth pier in a "U" shaped
configuration using wood post and beam construction affixed to
an existing concrete wall. The legs of the pier are 50' apart,
and each leg is 8' wide and extends 22' into Donner Lake.

Contact Person: Doug Miller Telephone: 916/322-7826

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

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

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

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

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

File Ref.: W 8670.119

Form 13.20 (7/82)

I. BACKGROUND INFORMATION

A Applicant: Douglas L. & Rita J. Boehmer and Edmond C. & Kaylene Hallberg
c/o Peter S. Gerdin, Architect
14781 Cavalier Rise
Truckee, CA 95734

B. Checklist Date: 3 / 31 / 92

C. Contact Person: Doug Miller
Telephone: (916) 322-7826

D. Purpose: Proposed pier construction for recreational use.

E Location: 15655 Donner Pass Road, Truckee, APN 17-170-35, Nevada County

F Description: Proposed construction of a two-berth pier in a "U" shaped configuration using wood post and beam construction affixed to an existing concrete wall. The legs of the pier are 50' apart, and each leg is 8' wide and extends 22' into Donner Lake.

G. Persons Contacted:
Peter S. Gerdin, Architect (Agent)
Robert Drake, Sheriff's Dept., Nevada County

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

Table with 4 columns: Question, Yes, Maybe, No. Contains 7 rows of environmental impact questions regarding earth conditions, soil, topography, erosion, and hazards.

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WHITE PAGE

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

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- 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- K. *Population.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The alteration, distribution, density, or growth rate of the human population of the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- L. *Housing.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Affecting existing housing, or create a demand for additional housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- M. *Transportation/Circulation.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Generation of substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Parks and other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- O. *Energy.* Will the proposal result in:
- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? .. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:
- | | | | |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Q. *Human Health.* Will the proposal result in:
- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|
- S. *Recreation.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|

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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: 3 / 31 / 92

Douglas R. Miller
 For the State Lands Commission
 DATE PAGE 1022

PROJECT DESCRIPTIONPROJECT NARRATIVE

This proposed project authorizes construction of a "U" shaped pier, supported by 16 posts. This pier will serve a three family complex occupying the parcel seasonally. This proposed project is located at 15655 Donner Pass Road, Truckee, CA, Nevada County, APN 17-170-35 which is located on the northwestern shore of Donner Lake.

This project proposes construction of a "U" shaped recreational pier with 8' wide legs extending 22' over the water. The external width of the "U" shaped pier is 66 feet. The internal distance between the two legs of the "U" extending over the lake is 50 feet. In the center of the "U" there will be a ten by five foot floating platform anchored to the existing concrete retaining wall. See exhibit "A".

CONSTRUCTION NARRATIVE

The pier will be attached to the upland by an open post and beam wood frame affixed to the existing concrete wall separating the lake from the upland. The four 6"x 6" posts, adjacent to the concrete wall, will be set in 16" diameter sona tubes which will be filled with concrete for footings. The remaining 12 - 6"x 6" posts supporting the pier will be set in half of a steel 55 gallon drum filled with concrete for footings. The pilings will later be implanted 18' deep in the dry lake bed utilizing hand tools. The piles will be capped with a 6"x 10" girder upon which will rest the five 4"x 8" joists which will support the 2"x 6" decking.

The construction will take place during low water, when the lake is lowered after the tourist season and project area is dry in the fall, but before November 1, as designated by the Department of Fish and Game (D.F.&G.). Each 2'6" diameter 55 gallon drum base will displace approximately five square feet of surface area. Each 16" sona tube will displace about two square feet of surface area.

Best construction practices as specified by D.F.&G. will be employed which include the exclusion of construction debris from entering Donner Lake by using small boats, tarps, skimmer nets, etc. beneath the dock during construction. All construction waste shall be removed from the construction site and dumped at a legal point of disposal. No construction materials treated with wood preservatives will be used which might come in contact with the water. Disturbance of the lake bed shall be kept to a minimum during construction.

Best practicable control technology shall be used to keep suspended earthen materials out of Donner Lake. In this case construction

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will proceed when the lake is lowered after the tourist season. If the lake bottom sediments have been disturbed during construction, the affected areas will be hand rolled and/or rock cobble will be hand picked to reconsolidate the lake bottom sediments along with the material removed for implanting the piles.

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ENVIRONMENTAL SETTING

Donner Lake in this specific project area abuts a concrete retaining wall, and there is no shore area. The wall was constructed in the early 1960's prior to acquisition by the Boehners and the Hallbergs. The adjacent land owner to the west also has a concrete wall and no shore or beach, but the adjacent landowner to the east has rock cribbing protecting their landfill. The adjacent eastern property has a very limited shore area, which is partially covered by a pier supported by pilings. There are no recreational use beaches in this area because the residents use their deck areas.

From the center line of the property, there is a pier 50' to the west on the Nelson property, and there is a pier 48 feet to the east on the Nikcevich property. There is a public boat ramp located about 450 feet to the east of the proposed project parcel. The lake bottom is comprised of cobble and sand which is a result of the glacial till and alluvium which have been deposited in this area over the last 10,000 years.

This entire area has been converted from a natural lake surrounded by a pine-fir forest to a recreational subdivision. The original natural riparian vegetation no longer exists.

The existing recreational uses of the lake within the proposed project area are seasonal and include swimming, sun bathing, use of recreational floating devices, boating, shoreline fishing and trolling, and observing wildlife.

DISCUSSION OF ENVIRONMENTAL EVALUATION
BOEHNER-HALLBERG RECREATIONAL PIER

A. Earth

1. Earth Conditions

The project involves construction of a "U" shaped pier which measures 66' on the exterior and 50' on the interior. The two legs of the "U" shaped pier are 8' wide and extend 22' into Donner Lake from the base. The base of the "U" rests on the existing concrete wall. The pier is supported by open piles. This construction will not cause unstable earth conditions or changes in the geologic substructure of the project site.

2. Compaction, Overcovering of the Soil

The proposed 12 pier posts set into the 2'6" diameter concrete footings and the four pier posts set into the 16" diameter concrete footings will cover and compact the soil where they are implanted by hand tools 18 inches deep into the bed of Donner Lake as required by Nevada County to be set below the frost line. This project will occupy about 78 square feet of lake bed. This will displace about four cubic yards of material which will be re-incorporated onto the dry lake bed and spread by hand rake to maintain the configuration of the lake bed.. This proposed project is not considered to be significant impact to the lake bed.

3. Topography

This project will involve the removal of about four cubic yards of material to set the pile feet. This material will be spread by hand rake so as not to change the lake bed surface relief. There will be no significant impact to the existing topography of the project site.

4. Unique Features

This proposed pier project is designed with open construction to reduce impacts on the lake bed. The shore has been modified with a concrete retaining wall. No unique geological or physical features have been identified in this area of the lake bed of Donner Lake. This project will not have an impact on unique features.

5. Erosion

The proposed pier is of open piling design. Pier pilings will be attached to 2'6" diameter concrete footings which are implanted 18" into the lake bed below the frost line. The construction and placement of this pier will not increase wind or water erosion of soils.

6. Siltation

The proposed project would be constructed on the dry lake bed during low water levels. Water level rise might cause minor siltation after the project is completed. Some minor prevailing currents may exist during normal lake levels but the accrual of silts will be minimal.

7. Geologic Hazards

The pilings for the proposed project are embedded in concrete footings which are implanted 18" into the lake bed. The Pier will rest on the 16 posts and their pilings and its base on the concrete retaining wall. The depth of the hand installed piling will be 18" and should not induce seismic instabilities or ground failures. No impacts are expected.

B. Air

1. Emissions

The pier will be constructed with hand tools, and no heavy equipment will be used. The construction crew will access the project site via existing improved roads on the upland. Some emissions will result from the commute of construction vehicles to the upland site. This impact will be minimal, lasting only during the construction of the pier. Emissions may be generated from fuel-powered boats which may use the pier, but this will be an on going impact to the Donner Lake area.

2. Odors

The construction activity will create some odors from crew vehicles commuting to and from the project site. This impact will not be significant and will be temporary, lasting until construction is completed. Use of the pier may create some odors as fuel-powered boats arrive and leave the pier site. This impact will be minimal and is not considered a significant impact.

C. Water

1. Currents

The proposed pier would be constructed with an open piling design. This design will not create a significant

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impact on currents or water movements.

2. Runoff

The proposed pier would be placed within the body of Donner Lake. It will not affect existing surface water drainage patterns.

3. Flood Waters

The proposed pier would be placed within the body of Donner Lake. It will not affect flood waters or stream flows.

4. Surface Water

The proposed pier would be placed within the body of Donner Lake. The pilings will not affect the surface water volume of Donner Lake.

5. Turbidity

The proposed pier would be constructed on the dry lake bed when water levels are at their lowest, and as indicated by the Department of Fish and Game. Turbidity may arise from disturbed sediments settling as the lake water rises. Some sediments may be disturbed from boat movements at the pier. These impacts should be minimal.

6. Ground Water Flows

The proposed pier footings will be implanted 18" below the surface of the lake bed as specified by Nevada County to avoid frost heaving. They should not affect ground water flows at this depth.

7. Ground Water Quantity

The proposed pier footings will be set at relatively shallow depths and would not serve as water acquisition facilities. It should not affect ground water supplies.

8. Water Supplies

The proposed pier footings would not serve as water acquisition facilities. It should not affect water supplies.

9. Flooding

The cumulative volume of the pier pilings would not induce flooding. The structure would not interfere with water movements to induce flooding.

10. Thermal Springs

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There are no known thermal springs within the vicinity of this project. There should be no impact upon any thermal springs.

D. Plant Life

1. Species Diversity

Introduction of the structure could furnish a new substrate for sessile aquatic plants. This impact will be minimal when compared to the lake bed of Donner Lake. No other plant life would be impacted.

2. Endangered Species

No unique, rare or endangered species of plants would be impacted as none have been identified for the Donner Lake area.

3. Introduction of Plants

This proposal does not include landscaping which would introduce new plants to the project site.

4. Agricultural Crops

The proposed pier would be located in Donner Lake. No agriculture or aquaculture activities have been identified in this area. There would be no impact.

E. Animal Life

1. Species Diversity

The proposed pier pilings and concrete footings could affect access to the lake bottom by burrowing organisms. This open pier construction would not restrict the movement of animals or fish in or about the pier. This would not be a new impact as piers exist on either side of the project site. The construction activity would occur on the dry lake bed in the fall when the lake level is at its minimum. This project will not create a significant change in animal diversity.

2. Rare Species

No impacts to rare species of animals is anticipated as none have been identified for the Donner Lake area.

3. New Species

The proposed pier construction will introduce fish feeding habitat to this site. The impact will be minimal. No new animal species would be introduced as a

result of this project.

4. Habitat Deterioration

The proposed project involves construction of a new recreational pier at the site. This project would be constructed on the dry lake bed when water levels of the lake are at their lowest. No impact to animal habitat is anticipated from construction. During the use of fuel-powered boats at the proposed pier site, fish would disperse; however, there should be no significant impact to water quality that would affect fish habitat over the long term resulting from this project.

F. Noise

1. Increases

The construction period of the proposed pier would involve a period of moderate noise levels. Noise from work crew vehicles commuting to and from the site will occur at the beginning and ending of work days. The temporary construction period will be during the off-tourist season. Use of the pier by motorized boats would also cause a temporary increase in noise levels. These occurrences would be brief and minimal.

2. Severe Noise

No severe noise levels are anticipated from the proposed construction and placement of the proposed pier.

G. Light and Glare

1. The proposed project would be constructed during daylight hours. No lighting for construction activity would occur. No navigational lighting on the pier is proposed. No reflections or glare would be created from the proposed finished surfaces. No light or glare impacts are anticipated.

H. Land Use

1. The land use designations for Donner Lake are primarily residential with some commercial and open space zoning. The proposed project site is located in an area zoned residential use and is consistent with that land use classification.

I. Natural Resources

1. Increase in Use

The proposed pier construction and use would not propose

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consumptive uses of natural resources.

2. Depletion of any Nonrenewable Resources

The proposed pier construction would not increase resource depletion or loss of non-renewable resources. The pier would be used only for private recreational purposes.

J. Risk of Upset

1. Risk of Explosion

Explosion of fuel could occur during operation of motorized boats at the proposed pier site. This possibility would be remote. The proposed construction of the project would not include the use or storage of hazardous substances. No impacts are anticipated.

2. Emergency Response Plan

This project proposes construction of a pier in the shorezone of Donner Lake and will not extend an unusual distance out into the body of the lake. It is very unlikely that this project would interfere with any emergency response or evacuation plan.

K. Population

1. The proposed project would not include residential development or commercial facilities which would affect the alteration or distribution, density or growth rate of the population of the area.

L. Housing

1. A duplex and a single family dwelling exist on the immediate upland lot from the proposed project site. Other dwellings exist along the shoreline of Donner Lake within this area. This project would not create new housing or a demand for additional housing.

M. Transportation/Circulation

i. Vehicular Movement

The construction of the proposed pier may cause a minor additional amount of temporary traffic as the construction crew arrives and leaves the project site. The period of construction will be outside the normal tourist season when the normal traffic will be minimal; therefore, this impact would be insignificant. The proposed pier is intended for applicant's use. A duplex and a single-family dwelling exist on the immediate

upland lot which provides for parking for the dwellings. No new vehicular traffic would result from the use of the proposed pier.

2. Parking

Refer to M.1., above.

3. Transportation Systems

The proposed project would not create new impacts on existing or future transportation systems for this area. The proposed pier is not for commercial use.

4. Circulation

The proposed pier would be located on the northwest end of Donner Lake and is centered between two existing piers (approximately 50 feet either side of centerline of the property). There is a public boat ramp about 450 feet to the east of this proposed project. There is a speed limit of 5 mph within 200 feet of the end of each pier on Donner Lake. This project does not appear to interfere with trolling in the area. Construction and placement of the proposed pier may have a small impact on existing navigational uses of the shoreline; however, this impact is considered to be insignificant.

5. Traffic

The proposed pier would have a minimal affect on boat traffic because of the existing piers on either side of the proposed project property. All boating in this area is already restricted to the 5 mph speed limit because of the existing piers. This impact is considered to be insignificant.

6. Traffic Hazards

This proposed project would not include any development which would affect existing roadways, bike lanes, or pedestrian walkways.

N. Public Services

1. Fire Protection

This proposed project would not increase the existing need for fire protective services for this area.

2. Police Protection

This proposed project would not increase the existing need for police protective services for this area.

3. Schools

This proposed project would not include construction of a residential structure or multi-dwelling unit which would create a demand for new schools.

4. Parks and Recreational Facilities

The proposed project is located approximately 450' west of a public boat ramp. There is currently a 5 mile per hour speed limit in this area. The proposed pier is for private recreational use of the applicants and would not generate any significant boating traffic. This project will not create any new demands on any park or recreational facility.

5. Maintenance of Public Facilities

This proposed pier project will not create any new demands which would create additional maintenance of public facilities.

6. Government Services

This proposed private recreational pier project will not create any new significant impacts on government services.

O. Energy.

1. Fuel and Energy

This proposed private recreational pier project will not generate any new significant demands or uses of fuel or energy.

2. Existing Energy Sources

This proposed private recreational pier project will not generate any new demands on energy sources which could be considered significant.

P. Utilities.

1. Power or Natural Gas

This proposed private recreational pier will not create any new significant demands or alterations to power or natural gas systems.

2. Communications Systems

This proposed private recreational pier will not create any new significant demands or alterations to

communication systems.

3. Water

This proposed private recreational pier will not create any new significant demands or alterations to water systems.

4. Sewer or Septic Tanks

This proposed private recreational pier will not create any new significant demands of alterations to existing sewer or septic tanks.

5. Storm Water Drainage

The open construction of this proposed private recreational pier will not create and new significant demands or alterations on storm water drains.

6. Solid Waste Disposal

This project will not create any changes in the demands for new or alterations to the existing solid waste and its disposal.

Q. Human Health.

1. Health Hazard

This private recreational pier project will not create any new significant health hazard to the public.

2. Exposure of People to Health Hazards

This private recreational pier will not expose people to any new significant health hazards.

R. Aesthetics.

1. There are existing piers within 50 feet on either side of the center line of the project parcel. This is a lake oriented second home subdivision which includes piers and boats. This pier will not affect the aesthetics, but will probably benefit it by hiding the concrete wall.

S. Recreation.

1. Seasonal recreation opportunities within Donner Lake include swimming, tube and mattress floating, boating, wind surfing, jetskiing, fishing, sunbathing, and observing wildlife. The uses of the shore within the area or the proposed project would be trolling, wind surfing, and tube and mattress floating. There are three

known public access areas on the lake. Additionally, the Department of Fish and Game periodically stock the lake with fish to enhance angling opportunities. The proposed construction and use of this pier would not have a significant impact of these uses as these opportunities are available throughout many areas of the lake.

T. Cultural Resources.

1. Archaeological Site

No cultural resource sites were identified by the Nevada County Planning Department for the upland parcel as it was being developed. It is highly unlikely that any will be found on the lake bed. If any sites are discovered during construction, operations will cease and an archaeologist will be consulted to evaluate the site.

2. Historic Buildings

No prehistoric buildings, structures, or objects were found during the early development of the property. Since none were found, it is not likely that this project would affect any prehistoric structures or structures. If any prehistoric structures or objects are found during construction, operations will cease and an archaeologist will be consulted to evaluate objects found.

3. Ethnic Cultural Values

Refer to T.1. above.

4. Religious/Sacred Uses

Refer to T.1. above.

U. Mandatory Findings of Significance

1. Environmental Quality Degradation

This proposed project will not degrade the quality of the environment to significantly affect fish, wildlife, plants, or historical or anthropological sites.

2. Short Term vs. Long Term Environmental Goals

There will be a short term disruption of the environment during the proposed pier construction period which will be done in the fall during low water and the non-tourist season. This is a seasonal recreation residential community, and recreational piers for the residents are common. The State Lands Commission requires the public to obtain permits for extended seasonal mooring of boats

in Donner Lake, and the Nevada County Sherrifs Department enforces these permits. This is done because water is drawn out of the lake in the fall after the tourist season. This proposed project would not jeopardize the long term goals of protecting the environmental integrity of Donner Lake.

3. Cumulative Impacts

The project would cumulatively contribute one more pier to the shore of Donner Lake; however, this parcel has no shore during the normal lake level because of the existing concrete wall. In this marine oriented recreational community, the pier would be aesthetically more pleasing than the existing flat grey concrete retaining wall. There are existing private recreational piers for the residences on either side of the project parcel. Although this proposed project would add an additional pier cumulatively to Donner Lake it, would not create a significant impact to the environmental integrity of Donner Lake.

4. Adverse Effects on Human Beings

This proposed project would be located in a navigational area which is already identified for significantly reduced boating speeds (5 mph). There is a public boat launching ramp about 450 feet to the east of this proposed project site. There are currently private recreational piers on the adjacent parcels to the proposed project. This proposed project would be compatible with the existing recreational uses of Donner Lake. This project will not create any new significant effects on human beings.

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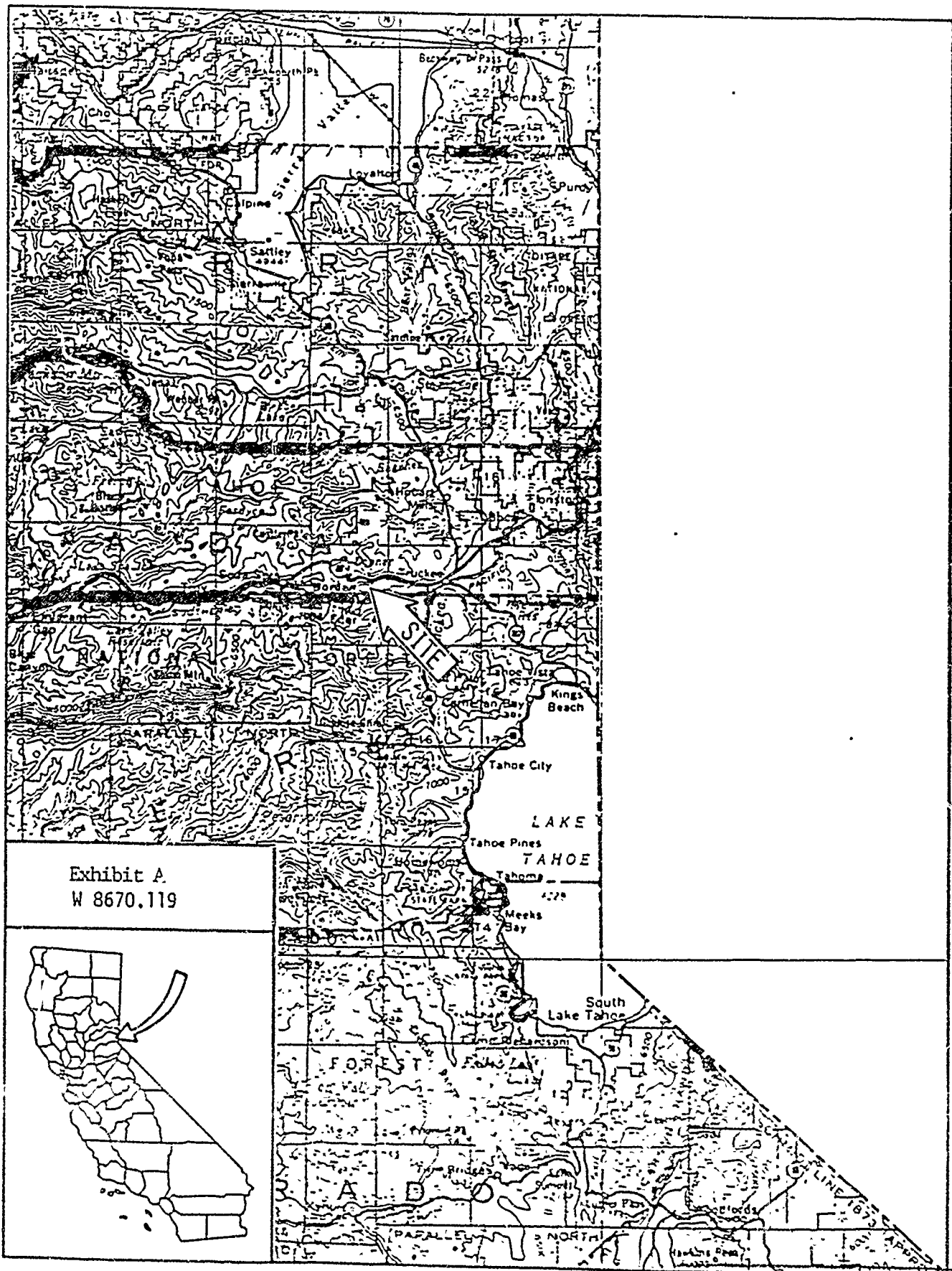


Exhibit A
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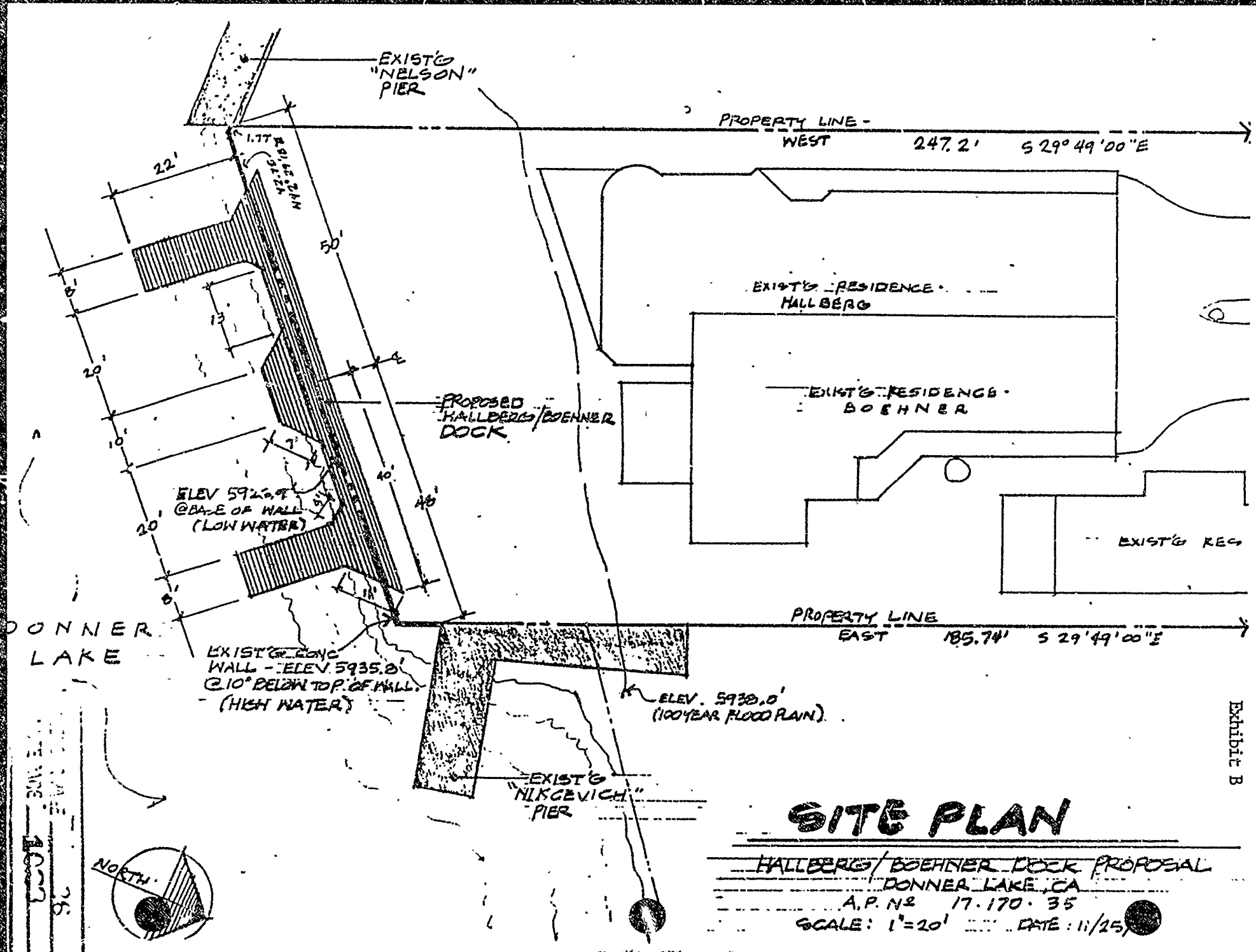


Exhibit B

SITE PLAN

HALLBERG/BOEHNER DOCK PROPOSAL
DONNER LAKE, CA

A.P. N2 17.170.35

SCALE: 1" = 20' DATE: 11/25

300
 100
 96

EXHIBIT "D"
MONITORING PROGRAM
FOR THE BOEHNER-HALLBERG PIER CONSTRUCTION

1. **Impact:** The proposed project may cause minimal turbidity to lake waters during the hand placement of pilings into the lake bed, and there is the possibility of an upset or spill of construction materials or debris.

Project Modification:

- a) Construction will commence at low water in the fall, after the tourist season, when the lake level is at minimum. The use of a turbidity screen surrounding the project area will be installed prior to the commencement of operations if water still occupies the construction site. The material removed during pile placement will be re-incorporated back onto the lake bed and spread by hand rake to maintain uniformity in the lake bed at the construction site.
- b) In the case of high water, small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris, and in the case of low water, tarps will be spread under the construction area to collect the construction debris.
- c) Construction debris and waste materials will be collected and removed from the project site to be transported by the contractor to dumpsters for disposal at an approved landfill site.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will periodically monitor the pier construction project during construction and completion stages.