

041
41 of the State
0 of 3
3/5/92

CALENDAR ITEM

A 7
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041

05/05/92
PRC 3994
Gordon

TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 3994
AND ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT:

Agate Bay Properties, Inc.
5424 Tree Side Drive
Carmichael, California 95608

AREA, TYPE LAND AND LOCATION:

A 0.129-acre parcel of submerged land located in Lake Tahoe
at Agate Bay near Tahoe Vista, Placer County.

LAND USE:

Reconstruction and maintenance of a pier utilized for
noncommercial, multiple-use recreational boating.

TERMS OF EXISTING LEASE:

Initial period:
Twenty (20) years beginning August 23, 1981.

Surety bond:
\$5,000.

Public liability insurance:
Combined single limit coverage of \$600,000 per
occurrence for bodily injury and property damage.

Special:

1. The lease is conditioned on lessee's conformance
with the Shorezone Ordinances of California Tahoe
Regional Planning Agency and Tahoe Regional Planning
Agency.
2. The lease is entered into by all parties without
prejudice to their respective claims of boundary.

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CALENDAR ITEM NO. C 4 I (CONT'D)

3. All parties agree that lease no. 3994, PRC Series, dated April 2, 1969, and the amendment thereto, dated February 25, 1975, shall terminate August 23, 1991.

CONSIDERATION:

\$1,216.94 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

TERMS OF PROPOSED PERMIT:

Initial period:

Five (5) years beginning August 23, 1991.

Surety bond:

None.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Special:

1. All parties agree that General Lease - Commercial Use PRC 3994, dated November 10, 1981, shall terminate August 23, 1991.
2. The permit is conditioned on permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
3. The permit restricts any residential use of the facilities.
4. The permit requires refuse containers for the disposal of vessel-generated trash.
5. The permit conforms to the Lyon/Fogerty decision.
6. The permit is conditioned on the public's right of access along the shorezone up to the high water line at elevation 6,228.75 feet, Lake Tahoe Datum.
7. The permit is conditioned on permittee's retention of the public trust area and the Rorippa habitat area in its natural condition (Exhibit "B"). With this

CALENDAR ITEM NO. 041 (CONT'D)

provision, the Department of Fish and Game has issued an informal opinion of "no jeopardy" to the plant species.

8. Permittee agrees to conserve the natural resources and to prevent pollution and harm to the environment; and acknowledges that such failure to comply constitutes a default or breach of the agreement.

CONSIDERATION:

\$1,216.94 per annum.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

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 3, Div. 3; Title 14, Div. 6.

AB 884:

08/03/92

OTHER PERTINENT INFORMATION:

1. The subject facility is utilized by members of Applicant's recreational club located on upland property. All the recreational facilities provided by Applicant are an accommodation to the club membership. No income is produced on sovereign land.
2. At its October 30, 1981 meeting, in Minute Item 8, the Commission authorized the issuance of General Lease - Commercial Use PRC 3994, dated November 10, 1981, to Agate Bay Properties, Inc. To facilitate the issuance of the proposed new lease agreement, which is consistent with the Commission's current rules and

CALENDAR ITEM NO. C 4 1 (CONT'D)

regulations, termination of the earlier lease is recommended. The termination and replacement of the State's lease PRC 3994, dated November 10, 1981, is for administrative purposes only and does not change or enlarge the estate from that granted in said earlier lease.

3. 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 574, State Clearinghouse No. 92022064. 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))

4. In order to determine the potential trust uses in the area of the activity, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, California Department of Fish and Game, Placer County, and the Tahoe Conservancy. None of these agencies expressed a concern that the activity 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.
5. Staff physically inspected the site for purposes of evaluating the impact of the activity on the Public Trust.
6. 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.

CALENDAR ITEM NO. 41 (CONT'D)

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description
- B. Site Plan
- C. Location Map
- D. Local Government Comment
- E. Proposed Negative Declaration
- F. Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 574, STATE CLEARINGHOUSE NO. 92022064, 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. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE MONITORING PRGGRAM ATTACHED AS EXHIBIT "F" WHICH HAS BEEN PREPARED PURSUANT TO P.R.C. 21081.6.
4. FIND THAT TERMINATION OF THE EARLIER LEASE AND GRANTING OF THE REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.
5. AUTHORIZE TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 3994, DATED NOVEMBER 10, 1981, EFFECTIVE AUGUST 23, 1991; AND THE ISSUANCE TO AGATE BAY PROPERTIES, INC. OF A FIVE-YEAR GENERAL PERMIT - RECREATIONAL USE FROM AUGUST 23, 1991; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,216.94; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE

CALENDAR ITEM NO. 47 (CONT'D)

OF COMBINED SINGLE LIMIT COVERAGE IN THE AMOUNT OF
\$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY
DAMAGE, FOR RECONSTRUCTION AND MAINTENANCE OF A PIER
UTILIZED FOR NONCOMMERCIAL, MULTIPLE-USE RECREATIONAL
PURPOSES ON THE LAND DESCRIBED AND DELINEATED ON
EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART
HEREOF.

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EXHIBIT "A"
LAND DESCRIPTION

PRC 3994.1

A parcel of Submerged land in Lake Tahoe, Placer County, California, said parcel described as follows:

All that land lying immediately beneath a pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier, said pier being adjacent to Lot 13, as shown on the map entitled "Agate Bay Shore Subdivision", said map recorded in Book "E" of Maps, page 16, Placer County Records.

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

END OF DESCRIPTION

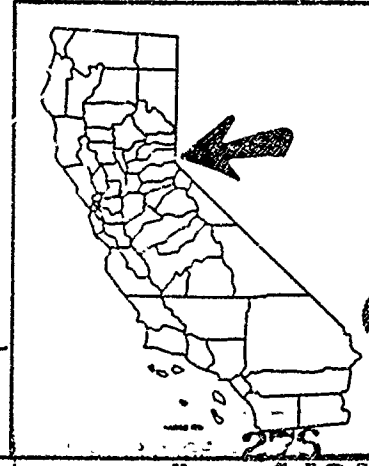
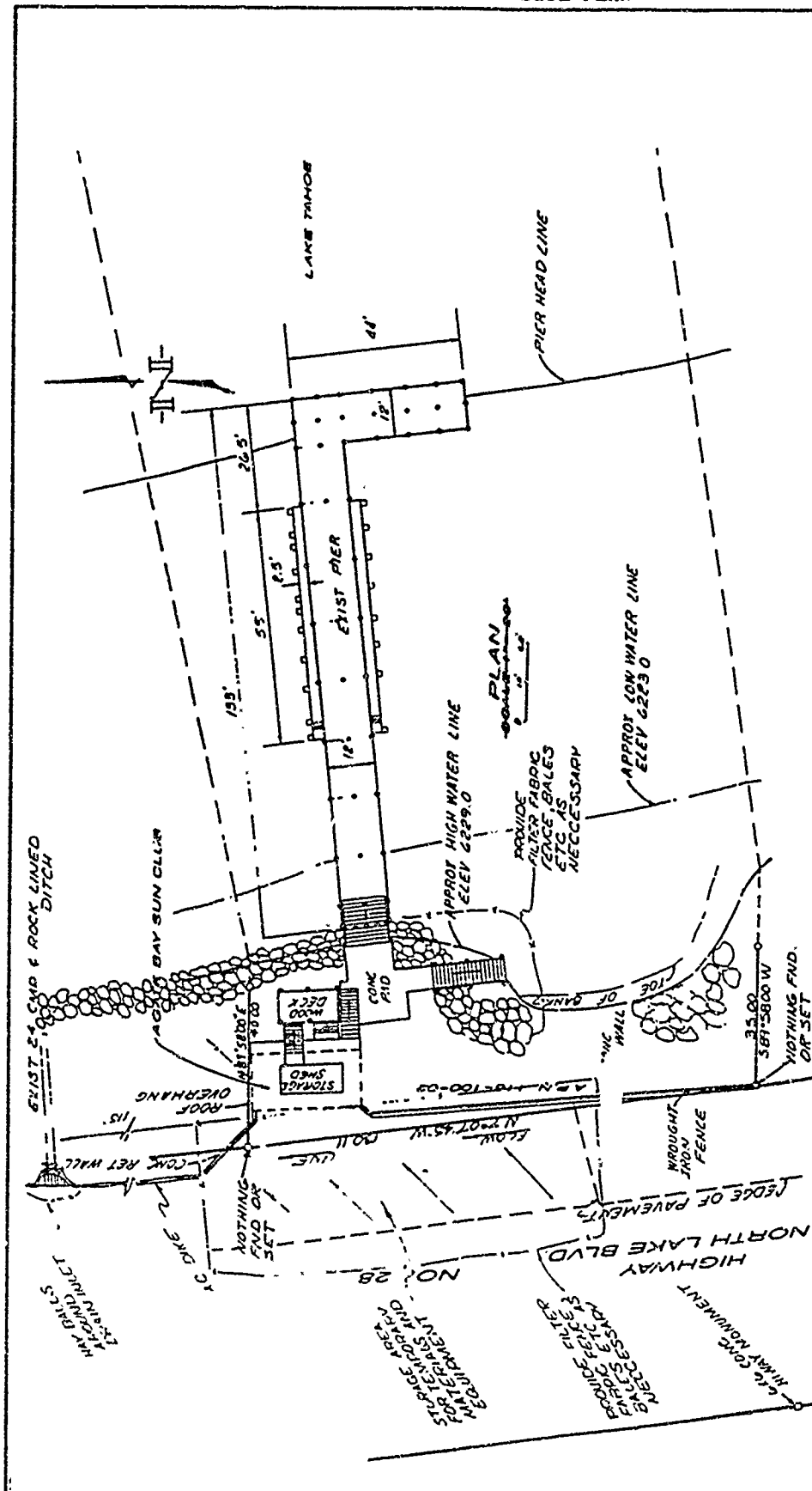
REVIEWED APRIL 23, 1989 BY SAS.

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EXHIBIT "B"

SITE PLAN

PRC 3994.1



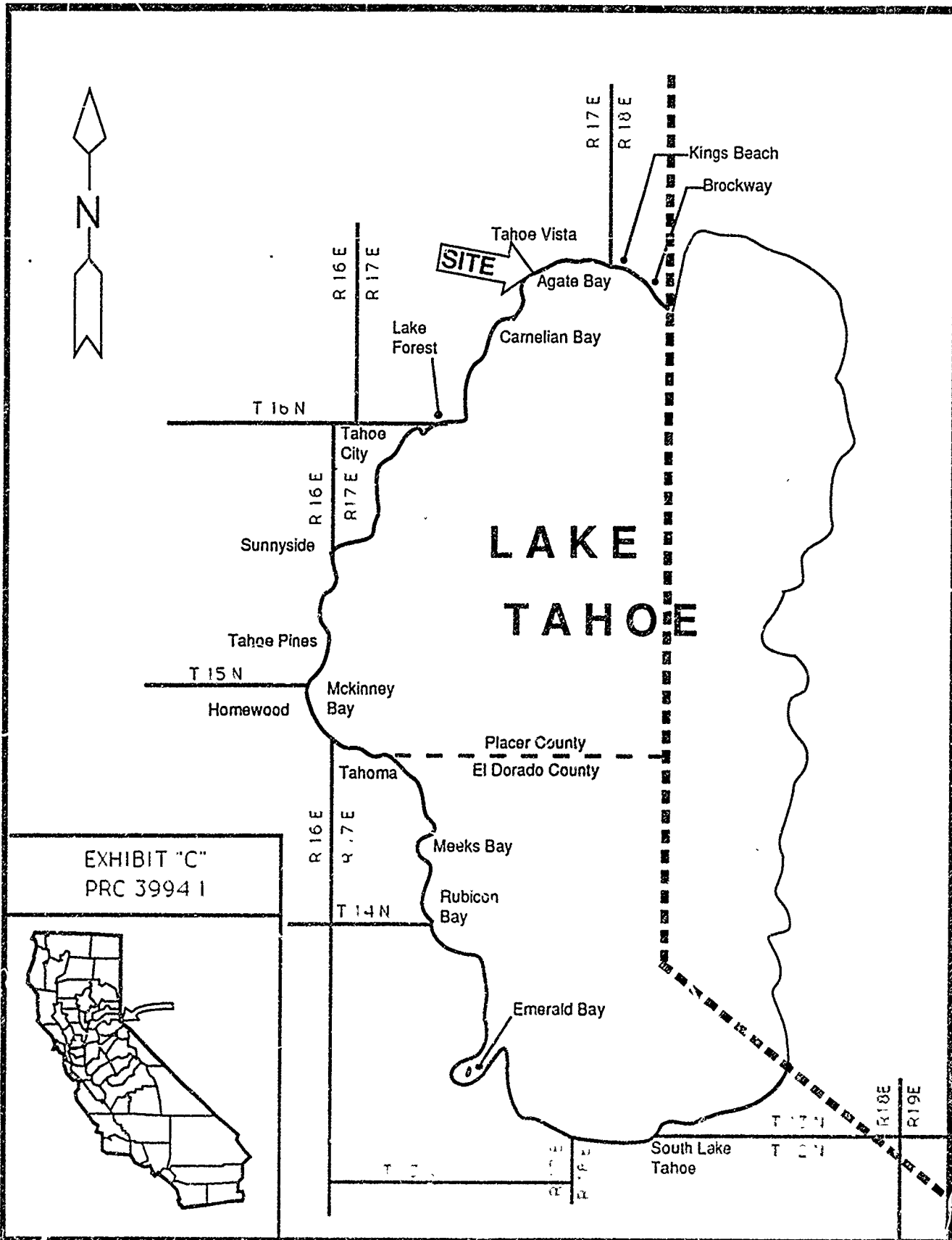


EXHIBIT "C"
PRC 3994 I



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EXHIBIT "D"



PLACER COUNTY

DEPARTMENT OF PUBLIC WORKS

OPERATING DIVISION

- Administration
- Engineering
- Equipment Maintenance
- Road Maintenance
- Special Districts
- Utilities
- Transportation

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

March 14, 1990

File Ref.: PRC 3994.1

State Lands Commission
 Attn: Gerald D. Gordon
 1807 - 13th Street
 Sacramento, CA 95814

Re: RECONSTRUCTION OF AN EXISTING PERMITS IN LAKE TAHOE AT AGATE BAY

Name: Agate Bay Properties

Address: c/o Duncan Davis
 5424 Treeside Drive
 Carmichael, CA 95608

APN: 116-100-02

The County of Placer has received notice of the above referenced activity in Lake Tahoe and has no objection to said project or to the issuance of a permit or lease by the State Lands Commission for such use of sovereign lands.

If you have any questions, please feel free to call me at 889-7500.

COUNTY OF PLACER
 DEPARTMENT OF PUBLIC WORKS
 JACK WARREN, DIRECTOR

Christine Courter

 CHRISTINE COURTER
 ENGINEERING AIDE

JW:CC:mk
 (StLand.Ltr)

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Fax (916) 885-3159	

STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

February 25, 1992
File: PRC 3994
ND 574

NOTICE OF PUBLIC REVIEW OF A PROPOSED NEGATIVE DECLARATION
(SECTION 15073 CCR)

A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project currently being processed by the staff of the State Lands Commission.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by March 27, 1992.

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

Judy Brown (L)

JUDY BROWN
Division of Environmental
Planning and Management

Attachment

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 25 1992	
FBI - SACRAMENTO	

STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95833

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 3994
ND 574
SCH No. 92022064

Project Title: Agate Bay Properties, Inc. Pier Reconstruction

Proponent: Agate Bay Properties, Inc.

Project Location: Lake Tahoe, 5690 North Lake Boulevard, Agate Bay, APN 116-100-02, Placer County.

Project Description: Reconstruction of a multi-use pier and reconstruction of two sets of access stairs.

Contact Person: Judy Brown Telephone: 916/324-4715

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

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

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

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

DATE OF RPT	280
DATE OF RPT	1503

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: WP3994

I. BACKGROUND INFORMATION

A Applicant Agate Jay Properties Inc. Hale-Tippen Consultants Agent
5424 Tree Side Drive P.O. Box 5399
Carmichael, CA 95608 Tahoe City, CA 95730

B. Checklist Date: 01/ 10 / 92

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

D. Purpose: Reconstruct an existing recreational pier in the same location.

E. Location: 5690 North Lake Blvd., Agate Bay
Lake Tahoe, Placer County

F. Description: Reconstruct an existing private recreational pier. The pier is approximately 133 ft. long by 12 ft. wide with a 14 ft. by 44 ft. pier head. Reconstruction includes steel pilings 12" dia., wood beams, stringers, deck. Rebuild existing access stairs.

G. Persons Contacted:

Kevin Rouckey
U. S. Army Corps of Engineers

Jim Hamilton
Tahoe Regional Planning Agency

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 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 lake?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7	Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

281
1400

	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"/>

282
12.0

- 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"/> |
|--|--------------------------|--------------------------|-------------------------------------|

203 X
3472

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

U. *Mandatory Findings of Significance.*

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

III. DISCUSSION OF ENVIRONMENTAL EVALUATION *(See Comments Attached)*

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

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

Date: 01/30/92

Judy Brown
 For the State Lands Commission

284
1475

Project Description

The project involves the proposed demolition of an existing wood pier and access stairs with reconstruction of a single private recreational facility at the north shore of Lake Tahoe at the upland address of 5690 North Lake Blvd., Agate Bay, Lake Tahoe.

The pier will be reconstructed with approximately thirty-three 12-inch diameter steel pilings for support driven into the lakebed. Steel 6-inch "H" beams will support 4"x 12" wood girders which will be covered by 2"x 6" wood decking. A 14 foot wide by 44 foot long pierhead will be installed waterward of the main pier deck. Four mooring buoys are located approximately 50 feet to the south of the pier. A buoy field consisting of ten mooring buoys are located approximately 200 feet to the north of the proposed pier reconstruction. The buoys are used seasonally and have been previously authorized by the State Lands Commission and are not included within this environmental analysis as no changes will be made to their configuration. Two sets of access stairs on shore will be reconstructed; remaining within their original footprints.

The project site is presently occupied by an older wooden pier and access stairs used by the applicant club members. This facility will be reconstructed. The materials will be removed by barge and transported to an authorized disposal site. The pier and stairs will be reconstructed within the footprint of the old facilities. Hollow steel sleeves will be driven over the existing deteriorated wooden pilings by a barge-mounted pile driver. Steel sleeves or caissons will be used to reduce turbidity. Boats or tarpaulins will be suspended under the pier deck to prevent debris from entering the lake during demolition and reconstruction.

Description of Environmental Setting

The project upland is an extensively modified bluff approximately 30 feet high with a 2 to 1 slope. This bluff extends from the upland to the beach. At the foot of the bluff is constructed a bulkhead wall of large boulder rip-rap of two foot diameter fragments approximately 5 feet high. A terrace filled with sand is placed behind this bulkhead. A concrete and stone wall is constructed upon this terrace above the bulkhead wall. This structure is backfilled with soil and supports a parking bay for members' use. State Highway 28 lies landward of the parking area. An unprotected slope is located to the north side of the upland structures. A wood pile - supported stair tower leads from the upland car park down to the top of the rock wall terrace and ultimately to the pier itself. A second stair runs from the south end of the terrace fill down to a beach.

A beach of medium to coarse sand is located at the foot of the south bulkhead, extending approximately 5 feet waterward of the wall. A distinct transition to a boulder beach is found between the south side of the pier and the remaining exposed beach substrate. The remaining exposed beach consists of large boulder material forming a gently sloping plain extending another 5 feet to the water line. This material appears to be spilldown from the boulder wall.

The shoreline vegetation consists of younger conifers and a few deciduous trees on a natural looking slope and larger conifers inland across Hwy. 28. The terrace is covered with weeds, some small shrubs and young conifers. Small clumps of grasses and weeds can be found along the lower beach between the rip-rap and the water's edge in the boulder substrate. No vegetation can be found beyond the sandy beach out to the water's edge.

AGATE BAY PIER REMOVAL AND RECONSTRUCTION
ENVIRONMENTAL IMPACT ASSESSMENT

A.1. Earth Conditions

The project involves dismantling and reconstruction of an existing recreational pier and access stairs. The pier will be reconstructed with open steel piling supporting a steel frame and wood deck. The access stairs from an earthen terrace to the pier and from the terrace to the adjacent beach will be replaced. This construction will not alter or cover any new ground features as it will be placed within the existing pier and stair footprints nor will it create unstable conditions.

A.2. Overcovering Soil

The pier will be reconstructed with approximately thirty-three 12 inch diameter steel pilings for support driven into the lake bed. A steel and wood deck will be constructed on the pilings, approximately six feet above the lake surface. This open construction will not cover the lake bottom. The stairs will be removed and rebuilt within the existing footprints and will not create a new impact on soil coverage.

A.3. Topography

The pier will be reconstructed using an open construction, with the pilings set to minimize impacts to the lake bed. The structure will not modify the topography of the lake bed. The shore has been modified with a stone rip-rap and backfill forming a terrace. No new shore modification will result from the pier construction. The demolition and reconstruction of the pier and stairs will be conducted within the footprint of the existing structures. This impact will be minimal.

A.4. Unique Features.

The lakebed at the project site is flat and lacks unique features. The pier is designed with open construction to reduce impacts on the lake bed. The demolition and reconstruction will occur within the footprint of the original pier and will not affect any unique features on the lakebed. The shore has been modified with retaining walls and terraces. Reconstruction of the stairs will not affect unique surface features due to the existing surface modifications.

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A.5. Erosion.

The pilings will be placed directly in the lake bed substrate. They will not cause any erosion or significant disturbance to lake bottom and shore profiles. The demolition and construction will be conducted within the footprint of the existing pier and stairways and will not cause any new erosion.

A.6. Siltation.

The waterward part of the project is located on a portion of lake bed which is dominated by cobble substrate. The construction activity proposed would not cause significant siltation in the water column. To further avoid siltation caused by reconstruction activities, steel sleeves or caissons and siltation barriers will be placed at the construction site and remain until the project is complete. Water level rise might cause minor siltation after the project is done. Some minor prevailing currents may exist during normal lake levels but the accrual of silts will be minimal. Removal and reconstruction of the stairs will be during low rainfall and will cause minimal impact by silt from runoff.

A.7. Geologic Hazards.

The pilings are set directly into the lake bed and shore. The depths of installation will be shallow and should not induce seismic instabilities or ground failures. No impacts are expected.

B.1 Emissions.

The pilings will be set using a barge-mounted construction rig to install them. The barge will be powered by a conventional diesel engine. Construction crew will arrive by car and truck during building. Some emissions will result from operation of the pile driving equipment and commuting workers. Construction of the pilings is anticipated to take several days, while the entire pier reconstruction may take up to thirty working days. This impact would be minor and temporary, lasting during the construction. Some emissions would be generated from members continuing to access the pier with motorized boats but this would be an ongoing rather than a new impact.

B.2. Odors.

The reconstruction operations will create some odors as engines are operated during the piling installation and from crew vehicles arriving at and leaving the site. This impact will not be significant and will be temporary, lasting until reconstruction activity is completed. Use of the pier will create some odors as boats arrive and leave. This impact will be minimal.

B.3. Air Alterations

The pier is located in the lake. It is a low structure with an open construction and will not create impacts which would alter air characteristics in any way. The associated access stairs will create no impacts on air characteristics.

C.1. Currents.

The pier to be reconstructed is an open piling design. This structure would not create a significant impact on currents or water movements. The stairs onshore will not impact water currents.

C.2. Runoff.

The pier is placed within the body of Lake Tahoe. It would not produce a new affect on surface water drainage patterns, etc. There is additional development on the upland including a parking lot and structures, however, these features are in place and will not create new runoff impacts on the project site. The stairway reconstruction will not impact runoff patterns.

C.3. Flood Waters.

The pier is placed within the body of Lake Tahoe. It will not affect flood waters from streamflows. The stairs will not impact floodwater flows.

C.4. Surface Water.

The pier is placed in the body of Lake Tahoe. The reconstruction of the pilings will not affect the surface water volume of Lake Tahoe. The stairs are located onshore and will not affect surface water volume of Lake Tahoe.

C.5. Turbidity

The pier is located at a point on the lakeshore where the substrate is predominantly cobbles so minimal turbidity will result from the operations. To insure protection from turbidity, caissons or steel sleeves will be used during construction. These barriers will be removed once the construction is completed. Turbidity may arise from disturbed sediments settling as the lake water rises. Some sediment may be disturbed from boat movements at the pier. These impacts should be minimal.

C.6. Ground Water Flows.

The pier and stair pilings would be set at relatively shallow depths. They should not affect ground water flows.

C.7. Ground Water Quantity.

The pier and stair pilings are set at relatively shallow depths and do not serve as water acquisition facilities. They should not affect ground water supplies.

C.8. Water Supplies.

The pier and stairs are not intended for water acquisition. They would not affect water supplies.

C.9. Flooding.

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

C.10. Thermal Springs.

The project will not affect any thermal springs, as there are no known thermal springs in the vicinity.

D.1. Plant Species Diversity.

The removal of the existing pier may impact current aquatic plant populations at the project site with the removal of the old pilings. These pilings may have served as substrate for a now established sessile plant population. Removal of the pilings would cause a minor population loss of aquatic plants at the site.

Reintroduction of the structure could furnish a new substrate for sessile aquatic plants. This impact would be minimal as this site is dominated by a cobble substrate and can furnish habitat for sessile aquatic plants currently. Upland, the site is conducive to supporting *Rorippa subumbellata*. An upland site capable of supporting *R. subumbellata* has been found approximately 1.5 miles east of the project site.

Even though specimens of *R. subumbellata* were not located in the vicinity of the project site potential habitat on the site does exist, and the applicant has incorporated the Interim Management Program For *Rorippa subumbellata*, Roll. for construction into the project plans (Exhibit B, Interim Management Program). The project site is flooded during normal years.

D.2. Endangered Species.

The pier is planned to be constructed extending from shore 133 feet waterward. Impacts to aquatic plants are expected as the old pier will be removed. There are no endangered aquatic plant species which will be affected by the pier removal. A site inspection for *R. subumbellata* was conducted on the upland. No specimens were found. The applicant has agreed to incorporate the requirements of the interim *Rorippa* Management Plan in the construction operation. The project will have minimal impacts on aquatic or land plant populations.

D.3. Introduction of Plants.

The pier pilings would afford a hard substrate for sessile aquatic plants. The project site is located on a cobble substrate, so introduction of this pier would not create a new impact on plant populations. The stair reconstruction would occur in the same location as the existing stairs and would not impact new land surface or introduce new plant species.

D.4. Agricultural Crops.

The pier is located in Lake Tahoe. No agriculture or aquaculture are carried out in this area. There would be no impact.

E.1. Animal Species Diversity.

The pier pilings would continue to affect access to the lake bottom by burrowing organisms. Covering of the old pier pilings could impact fish and benthic organisms which were attracted to the pilings for grazing and shelter. Until the plant population returns to the reconstructed pilings, there may be a temporary drop in fish population. The impacts would be minimal. The stairs should not affect animal populations greatly. Some small rodents or reptiles could occupy the spaces under the stairs and might be displaced during reconstruction. This impact will be minor and temporary, lasting until project completion.

E.2. Rare Species.

The pier currently located at the site may serve as shelter and food source to fish. During demolition and reconstruction the fish population would be absent. The reconstruction impact should be minimal as fish would naturally repopulate the site when activity has ceased. No known rare fish species should be impacted by the project. The stairs might serve as shelter for small animals. This shelter would be removed during reconstruction. This impact would be temporary. No endangered animals would be impacted by this activity.

E.3. New Species.

The pier reconstruction would remove and reintroduce habitat to this site. The impact would be minimal as the pier is destroyed and rebuilt. No new animal species would be introduced as a result of the project.

E.4. Habitat Deterioration.

The project would involve reconstruction of an existing pier and stairs at the site. This project would cause a temporary disturbance to the habitat during the reconstruction activities. This impact would be temporary and minimal. There would be no overall change in the local habitat status.

F.1. Noise Increases.

The construction of the pier and stairs would involve a period of moderate noise levels as the existing deck and stairs are removed and the new steel sleeves are driven over the existing wooden pilings. Noise from pile driving is anticipated to last several days. Noise from work crew vehicles arriving and leaving the site will occur at the beginning and ending of each work day, and is anticipated to last up to thirty working days. This activity will end when the project is completed. Some noise will result from use of the dock. These occurrences will be brief and minimal.

F.2. Severe Noise.

The reconstruction of the pier and stairs may cause periods of extreme noise as equipment is being used. These episodes may be brief, lasting seconds or minutes in duration. Some severe noise may arise from motorized boats operated by members accessing the pier from the lake. These occurrences would be brief.

G.1. Light and Glare.

The project would be constructed during daylight hours so light from construction would not occur. There would be no navigational lights on the pier to create light or glare. No reflections or glare would be created from finished surfaces.

H.1. Land Use.

The new pier and stairs would be installed at the site of an existing facility. There would not be a newly introduced use for this location to alter local use patterns.

I.1. Resource Use.

The facility would not increase resource depletion or loss of non-renewable resources. The pier would continue to be used only for recreational boats and use and the stairs for access.

J.1. Explosion.

The project involves reconstruction of an existing pier and stairs. Risk of explosion of fuel could occur during these operations. Best construction management precautions will be taken, as conditioned by the TRPA permit, to minimize this possibility. Members operating motorized boats may use the pier as access to and from their upland residences. Possibility of explosion from this use would be minimal.

J.2. Emergency Plans.

The pier to be reconstructed would not be relocated or reconfigured. The reconstruction and continued use of this structure would not create a new impact upon emergency vessel movements in the area.

K.1. Alter Population.

The proposed project would not affect the population density or growth patterns in the area. The pier to be reconstructed would continue to be used for the private use of the applicants for mooring of recreational vessels and for other recreational activities. There would be no live-aboard vessels or increases in local population.

L.1. Housing.

The facility is intended for recreational activities of the applicant, Agate Bay Sun Club, whose property is located at the shoreward end of the pier. No new housing would be constructed as a result of this project.

M.1. Vehicular Movement.

The pier would continue to be used by the Agate Bay Sun Club. No new vehicular traffic will result from use of the pier. Minor amounts of vehicular movement would result from the construction workers arriving and leaving the project site. This impact is considered to be minor and temporary.

M.2. Parking.

The pier is intended for the use of the applicants. Parking has been provided for at the existing upland facilities. New parking facilities would not be created or required as a result of the reconstruction or continued use of this pier.

M.3. Transportation Systems.

The proposed reconstruction of this existing pier would not create new impacts on existing or future transportation systems. The pier would continue to be used by the members of the Agate Bay Sun Club only.

M.4. Circulation.

The existing pier and stairs are planned to be reconstructed at the same location. The continued use of the pier would not produce a new affect on current land or water traffic circulation.

M.5. Traffic.

The proposed pier is located at the site of an existing pier which would be removed. There are presently four buoy anchors located approximately 50 feet south of the proposed project. The floats to the mooring buoys are disconnected during winter months. A swim float is used in summer months which is located waterward and to the north of the existing pier. The existing pier and buoys generally affect boat traffic, driving it waterward to avoid collision with these structures. Waterskiing and fishing must be conducted away from the pier and buoys to avoid injury to skiers or fouling of trolling lines. This impact will not be new, but ongoing. The reconstruction of this pier would not create any new or additional impacts to traffic circulation in this area.

M.6. Hazards.

The pier to be reconstructed exists in Lake Tahoe and will not pose a hazard to motor vehicles, pedestrians or bicyclists.

N.1-6. Public Services.

The project involves demolition and reconstruction of an existing private pier. This structure will not create a new impact on public services including fire and police protection, school and park facilities, road maintenance or other public services. No significant impacts will occur.

O.1. Energy Use.

The continued use of the existing pier would not require the use of energy for navigational aids. Fuel and electricity will be required for construction. Once construction is complete there will be no further impacts on energy use.

O.2. New Energy.

The pier and stairs would not require the use of energy once construction is complete. There will be no impacts on future energy needs.

P.1-6. Utilities.

Reconstruction of the existing pier and stairs will not create an impact on utilities services including power, water, sewerage and waste or communications. No impact will occur.

Q.1-2. Health Hazards.

The pier and stairs will be constructed with steel pilings, steel and wood framing and wood decking. These materials will not pose a health hazard or potential health hazard to humans.

R.1. Views.

The pier and stairs will be reconstructed at the same site as the existing facility to be removed. The presence of the existing pier and buoys currently create an impact upon views from shore. This project will not create a new impact upon the present view status, but will continue to contribute to an existing condition with the existing pier and buoys.

S.1. Recreation.

The reconstruction of this existing pier with no new modifications would not create a new impact upon recreation in this area.

T.1-4. Historic Ethnic Sites.

The pier is located waterward of the lake shore. There are no known archaeological or ethnic sites in this location. No impact is anticipated.

U.1. Degradation.

The proposed reconstruction and continued use of the existing pier and stairs would not create new significant impacts which would degrade the environmental quality of the project site.

U.2. Environmental Goals.

The impacts created by the pier and stair reconstruction would be insignificant as a result of the incorporation of project modifications such as: accessing the site from the lake side for pile driving activity; placing tarps or small boats under the construction area to prevent debris from falling into the lake; using caissons or steel sleeves to prevent turbidity during pile driving activity; and constructing the project during the non-fish spawning season. There would be no new impacts from the continued use of the pier. Its continued presence among other existing facilities would not adversely affect current environmental goals.

U.3. Cumulative Impacts.

The proposed pier reconstruction is located in the vicinity of other existing piers and buoys. The proposed reconstruction of this existing pier would not create any significant impacts.

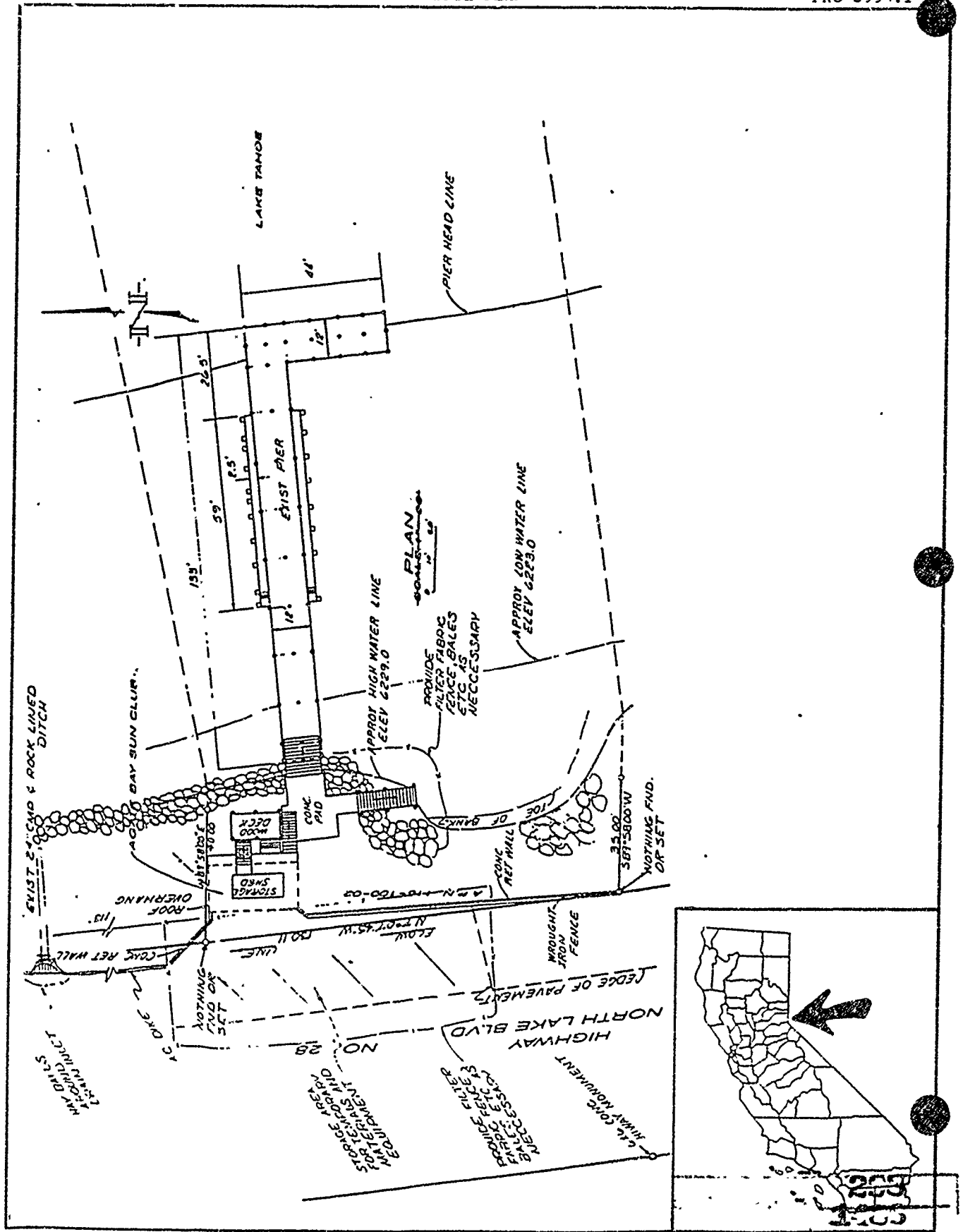
U.4. Adverse Impacts.

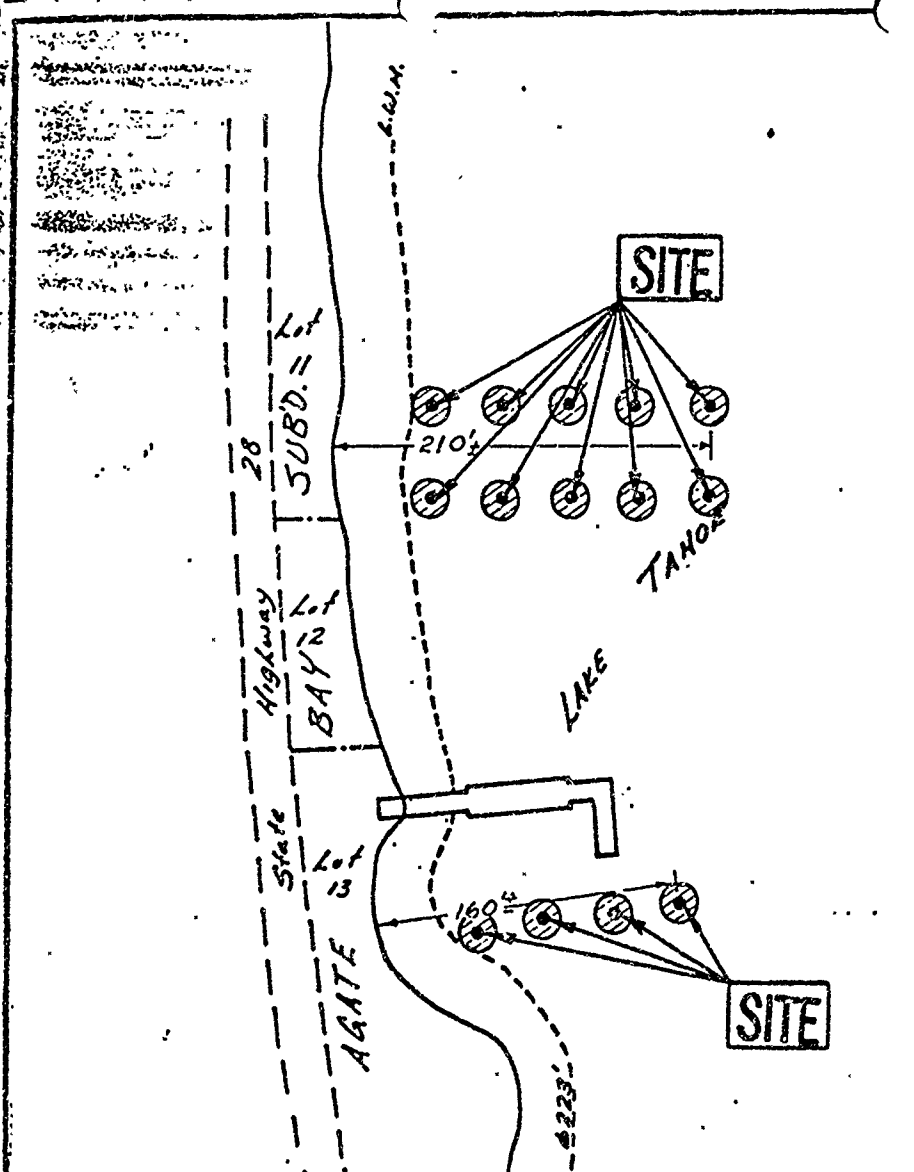
The pier reconstruction would not produce any significant adverse effects to human beings or the environment as discussed in the environmental issue areas above.


EXHIBIT "A"

SITE PLAN

PRC 3994.1





~ LEGEND ~
 USE AREAS

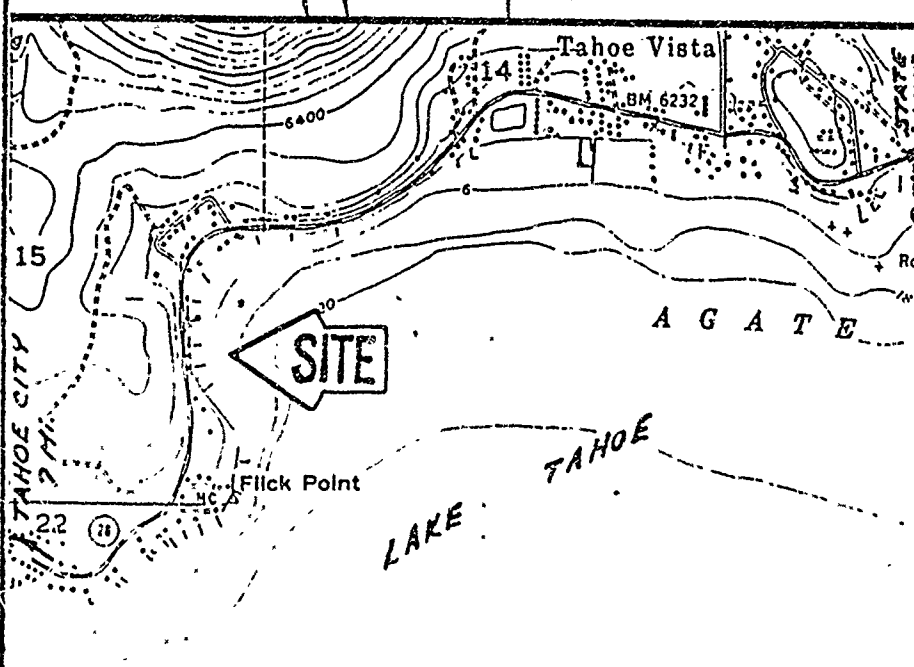


EXHIBIT A-1 209
 PRC 3994 1007

EXHIBIT "B"
INTERIM MANAGEMENT PROGRAM
FOR Roxippa subumbellata Roll.
(TAHOE YELLOW CRESS)

An interim management plan has been developed to eliminate the impacts caused by the construction of piers and appurtenant facilities along the shoreline of Lake Tahoe and to protect Roxippa subumbellata Roll. and its habitat from degradation. This interim plan will function until the final management plan is completed. This interim plan has the following elements: 1) the minimization of the area disturbed due to construction and access to and from the pier; and 2) conservation measures for the species along the shoreline of Lake Tahoe. These interim guidelines apply to any pier project which will disturb the Lake Tahoe shoreline between the elevations 6220' and 6232' LTD.

Construction and Access Guidelines

Construction of new piers, pier extensions, pier replacements, and pier modifications shall be governed by the following guidelines:

- 1) All construction activities shall be conducted from the water side of the pier. The area of disturbance of the lake bottom and shoreline shall be no greater than the footprint of the pier. Construction disturbance caused by the construction vehicle shall be limited to the area where the pier sets or an space of similar size directly adjacent to the pier. In no case shall the space disturbed be greater than that which the pier occupies or will occupy.
- 2) In areas having a cobble or sandy-cobble backshore, the beach and offshore substrate compacted by contact of the substrate with construction equipment shall be rolled to level the depressions created by the tracks of the construction vehicle. Any remaining compacted soils shall be loosened with pronged hand tools to reduce the compaction and then filled with comparable small cobbles taken from the backshore. These cobbles must be taken from the backshore without damaging the habitat or the species.
- 3) No equipment or materials shall be located or stored between elevation 6220' and 6232' LTD.
- 4) No construction activity at the site shall begin or proceed without the presence of the State Lands Commission mitigation monitor on site. The project applicant shall notify the designated mitigation monitor at least 14 days prior to when construction will commence.

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- 5) Only one pedestrian path shall be allowed between the upland residence and the pier. Such path shall be bordered by native vegetation similar to willow, service berry, or manzanita. Prior to construction of the pedestrian path, a plan shall be submitted to the State Lands Commission showing the location of the path, the proposed vegetation planting, and the type of vegetation proposed as screening.
- 6) All existing individuals and colonies of *Rorippa subumbellata* on the project applicant's property shall be fenced to prevent damage during construction.

Conservation Guidelines

All applicants for projects which may impact the habitat or potential habitat of *Rorippa subumbellata* Roll. shall participate in the final conservation and management program set forth in the Management and Enhancement Plan for *Rorippa subumbellata*. For these interim guidelines the following shall be provided at the time of application:

- 1) The project applicant shall submit a report describing the soils and vegetation on the applicants property. The report shall emphasize the area located between elevations 6232' and 6223' LTD. Such report shall describe the texture and composition of the soil, the slope, and the existing vegetation types and their condition. Such report shall be submitted with a plan view map of the area at a scale of 1":10' and photographs of the mapped area.

Other

The project applicant shall be required to provide the State Lands Commission with a letter of credit to insure the compliance with all mitigation measures. The amount of the required letter of credit shall be established at the time of project approval. In the event that the mitigation measures and the conditions are not complied with as determined by the Commission's mitigation monitor, the letter of credit may be forfeited after a hearing before the State Lands Commission. Money forfeited by project applicants shall be used to remedy the impacts of the project and to conserve *Rorippa subumbellata*.

The project applicant shall also reimburse the State Lands Commission for all costs incurred by the State Lands Commission to monitor and enforce these and other requirements imposed on the project as provided by Section 21080.6 of the California Public Resources Code.

EXHIBIT "F"

MONITORING PROGRAM
AGATE BAY PROPERTIES, INC.
PIER RECONSTRUCTION
SCH 92022064

1. Impact: The proposed project may impact water quality during the reconstruction activity.

Project Modifications:

- a. Caissons or steel sleeves will be used during the driving of steel piling;
- b. Tarps or small boats will be placed under the pier decking to prevent debris from entering the lake waters.

Monitoring:

The staff of the State Lands Commission, or its designated representative, will periodically monitor the construction site to verify that the project modifications are being implemented.

2. Impact: The proposed project may affect a State-listed endangered plant, Rorippa subumbellata, Roll., as the project site contains suitable habitat.

Project Modification:

The applicant has incorporated the Interim Management Program guidelines, attached to the Proposed Negative Declaration as Exhibit "B", to avoid significant impacts to the plant, Rorippa subumbellata, Roll.

Monitoring:

The staff of the State Lands Commission, or its designated representative will monitor the project site before, during and after construction operations to ensure project modifications are being implemented.

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3. Impact: The proposed project is located in a designated fish spawning habitat area per TRPA Prime Fish Habitat maps and may affect fish spawning habitat.

Project Modification:

The applicant proposed to construct the project during the non-spawning season, or as indicated by the Department of Fish and Game through issuance of its Streambed Alteration Agreement.

Monitoring:

The staff of the State Lands Commission, or its designated representative, will monitor the construction activity to ensure that the project will not take place during the fish spawning season identified for the project location.

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