

MINUTE ITEM

This Calendar Item No. C05
was approved as Minute Item
No. 05 by the State Lands
Commission by a vote of 3
to 0 at its 4-28-93
meeting.

CALENDAR ITEM

C05

A 4
S 1

04/28/93
PRC 3294
Gordon

APPROVE A RECREATIONAL PIER PERMIT

APPLICANT:

Susie-Jane Dwyer, aka Susie-Jane Guittard
3746 Jackson Street
San Francisco, California 94118

AREA, TYPE LAND AND LOCATION:

Three parcels of submerged land located in Agate Bay, Lake
Tahoe, Placer County.

LAND USE:

Reconstruction and maintenance of one existing
pier/boathouse and maintenance of two existing mooring
buoys, all utilized for boat mooring purposes.

PROPOSED PERMIT TERMS:

Initial period:
Five (5) years beginning February 25, 1993.

CONSIDERATION:

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

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fees and estimated 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:

07/11/93

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OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be \$804.30.
2. 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 610, State Clearinghouse No. 93012058. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

A letter of comment dated February 19, 1993 was received from the Department of the Army, U. S. Army Engineer District Corps of Engineers (Corps) which indicated that they had not received an application for the proposed activity. In addition, the Corps letter indicated that the buoy spacing, as proposed, did not meet their placement standards. The applicant has submitted a minor revision of the buoy spacing which incorporates the Corps placement standards. The revision is included in Calendar Item Exhibit A Site Map. The analysis contained within the Initial Study in the attached proposed Negative Declaration remains adequate for the purposes of satisfying the California Environmental Quality Act.

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

3. A report has been prepared which discusses the soils and vegetation existing on the Applicant's property between the elevations 6,232 feet and 6,223 feet LTD. The report concludes that the project site does not contain and is not suitable habitat for Rorippa Subumbellata, Roll. Staff of the State Lands Commission has reviewed the document and agrees with the conclusions. On the basis of its review of the proposed project, the Department of Fish and Game has issued an informal opinion of "no jeopardy" to the plant species.
4. Commission staff will monitor the construction

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activities of the proposed project in accordance with the provisions set forth in the Proposed Negative Declaration and Monitoring Program.

5. The proposed permit will replace applicant's current Recreation Pier Permit which would have expired November 20, 1994. This is an application to reconstruct/repair the pier/boathouse facility and bring the two existing unauthorized mooring buoys under permit.
6. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this lease is automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof. If the location, size, or number of any structure hereby authorized is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Permittee shall request the consent of the State to make such alteration.
7. All permits issued at Lake Tahoe include specific language in which the permittee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
8. The Applicant has been notified that the public has a right to pass along the shoreline and the permittee must provide a reasonable means for public passage along the shorezone area occupied by the permitted structure.
9. In order to determine the potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, California Department of Fish and Game, County of Placer, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on the trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area, or which would be inconsistent

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with applicant's facilities. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.

10. 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.
11. The issuance of this permit supersedes any prior authorization by the State Lands Commission at this location.

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, State Lands Commission

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Local Government Comment
- D. Negative Declaration/Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 610, STATE CLEARINGHOUSE NO. 93012058, 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. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE

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CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO
P.R.C. 6370, ET SEQ.

5. AUTHORIZE ISSUANCE TO SUSIE-JANE DWYER, AKA SUSIE-JANE GUITTARD, OF A FIVE-YEAR RECREATIONAL PIER PERMIT BEGINNING FEBRUARY 25, 1993; FOR THE RECONSTRUCTION AND MAINTENANCE OF ONE EXISTING PIER/BOATHOUSE AND MAINTENANCE OF TWO EXISTING MOORING BUOYS, ALL UTILIZED FOR BOAT MOORING PURPOSES ON THE LAND DESCRIBED AND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
6. FIND THAT THE ISSUANCE OF THIS PERMIT SUPERSEDES ANY PRIOR AUTHORIZATION BY THE STATE LANDS COMMISSION AT THIS SITE.

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EXHIBIT "A"

PRC 3294

LAND DESCRIPTION

Three parcels of land in Lake Tahoe, Placer County, State of California, more particularly described as follows:

PARCEL 1 - Pier

A parcel of land lying immediately beneath a pier and boathouse, TOGETHER WITH the necessary use area extending 10 feet beyond its extremities, said structures lying adjacent to and easterly of that land described in that certain deed recorded September 18, 1964 in Volume 1033, page 96, in the Official Records of Placer County.

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

PARCELS 2&3 - Buoys

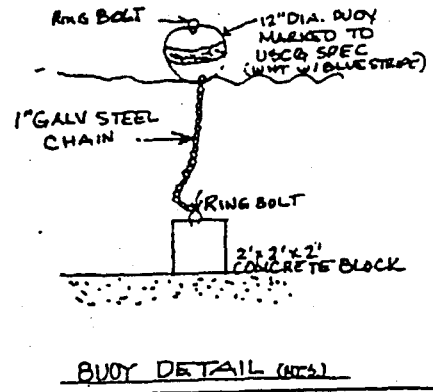
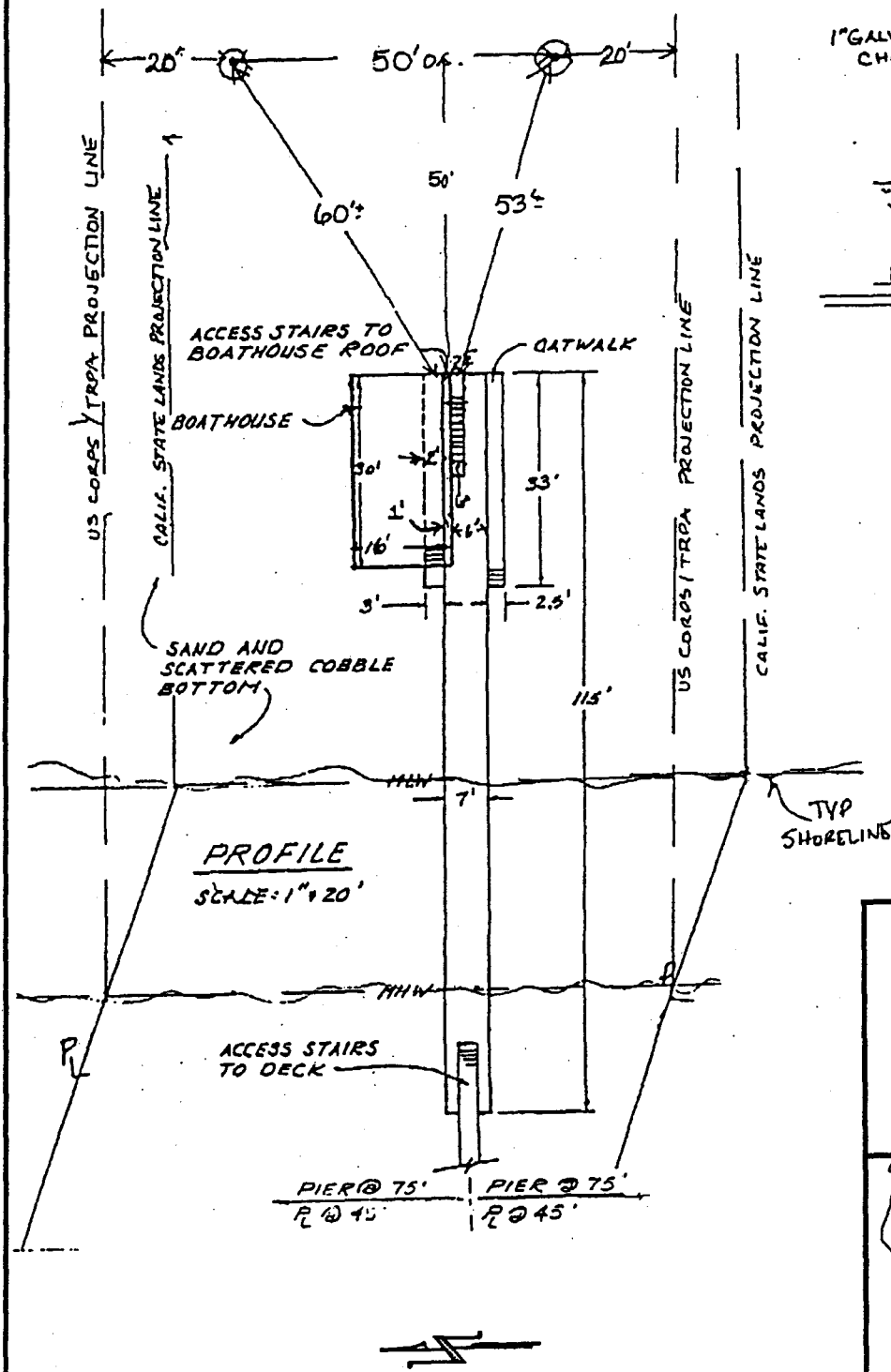
Two circular parcels of land, each having a diameter of 40 feet, said parcels lying easterly of the abovementioned structures.

END OF DESCRIPTION

PREPARED OCTOBER, 1992 BY R.L.N.C.

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LAKE TAHOE



PROFILE
SCALE: 1" = 20'

NO SCALE

EXHIBIT "A"
Site Map
PRC 3294
APN 116 - 100 - 05
Lake Tahoe
PLACER COUNTY
Sheet 2 of 2 Sheets



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

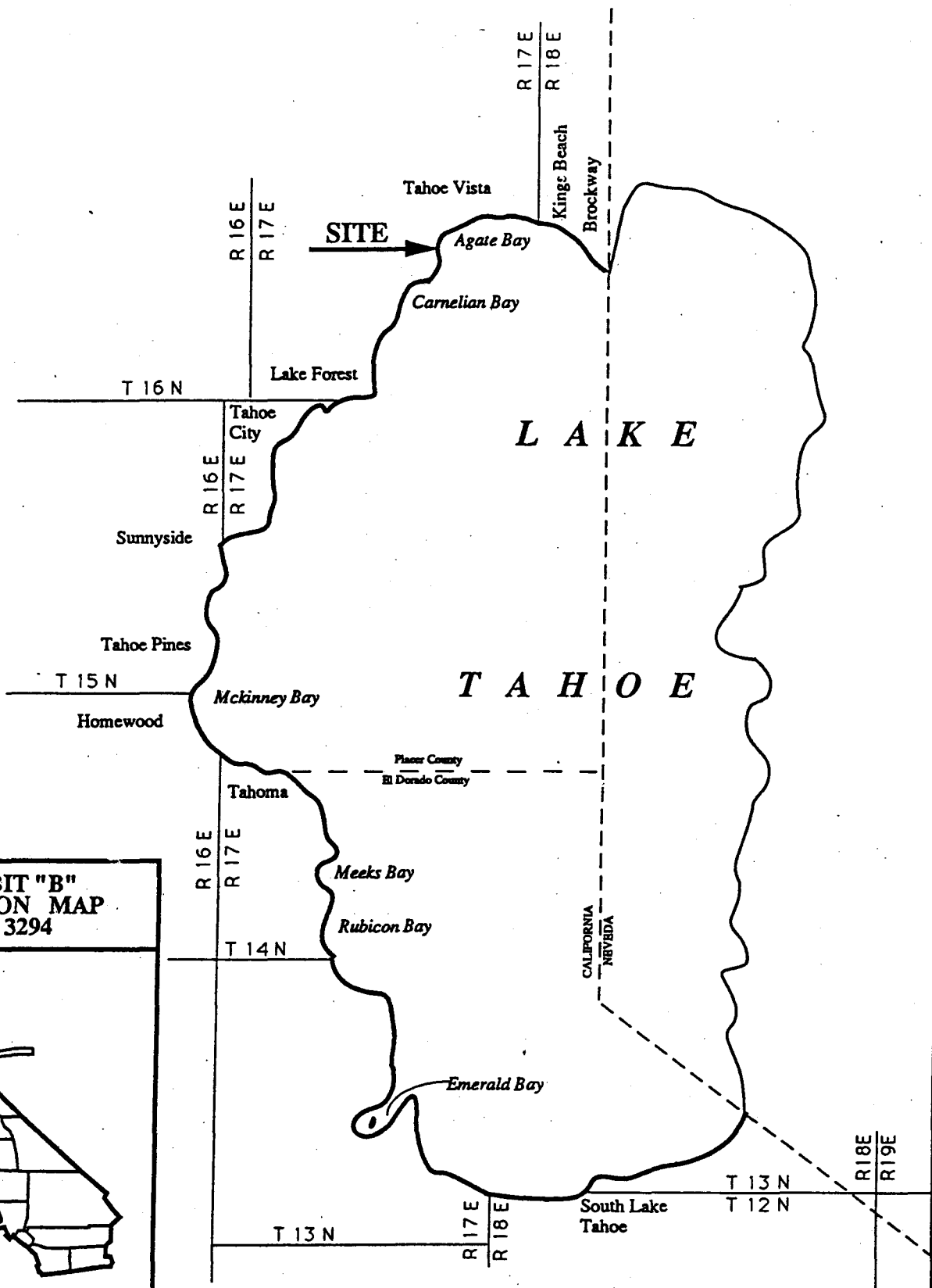


EXHIBIT "B"
LOCATION MAP
PRC 3294



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RECEIVED
OCT 16 1990

PLACER COUNTY
DEPT. OF PUBLIC WORKS

Date October 15, 1990

File Ref: PRC 3294

Ms. Judy Ludlow
California State Lands Commission
1807 13th Street
Sacramento, California 95814

Subject: Building Permit for Pier

Name: Susie Jane Dwyer, c/o Gary Guittard

Address 3746 Jackson Street

San Francisco, CA 94118

Placer County Assessor's Parcel No. 116-100-05

Upland Address: 5660 North Lake Boulevard

Dear Ms. Ludlow:

The County of Placer has received notice of the above-referenced project in Lake Tahoe and has no objection to the pier repair/ construction or to the issuance of the State Lands Commission's permit.

If you have any questions, you may reach me at (916) 889-7584

Sincerely,

Jan Christian
JAN CHRISTIAN
Associate Civil Engineer

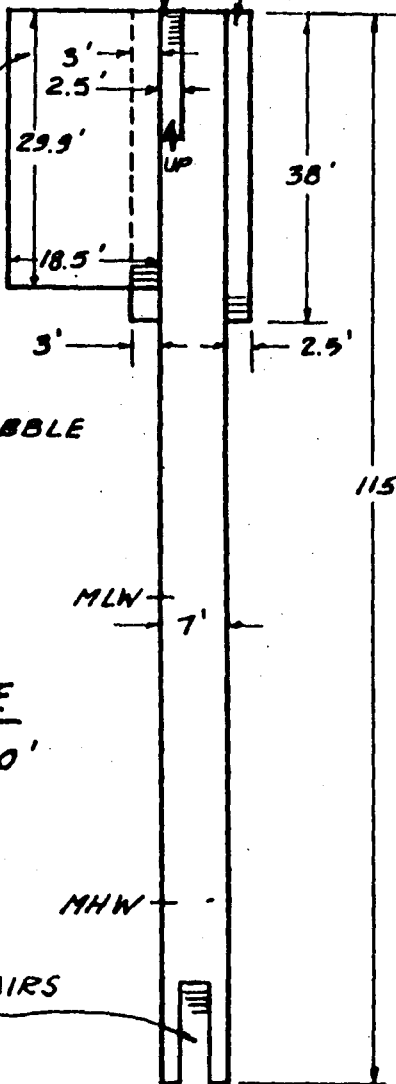
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ACCESS STAIRS TO BOATHOUSE ROOF

CATWALK

BOATHOUSE

BOTTOM EL. 6220.1
CATWALK EL. 6228.7
DECK EL. 6230.9



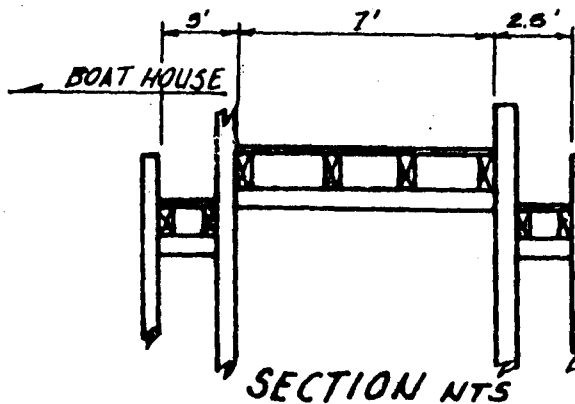
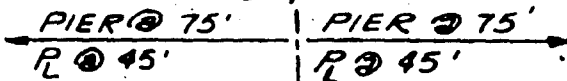
SAND AND SCATTERED COBBLE BOTTOM

PROFILE

SCALE: 1" = 20'

MHW

ACCESS STAIRS TO DECK



2x8 CEDAR DECK

4x10 JOISTS @ 24" O.C.

6" H-BEAM

10 3/4" STEEL PILES @ 15' O.C.

4 1/2" FENDER PILES ON CATWALKS @ 7.5' O.C.

SECTION NTS

PROJECT ADDRESS:

5660 NORTH LAKE BLVD.
A.P.N. 116-100-05

PLACER COUNTY, CALIF.

BRISCO ENTERPRISES (916) 583-6882

Post Office Box 7468
Tahoe City, California 95730

SCALE 1" = 20'

APPROVED BY JMB

DRAWN BY JMB

DATE AUG. 87

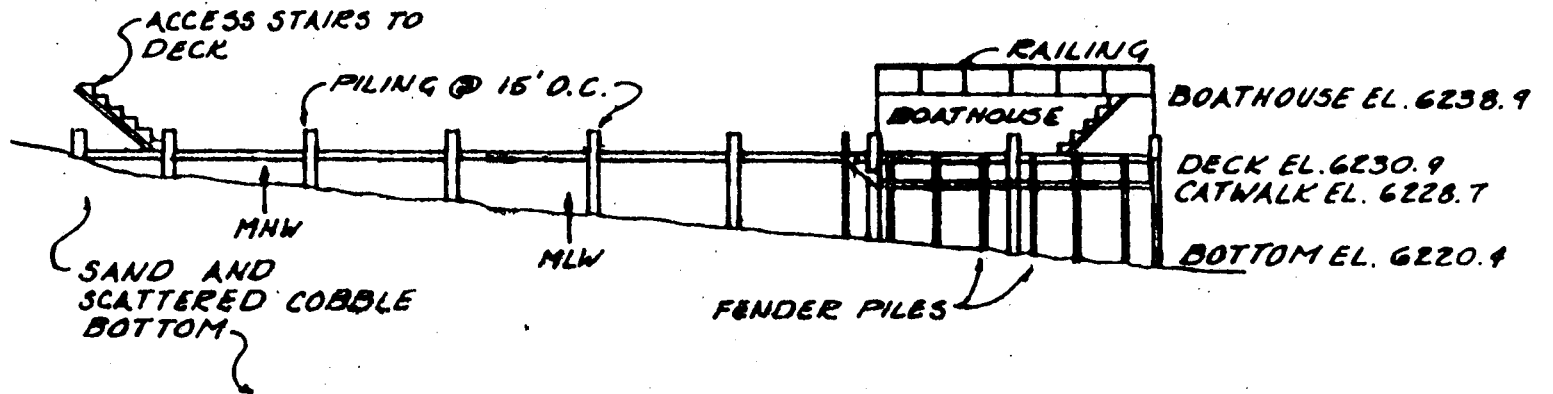
REVISED 12/87

DWYER PIER REPAIR

SHEET 1 OF 2

DRAWING NUMBER

7-108



PROFILE HORIZ. SCALE: 1" = 20'
VERT. SCALE: 1" = 20'

PROJECT ADDRESS:

5660 NORTH LAKE BLVD.
A.P.N. 116-100-05

PLACER COUNTY, CALIF.

BRISCO ENTERPRISES		(916)583-6882
Post Office Box 7468 Tahoe City, California 95730		
SCALE 1" = 20'	APPROVED BY JMB	DRAWN BY <i>[Signature]</i>
DATE AUG. 87		REVISED 12/87
DWYER PIER REPAIR		
SHEET 2 OF 2		DRAWING NUMBER 7-108

STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, CA 95814-7187
 CHARLES WARREN
 Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 3294
 ND 610
 SCH No. 93012058

Project Title: Dwyer Pier Reconstruction
 Proponent: Susie-Jane Dwyer
 Project Location: 5660 North Lake Blvd., Carnelian Bay, Lake Tahoe, Placer County.
 Project Description: Repair of an existing recreational pier and installation of two new mooring buoys.
 Contact Person: Goodyear K. Walker Telephone: 916/322-0530

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

Form 13.20 (7/82)

File Ref.: PRC 3294

I. BACKGROUND INFORMATION

A. Applicant: Susie-Jane Dwyer, aka Susie-Jane Guittard
5660 North Lake Blvd.
Carnelian Bay, CA

B. Checklist Date: 1 / 15 / 93

C. Contact Person: Goodyear K. Walker
Telephone: (916) 322-0530

D. Purpose: Recreational pier reconstruction permit

E. Location: Carnelian Bay, Lake Tahoe, Placer County

F. Description: Repair of an existing pier and installation of two new mooring buoys.

G. Persons Contacted: Jan Brisco, Brisco Enterprises (Agent)
Kathy Canfield, Tahoe Regional Planning Agency

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, erosion, and hazards.

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- | | 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"/> |

		Yes	Maybe	No
J.	Risk of Upset. Does the proposal result in:			
	1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?	<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?

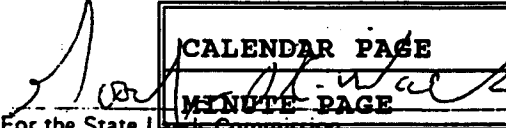
III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

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: 1 / 15 / 93



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 For the State Lands Commission

PROJECT DESCRIPTION

PROJECT NARRATIVE

PRC 3294 authorizes an existing multi-use pier and boathouse. The proposed project involves the authorization of the repair of the existing recreational pier and boathouse, and the addition of two mooring bouys. The repairs will consist of removal and replacement of all rotten wood pilings with steel pilings and H-beams, and replacement of the 2" X 6" cedar decking as necessary. The repair will be accomplished through use of a lark vessel, a floating barge with overinflated tires which allows it to leave the water and come up onto the beach. Access to the site will be completely from the water for both materials and equipment. No increase of coverage or modifications to the existing pier will occur.

The first stage of the construction will be to remove the old pilings. Access will be from the barge. Disturbance will be restricted to the footprint of the existing structure below the water level, and the footprint of the existing structure plus a ten foot wide construction zone on one side of the structure above the water level. The pilings will be removed by a clam-shell type attachment to the pile driver on the barge. The second phase will consist of driving the new steel piles in a double (paired) piling style spaced 15 ft. apart. The new pilings will be driven whenever possible into the old piling holes of the previous structure. If this is not possible, the new pilings will be driven as close to the old hole as structurally permissible. Pilings will be accessed from the barge or the existing structure. Both sides of the pier can be accessed by the pile driver from the construction zone. The materials generated by the demolition and materials for the reconstruction will be stored on the barge or on the existing structure.

The two new mooring bouys will be placed approximately 32 and 47 feet from the end of the pier. They will be approximately 90 feet from the nearest bouy to the north, and 75 feet from the nearest bouy to the south. Each of the bouys is attached to the upper end of a one inch chain of which the lower end is attached to a cast concrete anchor which rests on the lake bottom displacing about three square feet each. The mooring bouys and associated chains must be removed during the non-boating season, from October 15 to May 1, to allow anglers to fish additional areas previously occupied by bouys. Since these bouys postdate the adoption of the Shorezone Ordinance in May, 1976, they may have to be removed within two years.

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CONSTRUCTION METHOD

This project consists of the removal and replacement of the existing piling with 10-3/4'' diameter steel piling, with replacement of wood stringers by steel H-beams, and replacement of decking as necessary. In addition, two mooring bouys will be placed between 30 and 50 feet off the end of the pier.

Best practical control technology shall be employed to prevent earthen materials from being transported to adjacent lake waters. Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. There will be no storage of materials above the low water line of the subject property.

DESCRIPTION OF ENVIRONMENTAL SETTING

The proposed reconstruction project is located at 5660 North Lake Boulevard, Carnelian Bay, Placer County, California. These are private residences in the Agate Bay area. The present use of the area is private recreation. A pier and boat house presently exist on site. The shoreline at the project site is primarily rocky, with a few large boulders, with little or no habitat available for Tahoe Yellow Cress (Rorippa subumbellata). The site was surveyed on May 13th, 1991.

The site where the bouys will be moored on the lake bottom is shown as "clear" of fish habitat according to Department of Fish and Game maps of the area.

SITE DESCRIPTION

The Dwyer property and the two adjacent lots presently have piers. There is a back beach bank; the homes sit above the lake level on a small bluff. Although beach access is possible, using wooden steps down the bluff face, the use of the piers does not require any foot traffic between the elevation of 6232 ft. and 6223 ft.

SUBSTRATE AND TOPOGRAPHY

The substrate on the site consists of unsorted rock six to fifteen inches in diameter with occasional small boulders overlying a sand and silt base. The topography of the beach is a steady upslope from 6224 feet up to a steep back beach bank at 6232 feet. No back beach depressions or berms are present.

VEGETATION

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There is very little vegetation present on the Dwyer beach, which is a typical condition for the rocky shoreline areas around Lake Tahoe. Scattered in the back beach area are some seedlings of Incense Cedar (Calocedrus decurrens) and Mountain Alder (Alnus tenuifolia). A group of mature willows (Epilobium sp. and Salix sp.) border the back beach area. Some thistle (Cirsium sp.) was noted between the rocks on the forebeach. No Tahoe Yellow Cress was found on the project site or the two adjacent properties.

HABITAT EVALUATION

Tahoe Yellow Cress (Rorippa subumbellata Rollins) was first described by Reed C. Rollins in 1941 from a collection made at Meeks Bay in 1919 by A. A. Heller. It is endemic to the Tahoe Basin with the exception of a single collection made from Truckee, several miles to the north. It is a member of the mustard family (Brassicaceae), and is characterized by yellow flowers with four petals and six stamens. The preferred habitat for Rorippa has been described as a uniform granitic sand of medium grain size found in moist backshore areas and dry sandy soils on backshore bluffs. Rorippa has also been found in finer grain sand and some gravel to small cobble size substratum.

Known populations of Rorippa were observed prior to the Dwyer survey to confirm that it was the appropriate phenological time for proper taxonomic identification. At the time of the site visit, May 13th, known populations of Rorippa were in full flower. No observations of Rorippa were made on the project site or the two adjacent parcels to the North and South.

CONCLUSIONS

The proposed repair of the multiple use pier on the Dwyer property does not occur within known Rorippa habitat. No populations or individual plants were found at the site during the survey.

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DISCUSSION OF ENVIRONMENTAL EVALUATION
DWYER RECREATIONAL PIER REPAIR

PRC 3294

A. Earth

1. No. The pier reconstruction project is confined to the water surface or the existing structure and will not create any unstable conditions or change any geological structure.
2. No. This operation will not overcover or disturb any new areas.
3. No. This project will not create any changes in ground surface relief. There will not be any excavating.
4. No. The geology in the project area consists of glacial and alluvial deposits. The lake bed at the site is essentially flat and lacks unique features. The removal and driving of replacement piles for the pier will not change any geological or physical features.
5. No. This pier reconstruction project is simply repairing an existing structure and will have no effect on wind or water erosion on or off the site.
6. No. This project is a repair project confined to an existing structure which will not create any channel changes nor erosion of beach sands.
7. No. The reconstruction of the existing pier is not deep enough to induce any seismic instabilities or ground failures. No impacts are anticipated.

B. Air

1. No. The reconstructed pier will not affect the air quality.
2. No. The reconstructed pier will not create objectionable odors. However, during construction hours, there will be about a four week period when fumes from the diesel engine will be noticeable in the immediate vicinity of the project, but this is a short-term, temporary impact.
3. No. The reconstructed pier will not create any major changes in air movements, temperature, or climate, nor create any abnormal weather conditions.

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C. Water

1. No. The replaced piles supporting the pier are of a static nature and will not create any changes in existing water currents or movements. The bouy anchors are too small to create such changes.
2. No. The replaced pilings of the existing pier will not affect absorption rates, drainage patterns, etc. The area adjacent to the pier is normally submerged.
3. No. The repaired existing pier will not create any new effects upon flood waters.
4. No. The reconstructed pier will not affect the surface water volume of Lake Tahoe.
5. No. Mitigation measures required by the Tahoe Regional Planning Agency (TRPA) include the applicant's use of small boats and/or tarps placed under the reconstruction area as necessary to collect construction debris.
6. No. The geology of the project area is composed of glacial and alluvial deposits. The replacement of the existing pilings is a relatively shallow operation and should not affect ground water flows.
7. No. There will not be any changes to ground water quantity caused by the repaired pier.
8. No. The repaired existing pier will have no effect on public water supplies.
9. No. The repaired existing pier will not expose people or property to water-related hazards such as tidal waves or induced flooding.
10. No. There are no thermal springs in the vicinity. The project will not affect any thermal springs.

D. Plant Life

1. No. The pilings that are being replaced are on dry land, or very shallow water, due to the low lake levels. The construction will take place from the water, or from the existing structure.
2. No. There are no rare or endangered species on the property. In the report for Tahoe Yellow Cress (Rorippa subumbellata) habitat, no TYC was found on the project property or adjacent properties.
3. No. The pier reconstruction will not introduce new species to the area nor bar existing species from

becoming established.

4. No. There are no agriculture or aquaculture activities in this area; therefore, there will be no impacts.

E. Animal Life

1. No. The construction period will be approximately four weeks. Upon completion of the project, the indigenous fauna will re-occupy any voids created during the repair operation. The placement of the new bouy anchors will temporarily displace some benthic life, but they will also use the anchors as substrate within a very short time. The bouys will be removed from October 15 to May 1 of each year to allow trolling.
2. No. There have not been any rare or endangered animals reported within the project area.
3. No. The pier reconstruction will not introduce any new species to the area nor create a new barrier to animals.
4. No. The reconstruction project will not reduce the habitat area upon completion. The bouy anchors will eliminate a very small portion of the lake bottom available for some forms of benthic life, and will provide new habitat for other forms.

F. Noise

1. No. The repaired private recreational pier will not increase existing noise levels. There will be short term additional noises during the reconstruction period, but there will not be an increase in long term noise levels.
2. No. The repaired pier will not create any new severe noise levels; however, there will be a temporary period when the noise levels increase during the period of reconstruction. Upon completion of the project, the noise levels will assume normality. The construction personnel will be subjected to higher noise levels, but they wear hearing protective devices. The general public will not be exposed to this increased noise level because the private property between the project and Highway 28 will act as a buffer.

G. Light and Glare

1. No. The reconstructed pier will not result in the creation of new light or glare.

H. Land Use

1. No. The repair of the existing private recreational pier

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will not alter the present or planned use of the area. The existing pier serves a private residence and not the general public. There are presently piers and bouys on adjacent properties. This project will not substantially alter the land use in the area.

I. Natural Resources

1. No. The continued seasonal recreational use of this private pier by the owners of the property and their family will not create any new effects upon the use rate of any natural resource.
2. No. The seasonal use of this private recreational pier will not create any changes which could deplete any nonrenewable resource.

J. Risk of Upset

1. No. The project involves the dismantling and reconstruction of an existing pier. The barge being used is diesel operated which reduces the risk of explosion. Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. The past limited seasonal use of this and adjacent private family recreational piers have not demonstrated a risk of releasing hazardous substances, creating upset conditions, or explosions in the Lake Tahoe Basin.
2. No. The seasonal use of the existing private recreational pier does not interfere with any emergency response or evacuation plan.

K. Population

1. No. The seasonal use of the existing family recreational pier will not alter the population in the lake basin.

L. Housing

1. No. This existing private recreational pier will not create any demand for additional housing.

M. Transportation/Circulation

1. No. This is a private residence and the pier is for the benefit of the property owners and not the general public. There are no facilities being added to attract more people. The use of this private residence will not be changed by this project nor will there be any substantial increase in vehicle movement created by this project. The bouys and pier will not interfere with

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existing boat traffic in the area, due to the spacing and location of the facilities.

2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.
5. No. See #1 above.
6. No. See #1 above.

N. Public Services

1. No. This is a private residence and the repaired pier will not create any additional use or increase of use by the general public. This project will not create any new demands on government agencies and services such as fire, police protection, parks and recreation, road maintenance, etc.
2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.
5. No. See #1 above.
6. No. See #1 above.

O. Energy

1. No. This pier repair project will not have any affect on additional energy consumption.
2. No. See #1 above.

P. Utilities

1. No. The reconstruction of the private recreational pier will not create any changes in utilities or utility usage. There will be no additions to the existing facilities which will significantly affect the current uses of power, communications, water, septic tanks, storm water drainage, or solid waste disposal.
2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.

5. No. See #1 above.

6. No. See #1 above.

Q. Human Health

1. No. This repaired private recreational pier will not create any new health hazards to humans.

2. No. The repaired private recreational pier will not expose people to any new potential health hazards.

R. Aesthetics

1. No. The Dwyer recreational pier is an existing facility. The only new facilities being added are the two proposed mooring bouys. The reconstruction of the pier will not be a distraction from the aesthetics of this residential recreational area consisting of homes, piers, buoys and boats.

S. Recreation

1. No. The repair of this private recreational pier will have no effect on public recreation in the area.

T. Cultural Resources

1. No. There are no identified cultural, ethnic, religious, or sacred uses pertinent to this project area.

2. No. See No.# 1 above.

3. No. See No.# 1 above.

4. No. See No.# 1 above.

U. Mandatory Findings of Significance

1. No. The pier is only to be repaired. There will be about a four week period during reconstruction when the immediate project site will experience increased noise and the presence of the barge.

2. No. There will be a short term, approximately four weeks, minor disruption of the environment in the immediate vicinity of the pier being repaired.

3. No. The Dwyer private family recreational pier is an existing facility. The pier repair project does not add or create impacts which could be seen to be significant in a cumulative sense. The addition of two mooring bouys does not create a significant cumulative impact.

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4. No. This private pier reconstruction project and addition of mooring bouys will not create any new environmental effects which could create a significant adverse effect on human beings.

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EXHIBIT "C "
MONITORING PROGRAM
FOR THE DWYER PIER RECONSTRUCTION

1. Impact: The proposed project may have the possibility of an upset or spill of construction materials or debris.

Project Modification:

- a) Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris; and,
- b) Waste materials will be collected onto the barge or dumpsters for disposal at an approved landfill site.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will periodically monitor the pier reconstruction project during the placement of the pilings.

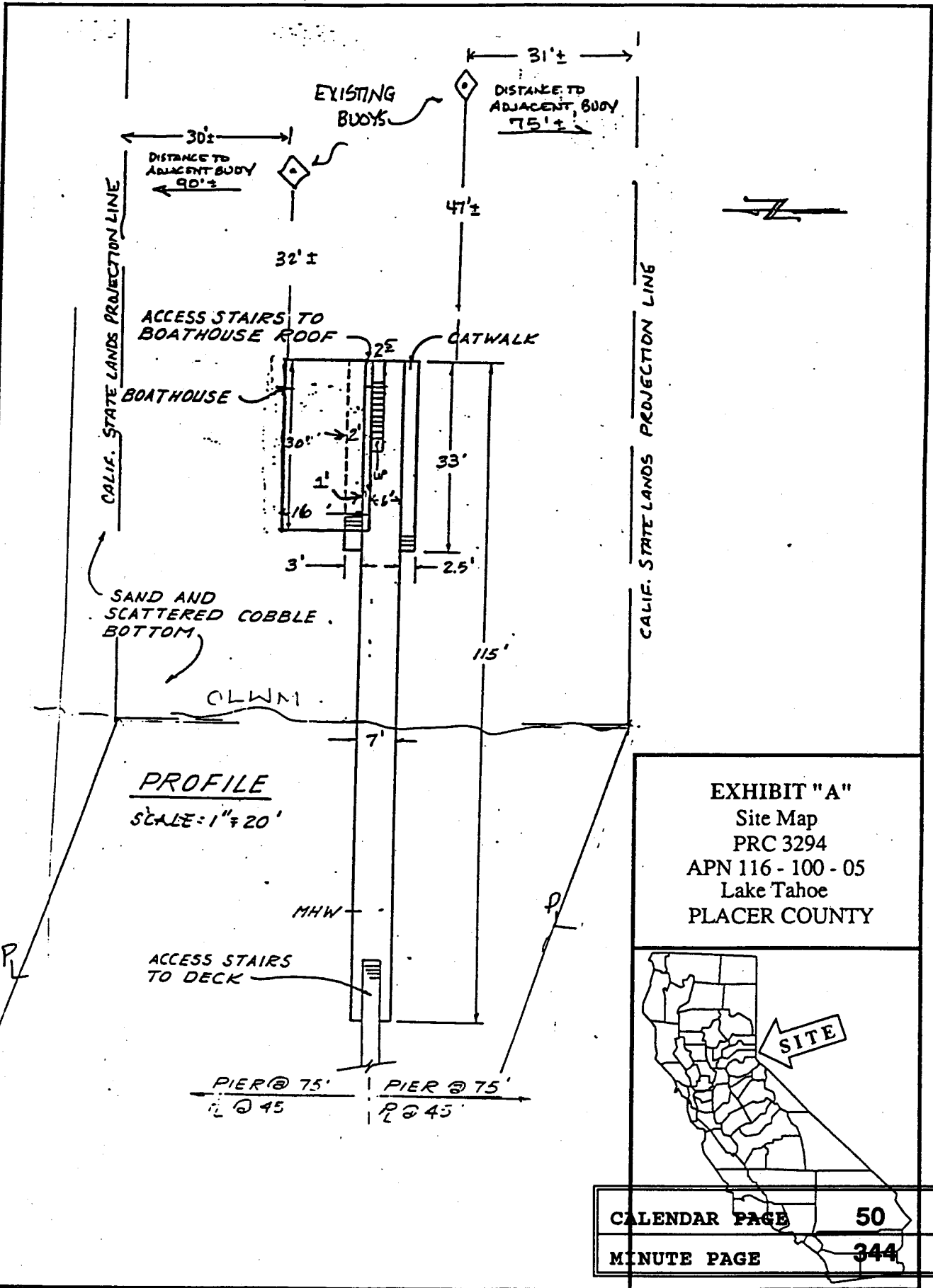
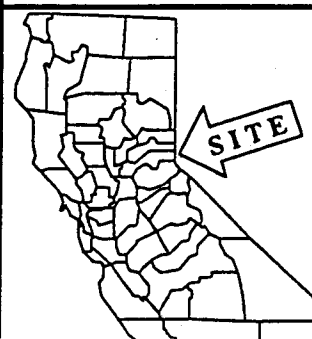


EXHIBIT "A"
 Site Map
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 Lake Tahoe
 PLACER COUNTY



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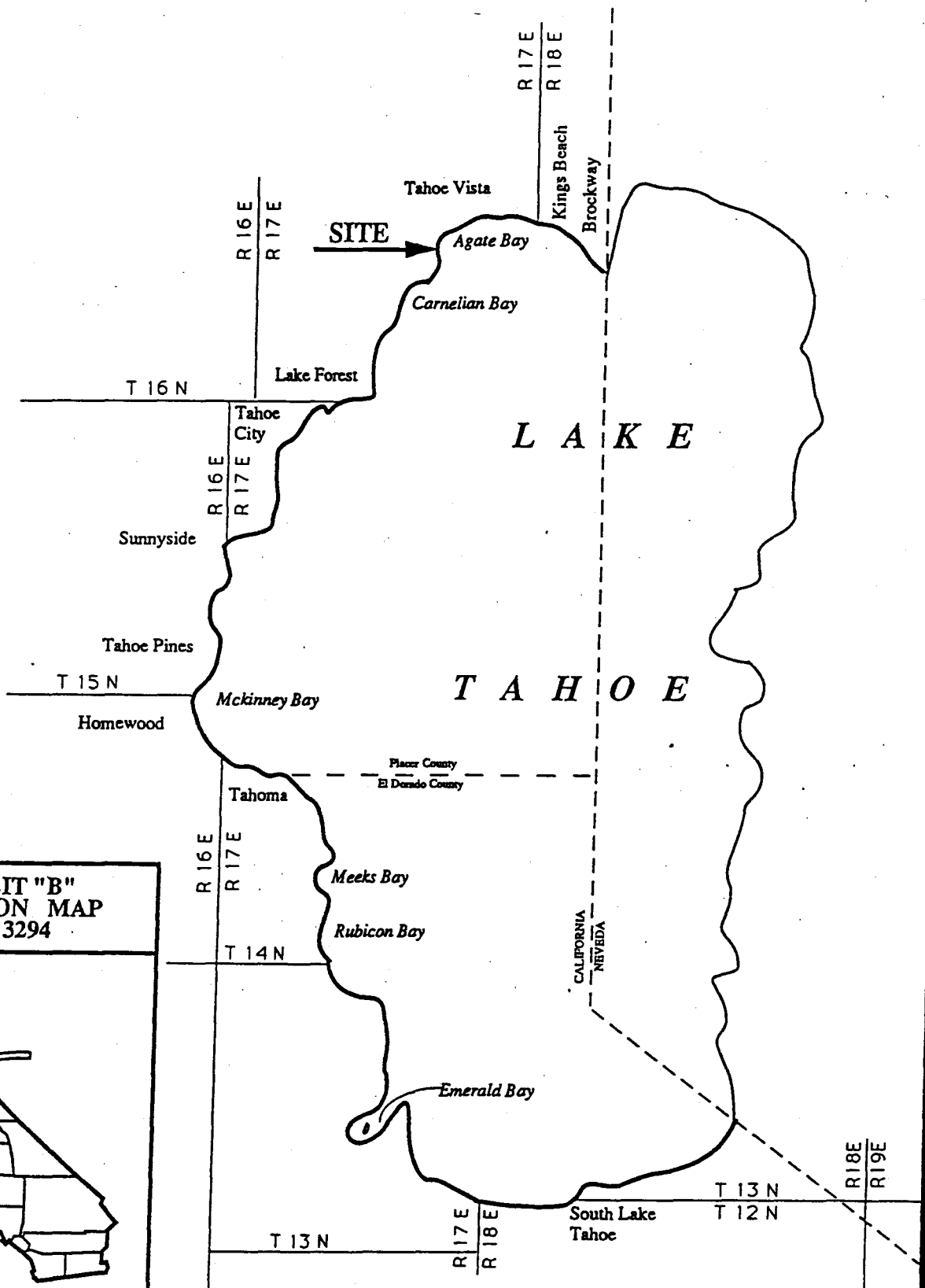


EXHIBIT "B"
LOCATION MAP
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