

MINUTE ITEM  
This Calendar Item No. C21  
was approved as Minute Item  
No. 21 by the State Lands  
Commission by a vote of 3  
to 0 at its 11-9-93  
meeting.

CALENDAR ITEM

C21

A 4  
S 1

11/09/93  
PRC 6715  
J. Ludlow

APPROVE A RECREATIONAL PIER PERMIT

APPLICANT:

T. Gary Rogers, Kathleen Tuck Rogers, Trustees, and  
Victoria F. Leonard  
290 Whiskey Hill Road  
Woodside, California 94062

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in the bed of Lake Tahoe  
at near Sunnyside, Placer County

LAND USE:

Reconstruction of a rock crib portion of an existing pier,  
removal of an existing marine railway, and retention of  
three existing previously unauthorized mooring buoys.

TERMS OF PROPOSED LEASE:

Initial period:  
Five years beginning November 9, 1993

CONSIDERATION:

Rent-free pursuant to Section 6503.5 of the P.R.C.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003

APPLICANT STATUS:

Applicants are owners of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, processing fee, and environmental fees have been  
received.

STATUTORY AND OTHER REFERENCES:

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

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AB 884:

01/26/94

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 629, State Clearinghouse No. 93082093. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

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

2. A Mitigation Monitoring Plan has been prepared in conformance with the provisions of the CEQA (Section 21081.6, P.R.C.) and is attached as Exhibit B.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
4. The applicants propose to repair the rock crib portion of an existing recreational pier which is part open piling and part rock cribbing. The applicants also propose to retain three existing mooring buoys and remove an abandoned marine railway at the site.
5. The existing rock crib wood pilings will be replaced with steel piles and repair or replacement of the floating catwalks and electrical service. No work will be performed on the open pile portion of the pier, other than deck replacement where necessary. Removal and reconstruction of the piers will be accomplished by a rubber-tire barge with a pile driver. Access to the construction site will be by barge with a pile driver.

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6. No materials will be stored or placed, nor will any activity associated with the construction or maintenance of the project, be conducted above the low water line (elevation 6223 feet, Lake Tahoe Datum) of the subject property. This procedure will prevent any disturbance to the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
7. The permit includes specific provisions by which the Permittee agrees to protect and replace or restore, if required, the *Rorippa* habitat.
8. The subject property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
9. This permit is conditioned on Permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance. If any structure authorized by the permit is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone Ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this permit 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.

10. The Permit is conditioned on the public's right of access along the shorezone below the high water line (Elevation 6,228.75 feet, Lake Tahoe Datum), pursuant to the holding in State v. Superior Court (Fogerty), 2 Cal. 3d 240 (1981), and provides that the Permittee must provide a reasonable means for public passage along the shorezone, including, but not limited to, the area occupied by the authorized improvements.

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11. Staff has determined that the Department of Fish and Game fee, dictated by Section 711.4 of the Fish and Game Code, is applicable to the project as presented herein.

**APPROVALS OBTAINED:**

Tahoe Regional Planning Agency, Placer County Letter of No Objection

**FURTHER APPROVALS REQUIRED:**

United States Army Corps of Engineers, State Lands Commission, Lahontan Regional Water Quality Control Board.

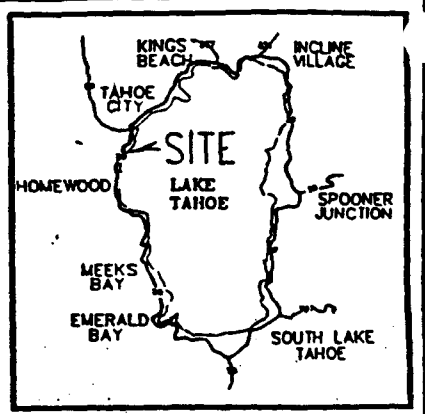
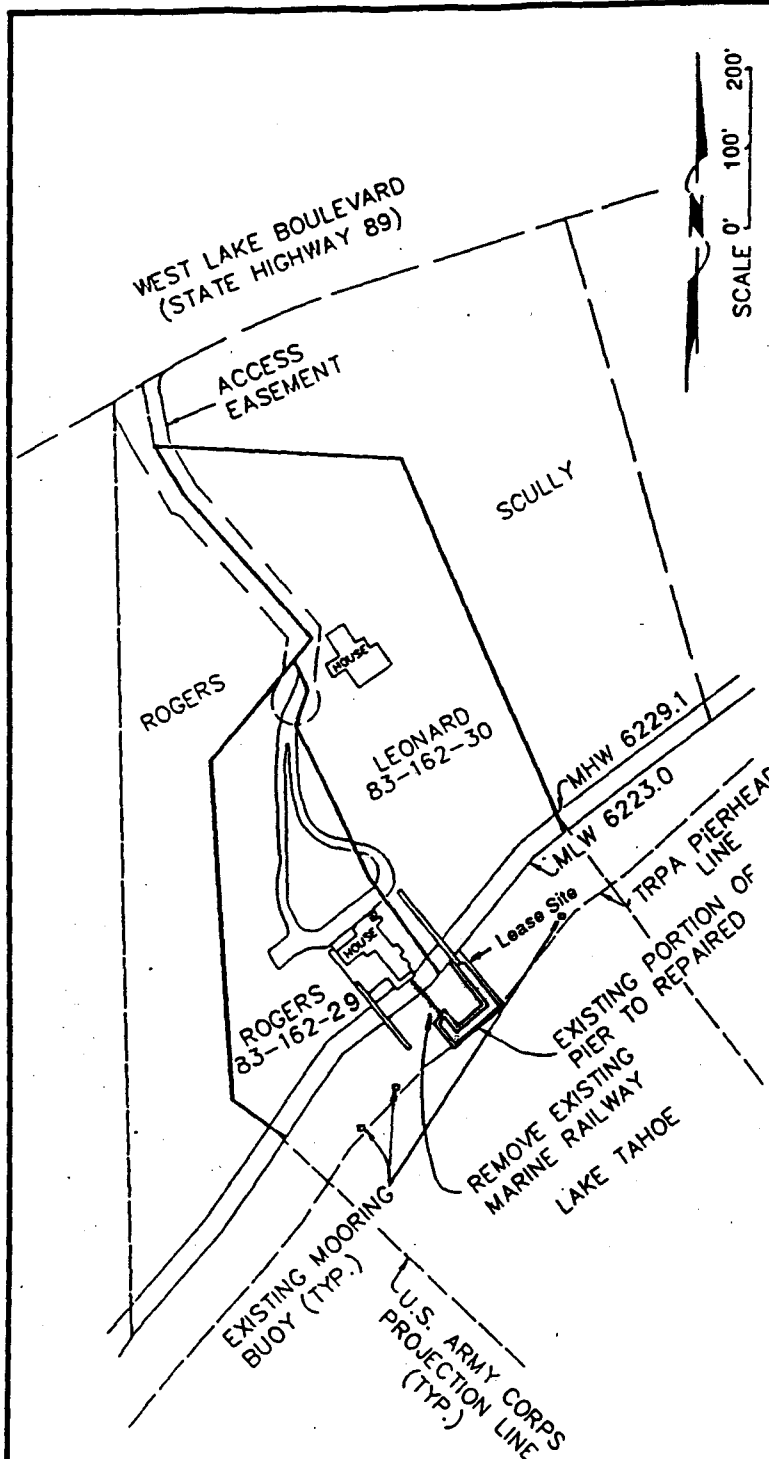
**EXHIBITS:**

- A: Exhibit and Location Map
- B: Negative Declaration/Monitoring Program

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 629 STATE CLEARING HOUSE NO. 93082093, 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 WITHIN EXHIBIT "B", ATTACHED HERETO.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
5. AUTHORIZE ISSUANCE TO T. GARY ROGERS, KATHLEEN TUCK ROGERS, TRUSTEES, AND VICTORIA F. LEONARD, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING NOVEMBER 9, 1993, FOR THE PARTIAL RECONSTRUCTION OF THE ROCK CRIB SECTION OF AN EXISTING RECREATIONAL PIER, REMOVAL OF AN EXISTING ABANDONED MARINE RAILWAY AND THE RETENTION OF THREE MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

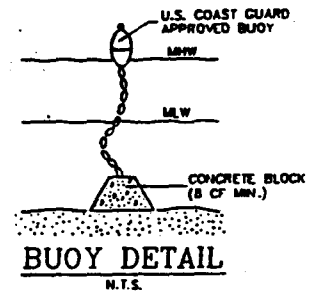
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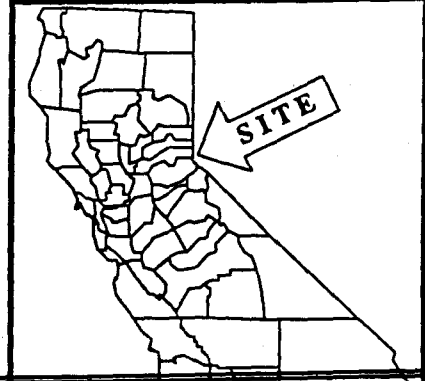
LOCATION MAP

**NOTE:**

THE PIER REPAIR WORK IS LIMITED TO THE PORTION OF THE PIER LOCATED LAKEWARD OF THE LOW WATER MARK OF LAKE TAHOE. NO PIER WORK NOR STORAGE OF MATERIALS WILL OCCUR LANDWARD OF THE LOW WATER MARK.



**EXHIBIT "A"**  
 PRC 6715  
 APN 83- 162 - 29,30  
 LAKE TAHOE  
 PLACER COUNTY  
 Sheet 1 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.

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EXHIBIT "B"

STATE OF CALIFORNIA

PETE WILSON, Governor

**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

August 24, 1993  
File: PRC 6715  
ND 629

**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 September 23, 1993.

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

*Judy Brown*

JUDY BROWN  
Division of Environmental  
Planning and Management

(LW)

Attachment

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**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 6715  
 ND 629  
 SCH No. 93082093

Project Title: Rogers/Leonard Pier Repair, Mooring Buoys

Project Proponent: T. Gary Rogers/Victoria Leonard

Project Location: Lake Tahoe, APN: 83-162-29, 1370/1380 West Lake Blvd.,  
 Sunnyside, Placer County.

Project Description: Repair the rock cribbing portion of an existing private recreational pier. Remove an existing marine railway in the shorezone. Retain three existing mooring buoys. The project will be accessed from the lake by an amphibious lark vessel with a pile driver. Work would be performed between July 1 - September 15 or as authorized by TRPA and CDFG. No pier expansion is proposed. Mooring buoys would be retained for seasonal use. Mooring floats and chains would be removed between October 15 - May 1 annually.

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

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

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

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

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

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**I. BACKGROUND INFORMATION**

A. Applicant: Rogers/Leonard

C/O Vail Engineering Corp.

PO Box 879

Tahoe City CA 96145

B. Checklist Date: 08 / 16 / 93

C. Contact Person: Judy Brown

Telephone: ( 916 ) 324-4715

D. Purpose: To repair rockcribbing of an existing private recreational pier; remove an existing marine railway; retain three existing mooring buoys.

E. Location: Lake Tahoe, 1370/1380 West Lake Blvd, Sunnyside, APN: 83-162-29, Placer County

F. Description: Repair piling and cribbing support structure; remove existing marine railway; retain three mooring buoys seasonally.

G. Persons Contacted: \_\_\_\_\_

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

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

	Yes	Maybe	No
<b>J. Risk of Upset. Does the proposal result in:</b>			
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? .....	—	—	<u>X</u>
2. Possible interference with emergency response plan or an emergency evacuation plan? .....	—	—	—
<b>K. Population. Will the proposal result in:</b>			
1. The alteration, distribution, density, or growth rate of the human population of the area? .....	—	—	<u>X</u>
<b>L. Housing. Will the proposal result in:</b>			
1. Affecting existing housing, or create a demand for additional housing? .....	—	—	<u>X</u>
<b>M. Transportation/Circulation. Will the proposal result in:</b>			
1. Generation of substantial additional vehicular movement? .....	—	—	<u>X</u>
2. Affecting existing parking facilities, or create a demand for new parking? .....	—	—	<u>X</u>
3. Substantial impact upon existing transportation systems? .....	—	—	<u>X</u>
4. Alterations to present patterns of circulation or movement of people and/or goods? .....	—	—	<u>X</u>
5. Alterations to waterborne, rail, or air traffic? .....	—	—	<u>X</u>
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? .....	—	—	<u>X</u>
<b>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:</b>			
1. Fire protection? .....	—	—	<u>X</u>
2. Police protection? .....	—	—	<u>X</u>
3. Schools? .....	—	—	—
4. Parks and other recreational facilities? .....	—	—	—
5. Maintenance of public facilities, including roads? .....	—	—	<u>X</u>
6. Other governmental services? .....	—	—	<u>X</u>
<b>O. Energy. Will the proposal result in:</b>			
1. Use of substantial amounts of fuel or energy? .....	—	—	<u>X</u>
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? .....	—	—	<u>X</u>
<b>P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:</b>			
1. Power or natural gas? .....	—	—	<u>X</u>
2. Communication systems? .....	—	—	<u>X</u>
3. Water? .....	—	—	<u>X</u>
4. Sewer or septic tanks? .....	—	—	<u>X</u>
5. Storm water drainage? .....	—	—	<u>X</u>
6. Solid waste and disposal? .....	—	—	<u>X</u>
<b>Q. Human Health. Will the proposal result in:</b>			
1. Creation of any health hazard or potential health hazard (excluding mental health)? .....	—	—	—
2. Exposure of people to potential health hazards? .....	—	—	—
<b>R. Aesthetics. Will the proposal result in:</b>			
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? .....	—	—	<u>X</u>

S. Recreation. Will the proposal result in:	Yes	Maybe	No
1. An impact upon the quality or quantity of existing recreational opportunities? .....	—	—	<u>X</u>
<b>T. Cultural Resources</b>			
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site? ...	—	—	<u>X</u>
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? .....	—	—	<u>X</u>
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? .....	—	—	<u>X</u>
4. Will the proposal restrict existing religious or sacred uses within the potential impact area? .....	—	—	<u>X</u>
<b>U. Mandatory Findings of Significance.</b>			
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? .....	—	—	<u>X</u>
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? .....	—	—	<u>X</u>
3. Does the project have impacts which are individually limited, but cumulatively considerable? .....	—	—	<u>X</u>
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? .....	—	—	<u>X</u>

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

**IV. PRELIMINARY DETERMINATION**

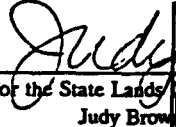
On the basis of this initial evaluation:

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: 08 / 20 / 93

  
 For the State Lands Commission  
 Judy Brown

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## Project Description

This project involves reconstruction of the rock cribbing portion of an existing recreational pier which is of open pile and rock cribbing design. Existing wooden pilings will be replaced with 10.75" steel piles. An existing marine railway (approximately 4' x 100', which is located between elevation 6221' and 6229') will also be removed and disposed of at an appropriate sanitary landfill. Three existing mooring buoys will be retained within the TRPA pierhead line as depicted in Attachment 1.

The project is located in Lake Tahoe in the Sunnyside area, Placer County, waterward of APN: 83-162-30, 35. The pier to be partially reconstructed extends to the TRPA pierhead line, (refer to attachment 1).

## Environmental Setting

The lake bed substrate at this project site contains a combination of cobble and sand/silt substrate (refer to Attachment 1). A soils and vegetation survey was conducted by Lynda S. Nelson, on June 27, 1993. Her report concluded that the Rogers and Leonard parcels contained large cobbles 4-5" diameter and large rocks 6-8" diameter interspersed among the gravel which did not contain or could not support the California-listed endangered species *Rorippa Subumbellata*, Rollins in the shoreline zone or the backshore area.

The project is located within an area mapped by TRPA as fish habitat. Disturbance to the lake bed would occur between July 1 and September 15 to avoid impacts to fish spawning habitat. On June 18, 1993, TRPA approved this project under permit #930208. One of the special conditions of the permit indicate that buoys and chains will be removed between October 15 and May 1 of each year.

The nearest waterward facility to the north of the proposed project is a recreational pier approximately 275' from the center line of the subject pier. The nearest pier to the south is a private recreational pier located approximately 120' in distance from the center line of the existing Rogers/Leonard pier. The private recreational pier which extends solely from the Rogers' parcel has been previously permitted and will not be included in the discussion of this environmental document.

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Two mooring buoys will be retained and are located within the waterward influence area of the Rogers' parcel, and one mooring buoy is located within the waterward influence area of the Leonard parcel (refer to Attachment 1). The lateral mooring buoy spacing is 80' from the western limits of the Rogers' parcel 83-162-35; 60' between buoys; 50 feet to the Rogers private recreational pier and 100 feet to the Rogers/Leonard multiple-berth pier. The single mooring buoy to be retained within the waterward influence of the Leonard parcel 83-162-30, is located 70' from the eastern edge of the Leonard parcel.

### III. DISCUSSION OF ENVIRONMENTAL EVALUATION

#### A. Earth

##### 1. Unstable, Changes in Geologic Substructure

The proposed project does not require significant depth disturbance to the lake bed. Pilings will be driven to 6' or to refusal. Mooring buoy anchors will rest on the lake bed. No significant impacts would occur.

##### 2. Disruptions, displacement, compaction.

31-10.75" diameter steel pilings will be driven into the lakebed substrate a minimum of 6' or to refusal. This is not considered to be a significant impact to soils. The mooring buoy anchors, each 8 cf of concrete block, will rest on the lake bed.

##### 3. Topography

No fill or grading is proposed. No impacts would result from this proposed project.

##### 4. Destruction, Covering or Modification of Unique Geologic Features

This project involves partial reconstruction of an existing pier, no new coverage of lakebed substrate would result.

##### 5. Increase in Wind or Water Erosion of Soils

This project involves the partial reconstruction of an existing recreational pier in Lake Tahoe. No new impervious structures are proposed. No impacts to wind or water erosion of soils are anticipated.

##### 6. Deposition/Erosion

The rock cribbing portion of the pier is an existing non-conforming use as defined by TRPA Ordinances. Rock cribbing is known to have an effect on sediment transport within the shorezone at Lake Tahoe. This pier may have an incremental effect on sediment transport in this shorezone area. TRPA has issued a Finding of No Significant Impact to the environment for this partial reconstruction project. No significant impacts are anticipated.

7. Exposure of people or property to geologic hazards.

The existing pier is supported by piling which is driven into the lakebed substrate. This project would not create geological hazards.

B. Air

1. Substantial air emissions or deterioration of ambient air quality

During the reconstruction of the rock cribbing and removal of the marine railway, minor emissions of diesel fumes would be created by the barge which is proposed for use. The diesel emissions would occur daily until completion of the reconstruction and marine railway removal, a total of approximately four weeks. These fumes would be dispersed by the air current and are not considered significant.

Continued use of the recreational pier and mooring buoys by the upland residents when operating motorized watercraft would periodically contribute to the overall air quality of the Lake Tahoe Basin. This impact would continue and fumes from gasoline-powered watercraft would also disperse in the air currents. No new air quality impacts would result from this proposed project. No significant impacts have been identified.

2. Creation of objectionable odors

The odor of diesel fumes may be experienced from the operation of the barge during the reconstruction of the rock cribbing and removal of the marine railway. This impact is considered to be minor and temporary.

Gasoline fumes may be temporarily noticeable when motorized engines of watercraft are started periodically within the vicinity of the pier and mooring buoys. This impact is not considered to be significant.

3. Alteration of air movement

This project does not propose construction of buildings

or above-ground mobile structures which would affect air movement. No impacts would occur.

C. Water

1. Changes in Currents

The existing rock cribbing of this pier may already slightly modify the water current in the shorezone as the current makes contact with the rock cribbing. The rock cribbing is a nonconforming use within the Tahoe Regional Planning Agency's Shorezone Ordinances. This reconstruction project will not create a new impact upon the water currents in the shorezone of this project area.

2. Absorption rates, Drainage Patterns, Runoff

No new impervious structures are proposed as part of this project, therefore there would be no changes to absorption rates, drainage patterns or water runoff resulting from this project.

3. Alterations to Course or Flow

This project is located within the body of Lake Tahoe. It would not impact the course or flow of waters entering or leaving Lake Tahoe. There would be no significant impact.

4. Changes in Amount of Surface Water

Partial reconstruction of this existing recreational pier would not have an impact upon the amount of surface water in Lake Tahoe. There would be no significant impact.

5. Discharges

There may be a minor amount of turbidity experienced during the driving of steel pilings and removal of the marine railway. This impact will be minimized through the proposed use of turbidity screens around the construction area and/or use of caissons or sleeves during the pile driving activity. In addition, small boats with tarps will be placed beneath the reconstruction areas within the waterway, where necessary, to prevent construction debris from entering lake waters. No significant impacts would occur.

6. Alteration of Direction or Rate of Flow of Ground Water

The geology of the project area is composed of glacial and alluvial deposits. The partial reconstruction of the existing pier would not create an alteration to any

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ground water flows. The project is not located within a stream inlet nor near any known underwater spring. No significant impacts would occur.

7. Quantity of Ground Water

No. refer to C-6, above.

8. Public Water Supplies

The proposed project does not involve alteration or construction of aquifers or public water lines. No impacts would occur.

9. Exposure of people or property to Water-Related Hazards

Neither partial reconstruction of the existing recreational pier nor its continued use would expose people or property to water-related hazards. The pier is constructed at a height above the identified high water elevation of 6228.75'. No significant impacts would occur.

10. Changes in Temperature, Flow, Chemical Content of Surface Thermal Spring

There are no known thermal springs in the vicinity of the existing pier proposed for partial reconstruction. No significant impacts would occur.

D. Plant Life

1. Diversity of Species

There would be a temporary change in aquatic sessile plants during the removal of the marine railway and during the reconstruction of the cribbing and replacement piling. This is not considered to be a significant impact. The indigenous aquatic flora will begin recolonizing the area shortly after completion of the project.

2. Unique, Rare or Endangered Species

The shoreline surrounding Lake Tahoe is within the range of State-listed Rorippa subumbellata, Roll.. A soils and vegetation survey was conducted which concluded that the project site did not contain Rorippa nor was the substrate considered suitable habitat. Staff of the State Lands Commission has reviewed the report and agrees with its conclusions. The report is concurrently being considered by the California Department of Fish and Game staff pursuant to the California Endangered Species Act. 131



No impacts would occur from this project.

3. Introduction of new species

This project does not propose placement of vegetation. No impacts would occur.

4. Reduction in acreage of agricultural crop

This project would occur within the body of Lake Tahoe. No impacts would occur to agricultural crops.

E. Animal Life

1. Change in the Diversity of Species

There would be a temporary change in aquatic animal life within the reconstruction area. Indigenous aquatic animals will reoccupy the new materials of the reconstructed pier. The project is located in an area mapped by TRPA as fish spawning habitat targeted for restoration. The project would be conducted during the non-spawning season identified by DFG to be July 1, to September 15 to minimize impacts to spawning habitat. No significant impacts are anticipated.

2. Unique, Rare or Endangered Species

There are no known rare or endangered aquatic animals reported within the project area. No significant impacts are anticipated.

3. Introduction of New Species

The proposed pier repair would not introduce any new species to the area nor create a new barrier to aquatic animals.

4. Deterioration to Existing Fish or Wildlife Habitat

The project is located in an area determined by TRPA to be mapped fish habitat. TRPA has issued its permit which includes a Finding of No Significant Impact to the environment. The mooring buoys have been permitted by TRPA with a condition that the mooring floats and chains be removed seasonally between October 15 and May 1. The project has been conditioned by TRPA to occur during the non-spawning season (July 1 - October 1) to avoid significant effects to fish spawning habitat.

F. Noise

1. Increase in Existing Noise Levels

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There would be a temporary, intermittent increase in the existing noise levels during the pile driving activity of the partial reconstruction of the existing pier and for the operation of the barge during the removal of the marine railway. Continued use of the pier and mooring buoys for recreational purposes may create temporary bursts of noise when motorized watercraft engines are started in the vicinity of the pier and buoys. The pier and mooring buoys are proposed for private recreational use of the applicants and are not proposed for commercial uses. There would be no significant impacts from the proposed project to existing noise levels.

2. Exposure of People to Severe Noise Levels

Refer to response F-1, above.

G. Light and Glare

1. The production of new light or glare

The pier and mooring buoys are located within the TRPA pierhead line and will therefore not require special lighting. No significant impacts of light or glare are anticipated.

H. Land Use

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

The proposed project does not involve expansion or placement of new facilities. Present land uses would continue. No significant impacts have been identified.

I. Natural Resources

1. Increase in rate of use

This project does not propose to change the consumption rate of any natural resources. No significant impacts are identified.

2. Substantial depletion of nonrenewable resources

No, refer to response I.-1., above.

J. Risk of Upset

1. Risk of explosion

The potential risk of fuel explosion during this pier repair project would be minimal. ~~MINUTE PAGE~~ ~~133~~ ~~133~~

used to operate the barge/vessel containing the pile driver. Reconstruction of the pier and continued use of the pier would be regulated by TRPA's permit which indicates that "...the discharge of petroleum products...is prohibited..and that no containers of fuel, paint, or other hazardous materials may be stored on the pier." No significant impacts have been identified which would result from this project.

2. Interference with Emergency Response Plan

The pier has existed within the body of Lake Tahoe. The length of the pier and the location of the mooring buoys are within the TRPA pierhead line (see Attachment A). There would be no significant impacts to emergency response plans resulting from this proposed project.

K. Population

1. Alteration, Distribution, Density or Growth Rate

This project does not involve the need or demand for new housing. Residences exist on the upland parcels of this water influence area. No significant impacts have been identified.

L. Housing

1. Existing, or Demand for Additional

Refer to response K.1., above.

M. Transportation

1. Generation of substantial additional vehicular movement

No new or expanded structures are proposed as part of this project. There would be no changes to existing vehicular movement resulting from this project. No significant impacts have been identified.

2. Affect existing Parking facilities, Demand for New

See M-1, above.

3. Existing Transportation Systems

The applicant's access for continued use of the pier and mooring buoys would be from Highway 89 (West Lake Boulevard). Existing driveways and roadways on the upland parcels would be used. No significant impacts have been identified.

4. Alterations to Present Patterns of Circulation

No, refer to response M.-3., above. In addition, access to the pier for the repair work would be conducted from the water side of the pier by a barge/lark vessel equipped with rubber tires. The use of the construction vessel during the repair of the pier would not significantly alter the present patterns of circulation existing within the lake. Removal of the marine railway at this site could improve lateral access along the beach.

5. Alterations to Waterborne, Rail or Air Traffic

The continued use of the pier and mooring buoys, which exist within the TRPA pierhead line, would not create any new impacts to waterborne traffic. The marine railway would be removed and its use would discontinue. No significant impacts have been identified.

6. Increase in Traffic Hazards

Construction vehicle access to the upland will be limited as the pier will be accessed from the lake for pile driving and rock crib support replacement. There would be no basis for assuming that this project would increase the possibility for traffic hazards.

N. Public Services

1. Fire protection

The recreational pier is located within the water influence area of an upland residential area. The proposed repair of the existing pier and retention of three mooring buoys would not alter existing services or require the need for new public services. There would be no impacts.

2. Police protection

Refer to response N.-1., above.

3. Schools

Refer to response N.-1., above.

4. Parks and Recreational Facilities

Refer to response N.-1., above.

5. Maintenance of public facilities

Refer to response N.-1., above.

6. Other Governmental Services

Refer to response N.-1., above.

O. Energy

1. Use of substantial amounts of fuel or energy

The repair and continued use of the existing pier and mooring buoys nor the removal of the marine railway would not significantly impact the use of substantial amounts of fuel or energy. No construction of new electrical or fuel-powered equipment is proposed for placement on this pier. There would be no significant impact.

2. Increase in demand upon existing sources of energy

The repair or continued use of the existing pier and mooring buoys would not increase a demand upon existing sources of energy. Also refer to response O.-1., above.

P. Utilities

1. Power or natural gas

The rock crib portion of this existing pier would be repaired. No new utilities are proposed. No impacts would result.

2. Communication systems

Refer to response P.-1., above.

3. Water

Refer to response P.-1., above.

4. Sewer or Septic Tank

Refer to response P.-1., above.

5. Storm or Water Drainage

Refer to response P.-1., above.

6. Solid waste and disposal

Refer to response P.-1., above.

Q. Human Health

1. Health hazard

Repair of the pier and removal of the marine railway would prevent a potential safety hazard to humans. Retention and use of the mooring buoys would not affect human health.

2. Exposure of people to potential health hazard

During the removal of the marine railway and during the reconstruction of the rock crib portion of the pier, odor from diesel fumes created by the barge, would be noticeable to persons located in the immediate vicinity. This would be a temporary minor impact. Gasoline fumes would be noticeable when motorized watercraft engines are started in the vicinity of the pier and mooring buoys. This impact would be brief and intermittent and would not be a significant impact.

R. Aesthetics

1. Obstruction or scenic vista or view

The pier and mooring buoys have existed at this site. TRPA has permitted the pier with rock cribbing and boat slips as a nonconforming use and acknowledged the mooring buoys in the identified location and configuration. No new impacts would result from this project. TRPA has conditioned the use of the mooring buoys to be May 1 - October 15 of each year, at which time the floats and chains must be removed. The marine railway would no longer be visible and the lakebed at that location would be returned to its natural configuration.

S. Recreation

1. Quality or quantity of existing recreational opportunities

This project does not propose to expand or extend the existing structure or location of the mooring buoys. The pier and buoys are located within the TRPA pierhead line. There would be no significant impacts to recreational opportunities resulting from this proposed project. The marine railway would be removed, eliminating any previous use.

T. Cultural Resources

1. Prehistoric or historic archaeological sites

The recreational pier has existed at this site. The partial repair of this existing structure would not

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involve significant soil disturbances which would warrant an evaluation of prehistoric or historic archaeological sites. No impacts are identified.

2. Adverse physical or aesthetics to prehistoric or historic building.

This project does not involve changes to any buildings. It is the partial repair of an existing recreational pier, removal of a marine railway, and retention of three mooring buoys. No impacts are identified.

3. Unique Ethnic Cultural Values

There are no known ethnic cultural values associated with this specific project site. The upland parcels have been developed with residences and the pier structure has existed at this site. No impacts are identified.

4. Religious or Sacred Uses

There are no known religious or sacred uses of this project site. There would be no impacts.

#### U. Mandatory Findings of Significance

1. Degrade quality of the environment

Measures to prevent impacts to the environment have been incorporated into the project such as utilization of: turbidity screens, caissons, tarps and small boats to catch debris, barge with rubber tires which will access the pier from the lake side, mooring buoys on a seasonal basis, and conducting the lakebed disturbance during the non-spawning season. The quality of the environment would not be degraded from this proposed project.

2. Short Term vs. Long-Term Environmental Goals

The design and configuration of the recreational pier with rock cribbing is a continuing nonconforming use permitted by TRPA. The pier and mooring buoys are located within the TRPA pierhead to reduce impacts to navigation and recreation. The proposed project involves repair of the rock cribbing portion of the pier and retention of three mooring buoys. There have been no significant impacts identified which would occur from this proposed reconstruction project.

3. Impacts Individually Limiting, Cumulatively Considerable

The pier configuration and design is a nonconforming structure as defined by TRPA Code of Ordinances. The rock cribbing could contribute to unnatural effects of

sediment transport and water movements. This potential impact has not been evaluated at this site as the pier has existed over time and has been accepted as a continuing but nonconforming use.

The proposed project involves the removal of an existing marine railway, and partial repair of the rock cribbing on an existing private recreational pier and the retention of three mooring buoys. No cumulative impacts have been identified which would occur from the proposed project.

4. Substantial Adverse Effects on Human Beings

Refer to discussion in Q., above. No significant impacts are identified.



MONITORING PROGRAM

ROGERS/LEONARD PARTIAL PIER RECONSTRUCTION

AND RETENTION OF THREE MOORING BUOYS

APN: 83-162-30, 35, PLACER COUNTY

1. Impact: The removal of the marine railway, repair of the piling, deck, and rock cribbing of the existing pier may cause turbidity to lake waters.

Project Modifications:

- a) Use of turbidity screens around the construction area;
- b) Use of caissons or cofferdams to prevent the release of resuspended sediments during pile placement;
- c) Use of small boats and/or tarps would be placed under the reconstruction area, as necessary, to collect construction debris; and,
- d) Collection of waste materials onto the barge for disposal in dumpsters or at an approved landfill site.

Monitoring:

Staff of the State Lands Commission, or its designated representative, would periodically monitor the construction site to ensure project modifications are implemented.

2. Impact: The proposed project is located in an area mapped by TRPA as fish spawning habitat and as such could have an impact on the habitat.

Project Modification:

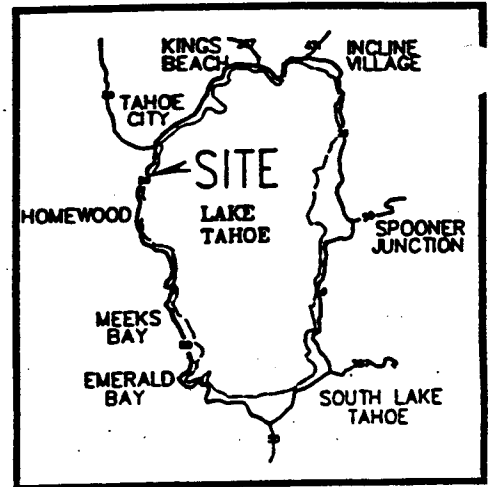
- a) The repair work involving lakebed disturbance would be conducted during the non-spawning season as identified by TRPA and the CDFG.
- b) Rock cribbing would be stored on the barge during the construction process.

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- c) Use of the mooring buoys would be conditioned by TRPA to the period May 1 - October 15. Between October 15 and May 1, the mooring floats and chains would be removed.

**Monitoring:**

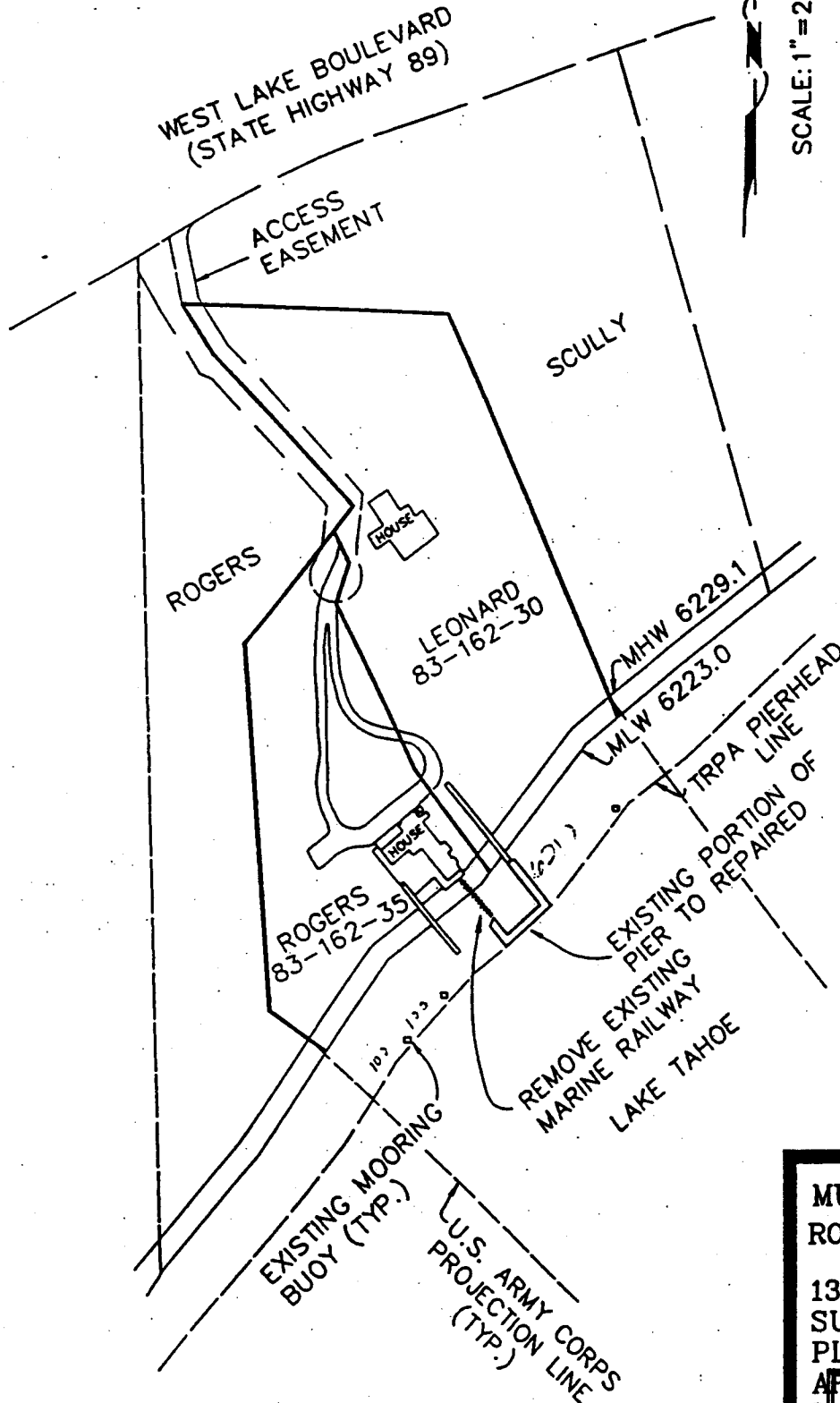
Staff of the State Lands Commission, its designated representative/and or TRPA staff would periodically inspect the project site to ensure implementation of the project modifications.



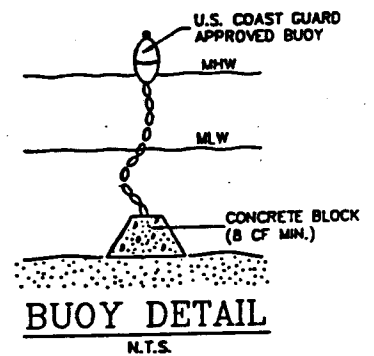
LOCATION MAP

**NOTE:**

THE PIER REPAIR WORK IS LIMITED TO THE PORTION OF THE PIER LOCATED LAKEWARD OF THE LOW WATER MARK OF LAKE TAHOE. NO PIER WORK NOR STORAGE OF MATERIALS WILL OCCUR LANDWARD OF THE LOW WATER MARK.



SCALE: 1" = 200'



**MULTIPLE USE PIER REPAIR  
ROGERS/LEONARD PROPERTIES**

1370/1380 WEST LAKE BLVD.  
SUNNYSIDE AREA  
PLACER COUNTY, CA.

APN: 83-162-30,35

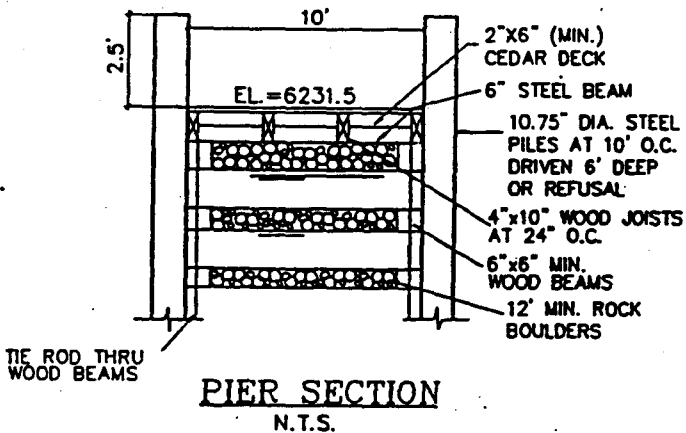
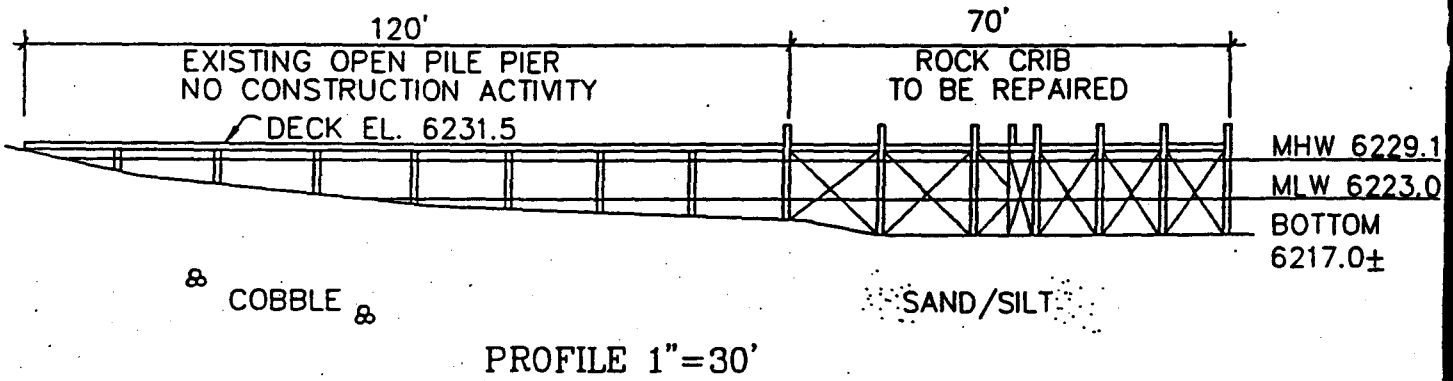
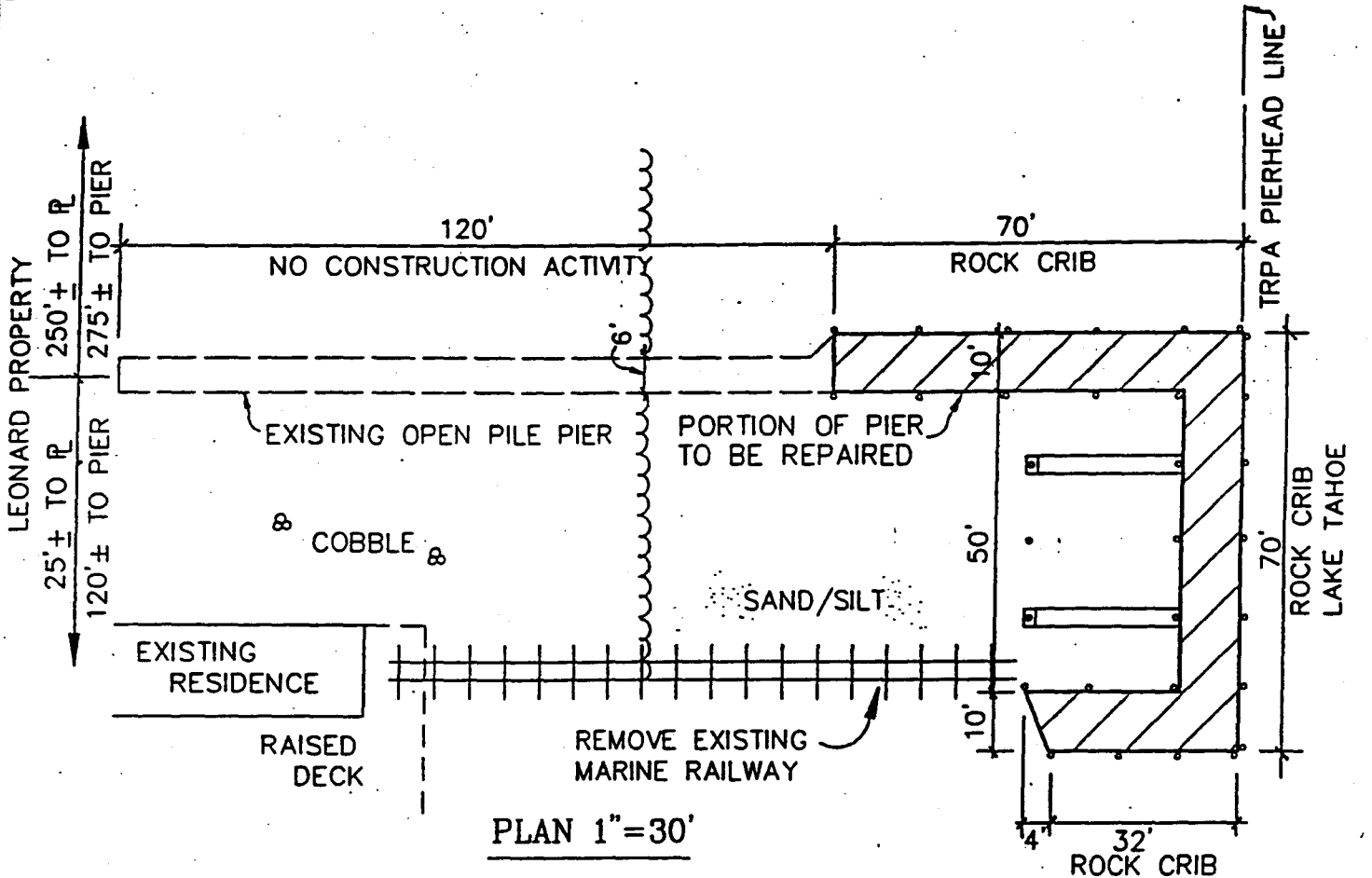
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**WASTE ENGINEERING CORPORATION**

TAHOE CITY, CALIFORNIA (916) 583-3417

ADJOINING PROPERTIES EAST	ADJOINING PROPERTIES WEST
83-162-31	83-162-28

REVISED  
5/93



MULTIPLE USE PIER REPAIR  
 ROGERS/LEONARD PROPERTIES  
 1370/1380 WEST LAKE BLVD.  
 SUNNYSIDE AREA  
 PLACER COUNTY, CA.  
 APN: 83-162-30,35

JANUARY 1993  
 CALENDAR PAGE ENGINEER  
 NOTE PAGE CORPORATION  
 TAHOE CITY, CALIFORNIA (530) 893-0412

ADJOINING PROPERTIES  
 EAST WEST  
 83-162-31 83-162-28

REVISED  
 5/93

ATTACHMENT 3

W.O. 7125.37U

RE: MULTIPLE USE PIER REPAIR - ROGERS\LEONARD PROPERTIES  
PLACER COUNTY APN: 83-162-30, 35

**PROJECT NARRATIVE**

The project proposes the partial repair of the existing multiple use pier. Repair and replacement of the existing rock cribs will utilize wood members and existing rock crib boulders. This crib work will occur between the mean low water mark (EL. 6223.0, Lake Tahoe Datum) and the pier deck. The scope of work includes the replacement of the existing wood pilings with 10.75" diameter steel piles, 6" steel beams, 2" X 6" cedar decking, and repair or replacement of the floating catwalks and electrical service. The scope of work also includes the removal of the abandoned marine railway and associated debris between lakebottom elevation 6230.0 and 6217.0. No work will be performed on the open pile portion of this pier, with the exception of possible deck board replacement where necessary (see submittal drawings).

**CONSTRUCTION METHOD**

The repair of the existing rock crib pier will be performed by a rubber-tired barge with pile driver; piles are to be driven 6 feet in depth or refusal, and caissons or sleeves will be used if sediment is resuspended during pile driving. Anchorage of the barge will be to the existing structure and/or lake anchors required to provide adequate stabilization of barge. In order to minimize disturbance of the lakebottom, access will be confined to the minimal amount necessary for equipment to perform the construction tasks. All construction wastes, including the marine railway, will be collected onto barge and disposed of at the nearest dumpster or sanitary landfill site. There will be no storage of construction materials on the shoreline. Small boats and tarps will be placed under the construction areas to provide collection of construction debris, preventing any discharge of wastes into the lake. If disturbed shoreline/lakebottom sediments are found due to the construction activity associated with the removal and installation of this project, the affected areas will be hand rolled and/or rock cobble will be hand picked to reconsolidate the shoreline sediments. In regards to potential impacts to the habitat of the Tahoe Yellow Cress, no work will be performed landward of the low water mark, thus preventing disturbance to what may be considered potential habitat of this plant species.

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