

CALENDAR ITEM

C59

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MINUTE ITEM
This Calendar Item No. C59
was approved as Minute Item
No. 59 by the State Lands
Commission by a vote of 3
to 0 at its 11/15/94
meeting. PRC 3871
J. Ludlow

APPROVE THE ISSUANCE OF A RECREATIONAL PIER PERMIT

APPLICANT:

Bryan Jennings and Sharon Jennings
1171 Woodland Avenue
Chico, California 95928

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in the bed of Lake Tahoe
at Rubicon Bay, El Dorado County.

LAND USE:

Reconstruction, realignment and 23 foot extension to an
existing pier, including the addition of a low level
boatlift, and the retention, use and maintenance of two
existing mooring buoys.

TERMS OF PROPOSED LEASE:

Initial period: Five years beginning November 15, 1994.

CONSIDERATION:

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

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of 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.

AB 884:

12/05/94

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 ND 659, State Clearinghouse No. 94072020. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

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

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The applicant proposes to realign, reconstruct and extend an existing authorized pier. The reconstruction will also extend the pier an additional 23 feet to the TRPA pierhead line and will include the installation of a low level boatlift.
4. The project will be accomplished using a barge-mounted pile driver and all work will be completed from the water using floating equipment.
5. The lease includes special language in which the lessee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
6. No materials will be stored or placed 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. Commission staff will monitor the reconstruction of the pier in accordance with the Monitoring Program included within the Proposed Negative Declaration.
9. The subject property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
10. 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.

11. 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.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, El Dorado County.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers, State Lands Commission.

EXHIBITS:

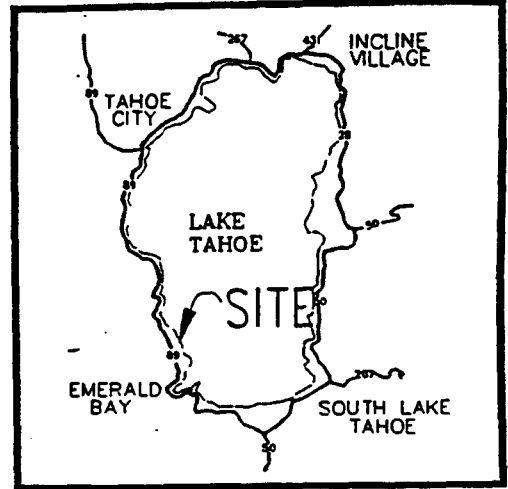
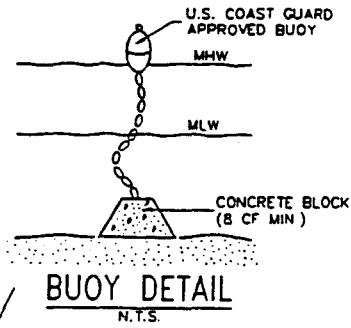
- A. Site and Location Map
- B. Negative Declaration and Monitoring Program

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IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION ND 659, STATE CLEARING HOUSE NO. 94072020, 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 PLAN AS CONTAINED IN 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 BRYAN JENNINGS AND SHARON JENNINGS, OF A FIVE YEAR RECREATIONAL PIER PERMIT, BEGINNING NOVEMBER 15, 1994, FOR THE RECONSTRUCTION, REALIGNMENT AND TWENTY-THREE (23) FOOT EXTENSION OF AN EXISTING PIER, INCLUDING THE ADDITION OF A LOW LEVEL BOATLIFT, AND THE CONTINUED USE AND MAINTENANCE OF TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

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LOCATION MAP

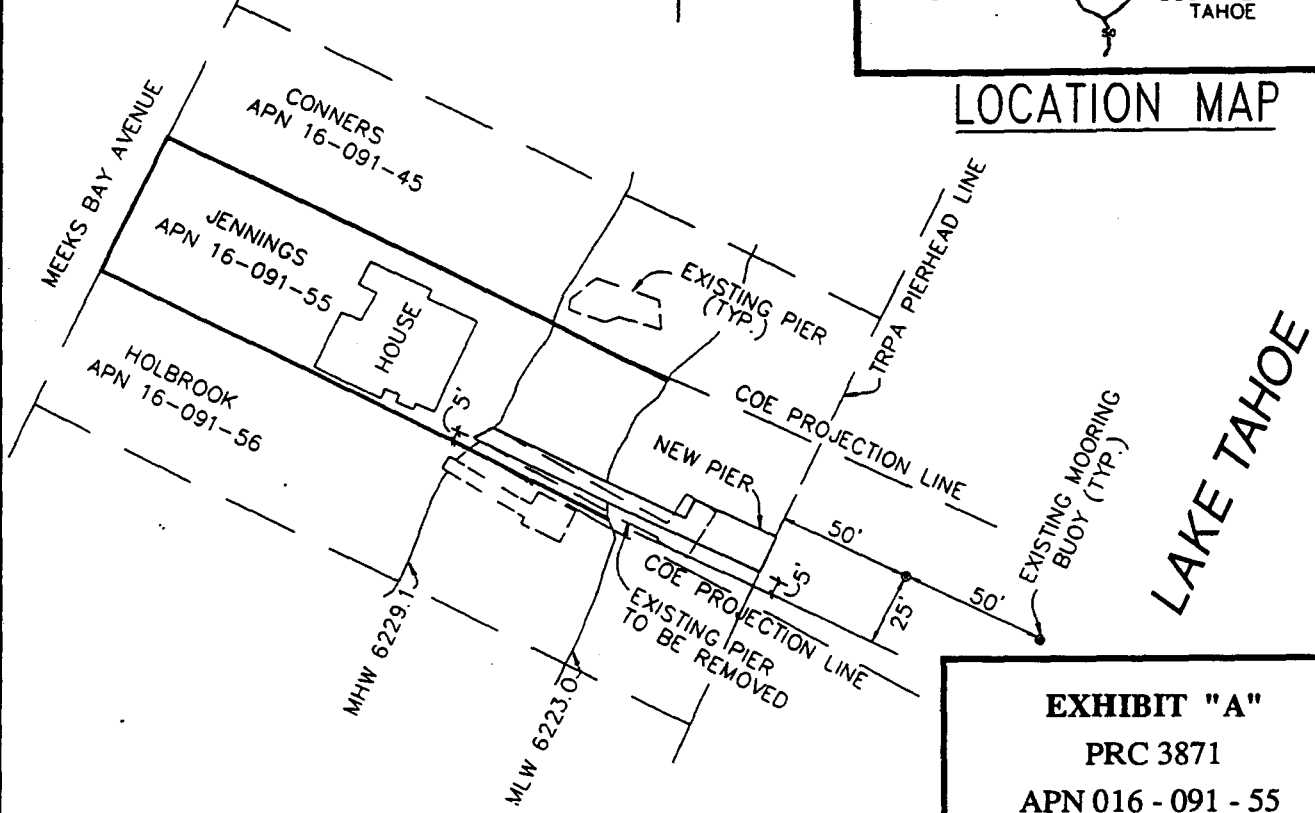
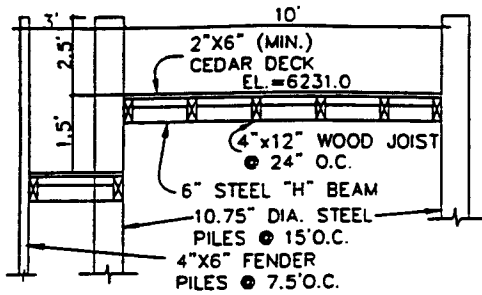


EXHIBIT "A"
PRC 3871
APN 016 - 091 - 55
Lake Tahoe
EL DORADO COUNTY
Sheet 1 of 2 Sheets



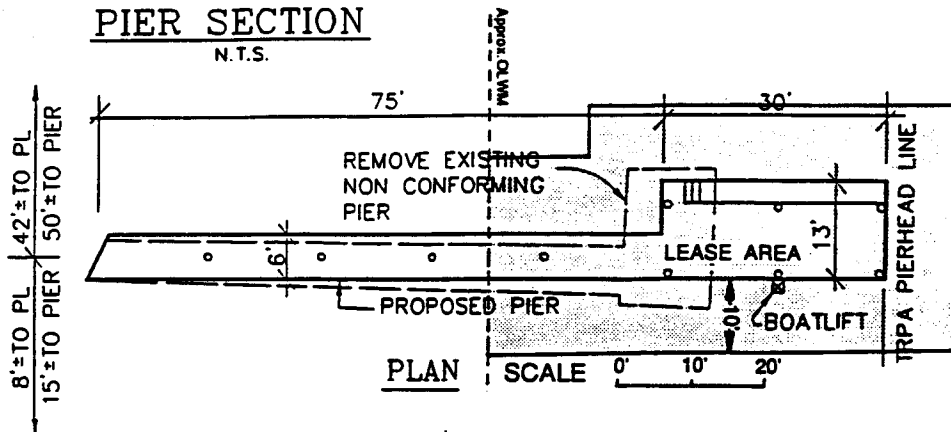
This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.



PIER SECTION
N.T.S.

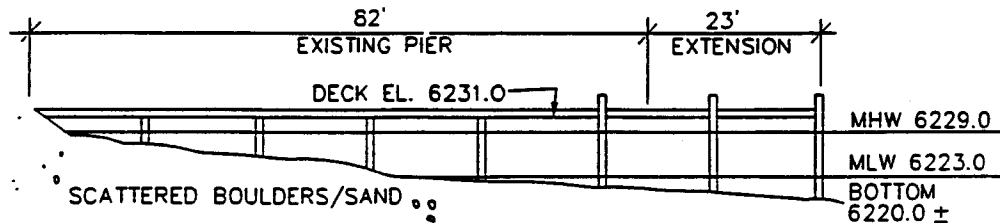
NOTE:

THE EXISTING PIER IS PARTIALLY COLLAPSED AND WILL BE REMOVED AND RECONSTRUCTED AND MODIFIED IN ACCORDANCE WITH THE AGENCY STANDARDS FOR EXISTING PIERS.



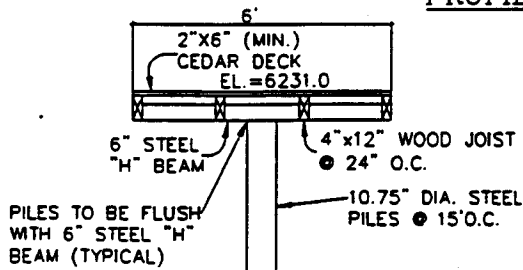
PLAN

SCALE 0' 10' 20'



PROFILE

SCALE 0' 10' 20'



WALKWAY SECTION
N.T.S.

LAKE TAHOE

EXHIBIT "A"
 PRC 3871
 APN 016 - 091 - 55
 Lake Tahoe
 EL DORADO 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.

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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
RUSSELL S. GOULD, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814-7187

ROBERT C. HIGHT
Executive Officer

EXHIBIT "B"

July 7, 1994

File: PRC 3871
ND 659
SCH No. 94072020

**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 August 8, 1994.

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



JUDY BROWN
Division of Environmental Planning
and Management

Attachment

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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
RUSSELL S. GOULD, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814-7187

ROBERT C. HIGHT
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 3871
ND 659
SCH No. 94072020

Project Title: Jennings Pier Reconstruction/Extension

Project Proponent: Bryan Jennings

Project Location: 8429 Meeks Bay Avenue, APN 16-091-55, Lake Tahoe, El Dorado County.

Project Description: Realignment, reconstruction and a 23' extension to an existing 82' recreational pier. One boatlift will be added to the pier, and two existing buoys will be retained.

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: Bryan Jennings
c/o Vail Engineering Corporation
PO Box 879
Tahoe City CA 96145

B. Checklist Date: 06 / 08 / 94

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

D. Purpose: Realignment reconstruction and 23' extension of an existing 6' X 82' recreational pier; addition of a boatlift and retention of two mooring buoys.

E. Location: Lake Tahoe, Meeks Bay, APN: 016 - 091 - 55, El Dorado County

F. Description: The existing 82' pier crosses the property line to the south. It will be realigned, reconstructed and extended 23' to the TRPA pierhead line.

G. Persons Contacted:

<u>Jim Lawrence,</u>	<u>TRPA</u>	<u>(702) 588 - 4547</u>
<u>Brad Hubbard,</u>	<u>USACOE</u>	<u>(916) 557 - 5268</u>
<u>Mark Zumsteg,</u>	<u>DFG</u>	<u>(916) 577 - 5416</u>
<u>Helen Denny,</u>	<u>USCG</u>	<u>(310) 980 - 4300</u>

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?	—	—	<u>X</u>
5. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X</u>
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?			<u>X</u>
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?			<u>X</u>

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	Yes	Maybe	No
B. Air. Will the proposal result in:			
1. Substantial air emissions or deterioration of ambient air quality?	—	—	<u>X</u>
2. The creation of objectional odors?	—	—	<u>X</u>
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	—	—	<u>X</u>
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?	—	—	<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>
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)?	—	—	<u>X</u>
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>
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)?	—	—	<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>
F. Noise. Will the proposal result in:			
1. Increase in existing noise levels?	—	—	<u>X</u>
2. Exposure of people to severe noise levels?	—	—	<u>X</u>
G. Light and Glare. Will the proposal result in:			
1. The production of new light or glare?	—	—	<u>X</u>
H. Land Use. Will the proposal result in:			
1. A substantial alteration of the present or planned land use of an area?	—	—	<u>X</u>
I. Natural Resources. Will the proposal result in:			
1. Increase in the rate of use of any natural resources?	—	—	<u>X</u>
2. Substantial depletion of any nonrenewable resources?	—	—	<u>X</u>

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	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?	—	—	<u>X</u>
2. Possible interference with emergency response plan or an emergency evacuation plan?	—	—	<u>X</u>
K. Population. Will the proposal result in:			
1. The alteration, distribution, density, or growth rate of the human population of the area?	—	—	<u>X</u>
L. Housing. Will the proposal result in:			
1. Affecting existing housing, or create a demand for additional housing?	—	—	<u>X</u>
M. Transportation/Circulation. Will the proposal result in:			
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>
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?	—	—	<u>X</u>
2. Police protection?	—	—	<u>X</u>
3. Schools?	—	—	<u>X</u>
4. Parks and other recreational facilities?	—	—	<u>X</u>
5. Maintenance of public facilities, including roads?	—	—	<u>X</u>
6. Other governmental services?	—	—	<u>X</u>
O. Energy. Will the proposal result in:			
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>
P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
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>
Q. Human Health. Will the proposal result in:			
1. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	<u>X</u>
2. Exposure of people to potential health hazards?	—	—	<u>X</u>
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?	—	—	<u>X</u>

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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>
T. Cultural Resources			
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>
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?	—	—	<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: 06 / 08 / 94

For the State Lands Commission JUDY BROWN	 CALENDAR PAGE 238 MINUTE PAGE 3838
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W.O. 7125.36Q

**RE: PIER EXTENSION/BOATLIFT - JENNINGS PROPERTY
EL DORADO COUNTY APN: 16-091-55**

PROJECT NARRATIVE

The non-conforming pier is to be removed, replaced, and modified into conformance with the TRPA pier design standards for existing piers. This pier will be constructed with 10.75" steel piles, 6" steel beams, 4" x 12" wood joists, and 2" x 6" min. cedar deck. A catwalk will be installed on one side of the pierhead and a low level boatlift with electric service will be installed on the other side. The pier will extend approximately 105 feet from shore and this project includes retaining the two existing mooring buoys (See Submittal Drawings).

CONSTRUCTION METHOD

The demolition and construction activity associated with these piers is to be performed by a rubber-tired barge with a pile driver; caissons or sleeves will be used if sediment is resuspended while pile driving. Anchorage of the barge will be to the existing structure and/or by lake anchors to ensure adequate stabilization of barge. During low water seasons, barge access and construction activity around the structure will be restricted to a "footprint" established by the width of either the existing or proposed pier plus the width of the barge placed adjacent it to it. This access "footprint" will minimize to the greatest extent feasible, disturbance to the lakebottom and shoreline. All construction wastes will be collected onto the barge and disposed at the nearest dumpster or sanitary landfill site. Storage of construction materials directly on the shoreline or within 50 feet of the beach bluff will be prohibited. Small boats and tarps will be utilized under construction areas in order to prevent discharge of construction waste or materials to the lake. If disturbed lakebottom sediments are found as a result of construction activities, the affected areas will be hand rolled and/or rock cobble will be hand picked in order to reconsolidate the shoreline/lakebottom sediments.

Environmental Setting

The project site was inspected on June 11 and 12, 1992 by a qualified botanist, Stanford L. Loeb, Ph.D., who examined the soils and vegetation of the project site. A habitat evaluation report dated August 10, 1992, including colored photographs of the project site, was prepared and submitted to the Department of Fish and Game for consultation regarding the Tahoe Yellow Cress, a California-listed, endangered plant. The report concluded that the project site does not contain Tahoe Yellow Cress plants nor its habitat. The report is on file in the offices of the State Lands Commission.

The report describes the substrate as consisting of granitic sand, gravel, cobbles and boulders. The center of the shoreline contains a large mound of boulders and cobbles. The boulders at this location range in size from five to six feet in diameter. Between the pier and the boulder mound the substrate consists of fine-to-medium grained granitic sand. Below elevation 6,222, the sand is intermixed with small gravel and cobbles. Beneath the pierhead and walkway the substrate consists of large cobbles and small boulders (up to two feet in diameter) and cobbles piled as high as two feet.

Pine seedlings and grasses were found at the base of the backshore bank (elevation 6,228). The report indicated no vegetation was found between elevations 6,228 and 6,235. Vegetation along the shoreline is very sparse. Vegetation present between elevations 6,221 and 6,223 were Western Dock, Common Mullein and Rushes.

The project site is not located in a mapped fish habitat area, per TRPA review of this project.

The project site presently contains a wooden deck, boatlift, and deck and walkway in the backshore. A wooden walkway leads from the elevated deck waterward over 3 single piling supports of the deck. Four steel pilings support the existing pierhead with three smaller wooden pilings supporting the narrow catwalk attached to the north side of the pierhead.

The nearest piers located from the center line of the proposed realignment of this pier are 15' to the south, and 50' to the north.

From the center line of the proposed pier, once realigned and reconstructed, the distance to the southern property line will be 8' and 42' to the northern property line.

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III. DISCUSSION OF ENVIRONMENTAL EVALUATION

A. Earth

1. Unstable, Changes in Geologic Substructure

The proposed project does not require significant disturbance to the lake bed. Existing pilings would be removed. Steel pilings will be driven to 6' or to refusal in the new alignment as depicted on Attachment A Sheet 1 and 2. Existing mooring buoy anchors rest on the lake bed. No significant impacts would occur.

2. Disruptions, displacement, compaction.

Steel pilings will be driven into the lakebed substrate a minimum of 6' or to refusal. The mooring buoy anchors are not buried. No significant impacts to soils have been identified.

3. Topography

No fill or grading is proposed. The pier structure would be realigned and reconstructed. The mooring buoy floats are visible on the water surface. No impacts to topography would result from this proposed project.

4. Destruction, Covering or Modification of Unique Geologic Features

This project involves reconstruction and 23' extension of an existing pier. The mooring buoy anchors rest on the lake substrate. The extension will bring the pier to the existing TRPA pierhead line and will not cover, destroy or modify any unique geologic features.

5. Increase in Wind or Water Erosion of Soils

This project involves realignment, reconstruction and extension of an existing open pile recreational pier in Lake Tahoe, and retention of two mooring buoys. No new impervious structures are proposed. No impacts to wind or water erosion of soils are anticipated.

6. Deposition/Erosion

The proposed pier realignment, reconstruction and extension is of open pile design. There would be no impacts to deposition or erosion resulting from this 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. The pier as proposed would extend to the existing TRPA pierhead line. This project would not create geological hazards.

B. Air

1. Substantial air emissions or deterioration of ambient air quality

During the reconstruction of the pier, 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 project, 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 pier. 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 proposes realignment, reconstruction and extension of an existing recreational pier. No new buildings are proposed which would affect air movement. No significant impacts would occur.

C. Water

1. Changes in Currents

This reconstruction/extension project would not significantly effect the water currents in the shorezone of this project area. The pier is of open pile design. No significant impacts are anticipated.

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

Realignment, reconstruction, and extension of this recreational pier and retention of two existing mooring buoys 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 removal and driving of pilings. 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 realignment, reconstruction and extension of the existing pier would not create an alteration to any 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 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 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 existing pilings and during the placement of the new pilings. 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 Tahoe Yellow Cress, 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. The report has been considered by the California Department of Fish and Game staff pursuant to the California Endangered Species Act.

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 which is not mapped fish 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 which is not mapped fish habitat. TRPA has issued its permit which includes a Finding of No Significant Impact to the environment. The project has been conditioned by TRPA to minimize effects to the lakebed substrate. No significant impacts have been identified.

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F. Noise

1. Increase in Existing Noise Levels

There would be a temporary, intermittent increase in the existing noise levels during the pile driving activity of the reconstruction of the existing pier and for the operation of the barge during the removal of the existing pilings. 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. The pier and mooring buoys are used for private recreation by 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 project is located within the TRPA pierhead line and will therefore not require special navigational lighting. The mooring buoys will be located beyond the TRPA pierhead line but located 155' and 205' respectively from high water. Navigational lighting for mooring buoys is not required for placement within 350' from high water (personnel communication Helen Denny, U.S. Coast Guard). 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. Diesel fuel would be 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 23' extension of the pier will bring it to the TRPA pierhead line (see Exhibit A, Sheet 1 and 2. The mooring buoys are existing and have been permitted by TRPA. They are located within 350' from high water. 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. A residence exists on the upland bluff from which access is obtained for the use of this parcel's water influence area. This project would not perpetuate impacts to the existing population. 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

There may be minor additional vehicular movement as the contractor will access the pier from the upland site for construction of the pier deck. Existing parking facilities would be utilized at the upland residence. Once the reconstruction activity were completed, there would be no increase in 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 would be from Highway 89 and Meeks Bay Avenue. 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 in-water, lakebed disturbance 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 reconstruction of the pier would not significantly alter the present patterns of circulation existing within the lake.

5. Alterations to Waterborne, Rail or Air Traffic

The continued use of the pier, which would extend to the TRPA pierhead line, would not create any new impacts to waterborne traffic. The mooring buoys are located within 350' from high water, thus not requiring aids to navigation. No significant impacts have been identified.

6. Increase in Traffic Hazards

The need for construction vehicle access to the upland will be limited as the pier will be primarily accessed from the lake for pile driving and removal activity. Access to the upland would be via highway 89 to Meeks Bay Avenue (refer to Exhibit B). This project would not 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 blufftop residence. The proposed realignment, reconstruction and extension of the existing pier and addition of a low-level boat lift as well as retention of two 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 realignment, reconstruction and minor extension of the existing pier would not significantly impact the use of substantial amounts of fuel or energy. Existing electrical service will be extended to the pier to accommodate the low-level boatlift. No 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 proposed project would not impose a significant demand upon existing sources of energy. Also refer to response O.-1., above.

P. Utilities

1. Power or natural gas

The reconstruction project would not require the placement of new power poles. Existing sources of power will be extended from the upland residence to accommodate the low-level boatlift addition. 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

Realignment, reconstruction and extension of the pier would not present a safety hazard to humans. Retention and use of the pier would not affect human health. TRPA has authorized the proposed project which includes public safety findings. No significant impacts are anticipated.

2. Exposure of people to potential health hazard

During the reconstruction 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 which would be dispersed by the prevailing wind currents. Gasoline fumes would be noticeable when motorized watercraft engines are started in the vicinity of the pier which would also be dispersed by wind currents. This impact would be brief and intermittent and is not considered a significant impact.

R. Aesthetics

1. Obstruction or scenic vista or view

The pier has existed at this site. TRPA has permitted the pier realignment, reconstruction and extension. Removal of the existing boathoist will improve the visual effect of this pier. No new impacts would result from this project. The mooring buoys have existed and are conditionally permitted by TRPA to have floats and chains removed from October 15 - May 1 of each year. This would also improve the net visual effect of this project. No significant effects have been identified.

S. Recreation

1. Quality or quantity of existing recreational opportunities

One of the components of this project involves consideration of a 23' extension to the existing recreational pier and retention of two existing mooring buoys. The pier will extend to the established TRPA pierhead line. The mooring buoys have existed but been unpermitted. The floats and chains of the mooring buoys would be removed between October 15 - May 1 of each year. There would be no significant impacts to recreational opportunities resulting from this proposed project.

T. Cultural Resources

1. Prehistoric or historic archaeological sites

The recreational pier has extended from this parcel for many years. The realignment, reconstruction and minor extension of this existing structure would not 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 pier has not been identified as a historic building. No significant impacts have been identified.

3. Unique Ethnic Cultural Values

There are no known ethnic cultural values associated with this specific project site. The upland parcel has been developed with a 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.

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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, and removal of the floats and chains from the mooring buoys between October 15 - May 1 of each year. The quality of the environment would not be degraded from this proposed project.

2. Short Term vs. Long-Term Environmental Goals

The design of the recreational pier is open piling. The pier as proposed would extend to the TRPA pierhead which would not affect navigation and recreation. The proposed project involves realignment, reconstruction and 23' extension of an existing pier, and the retention of two existing mooring buoys, as depicted on Exhibit A, Sheet 1 of 2. There have been no significant impacts identified which would occur from this proposed reconstruction project and retention of two mooring buoys.

3. Impacts Individually Limiting, Cumulatively Considerable

The proposed project involves the removal of existing pilings, the relocation, reconstruction and extension of an existing private recreational pier, and deck; addition of a low-level boatlift and retention of two existing 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.

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MONITORING PROGRAM

JENNINGS PIER REALIGNMENT, RECONSTRUCTION AND EXTENSION

APN: 016-091-55, EL DORADO COUNTY

1. **Impact:** The removal of the existing piling and placement of new steel piling may cause turbidity to lake waters.

Project Modifications:

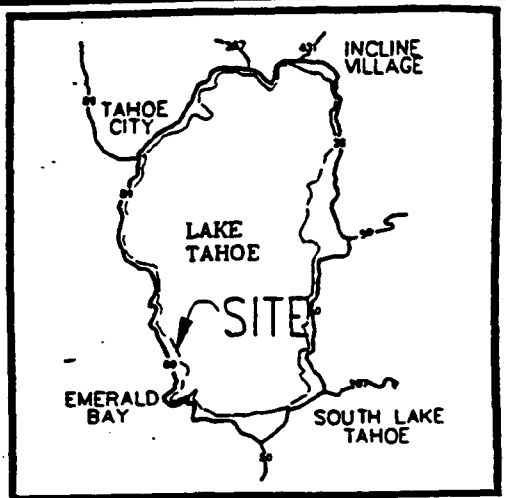
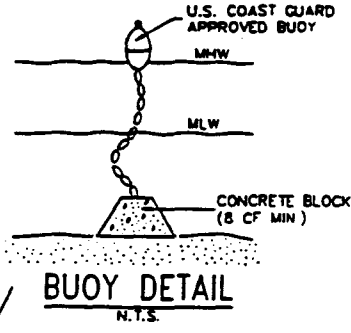
- a) Use of turbidity screens around the construction area;
- b) Use of caissons or cofferdams to prevent the release of resuspended sediments during pile placement;
- c) Use of small boats and/or tarps would be placed under the reconstruction area, as necessary, to collect construction debris; and,
- 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.

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LOCATION MAP

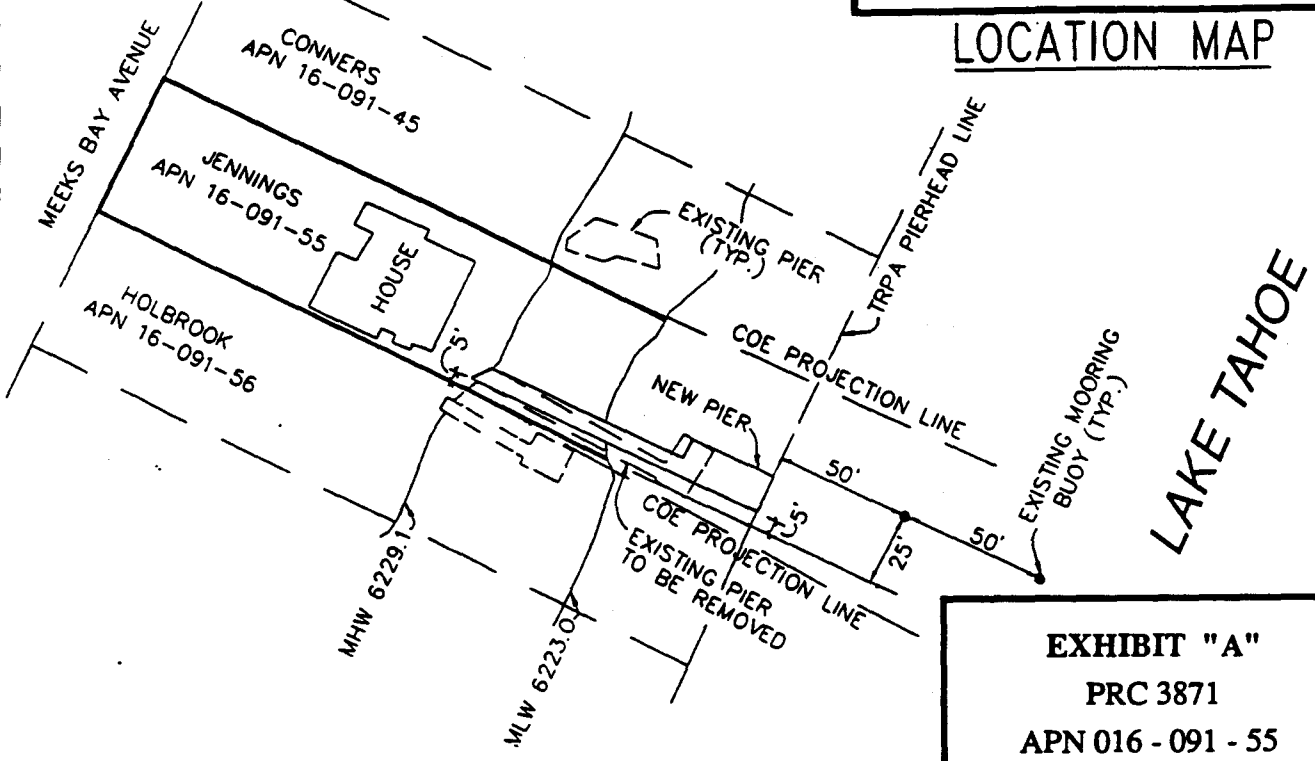
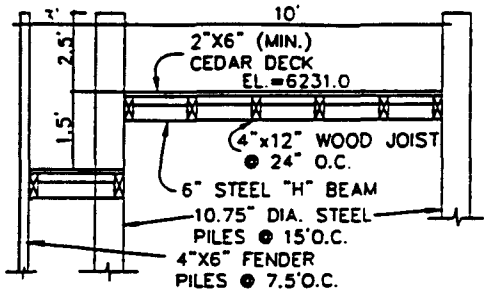


EXHIBIT "A"
PRC 3871
APN 016 - 091 - 55
Lake Tahoe
EL DORADO COUNTY
Sheet 1 of 2 Sheets



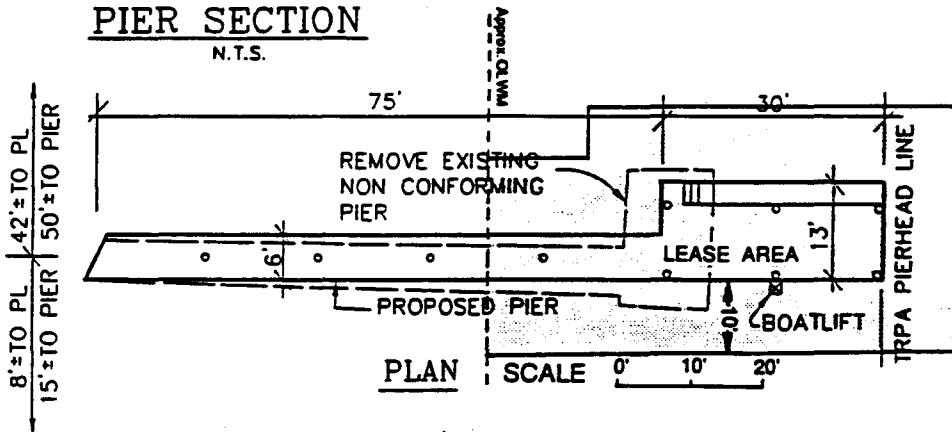
This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.



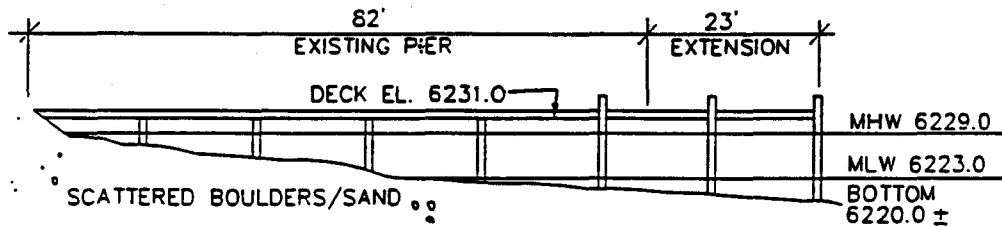
PIER SECTION
N.T.S.

NOTE:

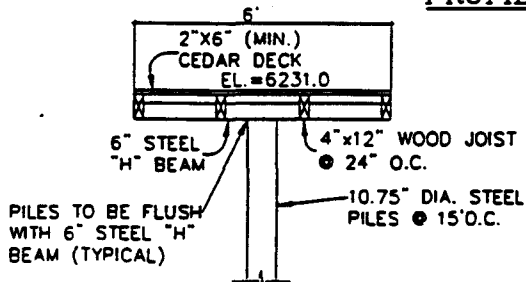
THE EXISTING PIER IS PARTIALLY COLLAPSED AND WILL BE REMOVED AND RECONSTRUCTED AND MODIFIED IN ACCORDANCE WITH THE AGENCY STANDARDS FOR EXISTING PIERS.



PLAN SCALE 0' 10' 20'



PROFILE SCALE 0' 10' 20'



WALKWAY SECTION
N.T.S.

LAKE TAHOE

EXHIBIT "A"

PRC 3871

APN 016 - 091 - 55

Lake Tahoe

EL DORADO 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.

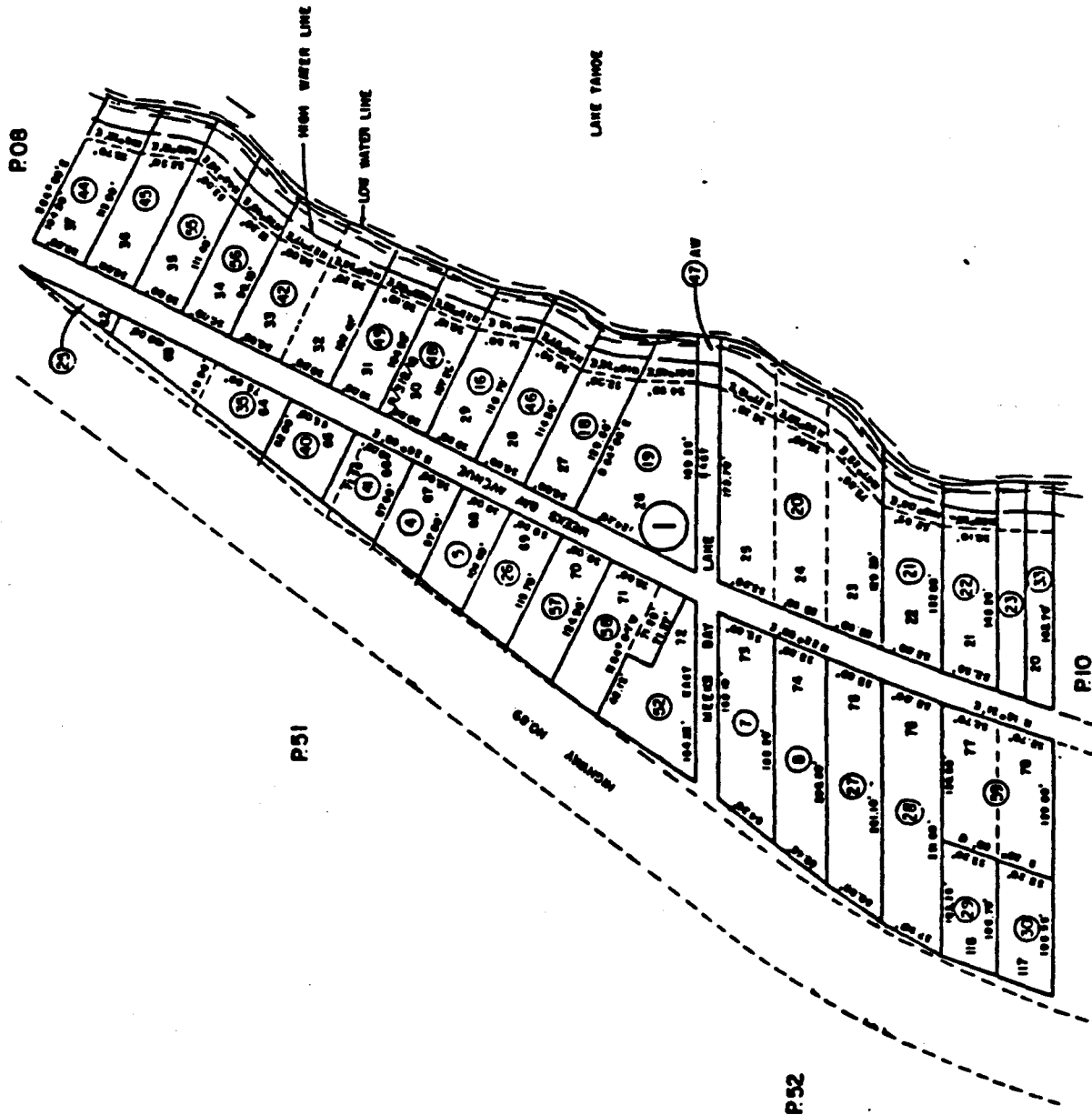
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FOR SEC. 29, T14N, R17E, MDM.
MEEKS BAY VISTA SUBDIVISION - SOUTH TRACT
A-6

EXHIBIT B



Assessor's Map 81, 10 - Pt
County of El Dorado, California

NOTE - Assessor's Parcel Number shown in (P) and
Assessor's Parcel Number shown in (C)

THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co
Assessor's office for informational purposes only.