

**MINUTE ITEM**

This Calendar Item No. C07  
was approved as Minute Item  
No. 7 by the State Lands  
Commission by a vote of 3  
0 at its 9/23/91  
meeting.

**CALENDAR ITEM**

A 7  
S 1

C 0 7

09/23/91  
PRC 4158  
J. Ludlow

**TERMINATE LEASE AND ACCEPT A QUITCLAIM DEED FOR  
NON-COMMERCIAL LEASE PRC 4158 AND  
APPROVE A RECREATIONAL PIER PERMIT**

**APPLICANT:**

Gerard H. Davis  
1455 - 45th Street  
Sacramento, California 95819

**AREA, TYPE LAND AND LOCATION:**

A parcel of submerged land located in Lake Tahoe near  
Sunnyside, Placer County.

**LAND USE:**

Proposed reconstruction, use, and maintenance of an existing  
authorized pier, including the installation of one low-level  
boatlift and the retention of two existing previously  
unauthorized mooring buoys.

**TERMS OF PROPOSED PERMIT:**

Initial period:  
Five (5) years beginning September 23, 1991.

**CONSIDERATION:**

Rent-free, pursuant to Section 6305.5 of the P.R.C.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is owner of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee, processing costs, environmental fee, and Fish  
and Game fee have been received.

(ADDED pgs. 53-53.25)

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CALENDAR ITEM NO. C 07 (CONT'D)

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**

02/24/92

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 565, State Clearinghouse No. 91082098. 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. As noted, staff has circulated a Proposed Negative Declaration SCH No. 91082098 for the subject facilities. Staff received comment on the Proposed Negative Declaration from the TRPA staff during the public comment period concerning the addition of two low-level boatlifts. TRPA staff indicated the TRPA permit authorized one boatlift based upon Design and Construction Standards for Piers pursuant to Chapter 54.4.B.(1) of the Shorezone Provisions within the TRPA Code of Ordinances. Commission staff contacted the applicant's agent to discuss the comment received, and the agent has since submitted a letter of clarification to Commission staff indicating that only one boatlift is proposed.

In addition, staff has recently been informed by staff of the Department of Fish and Game (DFG) and staff of the Tahoe Regional Planning Agency (TRPA) that both agencies will be reviewing their policies regarding placement and use of buoys at Lake Tahoe, and may develop restrictions on such placement and use of buoys to address fish habitat and other environmental and recreational concerns. Staff, therefore, recommends that the Commission approve the facilities which are

CALENDAR ITEM NO. C 0 7 (CONT'D)

the subject of this calendar item, subject to the right of the Commission to amend or rescind such authorization during the term specified if appropriate to respond to concerns which may arise during the upcoming review by DFG and TRPA.

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 review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
4. The Applicant proposes to reconstruct an existing recreational pier, including the addition of a low-level boatlift and retain two existing previously unauthorized mooring buoys.
5. In March 1973, the Commission authorized the assignment of a Non-Commercial Lease PRC 4158 to Davis Financial Corporation. On December 30, 1986, Mr. Davis transferred title held in the corporation's name to himself, an individual, thus qualifying for a rent-free permit pursuant to Section 6503.5 of the P.R.C.
6. The project will be accomplished using a barge-mounted pile driver and all work will be completed from the water using floating equipment.
7. The Applicant has incorporated the Interim Management Program Construction and Access Guidelines (Guidelines) into the project description which will avoid disturbance to the Tahoe Yellow Cress (Rorippa subumbellata Roll), or its habitat, and the State Lands Commission has included those Guidelines as part of the Negative Declaration. Commission staff will monitor the construction of the proposed project in accordance with the Guidelines included within the Proposed Negative Declaration.

The Applicant has agreed to post a letter of credit to ensure compliance with the project modifications as described in the Proposed Negative Declaration, SCH No. 91082098.

CALENDAR ITEM NO. 007 (CONT'D)

Staff has determined that the project, as presented herein, is applicable to the Department of Fish and Game fee pursuant to AB 3158, Chapter 1706, Statutes of 1990 (Section 711.4 of the Fish and Game Code).

8. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
9. All permits issued at Lake Tahoe include special language in which the permittee/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.
10. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this 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 Applicant has been notified that the public has a right to pass along the shoreline and the permittee must provide a reasonable means for public passage along the shorezone area occupied by the permitted structure.

**APPROVALS OBTAINED:**

Tahoe Regional Planning Agency, Department of Fish and Game, and Placer County.

**FURTHER APPROVALS REQUIRED:**

United States Army Corps of Engineers.

**EXHIBITS:**

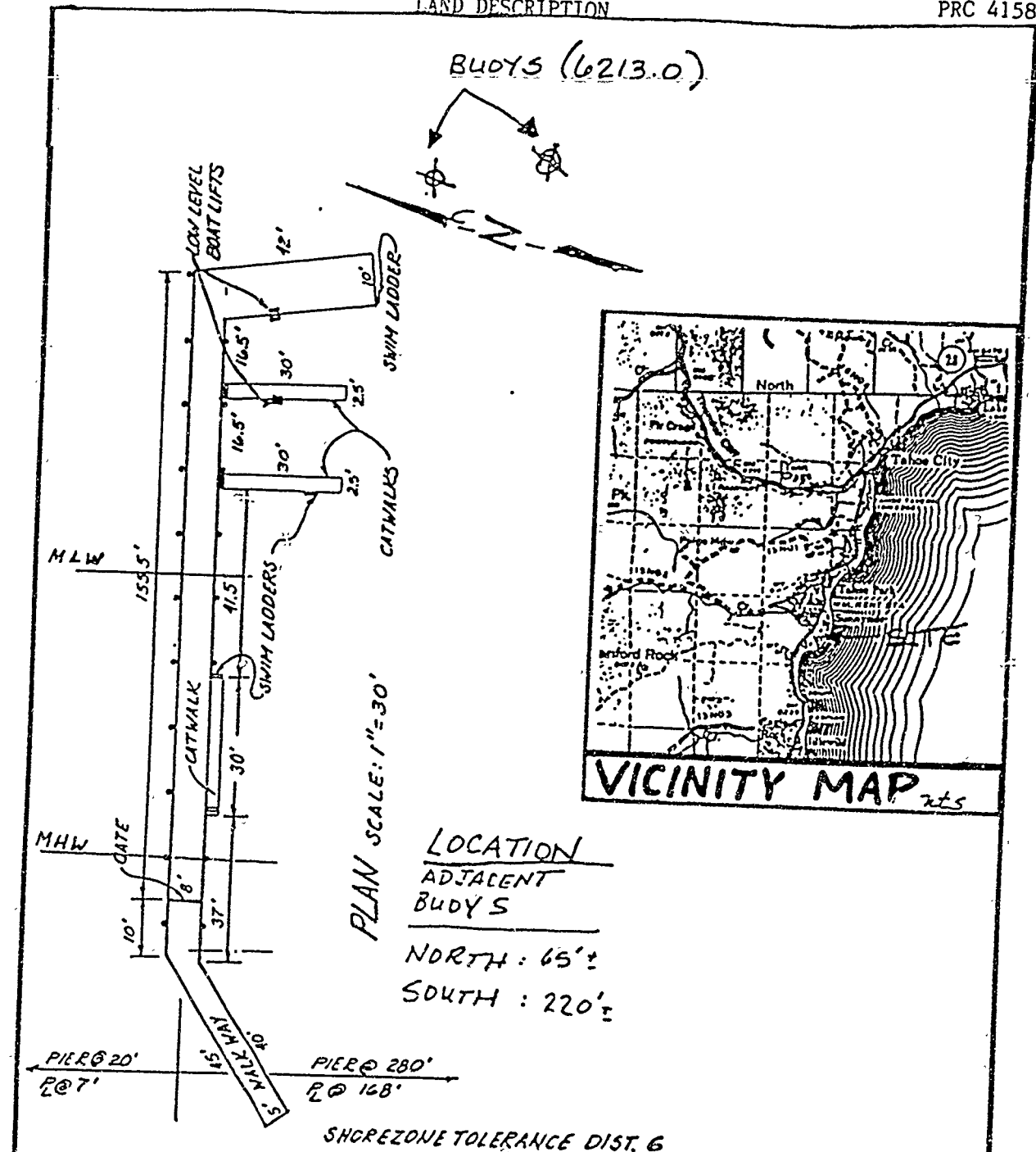
- A. Land Description
- B. Location Map
- C. Placer County Letter of Approval
- D. Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. TERMINATE THE NON-COMMERCIAL LEASE ISSUED TO DAVIS FINANCIAL CORPORATION APPROVED BY THE COMMISSION ON MARCH 29, 1973, MINUTE ITEM 6, AND ACCEPT A QUITCLAIM DEED TRANSFERRING ALL RIGHT, TITLE, AND INTEREST IN THE LEASEHOLD FROM DAVIS FINANCIAL CORPORATION BACK TO THE STATE OF CALIFORNIA.
2. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 565, STATE CLEARINGHOUSE NO. 91082098, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO GERARD H. DAVIS OF A FIVE-YEAR RECREATIONAL PIER PERMIT, EFFECTIVE SEPTEMBER 23, 1991, FOR THE RECONSTRUCTION, USE, AND MAINTENANCE OF AN EXISTING RECREATIONAL PIER, INCLUDING THE INSTALLATION OF A LOW-LEVEL BOATLIFT AND THE RETENTION OF TWO MOORING BUOYS, AS ILLUSTRATED AND LOCATED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF PROVIDED THAT, AT ANY TIME DURING ITS STATED TERM, THE COMMISSION MAY AMEND OR RESCIND THIS AUTHORIZATION AS IT PERTAINS TO BUOYS AS IT DEEMS NECESSARY TO ADDRESS CONCERNS WHICH MAY ARISE DURING THE UPCOMING REVIEW OF SUCH FACILITIES BY DFG AND TRPA.

EXHIBIT "A"  
LAND DESCRIPTION

PRC 4158



LOCATION  
ADJACENT  
BUDY S  
NORTH: 65'±  
SOUTH: 220'±

|   |   |
|---|---|
| <p>ADJOINING PROPERTIES:<br/>NORTH: 84-121-03 WALLIS<br/>SOUTH: 84-121-09 JONES</p>                           | <p>PROPOSED PIER RECONSTRUCTION<br/>2500 WEST LAKE BLVD.<br/>A.P.N. 84-121-08 PLACER CO. CALIFORNIA</p>   |
| <p><b>BRISCO ENTERPRISES</b><br/>Post Office Box 7468<br/>Tahoe City, California 95730<br/>(916) 583-6892</p> | <p>APPLICATION BY: <b>GERARD DAVIS</b><br/>1415 45<sup>TH</sup> ST<br/>SACRAMENTO CA. 95819<br/>SCALE 1" = 30'<br/>0" 10' 20' 30'<br/>NOV. 88</p> |

PREPARED MAY 2, 1990 BY SAS.

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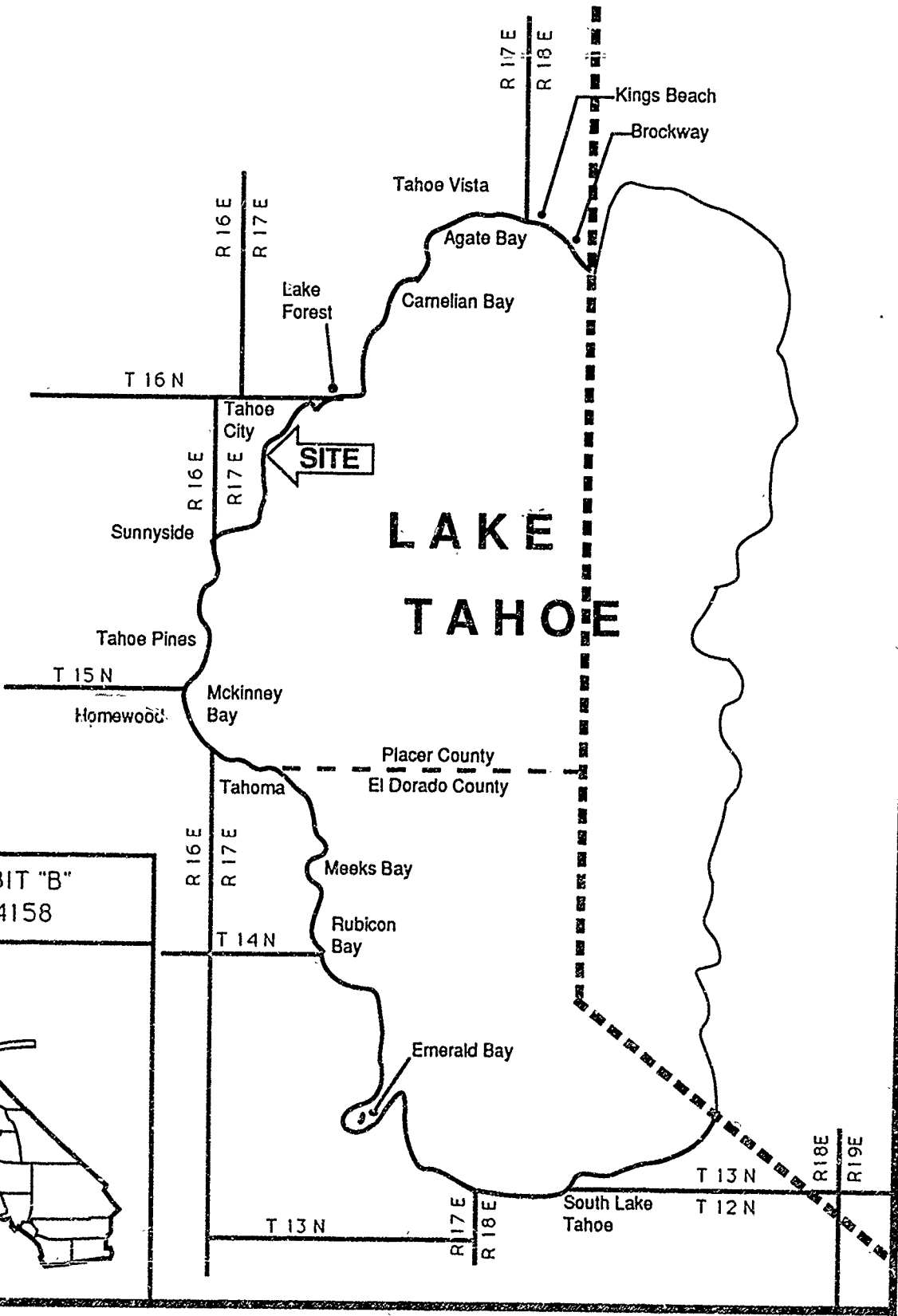
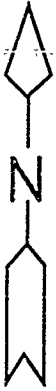


EXHIBIT "B"  
PRC 4158



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RECEIVED  
NOV 30 1989

EXHIBIT "C"

PLACER COUNTY  
DEPT OF PUBLIC WORKS

Date November 28, 1989

File Ref: PRC 4158.9

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

Subject: Building Permit for Pier (Pier reconstruction and two  
existing mooring buoys)

Name: Gerard Davis

Address 1445 45th Street

Sacramento, California 95819

Placer County Assessor's Parcel No. 84-121-03

Upland Address: 2500 West Lake Boulevard

Dear Ms. Ludlow:

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

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

Sincerely,

*Erick Erickson*

ERICK ERICKSON  
Associate Civil Engineer

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## STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor

GRAY DAVIS, Controller

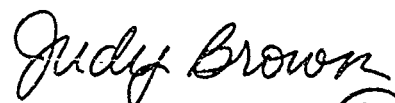
THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95814CHARLES WARREN  
Executive OfficerAugust 20, 1991  
File Ref.: PRC 4158  
EIR ND: 565NOTICE OF PUBLIC REVIEW OF A PROPOSED NEGATIVE DECLARATION  
(SECTION 15073 CFR)

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 20, 1991.

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

JUDY BROWN (LL)  
Division of Environmental Planning  
and Management

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

CHARLES WARRI  
Executive Officer

PROPOSED NEGATIVE DECLARATION

EIR ND: 565

File Ref.: PRC 4158

SCH. NO.: 91082098

**Project Title:** Gerard Davis Pier Reconstruction

**Project Proponent:** Gerard Davis

**Project Location:** Lake Tahoe, 2500 West Lake Blvd., APN: 84-121-08, near Sunnyside, Placer County.

**Project Description:** This project proposes reconstruction of an existing 8' x 155.5' recreational pier; addition of two low-level boatlifts, and retention of two existing mooring buoys. The project will be constructed in accordance with the Construction and Access Guidelines identified in the attached Interim Management Program for Rorippa Subumbellata, Roll.

**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.

FORM 13.17 (4/90)

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: PRC 4158

I. BACKGROUND INFORMATION

- A. Applicant: Gerard Davis  
c/o Brisco Enterprises  
P.O. Box 7468  
Tahoe City, CA 95730
- B. Checklist Date: 08 / 16 / 91
- C. Contact Person: Judy Brown  
Telephone: ( 916 ) 324-4715
- D. Purpose: Total reconstruction of an existing 8' x 155.5' recreational pier; addition of two low-level boatlifts; retention of two existing mooring buoys.
- E. Location: 2500 West Lake Blvd.; APN: 84-121-08  
Near Sunnyside Lake Tahoe, Placer County
- F. Description: The project will be constructed in accordance with the Construction and Access guidelines identified in the attached Interim Management Program for Recreation.
- G. Persons Contacted: Coleen Shade, TRPA

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

A. Earth. Will the proposal result in:

- |  | Yes                      | Maybe                    | No                                  |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Unstable earth conditions or changes in geologic substructures? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Disruptions, displacements, compaction, or overcovering of the soil? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Change in topography or ground surface relief features? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The destruction, covering, or modification of any unique geologic or physical features? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

- J. *Risk of Upset.* Does the proposal result in:
- |   | Yes                      | Maybe                    | No                                  |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan? . . . . .  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- K. *Population.* Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The alteration, distribution, density, or growth rate of the human population of the area? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- L. *Housing.* Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Affecting existing housing, or create a demand for additional housing? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- M. *Transportation/Circulation.* Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Generation of substantial additional vehicular movement? . . . . .                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking? . . . . .         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems? . . . . .                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic? . . . . .                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? . . . . .         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Fire protection? . . . . .                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Police protection? . . . . .                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Schools? . . . . .   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Parks and other recreational facilities? . . . . .           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Other governmental services? . . . . .                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- O. *Energy.* Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Use of substantial amounts of fuel or energy? . . . . .  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:
- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas? . . . . .     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communication systems? . . . . .    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Water? . . . . .                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks? . . . . .    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage? . . . . .     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste and disposal? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Q. *Human Health.* Will the proposal result in:
- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to potential health hazards? . . . . .                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- R. *Aesthetics.* Will the proposal result in:
- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|
- S. *Recreation.* Will the proposal result in:
- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|

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MINUTE PAGE 2945

T. Cultural Resources.

Yes Maybe No

- 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?
- 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
- 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

U. Mandatory Findings of Significance.

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?
- 3. Does the project have impacts which are individually limited, but cumulatively considerable?
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

See attached discussion.

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 / 16 / 91

*Judy Brown*  
 For the State Lands Commission  
 Judy Brown

|                   |      |
|-------------------|------|
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| MINUTE PAGE       | 2949 |
| Form 13.20 (7/82) |      |

DISCUSSION OF ENVIRONMENTAL EVALUATION  
GERARD DAVIS  
PIER RECONSTRUCTION

WP 4158

A. Earth

1. No. The project will not alter or cover any ground features or create unstable conditions.
2. No. The proposed pier reconstruction will involve the removal of existing wood pilings and replacement with " steel pilings for support which will be driven into the lake bed. A 2' x 8' decking will be constructed on the pilings, approximately 6-8 feet above the water surface. This open construction will not cover the lake bottom. No additional compaction or coverage will result from the proposed reconstruction of the pier.
3. No. This project does not propose any grading or filling of the ground surface. The pilings will be set with hydraulic pressure to minimize impacts to the lake bed. This impact is considered minimal.
4. No. The bed of Lake Tahoe at this location is sandy with scattered cobbles. The design of the pier is open piling to reduce impacts on the lake bed. The proposed reconstruction of the existing pier will not affect any unique lakebottom features.
5. No. The pier pilings will be placed directly in the lake bed substrate. This action will not cause any erosion or significant disturbance to lake bottom profiles.
6. No. This project involves the reconstruction of an open piling pier which will not cause the accrual of silts affecting the deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the bed of the lake.
7. No. This project proposes the reconstruction of an existing open piling pier within the shores of Lake Tahoe. The depths of installation of the pilings will be shallow and will not create seismic instabilities or ground failures.

B. Air

1. No. The repair will be accomplished through the use of a lark vessel, a boat/floating barge with overinflated tires which will be operated for a short time period which will not substantially affect the deterioration of ambient air quality for the Lake Tahoe Basin.
2. No. This project does not propose the use of any hazardous materials for the reconstruction of the existing pier; however, some odor will be experienced from emissions of the vessel from which the piles will be driven.
3. No. This project does not propose the placement of any structure which would affect the air movement, moisture, or temperature, or any change in climate, locally or regionally, as it is a reconstruction of an existing, open piling pier located within the lake.

C. Water

1. No. This project does not propose to intake or discharge any fluids or materials into the lake waters.
2. No. This project does not propose the placement of any new, impervious structures.
3. No. This project will not affect the course or flow of flood waters, as it is the reconstruction of an open piling pier within the body of the lake and the retention of two existing mooring buoys which are anchored on the bed of Lake Tahoe.
4. No. This project does not propose to place fill material in any body of water.
5. No. This project will cause minimal turbidity to lake waters during the driving of replacement piling into the lake bed. Specific water quality measures to be implemented include:
  - a) Use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile removal and replacement activities;
  - b) Small boats or tarps will be placed under the construction area as necessary to collect construction debris; and,
  - c) Waste materials will be collected onto a barge or dumpsters for disposal at an approved landfill site.



6. No. The pier pilings will be set at relatively shallow depths and will not affect the existing flow of ground water.
7. No. This project does not involve the disturbance to any aquifers or propose significant cuts or excavation that would affect the quantity of ground waters.
8. No. This project does not propose the consumption of any public water supply.
9. No. This project does not propose new construction of habitable or office building structures; however, the existing structure which is proposed for reconstruction is subject to natural wave action under normal circumstances and increased wave action during inclement weather experienced at this elevation.
10. No. No thermal springs have been identified within the proposed project area.

D. Plant Life

1. No. A report has been prepared by a qualified botanist which describes the existing soils and vegetation of the project site. Measures have been incorporated into the project which will protect and conserve Rorippa subumbellata Roll. and its habitat. In addition, the applicant has agreed to participate in the Interim Management Program, included in this Initial Study as Attachment 2, for the Rorippa subumbellata Roll. and its habitat, which has been prepared in accordance with State Lands Commission authorization Minute Item 27, July 10, 1989.
2. No. See response to #1, above.
3. No. This project does not propose new landscaping. Please refer to response to #1, above.
4. No. This proposed project does not involve any agricultural land. The proposed construction activities will occur within the lake and immediate upland area.

E. Animal Life

1. No. The pilings could affect access to the lake bottom by burrowing organisms. Fish and benthic organisms could be attracted to the pilings for grazing and shelter. The impacts would be minimal.
2. No. The TRPA has determined that there will be no significant effect on fish habitat which may result from the proposed reconstruction of the pier and has issued their permit for this project. When the pier has been reconstructed, fish will repopulate the site, as the lakebed site contains natural material suitable for fish habitat. The project also includes the retention of two existing mooring buoys intended for permanent placement. The buoys are located approximately 50' and 100' from the most lakeward edge of the pier and approximately 50 feet from the the northern property line and 26' from the southerly property line. Impacts to fish habitat from the placement of two mooring buoys for which a concrete block rests on the lake bottom for each, are considered to be minimal and have already occurred.
3. No. The reconstruction of this pier will introduce new habitat. The impact will be minimal as piers which furnish similar habitat currently occupy sites near the project location. No new animal species will be introduced as a result of this project.
4. No. This proposed project is located in an area designated prime fish spawning habitat per TRPA fish habitat maps; however, TRPA has determined that the project, as proposed, will not have a significant effect on the environment. In addition, the construction season will be limited to the period of June 15 - September 1, unless specifically authorized by the Department of Fish and Game.

F. Noise

1. No. There will be a temporary, unavoidable increase in the existing noise levels within the area during the construction activity involving the driving of piles into the lake bed. This impact is considered to be insignificant.
2. No. See response to #1, above.

G. Light and Glare

1. No. This proposed project does not involve the placement of lighting fixtures. The new deck will be of wood construction and color, similar in appearance to that which currently exists. The steel pilings will be dark in color and nonreflective, thereby minimizing potential visual impacts.

H. Land Use

1. No. The proposed project does not involve a substantial alteration to the present or planned land use of the area, as it involves the reconstruction of an existing pier within an area for which other existing recreational/residential uses are located.

I. Natural Resources

1. No. This proposed project does not involve the consumption of any natural resources.
2. No. See #1, above.

J. Risk of Upset

1. No. This proposed project does not involve the use of any hazardous substances beyond the fuel to be consumed by the construction vessel. The primary materials used for construction will be wood and steel.
2. No. The proposed partial reconstruction of the existing pier will not interfere with the existing emergency response or evacuation plan for this area.

K. Population

1. No. This proposed project does not include habitable or employment structures or buildings. The existing pier is used for private recreation in accordance with the TRPA Shorezone Ordinances.

L. Housing

1. No. This proposed project will not affect existing housing or create a demand for additional housing. A single-family dwelling exists on the immediate upland parcel within a residential use area.

M. Transportation

1. No. Construction access to the pier will be from the lake side which will minimize vehicular movement required.
2. No. Access to this project will be accomplished from the lake side of the pier. This project does not propose any commercial uses requiring the need for additional parking areas to be constructed.
3. No. This proposed project involves reconstruction of a private recreational pier which will not substantially affect existing transportation systems beyond that which presently exists.
4. No. This project will not affect current land or water traffic, as the proposed construction activity will take place in the lake within the footprint of the pier.
5. No. This proposed project involves reconstruction of an existing pier and retention of two existing mooring buoys which will not create new affects to existing waterborne traffic. The mooring buoys are located approximately 200' and 250' lakeward of the high water mark. Other buoys exist within the adjacent water areas within the vicinity of this project and would therefore not cause any changes to previous navigation patterns prior to the placement of the two buoys of this proposal.
6. No. This proposed project does not involve substantial vehicular movement or truck trips.

N. Public Services

1. No. This proposed project involves the reconstruction of an existing recreational pier which will not require additional public services beyond that which exists for this area.
2. No. See #1 above.
3. No. See #1 above.
4. No. See #1 above.
5. No. See #1 above.
6. No. See #1 above.

O. Energy

1. No. This proposed includes the placement of a small

electrical conduit which will extend from the upland residence and will be used to service the two boat lifts.

Small amounts of local fuel will be consumed during the barge-mounted pile driving activities which will be of short-term duration, and is considered to be an insignificant impact.

2. No. See #1 above.

P. Utilities

1.-6.No. See #1, Energy, above.

Q. Human Health

1. No. The materials to be used in this proposed project, as described, will not create any hazard to human health.

2. No. The proposed reconstruction activity will prevent the possibility of exposing humans to an unsafe condition by maintaining the structure in an acceptable state of repair.

R. Aesthetics

1. No. The proposed reconstruction of an existing open piling pier will not create any new aesthetic impact to this area.

S. Recreation

1. No. A recreational pier exists at this site and is proposed to be reconstructed. The proposed placement of two low-level boat lifts will allow the property owners more convenient, frequent boating use of the lake.

T. Cultural Resources

1. No. The proposed project does not involve any new disturbance beyond the existing footprint of the pier.

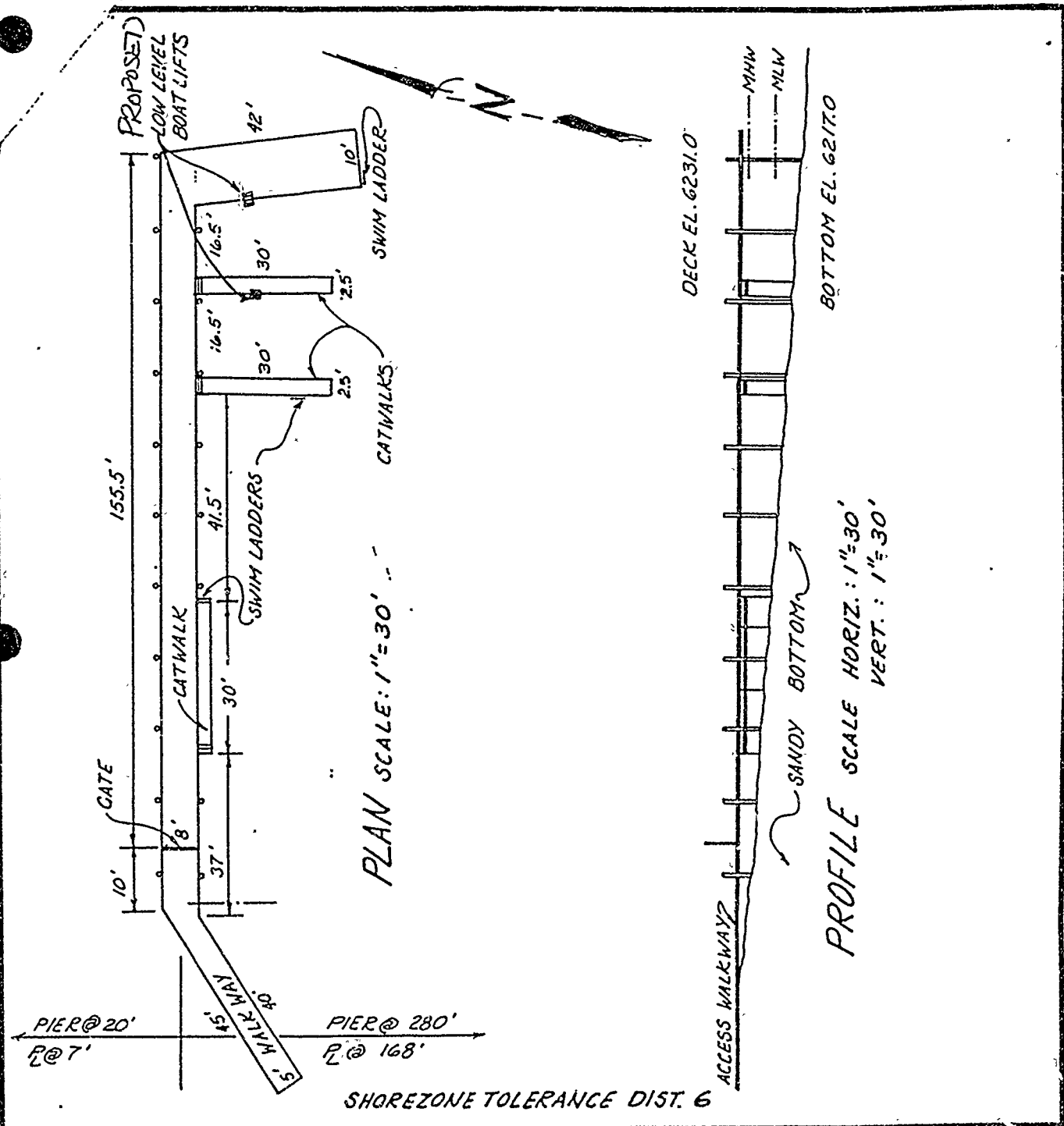
2. No. This proposal does not involve the demolition or construction of any buildings.

3. No. See response to #1, above.

4. No. See response to #1, above.

U. Mandatory Findings of Significance

1. No. The proposed pier reconstruction will not create any new impacts beyond that which have occurred to place the pier originally. The soils and vegetation on the project site have been evaluated for potential impacts to Rorippa subumbellata, Roll. and measures have been incorporated into the project to minimize impacts to Rorippa subumbellata, Roll. or its habitat. The Tahoe Regional Planning Agency has determined, through their permitting process, that the project, as proposed, will not have a significant effect on the environment. Please note that TRPA is not currently authorizing the placement of any mooring buoys. Turbidity caused by construction activities to drive the replacement piles into the lake bed will be minimized using caissons or sleeves covering the new piles before being driven. The construction season will be limited to the period June 1 - September 15 to avoid impacts to fish spawning habitat, unless specifically authorized by the Department of Fish and Game.
2. No. The project proposes reconstruction of an existing pier which will not increase cumulative environmental effects to this segment of the shoreline of Lake Tahoe.
3. No. This project does not propose new construction beyond that which has been previously authorized.
4. No. Construction activities, as proposed, will not cause substantial adverse effects on human beings.



ADJOINING PROPERTIES:  
 NORTH: 84-121-03 WALLIS  
 SOUTH: 84-121-09 JONES

PROPOSED PIER REPAIR  
 2500 WEST LAKE BLVD.  
 A.P.N. 84-121-08 PLACER CO. CALIFORNIA

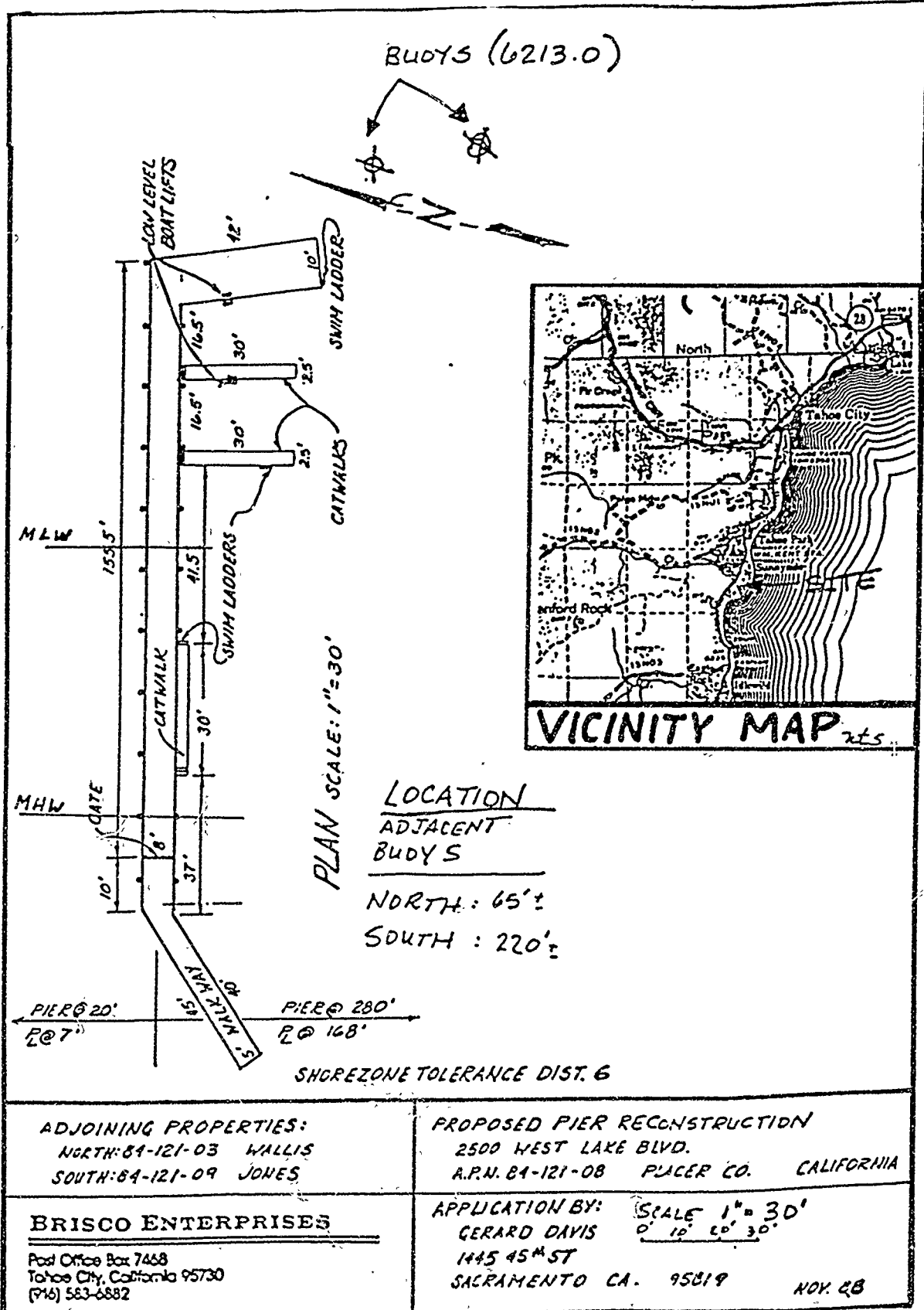
**BRISCO ENTERPRISES**

Post Office Box 7468  
 Tahoe City, California 95730  
 (916) 583-6882

APPLICATION BY:

GERARD DAVIS  
 1445 45<sup>TH</sup> ST  
 SACRAMENTO, CA.

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PREPARED MAY 2, 1990 BY SAS.

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

#### Conservation Guidelines

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

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

#### Other

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

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

INTERIM MANAGEMENT PROGRAM  
FOR Rorippa subumbellata Roll.  
(TAHOE YELLOW CRESS)

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

Construction and Access Guidelines

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

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