

MINUTE ITEM
This Calendar Item No. 003
was approved as Minute Item
No. 8 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/91
meeting.

CALENDAR ITEM

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008

09/23/91
PRC 3940
J. Ludlow

RECREATIONAL PIER PERMIT

APPLICANT:

Walter Morris Hart Noble and
Charles Edward Noble
1170 Sacramento Street
San Francisco, California 94108

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in Lake Tahoe near
Emerald Bay, El Dorado County.

LAND USE:

Partial reconstruction, use, and maintenance of an existing
authorized pier.

TERMS OF PROPOSED PERMIT:

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

CONSIDERATION:

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

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2113.

APPLICANT STATUS:

Applicants are owners of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, processing costs, and partial 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 3, Div. 3; Title 14, Div. 6.

CALENDAR ITEM NO. C 08 (CONT'D)

AB 884:

01/27/92

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 561, State Clearinghouse No. 91082075. 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 review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The Applicant proposes to reconstruct the three most landward sections (approximately 45 feet within the lake's shorezone) of an existing pier. The reconstruction will be performed from the lakeward side of the pier.
4. On July 10, 1989, Minute Item 29, the Commission approved the reconstruction of the lakeward portion of the pier, including the boathouse and new boatlift (all waterward of low water, elevation 6,223 feet) after a proposed Negative Declaration was adopted by the State Lands Commission.
5. 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# 91082075.

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).

6. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
7. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: TRPA, Department of Fish and Game, County of El Dorado, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on the trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.
8. 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.
9. The issuance of this permit supersedes any prior authorization by the State Lands Commission at this location.
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

CALENDAR ITEM NO. C 0 8 (CONT'D)

upon notice by the State, and the site shall be cleared pursuant to the terms thereof. If the location's 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 El Dorado County.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Site Map
- B. Location Map
- C. El Dorado Letter of Approval
- D. Negative Declaration which includes the Department of Fish and Game Consultation Pursuant to California Endangered Species Act and the Interim Management Program/Rorippa.

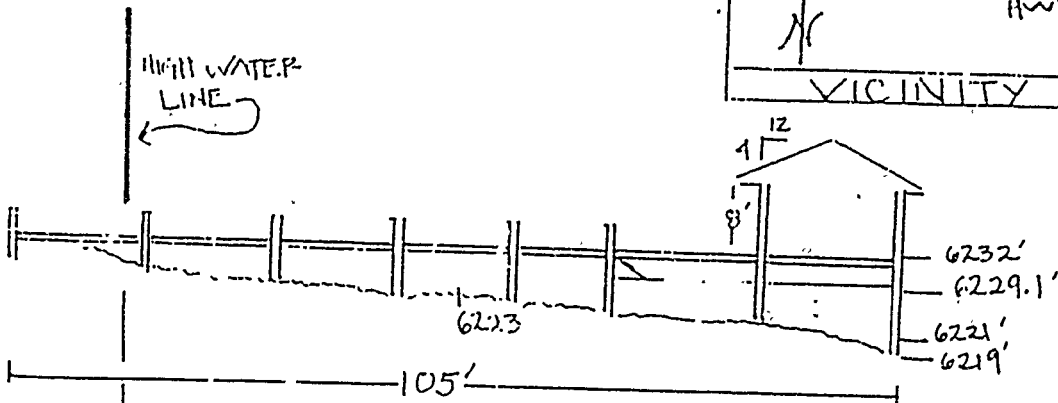
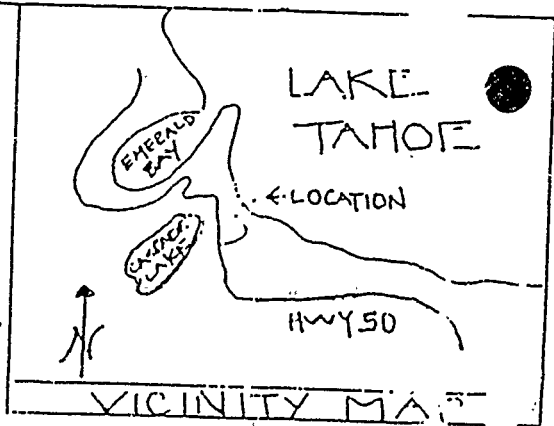
IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 561, STATE CLEARINGHOUSE NO. 91082075, 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 WHICH INCLUDES ENVIRONMENTAL MONITORING TO BE CONDUCTED BY STAFF OF THE STATE LANDS COMMISSION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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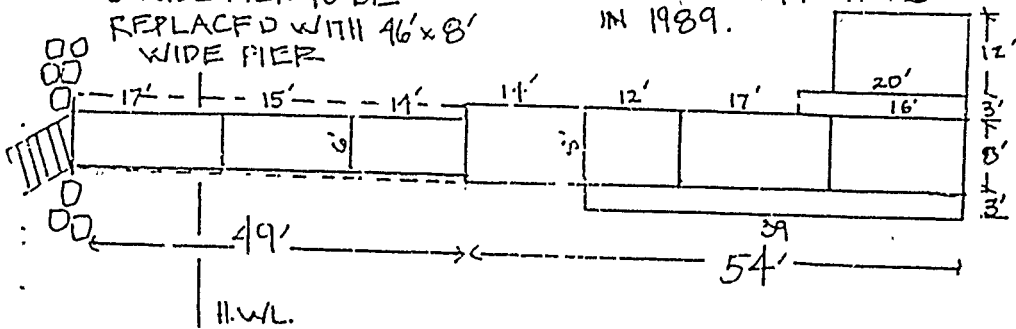
CALENDAR ITEM NO. C 0 2 (CONT'D)

3. AUTHORIZE ISSUANCE TO WALTER MORRIS HART NOBLE AND CHARLES EDWARD NOBLE OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING SEPTEMBER 23, 1991, FOR THE PARTIAL RECONSTRUCTION, USE, AND MAINTENANCE OF AN EXISTING PIER AS SHOWN IN EXHIBIT A, ON THE LAND ALSO DESCRIBED ON EXHIBIT "A", ATTACHED, AND BY REFERENCE MADE A PART HEREOF.
4. FIND THAT THE ISSUANCE OF THIS PERMIT SUPERSEDES ANY PRIOR AUTHORIZATION BY THE STATE LANDS COMMISSION AT THIS LOCATION.



46' PORTION OF 6' WIDE PIER TO BE REPLACED WITH 46' x 8' WIDE PIER

MOST LAKEWARD 59' PORTION REPAIRED IN 1989.



CONSTRUCTION ACTIVITY & MATERIALS WILL BE LIMITED TO A 10' WIDE CORRIDOR ON SOUTH SIDE OF PIER. A CONSTRUCTION FENCE WILL BE PLACED TO PREVENT ANY 1" = 30' DISTURBANCE TO SURROUNDING RORIPPA HABITAT.

NOTE: 100+ FEET TO PROPERTY LINES AND ADJACENT SHORE-ZONE STRUCTURES.

APN # 18-191-11

PIER REPAIR -
 OWNER
 CHARLES NOBLE
 APPLICANT:
 DENA SCHWABER
 P.O. BOX 105
 SO. LAKE TAHOE
 CA 95414
 2967

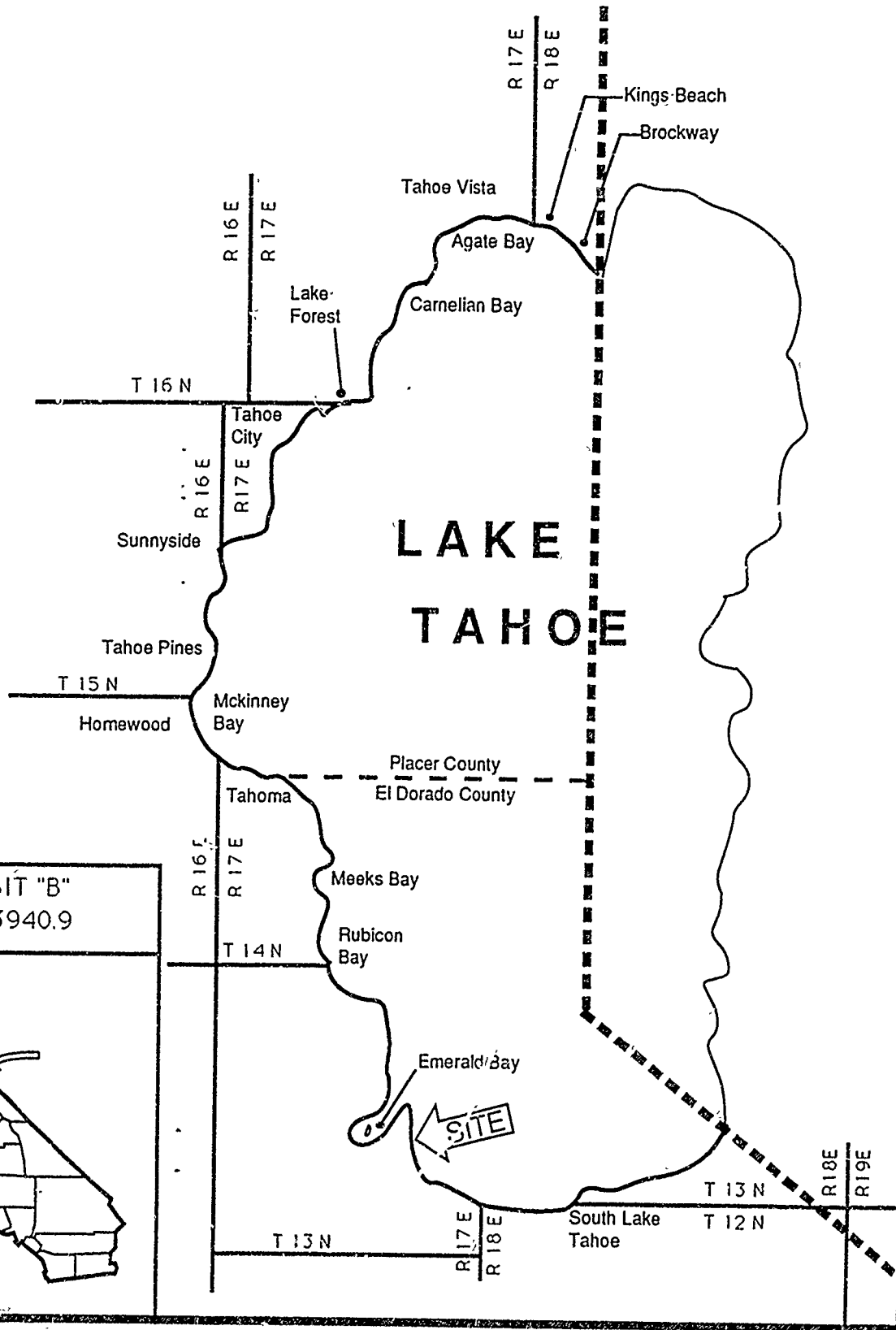


EXHIBIT "B"
PRC 3940.9



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EXHIBIT "C"

Date 12-15-88

File Ref: PRC 3940

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

Subject: Building Permit for Pier

Name: Charles and Walter Noble

Address: 1170 Sacramento Street, San Francisco, CA 94108

Tahoe Address: Lots 4, 5, 6, 7 & 8, Subd. No. 91, Tallac Ma

County Assessor's Parcel No. 018-191-191

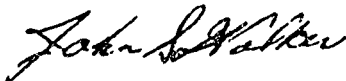
Dear Ms. Ludlow:

The County of El Dorado 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) 573-3145.

Sincerely,

El Dorado County
Building Division



JOHN S. WALKER
Building Inspector III

cc: Dena L. Schwarte
P.O. Box 10530
South Lake Tahoe, CA 95731
542-1711
66311

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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 WARREN
Executive Officer


August 16, 1991
File Ref.: PRC 3940
EIR ND: 561

NOTICE 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 16, 1991.

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*
THOMAS W. HAYES, *Director of Finance*

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

PROPOSED NEGATIVE DECLARATION

EIR ND 561

File: PRC 3940

SCH No. 91082075

Project Title: NOBLE PIER PARTIAL RECONSTRUCTION

Project Proponent: Charles Noble

Project Location: Lake Tahoe, near Emerald Bay, adjacent to APN: 18-191-19, El Dorado County.

Project Description: Proposed reconstruction of three most landward sections (approximately 45 feet) of an existing recreational pier. Reconstruction will be performed from the lake side of the pier. Lakeward sections of the pier were reconstructed in 1989 after a proposed Negative Declaration was certified by the State Lands Commission.

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:

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

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

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: PRC 3940

I. BACKGROUND INFORMATION

- A. Applicant: Charles Noble
c/o Dena Ewing-Stratford
P. O. Box 10530
South Lake Tahoe, CA 96731
- B. Checklist Date: 08 / 09 / 91
- C. Contact Person: Judy Brown
 Telephone: (916) 324-4715
- D. Purpose: Partial reconstruction of three most landward sections (approximately 45 feet)
of a recreational pier.
- E. Location: Lake Tahoe, near Emerald Bay, adjacent to APN: 18-191-19, El Dorado County.
- F. Description: Reconstruction will be performed from the lake side of the pier. Lakeward
sections of the pier were reconstructed in 1989 after a proposed Negative Declaration
was certified by the State Lands Commission. Measures have been incorporated into the
project description to protect Rorippa Subumbellata, Roll.
- G. Persons Contacted: James Messersmith
Regional Manager
Department of Fish and Game, Region 2
Coleen Shade
Tahoe Regional Planning Agency
Kevin Rouckey
U.S. Army Corps of Engineers

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

- | A. Earth. Will the proposal result in: | Yes | Maybe | No |
|--|--------------------------|-------------------------------------|-------------------------------------|
| 1. Unstable earth conditions or changes in geologic substructures? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Disruptions, displacements, compaction, or overcovering of the soil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Change in topography or ground surface relief features? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The destruction, covering, or modification of any unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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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B. *Air*. Will the proposal result in:

Yes. Maybe No

- 1. Substantial air emissions or deterioration of ambient air quality?
- 2. The creation of objectionable odors?
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

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?
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- 3. Alterations to the course or flow of flood waters?
- 4. Change in the amount of surface water in any water body?
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- 6. Alteration of the direction or rate of flow of ground waters?
- 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- 8. Substantial reduction in the amount of water otherwise available for public water supplies?
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?

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)?
- 2. Reduction of the numbers of any unique, rare or endangered species of plants?
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- 4. Reduction in acreage of any agricultural crop?

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)?
- 2. Reduction of the numbers of any unique, rare or endangered species of animals?
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- 4. Deterioration to existing fish or wildlife habitat?

F. *Noise*. Will the proposal result in:

- 1. Increase in existing noise levels?
- 2. Exposure of people to severe noise levels?

G. *Light and Glare*. Will the proposal result in:

- 1. The production of new light or glare?

H. *Land Use*. Will the proposal result in:

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

I. *Natural Resources*. Will the proposal result in:

- 1. Increase in the rate of use of any natural resources?
- 2. Substantial depletion of any nonrenewable resources?

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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?
- 2. Possible interference with emergency response plan or an emergency evacuation plan?

K. Population. Will the proposal result in:

- 1. The alteration, distribution, density, or growth rate of the human population of the area?

L. Housing. Will the proposal result in:

- 1. Affecting existing housing, or create a demand for additional housing?

M. Transportation/Circulation. Will the proposal result in:

- 1. Generation of substantial additional vehicular movement?
- 2. Affecting existing parking facilities, or create a demand for new parking?
- 3. Substantial impact upon existing transportation systems?
- 4. Alterations to present patterns of circulation or movement of people and/or goods?
- 5. Alterations to waterborne, rail, or air traffic?
- 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

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?
- 2. Police protection?
- 3. Schools?
- 4. Parks and other recreational facilities?
- 5. Maintenance of public facilities, including roads?
- 6. Other governmental services?

O. Energy. Will the proposal result in:

- 1. Use of substantial amounts of fuel or energy?
- 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?

P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- 1. Power or natural gas?
- 2. Communication systems?
- 3. Water?
- 4. Sewer or septic tanks?
- 5. Storm water drainage?
- 6. Solid waste and disposal?

Q. Human Health. Will the proposal result in:

- 1. Creation of any health hazard or potential health hazard (excluding mental health)?
- 2. Exposure of people to potential health hazards?

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?

S. Recreation. Will the proposal result in:

- 1. An impact upon the quality or quantity of existing recreational opportunities?

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T. Cultural Resources.

Yes Maybe No

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

U. Mandatory Findings of Significance.

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

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

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: 08/09 / 91

Judith A. Brown
 For the State Lands Commission 54 13
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 Form 13.20 (7/82)

DISCUSSION OF ENVIRONMENTAL EVALUATION
CHARLES NOBLE
PARTIAL PIER RECONSTRUCTION

PRC 3940

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 replacement of eight 10" steel pilings for support which will be driven into the lake bed. A wood deck, 8' x 36' will be constructed on the pilings, approximately 4 feet above the lake bed. This open construction will not cover the lake bottom.
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 rocky 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 should not include seismic instabilities or ground failures.

B. Air

1. No. This project involves a barge-mounted pile driver which will be operated for a short duration which will not substantially affect the deterioration of ambient air quality for the Lake Tahoe Basin.

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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.
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. This impact is considered to be insignificant and of short duration.
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. This project does not propose disturbance to existing vegetation.
2. No. A soils and vegetation report was prepared for the project site by Julie Etra, a qualified botanist. The Department of Fish and Game has provided its informal finding of "No Jeopardy" to the California-listed endangered plant species Rorippa subumbellata, Roll. by the project as proposed which includes measures to conserve and protect Rorippa during the proposed construction activity.
3. No. This project does not propose new landscaping. Please refer to response to #2, 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 activity 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.
3. No. The partial 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.

F. Noise

1. No. There will be a temporary, unavoidable increase in the existing noise levels for this area during the construction involving the driving of eight piles into the lake bed. This impact is considered to be

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insignificant.

2. No. The majority of homes occupied within the area affected by the proposed project are intermittently occupied. The construction of the pier may cause periods of increased noise during the replacement of the pier pilings. This impact is considered to be insignificant and of short duration.

G. Light and Glare

1. No. This proposed project does not involve the placement of new structures which would involve the placement of lighting. The reconstruction activity proposed involves replacement of pilings and decking only which will not create glare from finished surfaces.

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 partial 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

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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 partial 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 which will not create new affects to existing waterborne traffic.
6. No. This proposed project does not involve substantial vehicular movement or truck trips.

N. Public Services

1. No. This proposed project involves partial 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 project does not include construction, placement, or use of any utilities. Minor amounts of local fuel will be consumed during the barge-mounted pile driving activities which will be of short-term duration,

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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 partial 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 partial 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 partially reconstructed. The lakeward portion of the pier below elevation 6223' was reconstructed in 1989. This proposal will not change the existing recreational opportunities available within the project vicinity.

T. Cultural Resources

1. No. A recreational pier has been known by staff of the State Lands Commission to exist at this site since the 1960's. 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. A recreational pier has been known to exist at this

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site since the 1960's. 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 the Department of Fish and Game has provided their informal opinion that the project, as proposed, will not jeopardize the Rorippa plant or its habitat. The Tahoe Regional Planning Agency has determined, through their permitting process, that the project, as proposed, will not have a significant impact upon the identified fish spawning habitat. 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.

2. No. The project proposes reconstruction of an existing pier which will not increase environmental effects beyond that which exist for 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.

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Project Description:

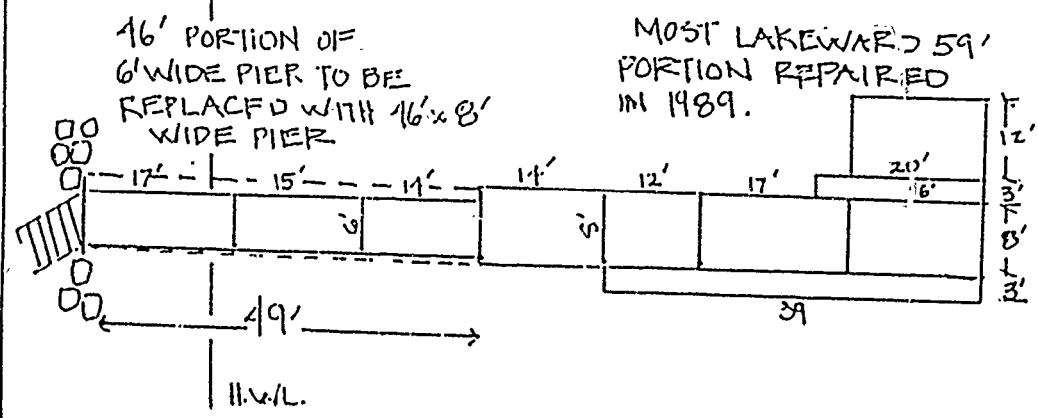
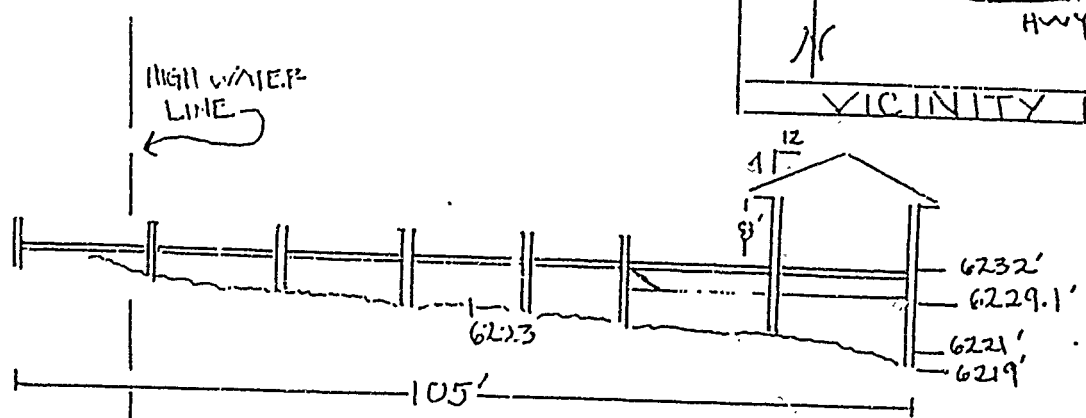
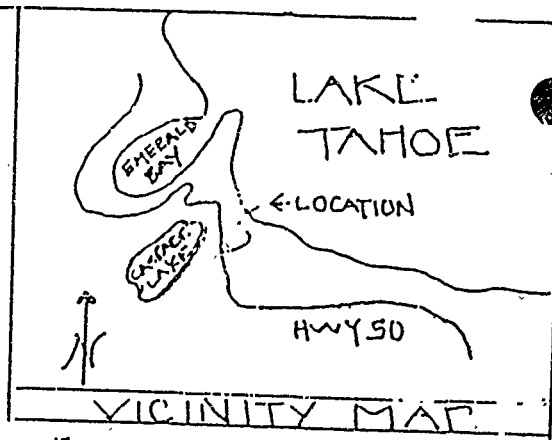
The applicant is proposing to reconstruct the three most landward sections (45 feet) of his pier. The construction will comply with the following guidelines as outlined in the California State Lands Commission, Interim Management Program for Rorippa Subumbellata Roll:

- 1) All construction activities will be conducted from the water side of the pier. The area of disturbance of the lake bottom and shoreline will be no greater than the footprint of the pier. Construction disturbance caused by the construction vehicle will be limited to the area where the pier sets or a space of similar size directly adjacent to the pier. In no case will 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 will be rolled to level the depressions created by the tracks of the construction vehicle. Any remaining compacted soils will 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 will be located or stored between elevation 6220' and 6232' LTD.
- 4) No construction activity at the site will begin or proceed without the presence of the State Lands Commission mitigation monitor on site. The project applicant will notify the designated mitigation monitor at least 14 days prior to when construction will commence.

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- 5) A plan will be submitted to the State Lands Commission showing the location of the existing pathway to the pier. The existing path is completely bordered by native Tahoe vegetation.
- 6) All existing individuals and colonies of *Korippa subumbellata* on the project applicant's property will be fenced to prevent damage during construction.

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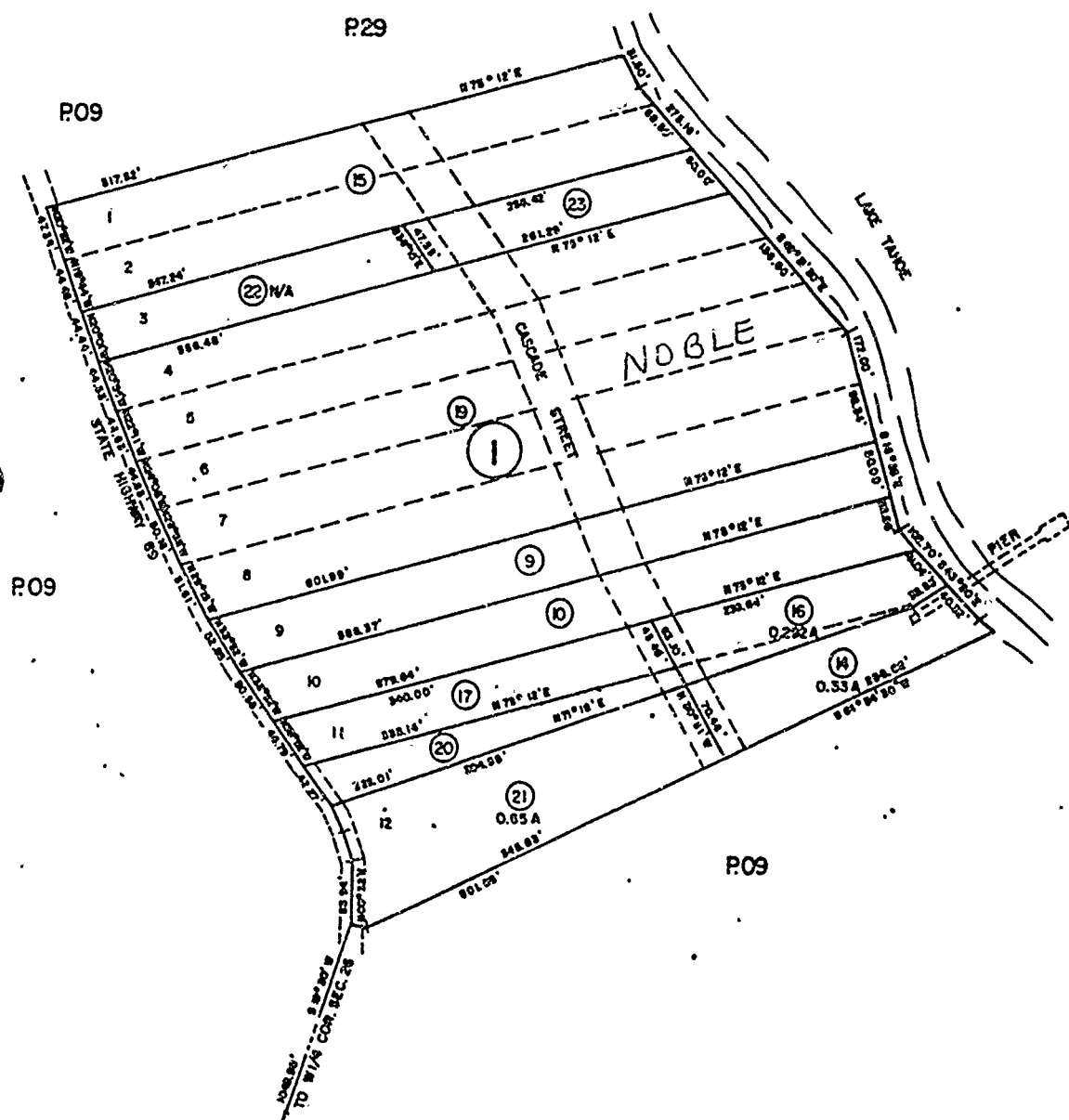
CONSTRUCTION ACTIVITY & MATERIALS WILL BE LIMITED TO A 10' WIDE CORRIDOR ON SOUTH SIDE OF PIER. A CONSTRUCTION FENCE WILL BE PLACED TO PREVENT ANY 1" = 30' DISTURBANCE TO SURROUNDING RORIPPA HABITAT.

NOTE: 100+ FEET TO PROPERTY LINES AND ADJACENT SHOREZONE STRUCTURES.

APN # 18-191-11
 PIER REPAIR -
 OWNER
 CHARLES NOBLE
 APPLICANT:
 VENA SCHWARZE
 P.O. BOX 10530
 SO. LAKE TAHOE
 CA 95751
 51 23
 2985

POR. SEC. 26., T.13N., R.17E., M.D.M.
 TALLAC MANOR SUBDIVISION
 B-17

Tax Area Code



THIS MAP IS NOT A SURVEY, It is prepared by the ET Corbett Co. Assessor's office for assessment purposes only.

NOTE - Assessor's Block Numbers Shown in Boxes
 Assessor's Parcel Numbers Shown in Circles

Assessor's Block Number
 5224
 Assessor's Parcel Number
 2986

Memorandum

To : Ms. Judy Brown
State Lands Commission
1807 13th Street
Sacramento, California 95814

Date : May 10, 1991

From : Department of Fish and Game - Region 2

Subject: Request of Informal Consultation for the Proposed Noble Pier Repair Project on Lake Tahoe, El Dorado County

The Department of Fish and Game (DFG) has reviewed your request for Informal Consultation pursuant to the California Endangered Species Act (CESA) for the subject project. The proposed pier site is within a sensitive plant habitat of the State-listed endangered Tahoe yellow cress (Rorippa subumbellata).

The most lakeward portion (59 feet) of the Noble pier was repaired in 1989 under valid permits. At that time, the State Lands Commission had a moratorium on pier repairs that were proposed on Tahoe yellow cress habitat. Now that the Commission has adopted the Interim Management Program for the Tahoe yellow cress, it is possible to repair the remainder of the pier provided that mitigation measures are implemented to protect the endangered plant species. The applicant is proposing to reconstruct the three most landward sections (45 feet) of his pier.

The DFG has determined the proposed construction project will mitigate any potential adverse impacts to the Tahoe yellow cress if the following guidelines as outlined in the California State Lands Commission's Interim Management Program are adopted as mitigation measures:

1. All construction activities will be conducted from the water side of the pier. The area of disturbance of the lake bottom and shoreline will be no greater than the footprint of the pier. Construction disturbance caused by the construction vehicle will be limited to the area where the pier sets or a space of similar size directly adjacent to the pier. In no case will 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 will be rolled to level the depressions created by the tracks of the construction vehicle.

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Ms. Judy Brown
May 10, 1991
Page Two

Any remaining compacted soils will 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.

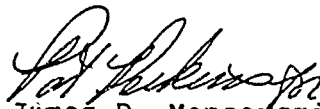
3. No equipment or materials will be located or stored between elevation 6,220 feet and 6,232 feet LTD.
4. No construction activity at the site will begin or proceed without the presence of the State Lands Commission mitigation monitor on site. The project applicant will notify the designated mitigation monitor at least 14 days prior to when construction will commence.
5. A plan will be submitted to the State Lands Commission showing the location of the existing pathway to the pier. The existing path is completely bordered by native Tahoe vegetation.
6. All existing individuals and colonies of Rorippa subumbellata on the project applicant's property will be fenced to prevent damage during construction.

With the above mitigation measures implemented, the DFG finds that the project would result in "No Jeopardy" to the Tahoe yellow crest plant, pursuant to CESA. We would also concur with a finding for an mitigated Negative Declaration pursuant to CEQA Guidelines.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

If we can be of further assistance, please contact Mr. Bob Mapes, Associate Wildlife Biologist, or Ms. Patricia Perkins, Wildlife Management Supervisor, telephone (916) 355-7010.

Sincerely,


James D. Messersmith
Regional Manager

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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.

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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.

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