

MINUTE ITEM

This Calendar Item No. 009
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/91
meeting.

CALENDAR ITEM

A 7

009

09/23/91
PRC 3976
J. Ludlow

S 1

RECREATIONAL PIER PERMIT

LESSEE:

John D. Graham and Mary J. Graham
P. O. Box 271
Homewood, California 96141

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in the bed of Lake Tahoe
at McKinney Shores near Homewood, Placer County.

LAND USE:

Reconstruction and 15-foot extension of an existing pier and
retention of two mooring buoys.

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. 2003.

APPLICANT STATUS:

Lessee is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, processing costs, environmental, and Fish and
Game 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.

AB 884:

12/23/91

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(REVISED pgs. 55-58.1)

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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 536, State Clearinghouse No. 90021051. 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. 90021051 for the subject facilities, and received no objection to any of these projects during the public comment period. However, 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 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 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.

5. 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. 90021051.
6. 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).
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 Placer, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on 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. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the Public Trust needs of the area.
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 (see Exhibit "B" of Proposed Amended Negative Declaration).
10. 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.

CALENDAR ITEM NO. C 09 (CONT'D)

11. The issuance of this permit supersedes any prior authorization by the State Lands Commission at this location.
12. 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 will be 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, Lessee shall request the consent of State to make such alteration.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Department of Fish and Game, Placer County, and Lahontan Regional Water Quality Control Board.

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. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 536, STATE CLEARINGHOUSE NO. 90021051, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO JOHN D. GRAHAM AND MARY J. GRAHAM OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING SEPTEMBER 23, 1991, FOR THE RECONSTRUCTION AND FIFTEEN-FOOT EXTENSION OF AN EXISTING PIER AND RETENTION OF TWO MOORING BUOYS, AS

CALENDAR ITEM NO. C 09 (CONT'D)

DESCRIBED IN EXHIBIT "A" AND MODIFIED BY EXHIBIT "D", 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.

4. FIND THAT THE ISSUANCE OF THIS PERMIT SUPERSEDES ANY PRIOR AUTHORIZATION BY THE STATE LANDS COMMISSION AT THIS LOCATION.

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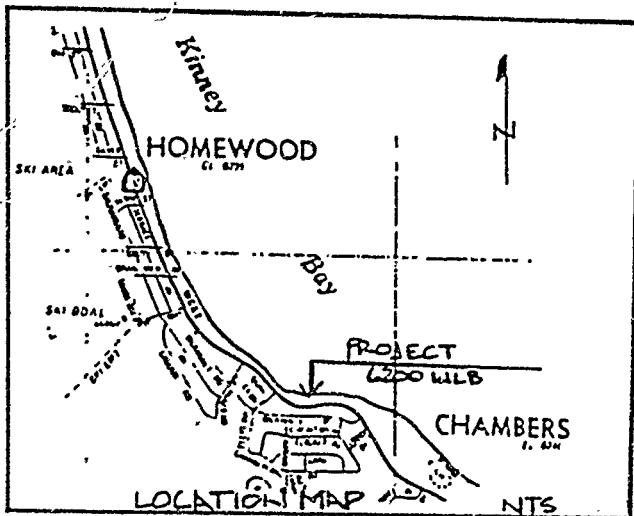
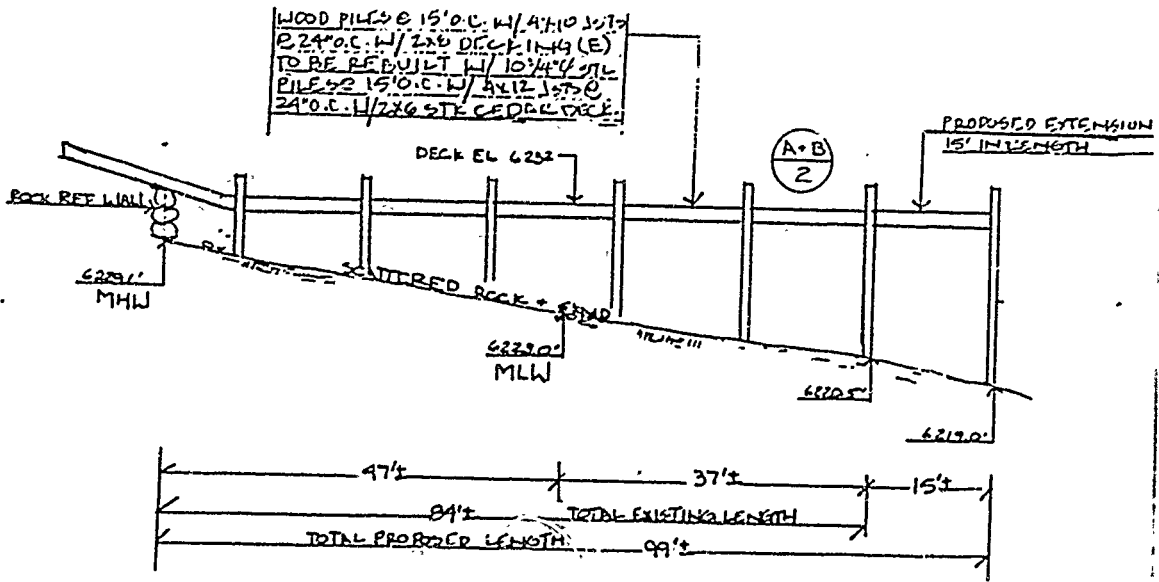


EXHIBIT "A"

SITE MAP
 GRAHAM
 PRC 3976
 LAKE TAHOE
 PLACER COUNTY



No Scale

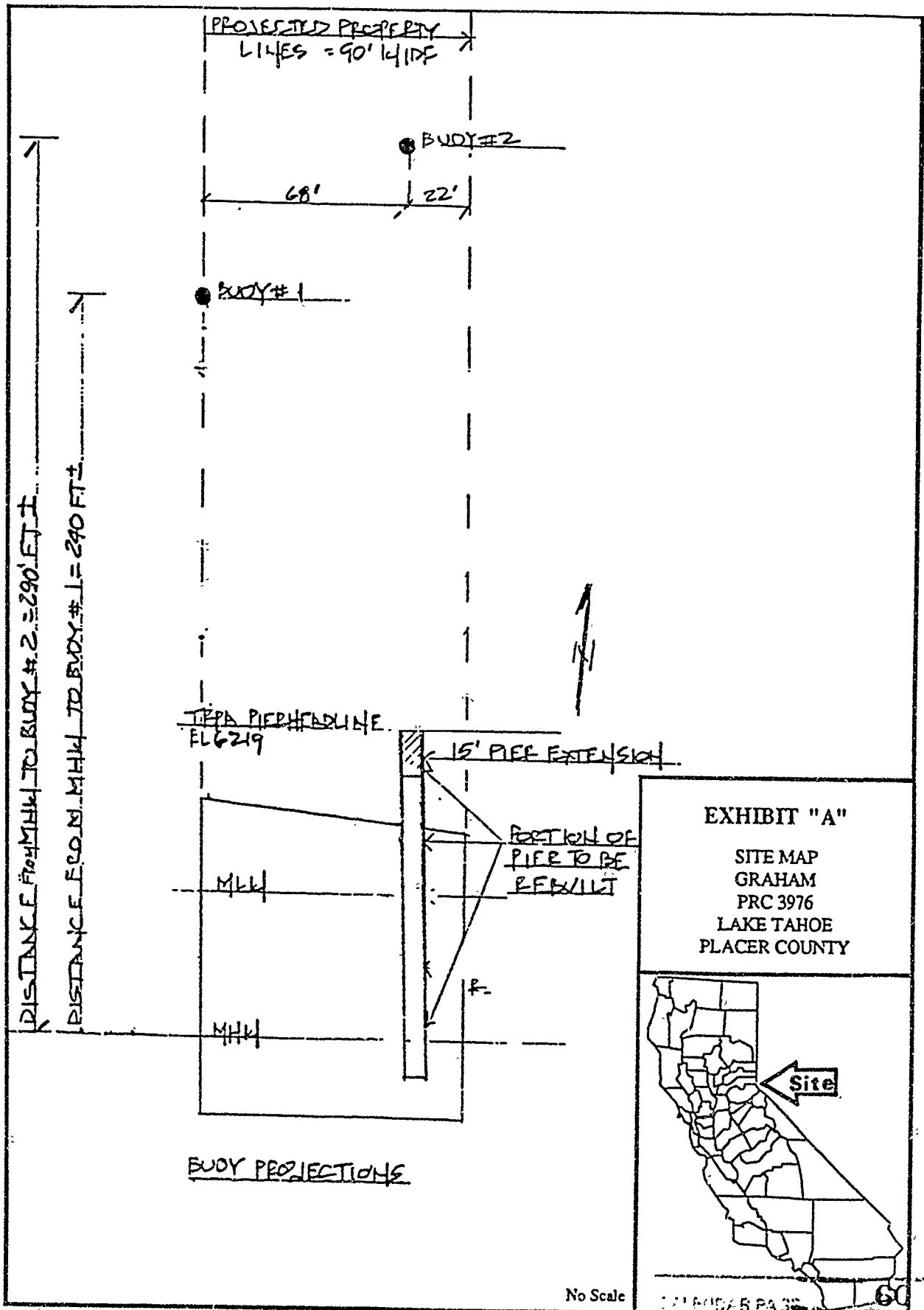


EXHIBIT "A"

SITE MAP

GRAHAM

PRC 3976

LAKE TAHOE

PLACER COUNTY



No Scale

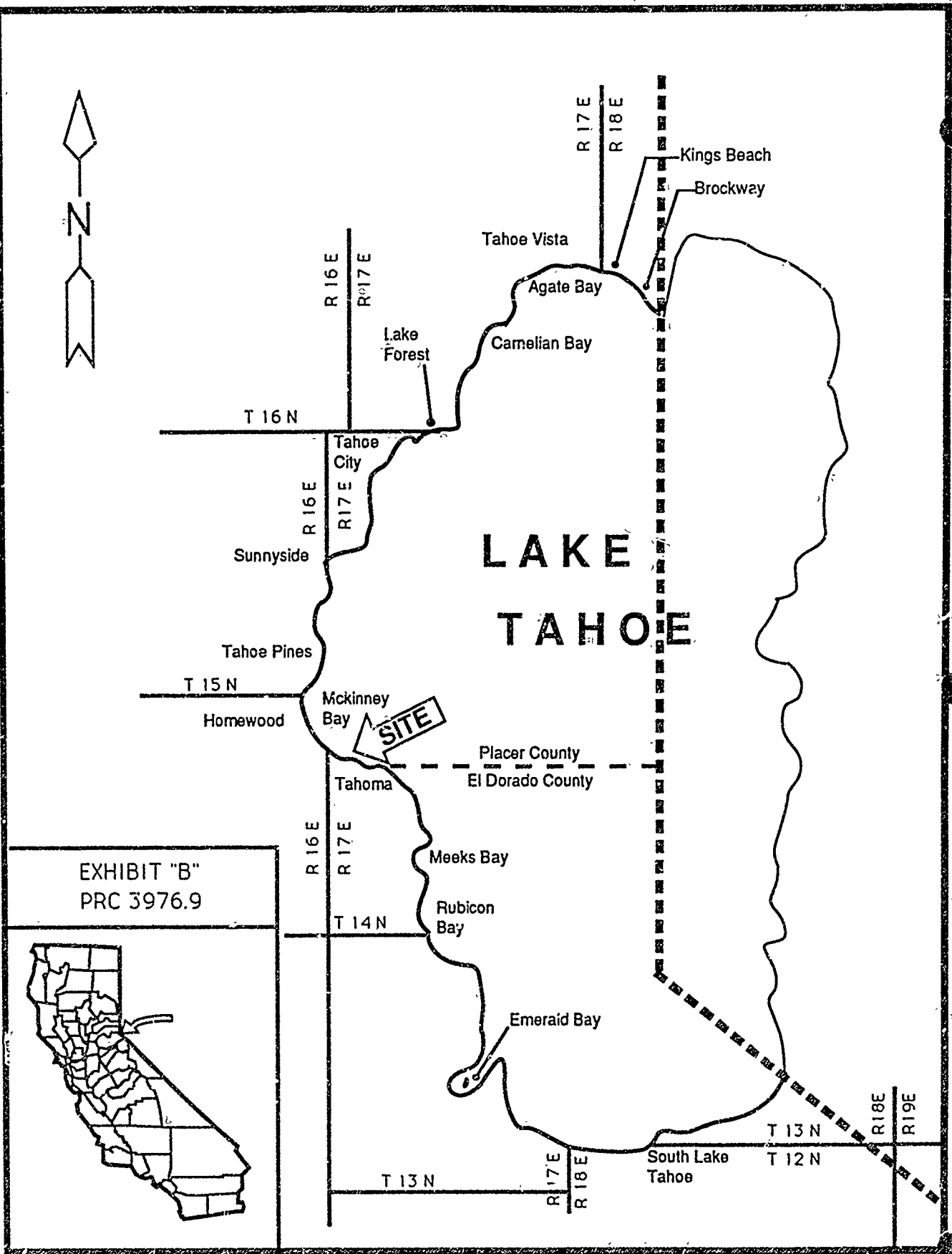
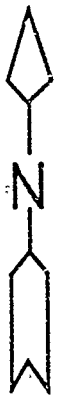


EXHIBIT "B"
PRC 3976.9



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EXHIBIT "C"

Date April 5, 1991

File Ref: PRC 3976.9

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

Subject: Building Permit for Pier (Pier reconstruction, 15 ft. extension and retention of two mooring buoys)

Name: John and Mary Graham

Address 20 Martin Lane

Woodside, CA 94062

Placer County Assessor's Parcel No. 98-041-01


Upland Address: 6200 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,


For JAN CHRISTIAN
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 95814
CHARLES WARREN
Executive Officer

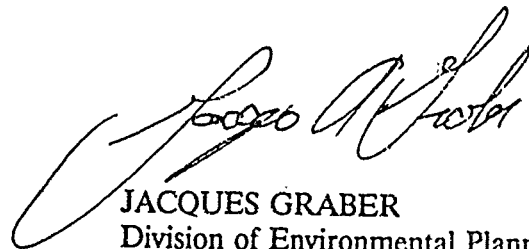
August 20, 1991
File Ref.: WP 3976
EIR ND: 536
SCH No. 90021051

**NOTICE OF PUBLIC REVIEW
OF A PROPOSED AMENDED 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) 323-7209.



JACQUES GRABER
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 AMENDED NEGATIVE DECLARATION

EIR ND: 536
File: WP 3976
SCH No. 90021051

Project Title: GRAHAM -- AUTHORIZATION OF UNAUTHORIZED
PARTIAL PIER RECONSTRUCTION

Proponents: John D. Graham

Project Location: Lake Tahoe, 6200 West Lake Blvd., APN 98-041-01, Placer
County.

Project Description: Authorization of approximately 19 linear feet of reconstructed
recreational pier which was not authorized in the original
reconstruction permit.

Contact Person: Jacques Graber Telephone: 916/323-7209

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

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

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

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

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3001

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: WP 3976.9

I. BACKGROUND INFORMATION

A. Applicant: John & Mary Graham
20 Martin Lane
Woodside, CA 94062

B. Checklist Date: 08 / 14 / 91

C. Contact Person: Jacques A. Graber
Telephone: (916) 323 7209

D. Purpose: Authorize approximately 19 linear feet of reconstructed recreational pier which was not authorized in the original permit for reconstruction.

E. Location: Upland address ; 6200 Westlake Blvd, Lake Tahoe APN. 98-041-01. Placer County.

F. Description: Authorize 19 feet of reconstructed private recreational pier which was not authorized in the original reconstruction permit.

G. Persons Contacted:

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

300 65
300
300

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

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?
- 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)

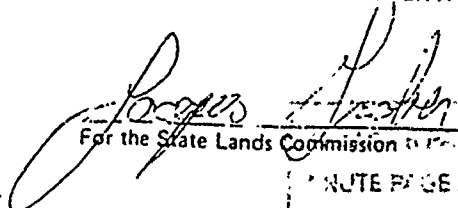
(See attached)

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: . / . /


 For the State Lands Commission 68-3005
 MINUTE PAGE 3005
 Form 13-20 (7/82)

PROJECT DESCRIPTION

The project involves the authorization to allow to remain an unauthorized portion of the recreational pier owned by John and Mary Graham which was reconstructed with partial authorization under permit by the State Lands Commission. The permit allowed for reconstruction of an existing pier waterward of elevation 6223 feet with no work to be performed landward of elevation 6223 feet to avoid possible impacts to the endangered plant species *Rorippa subumbellata*, Rollins and its habitat. The pier was reconstructed between elevations 6223' and 6229' which was not authorized under the permit while the waterward part was rebuilt.

Reconstruction of the pier involved removal of the waterward portion of the wood pier deck structure and the supporting wooden pilings. This process was accomplished from a floating barge with the debris transported to an appropriate disposal site. The pilings were pulled from the substrate and removed. Ten inch diameter steel pilings were installed using a rubber tired construction barge to avoid disturbance to the lakebottom. A wooden deck was constructed on the new steel piles. The pier was extended 15 feet waterward of the old pier length. The landward portion of the pier was not constructed because it was previously built with steel piers and did not require replacement. The portion of pier between elevations 6223 and 6229 feet was not to be rebuilt because it was over possible *Rorippa* habitat. This portion was rebuilt without authorization during the time the portion waterward was rebuilt.

PROJECT ENVIRONMENT

The project is located on a portion of lakeshore in which the substrate between low water and high water is highly mixed. The beach material shows no gradation from coarse to fine or distinct bands of grading. Areas of fine sand can be found surrounded by cobbley or gravelley areas.

The beach slope from water's edge to the high water point is gradual with some small hummocks scattered around. The waterward portion of beach is most homogenous, consisting of cobble sized material two, to six inches in diameter. A large hummock is found to the immediate right or south side of the pier. It consists of large boulders one, to two feet across and extending approximately 15 feet alongside the pier. Some small patches of boulderey material are scattered along the beach. Small areas of coarse sand are found around the beach surrounded by cobbley and boulder material. A small sandy hummock is found next to the pier. It is supporting a small clump of herbaceous plants. Larger cobbles and boulders are found back to the headland where a small scarp and change in slope are situated. This slope and escarpment rise approximately five feet above the beach. Large woody shrubs are found in this area. A stone wall approximately two feet high

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separates the beach from the upland area.

The property behind the scarp is graded flat and is clear of significant vegetation. There are no large trees on the upland portion.

DISCUSSION OF ENVIRONMENTAL ASSESSMENT
OF PIER AUTHORIZATION

A.1 Unstable Earth

The reconstruction of the unauthorized portion of the pier has already been done. The construction does not involve creation of fill areas to affect soil stability nor will it affect geologic structures in the area. There will be no impacts.

A.2 Disruptions

The reconstruction operation was conducted within the footprint of the pier with a rubber tired construction barge. No fill or excavations were planned for the project. A post-construction site survey was conducted by a qualified biologist for the applicant. This survey revealed no signs of soil or beach disturbance caused by the work.

A.3 Change in Topography

The reconstruction did not involve earth moving. The pier was reconstructed with an open piling design which required no excavation. The construction barge did not cause any significant disruption to the topography at the site as determined by a post-construction site survey.

A.4 Unique Geology

The project site is located along a portion of lakeshore which is characteristic of much of the Lake Tahoe waterfront. The pier was reconstructed using an open pile and deck design which does not impact topography significantly. No unique geologic features were covered or altered by this construction.

A.5 Erosion

The project involved reconstruction of a pier which was already in place. Part of the pier was not authorized in the original rebuild. This project authorizes that area previously not covered in the rebuild. The reconstruction exists and will

not involve more activity which could cause erosion by wind or water.

A.6 Deposition

The project involves authorization to let remain a portion of a pier which was reconstructed but was not authorized. The pier is in place precluding the possibility of activity which could affect deposition or erosional patterns of beach sands. The open piling construction of the pier will not affect littoral deposition of sands at the site.

A.7 Geologic Hazards

The project involves authorizing to let remain a portion of pier which was reconstructed without authorization. The new pier is in place and will not create conditions to cause earthquake hazards. The pilings are driven to shallow depths and will not trigger a seismic event.

B.1 Air Emissions

The project pier, including the unauthorized portion, has been completed. There will be no new construction activity to create air emissions or impact ambient air quality. The pier will not generate air emissions.

B.2 Odors

The project involves authorizing a portion of recreational pier which was reconstructed but was not authorized under the reconstruction permit issued. The pier is in place; no new emissions will result from this project.

B.3 Climate

The project authorizes the reconstruction of a portion of pier which was not covered in the permit. The reconstruction allowed replacement of the pier with a like structure using steel open piling supporting a wood and steel deck. The structure will not affect air movement, climate or temperature.

C.1 Currents

The authorization involves the pier between elevation 6223 ft. and 6229 ft. at the shoreward end of the pier. This part has been reconstructed and is also above the lake edge. This activity will not affect currents.

C.2 Drainage

This project involves the authorization of a portion of a previously reconstructed pier of which that portion was not

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authorized in the permit. No new construction will occur resulting from this authorization. The reconstruction was accomplished without altering surface water runoff. The completed pier does not affect drainage patterns or surface runoff.

C.3 Flood Waters

The project will not involve any new reconstruction activities. The pier has been rebuilt. There will be no new impacts on the flow of flood waters.

C.4 Surface Water

The project will not involve new reconstruction; that activity has been completed. Surface waters will not be altered by the rebuilding of the pier which occurred within the footprint and design features of the original structure.

C.5 Discharge

The project will not involve new reconstruction which could generate discharge into the lake. The rebuilding is complete and no materials are being discharged from the completed structure. There is no turbidity resulting from the pier's presence.

C.6 Ground Waters

The project will not affect the flow of ground waters. The pier is not designed for water extraction nor is it designed to impact subsurface water aquifers.

C.7 Ground Water Withdrawal

The pier is constructed with pilings which are driven into the lakebed at relatively shallow depths. The structure will not affect groundwater or aquifers.

C.8 Available Water

The pier is constructed solely for recreational use to moor private boats. There will be no extraction of ground water or impact on ground water resources in the area to affect public supplies.

C.9 Flood

The pier will not cause flooding or tidal wave (tsunami) as result of its construction. The authorization is for a portion of the pier which was rebuilt without permit.

C.10 Thermal Springs

There are no thermal springs in the area. The pier will not affect thermal springs.

D.1 Plant Species Diversity

The project involves reconstruction of a private recreational pier; a portion of which was rebuilt without authorization. The portion which was not authorized was located over candidate lands for *Rorippa subumbellata* habitat. A site survey was conducted by a qualified biologist for the applicant to assess the potential impacts caused by the reconstruction. The inspection revealed no visible damage to the substrate nor visible specimens of *R. subumbellata* in the construction zone. The reconstruction appears not to have impacted *R. subumbellata* nor other plant species in the construction area.

D.2 Endangered Plants

A site survey around the pier was conducted by a qualified biologist to determine impacts resulting from the reconstruction of the unauthorized portion of the pier. The survey revealed no visible signs of damage to the substrate in which *R. subumbellata* could be found. No examples of *R. subumbellata* were found at the construction site. Specimens were found approximately 1000 feet north of the Graham pier at an upland site at Blackwood Creek. It was determined by the field researcher that the pier construction would not have an effect on *Rorippa*. Additionally, the applicant has indicated their willingness to participate in the *Rorippa* management program (attached).

D.3 New Species

The project involved reconstruction of an existing pier. The process has been completed using a waterborne rubber tired barge. The operation would have involved little chance of introducing new plant species. The authorization is for a portion of previously unauthorized pier. No new impacts will result from this project.

D.4 Crops

The project involves a private recreational pier at the west shore of Lake Tahoe. There are no agricultural activities in the vicinity. This project will not affect agricultural activities.

E.1 Animal Species Diversity

The reconstruction of the pier is completed. The authorization is for a portion of the pier which was not in the original authorization permit. No impacts on animal species diversity will result from this activity.

E.2 Endangered Animal Species

The reconstruction of the pier is completed. This project involves authorization of a portion of the pier which was not covered under the reconstruction permit.

E.3 New Animal Species

The reconstruction of the pier is completed. The project will not introduce new animal species.

E.4 Habitat

The pier project is completed so no new impacts will result from the finished pier. The department of Fish and Game identified the locality as important for fish spawning habitat but determined the impacts would not affect the area.

F.1 Noise

The reconstruction is complete. There will be no new noise impacts resulting from the authorization of the pier segment.

F.2 Severe Noise

The pier reconstruction project is complete. There will be no new noise impacts or intense noise levels resulting from pier work.

G.1 Light

The pier reconstruction is complete. There will not be new light and glare resulting from the project aside from some light which may arise from night use. This impact will not be significant.

H.1 Land Use

The project involves authorization of a portion of pier which was reconstructed without prior authorization. The pier was reconstructed on the site of an existing pier. No new changes in land use will result from this project.

I.1 Natural Resources

The pier reconstruction is completed. The authorization is for a portion of the pier which was rebuilt without permission. No new use of natural resources will occur.

I.2 Resource Depletion

The pier was reconstructed and completed. No new depletion of resources will occur from the authorization or

the existing pier.

J.1 Explosion

The pier reconstruction is complete. There will be no risk of upset, explosion or release of hazardous materials as a result of the completed pier.

J.2 Emergency

The completed pier will not cause interference with existing emergency response or evacuation plans.

K.1 Population

The pier is a private use structure. The pier will not create an impact on population trends in the vicinity.

L.1 Housing

The pier is complete and intended for the private use of a single owner and friends. The pier will not create an impact on housing demands for the area.

M.1-6 Transportation, Circulation

The pier was reconstructed on the site of an existing pier. The authorization is for a portion of the pier between elevations 6223 ft. and 6229 ft. which was not included in the original reconstruction permit. No new impacts to traffic movements, parking, transportation systems or water traffic will result from this project.

N.1-6 Public Services

The pier was reconstructed on the site of an existing pier which was intended for private use. There will be no new impacts on public services including fire, police protection, schools, recreational or sanitation services.

O.1 Energy

The project involves authorization of a portion of a private pier which was reconstructed without permit. The pier is completed. No new impacts on energy use will result from this project.

P.1-6 Utilities

The completed pier is intended for private use of a single owner and friends. There will be no impacts on utilities resulting from this project.

Q.1-2 Health

The completed pier will not pose health hazards or potential health hazards to humans.

R.1 Views

The completed pier was rebuilt on the site of an existing pier. There will be no new visual impacts as a result of this project.

S.1 Recreation

The pier was reconstructed in the place of an existing pier. There will be no new impacts on recreational opportunities as a result of this project.

T.1-4 Cultural Resources

The pier was rebuilt on the site of an existing pier. This project will create no new impacts on cultural resources including archaeological sites, historic structures or religious sites.

U.1-4 Environmental Impacts, Findings.

The pier has been reconstructed within the site of an existing pier. There will be no new adverse impacts to the environmental quality of the area as a result of this project.

EXHIBIT "B"

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 should be governed by the following guidelines:

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

and the pier. Such path should be bordered by native vegetation similar to willow, service berry, or manzanita. Prior to construction of the pedestrian path, a plan should 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 should 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. should either establish and maintain *Rorippa subumbellata* on their property or contribute to a mitigation fund to its enhancement at other sites. The determination of which method is to be used should be determined by the State Lands Commission after: 1) consultation with the Department of Fish and Game and the Tahoe Regional Planning Agency and 2) evaluation of the site. The specific requirements are as follows:

- 1) The project applicant should submit a report describing the soils and vegetation on the applicants property. The report should emphasize the area located between elevations 6232' and 6223' LTD. Such report should describe the texture and composition of the soil, the slope, and the existing vegetation types and their condition. Such report should be submitted with a plan view map of the area at a scale of 1":10' and photographs of the mapped area.
- 2) At the direction of the State Lands Commission, the project applicant should establish a new onsite colony of (*Rorippa subumbellata*). This colony should be fenced to protect it from damage. In order to preserve this colony, the area between the colony and the residence should be planted with either manzanita, willows, or service berry as determined by the mitigation monitor.

At its discretion, the Commission may instead find that the species would be better enhanced if the project applicant contributed to the mitigation fund. This fund will be used to preserve and enhance the species. The contribution to the mitigation fund should be determined as follows:

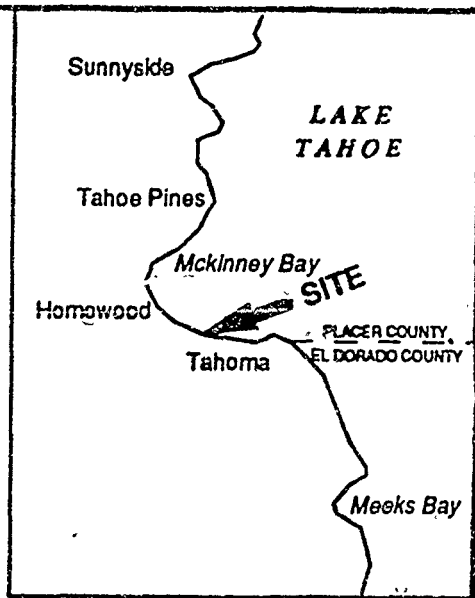
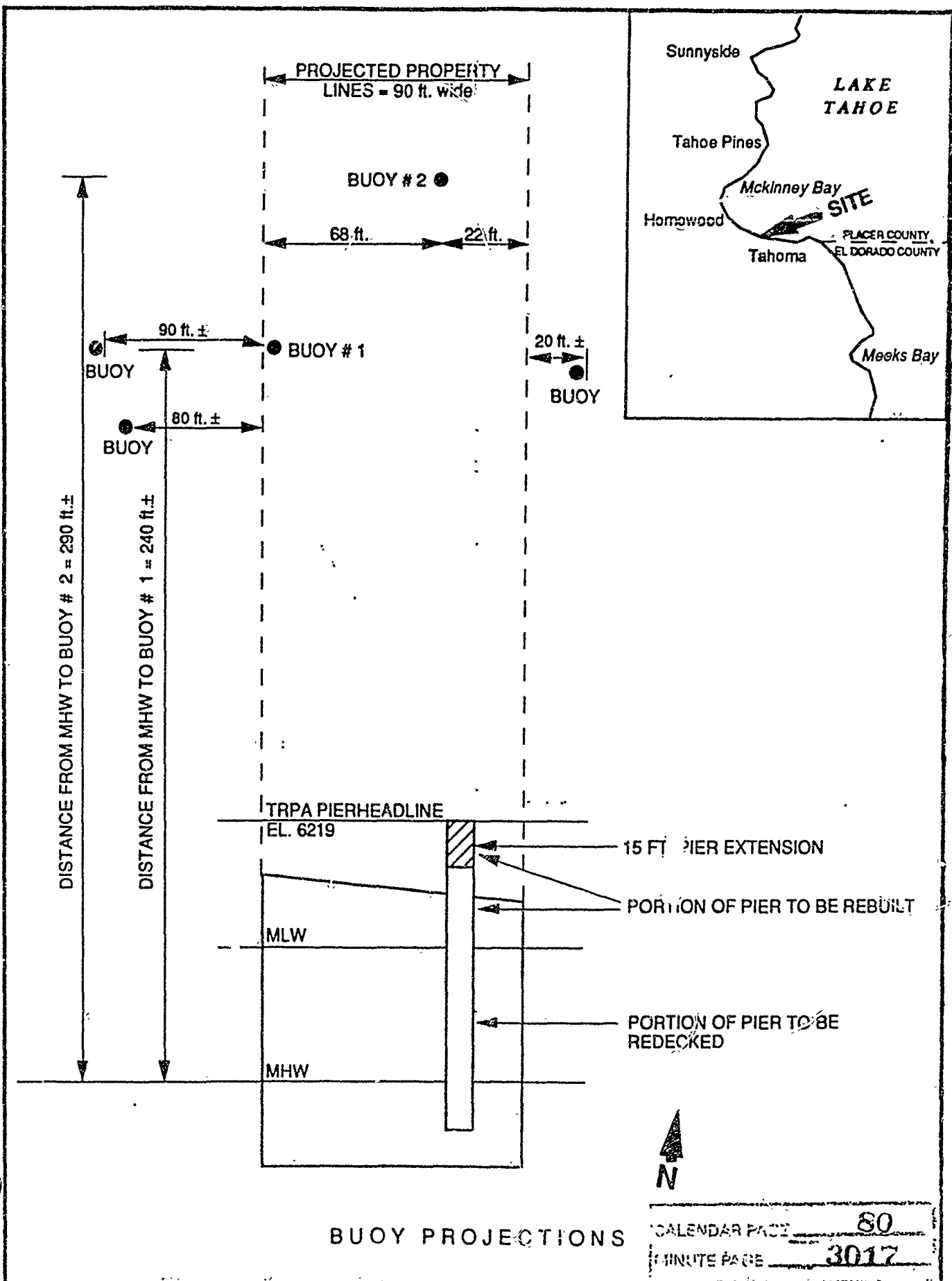
- a. For every square foot of substrate capable of supporting *Rorippa subumbellata* and disturbed by the construction and occupation of the shorezone between elevation 6220' and 6232' LTD by pier and path, the project applicant should contribute US \$10.00 (ten dollars) up to but not exceeding US \$5000.00 (five thousand dollars).

Other

The project applicant should provide the State Lands Commission with a US \$50,000 (fifty thousand dollars) performance bond. Such bond will be used to insure that all the mitigation measures required of the applicant are implemented and observed. In the event that the mitigation measures and the conditions required by this interim plan are not complied with as determined by the Commission's mitigation monitor, the US \$50,000 (fifty thousand dollars) performance bond may be forfeited after a hearing before the State Lands Commission. Money forfeited by project applicants should be deposited in the mitigation fund.

The performance bond will be returned to the project applicant upon compliance with the requirements of the management program including the maintenance, for a one-year period, of any new *Rorippa subumbellata* colony established on the applicant's property.

The project applicant should reimburse the State Lands Commission for all costs incurred by the State Lands Commission to implement this management plan and mitigation monitoring requirements for the proposed project as provided by Section 21089 of the California Public Resources Code.



STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
JESSE R. HUFF, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 958
CHARLES WARREN
Executive Officer

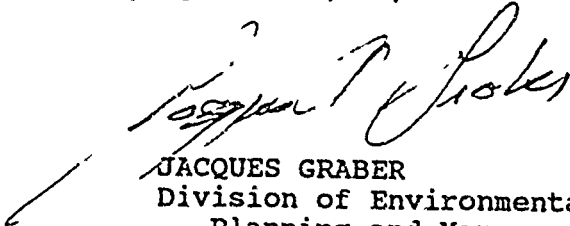
October 26, 1990
File Ref.: WP 3976.9
EIR ND: 536

NOTICE OF PUBLIC REVIEW OF A 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 November 26, 1990.

Should you have any questions or need additional information, please call the undersigned at (916) 323-7209.


JACQUES GRABER
Division of Environmental
Planning and Management

Attachment

CALENDAR PAGE 81
MINUTE PAGE 3015

STATE LANDS COMMISSION

EO T. McCARTHY, Lieutenant Governor
RAY DAVIS, Controller
JESSE R. HUFF, Director of Finance

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

PROPOSED NEGATIVE DECLARATION

EIR ND: 536

File Ref.: WP 3976.9

SCH No.: 99021051

Project Title: Partial Pier Reconstruction/Extention and Retention of Two Mooring Buoys

Proponent: John and Mary Graham

Project Location: 6220 West Lake Blvd., Lake Tahoe, APN 98-041-01, Placer County.

Project Description: Recreational pier, partial reconstruction/extention and retention of two mooring buoys.

Contact Person: Jacques Graber Telephone: 916/323-7209

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:

- X / this project will not have a significant effect on the environment.
- / mitigation measures included in the project will avoid potentially significant effects.

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: WP 3976 9

I. BACKGROUND INFORMATION

A. Applicant: John and Mary Graham
6200 West Lake Blvd., Placer County Gary Taylor
20 Martin Lane P.O. Box 1715
Woodside, CA 94062 Crystal Bay, NV 89402

B. Checklist Date: 09 / 18 / 90

C. Contact Person: Jacques Graber
Telephone: (916) 323-7209

D. Purpose: Partial reconstruction of pier (waterward of 6223' Elevation) and 15' extension of pier. Retention of 2 mooring buoys.

E. Location: 6200 Westlake Blvd., APN 98-041-01, McKinney Shores

F. Description: 3 1/2" Buoy #1 = 140 feet out from existing pier on lift prop line - buoy #2 - 4 1/2" out from existing pier - 180'. Buoys #2 approximately 50' waterward + 68' right of Buoy #1.

G. Persons Contacted:

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

Table with 3 columns: Question, Yes, Maybe, No. Contains 7 questions regarding earth impacts, erosion, and hazards.

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

U. Mandatory Findings of Significance.

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

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 10 / 09 / 90

CALENDAR PAGE 86
 For the State Lands Commission PAGE 3023

File Ref.: WP 3976.9
October 8, 1990

RE: Pier Reconstruction, Extension of Existing Pier - Graham
Property, Placer County, APN 98-041-01

Project Narrative

Reconstruction and extension of an existing pier waterward of elevation 6223' to be performed by replacing existing wood pilings with 10 3/4 inch diameter steel sleeves, replace all wood joists, beams and decks with 4X12 inch stringers and 2X6 cedar decking attached to steel "H" beams.

Construction Method

A toed flat barge will be used to dismantle the old pier. The pier will be dismantled by hand, cut into sections if necessary and placed on the barge for later disposal. The existing pilings will be pulled from the lake bottom with a crane or cut off at the lake bottom.

The steel sleeves will be driven in with a barge mounted pile driver. The decking members will be constructed afterward. A flat bottom boat, caissons and tarpaulins will be placed under the work area to minimize turbidity and work debris falling into the water.

Waste materials will be removed and placed in a dumpster or appropriate waste disposal site.

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DISCUSSION OF ENVIRONMENTAL EVALUATION

B.1. Air Emissions

Substantial air emissions may be generated during the removal of the old pilings and subsequent replacement with new pilings. The pile driver will create higher exhaust emissions during these operations. The construction activities afterward may generate sawdust and fugitive dust during reconstruction. These activities will occur for several days. Air quality should return to pre-project levels once reconstruction is completed. These impacts should be limited to the project site.

B.2. Objectionable Odor

Some objectionable odor may be generated during the pile removal and replacement stages. Once the pile driving is completed, exhaust odors should be reduced. These impacts should be limited to the project vicinity.

C.5. Turbidity

The removal and replacement of the pilings will create some turbidity. The project will be required to use cassions or turbidity screens around the entire project site to reduce turbidity. Flat boats and tarpaulins suspended under the project will help to keep work debris from falling into the water. The screens will be removed when turbidity has subsided.

Debris from the project will be removed and disposed in a dumpster or appropriate disposal site.

D.2. Plants

The shoreline of Lake Tahoe is known habitat for Rorippa Subumbellata Rol., listed by California as an endangered species. The reconstruction and extension of the pier will not disturb shoreline above 6223 feet, and this will not impact Rorippa.

E.4. Animal Life

The site of the pier reconstruction is within an area designated by TRPA as being fish spawning habitat, however, TRPA has determined this project will not have an adverse effect on the fish habitat and has issued a permit for this activity.

F.1. Increase in Noise Levels

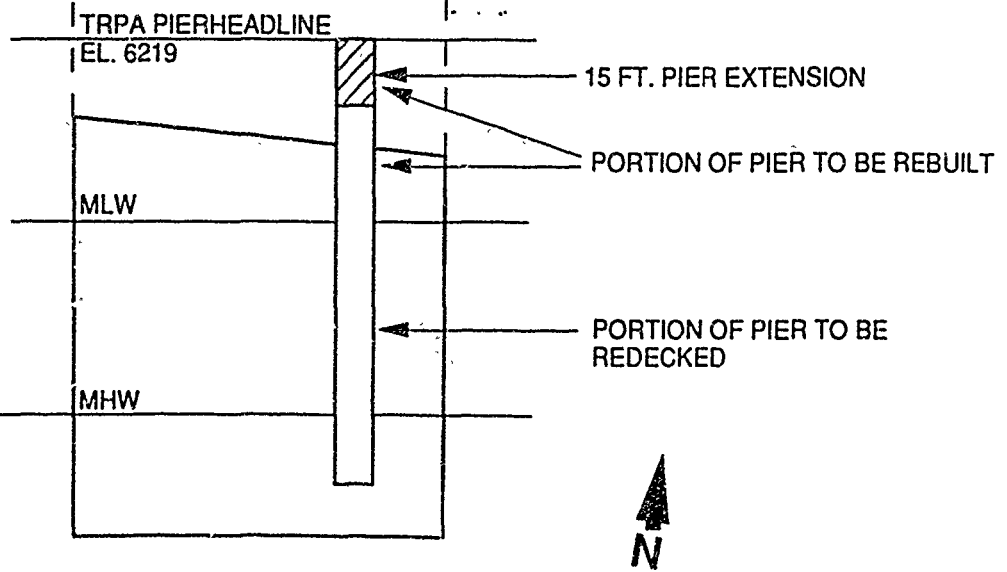
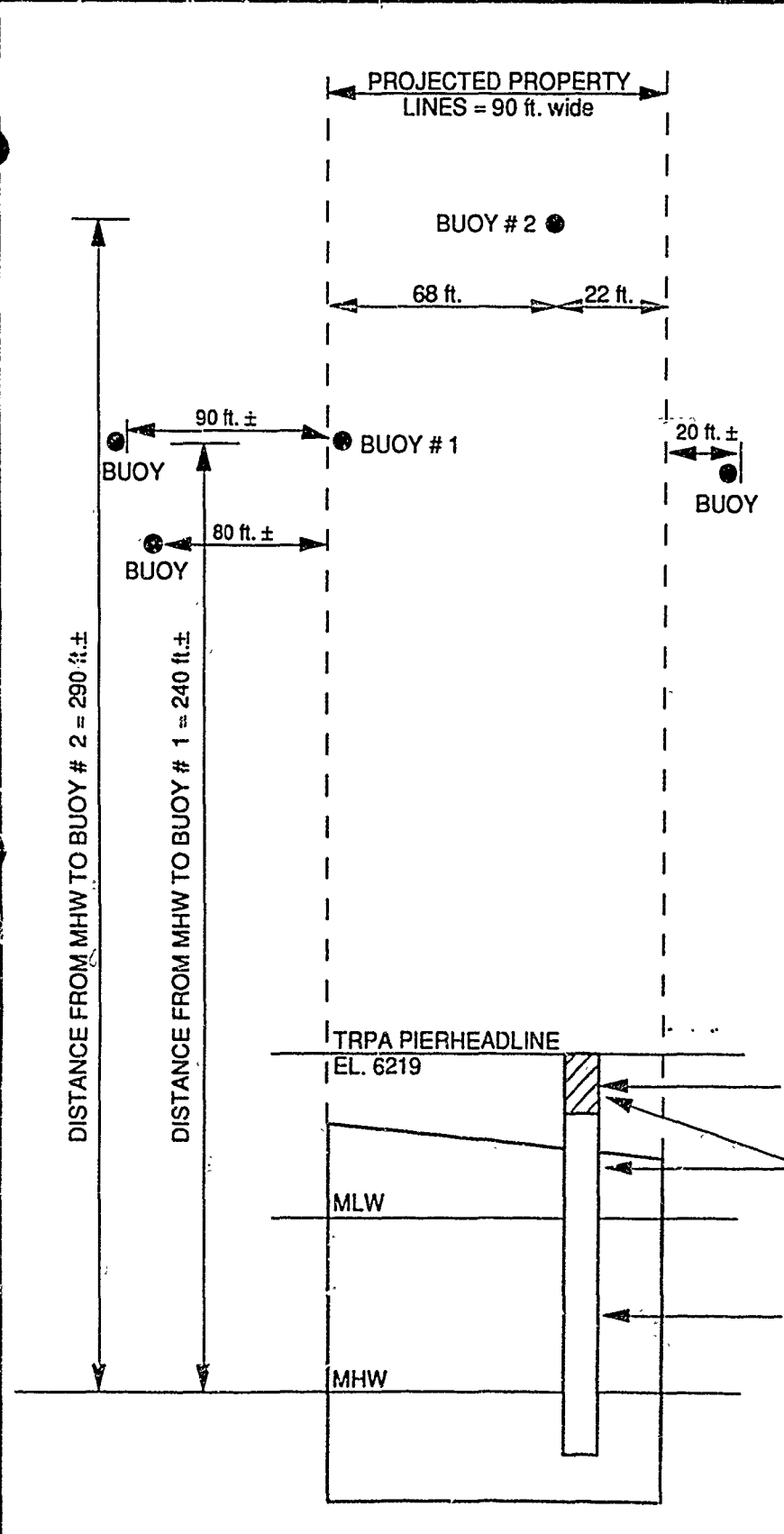
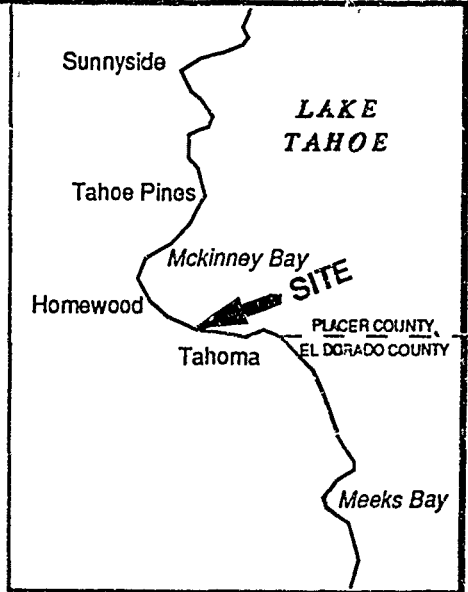
The project will result in intermittent temporary increases in noise levels during the life of the project. Noise will come from the pile removal and driving operations, hammering and demolition of the old pier. Noise from reconstruction will follow. These noises will occur during daylight; normal working hours.

M.6. Water Traffic

The existing pier will be extended an additional 15 feet when it is reconstructed. This extension will bring the end of the pier closer to two existing buoys lying waterward. This act may affect trolling traffic which can navigate in this open area. Closing off the space there might cause traffic to pass waterward of the buoys rather than between the pier end and the buoys. High speed boat traffic should not be affected as it probably passes waterward of the existing buoys where the lake is deeper.

R.1. Aesthetics

The pier extension could affect the view, though, not as if the pier were being newly installed. The extension will project further into the lake interfering with the panorama if viewed from shore. Other piers are located around 200 feet and further from the applicant's pier. These piers belong to private land-owners. No public access is found in this area, so, visual impacts of the pier will not be known by the general public except from boats in the lake.



BUOY PROJECTIONS