

MINUTE ITEM CO5

W 22081

Judy Ludlow

APPROVE A RECREATIONAL PIER PERMIT

Calendar Item CO5, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item CO5

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CALENDAR ITEM

A 7

C 0 5

06/30/92

S 1

W 22081

J. Ludlow

APPROVE A RECREATIONAL PIER PERMIT

APPLICANTS:

Donald A. Wells, Donald A. Wells, Jr.,
Debbie Baker, Kathy La Londe, and
William G. Robinson
303 Twin Dolphin Drive, Suite 122
Redwood City, California 94065

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in Lake Tahoe at Moana
Beach, Placer County.

LAND USE:

Retention of an existing pier and two mooring buoys.

TERMS OF PROPOSED PERMIT:

Initial period:
Five (5) years beginning June 30, 1992.

CONSIDERATION:

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

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003

APPLICANT STATUS:

Applicant is owner of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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

CALENDAR ITEM NO. C 0 5 (CONT'D)

STATUTORY AND OTHER REFERENCES:

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

AB 884:

11/08/92

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 583, State Clearinghouse No. 92032061. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

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

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The Applicant proposes to retain an existing pier and two mooring buoys, all of which are previously unauthorized.
4. The permit includes special language in which the permittee 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.

CALENDAR ITEM NO. C 05 (CONT'D).

5. Applicant has agreed to participate in the Interim Rorippa Management Program.
6. Pursuant to a comment from the Department of Fish and Game, the buoys and anchoring chains will be annually detached from the anchor from Labor Day through Memorial Day to allow unrestricted angling.
7. Permittee agrees to provide written evidence that the buoys are authorized by the Tahoe Regional Planning Agency by June 30, 1994.
8. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
9. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this permit is automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof. If the location, size, or number of any structure hereby authorized is to be altered, pursuant to order of the Tahoe Regional Planning Agency, permittee shall request the consent of the State to make such alteration.
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.

APPROVALS OBTAINED:

Pier: Tahoe Regional Planning Agency, United States Army Corps of Engineers, and Placer County Letter of Approval.

Buoy: Placer County Letter of Approval

CALENDAR ITEM NO. C 0 5 (CONT'D)

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FURTHER APPROVALS REQUIRED:

Buoy: Tahoe Regional Planning Agency and State Lands Commission

Pier: State Lands Commission

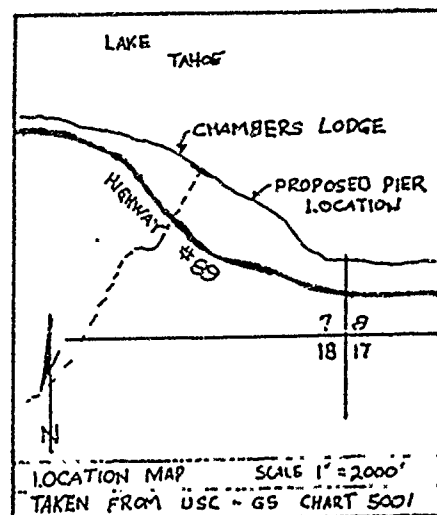
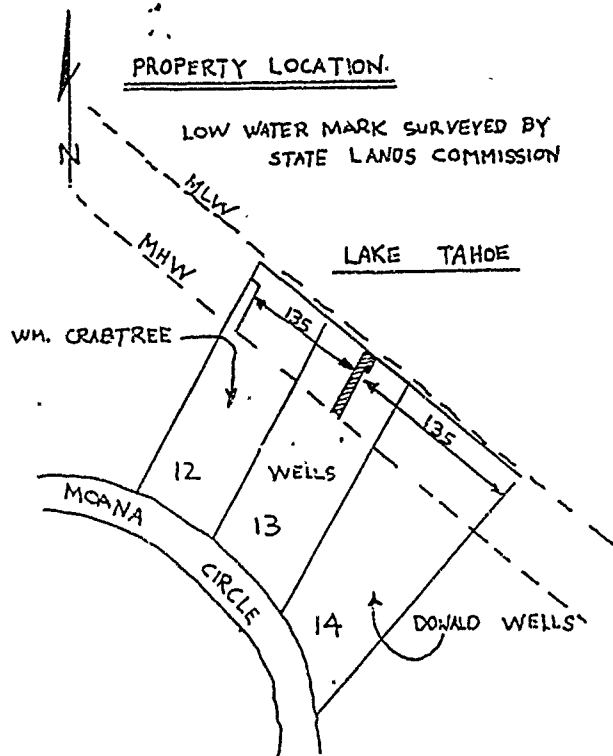
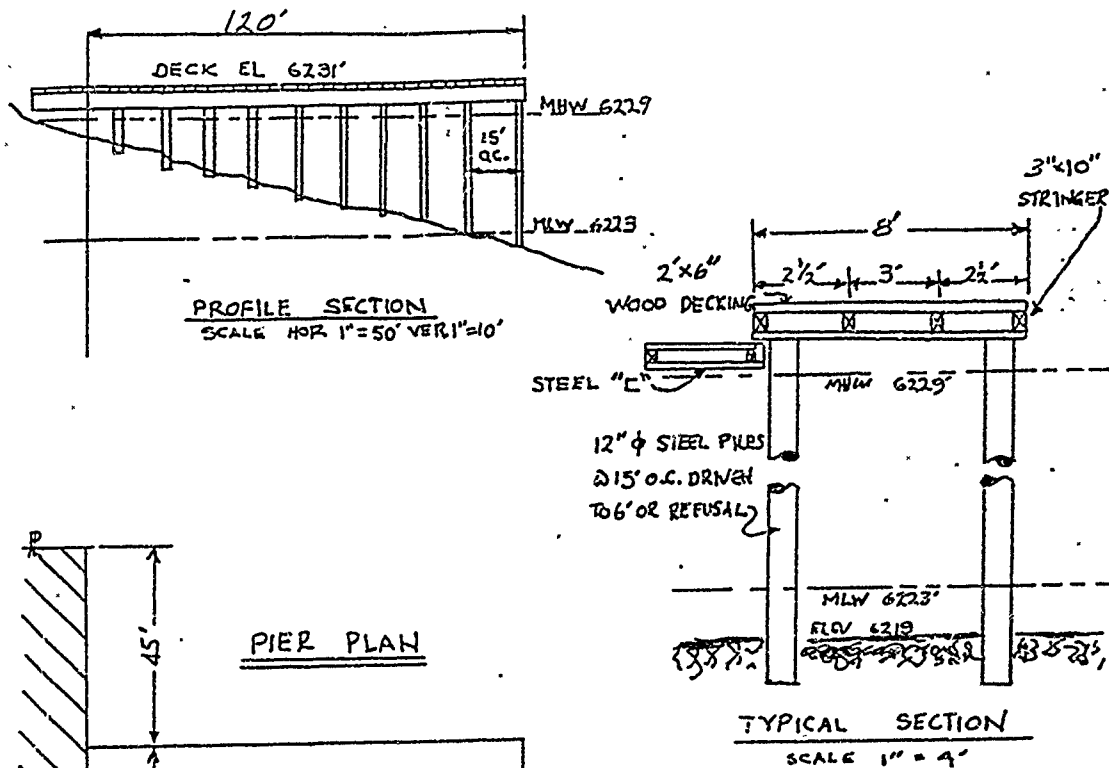
EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
2. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 583, STATE CLEARING HOUSE NO. 92032061, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO DONALD A. WELLS, DONALD A. WELLS, JR., DEBBIE BAKER, KATHY LA LONDE, AND WILLIAM G. ROBINSON OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JUNE 30, 1992, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING PIER AND TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

W 22081

**PROPOSED PIER**

LAKE TAHOE, CA. MOANA BEACH
SECTION 7 TIAN RITE
M.R.M. PLACER COUNTY, CAL.

APPLICATION BY:

DONALD WELLS
33 BARRY LN.

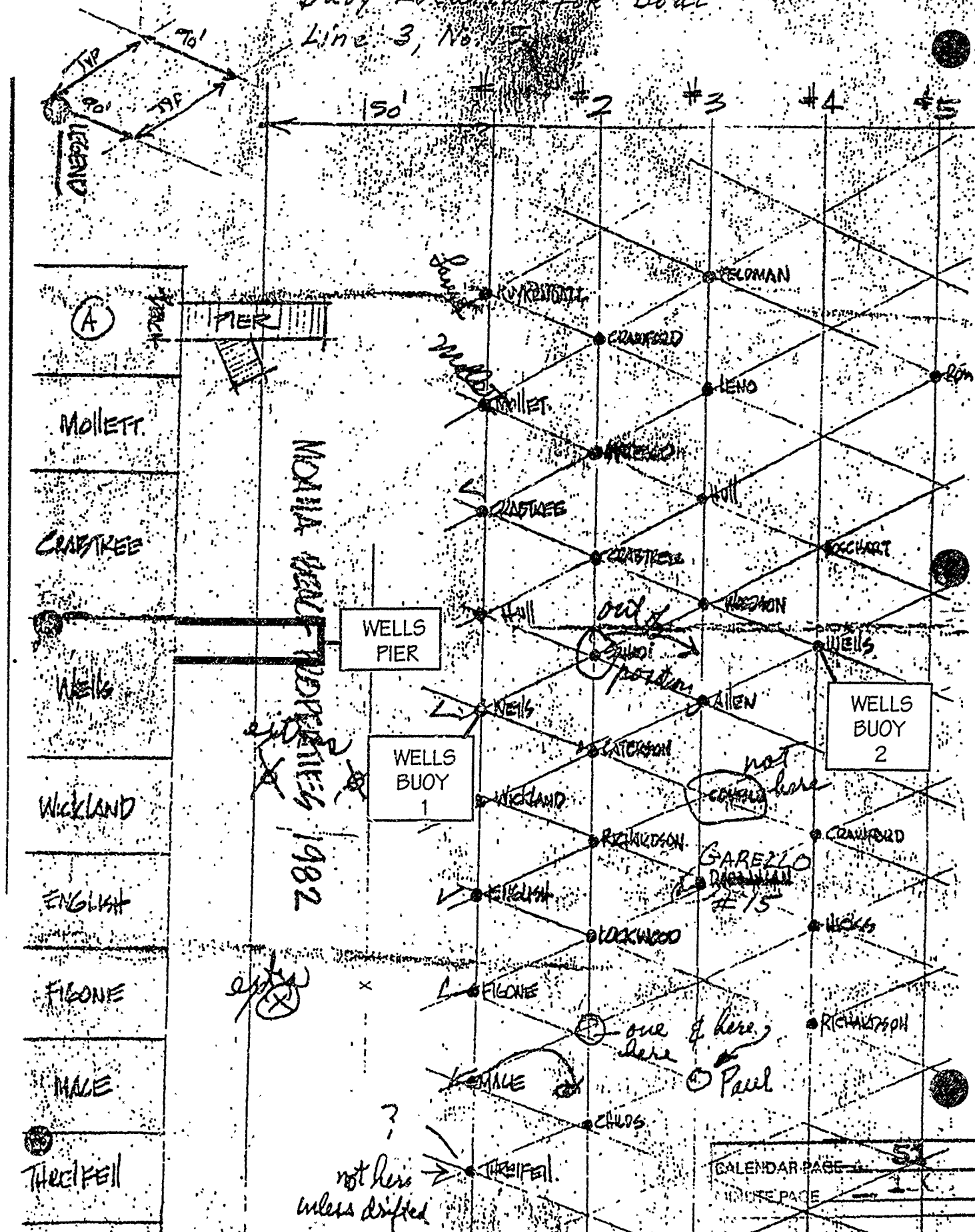
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DATE

CAL 94025
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Buoy Location for Boat
Line 3, No. 15



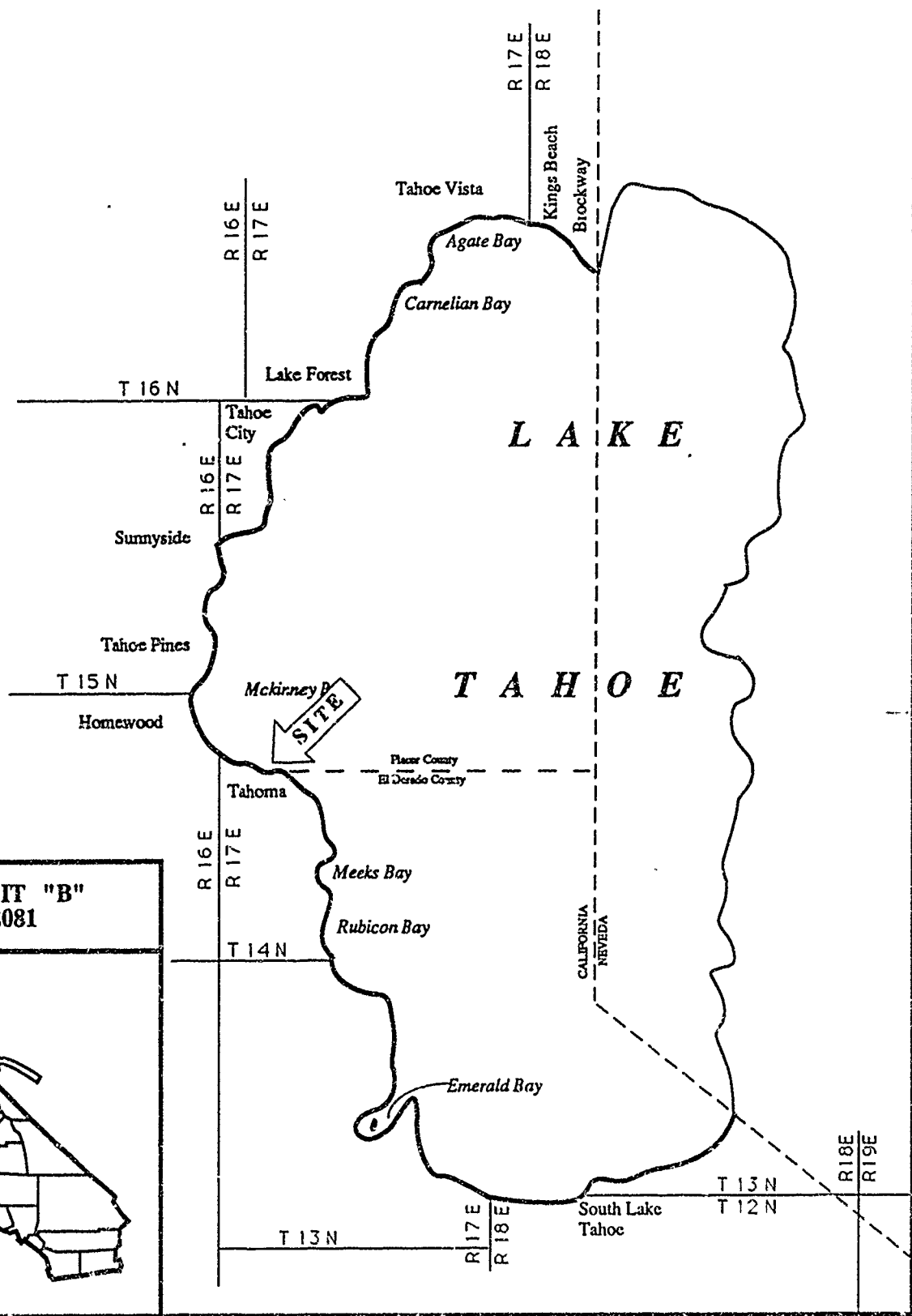


EXHIBIT "B"
W 22081



STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor
GRAY DAVIS, Controller
THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95811

CHARLES WARREN
Executive Officer

March 19, 1992
File: W 22081
ND 583

NOTICE OF PUBLIC REVIEW OF A PROPOSED NEGATIVE DECLARATION
(SECTION 15073 CCR)

A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project currently being processed by the staff of the State Lands Commission.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by April 19, 1992.

Should you have any questions or need additional information, please call the undersigned at (916) 323-2694.

Jane Smith
JANE SMITH

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

File: W 22081
ND 583
SCH No. 92032061

Project Title: Wells Pier and Buoys Authorization

Proponent: Donald O. Wells, Jr.

Project Location: Lake Tahoe, near Homewood, APN 98-101-28, 48 Moana Circle, Placer County

Project Description: This project involves authorization of an existing single-use pier, constructed in 1980, and two existing buoys. The existing 130' pier was constructed with 12" diameter steel piles, with a 3' x 45' launch deck at the waterward end of the pier. The two existing mooring buoys are located approximately 125' and 350' from the end of the pier.

Contact Person: Jane Smith Telephone: 916/323-2694

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.

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: W 22081

I. BACKGROUND INFORMATION

- A. Applicant: Mr. Donald Wells, Jr.
Wells Properties
400 Oyster Point Blvd., Suite 418
South. San Francisco CA 94080
- B. Checklist Date: 03 / 16 / 92
- C. Contact Person: Jane Smith
 Telephone: (916) 323-2694
- D. Purpose: To consider authorization of existing pier and two existing buoys.
- E. Location: 48 Moana Circle, near Homewood, Lake Tahoe, APN 98-191-28.
- F. Description: Consider authorization of existing pier (single-use) constructed with 12 inch diameter steel piles, approximately 130 feet from high water. An eight foot wide deck sits atop the pier, with a 3 foot x 45 foot launch deck at the waterward end of the pier. Also consider authorization of two existing mooring buoys, located approximately 125 feet and 350 feet from the end of the pier.
- G. Persons Contacted: Kevin Roukey
U.S. Army Corps of Engineers
1325 J Street, Suite 1444
Sacramento CA 95814-2922
- Jim Hamilton
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove NV 89448-1038

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 reposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7 Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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	Yes	Maybe	No
B <i>Air</i> . 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 <i>Water</i> . 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 <i>Plant Life</i> . Will the proposal result in:			
1 Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2 Reduction of the numbers of any unique, rare or endangered species of plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Reduction in acreage of any agricultural crop?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E <i>Animal Life</i> . 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 <i>Noise</i> . 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 <i>Light and Glare</i> . Will the proposal result in:			
1 The production of new light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H <i>Land Use</i> . 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 <i>Natural Resources</i> . Will the proposal result in:			
1 Increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2 Substantial depletion of any nonrenewable resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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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: 3 / 16 / 92

Jane E. Smith
For the State Lands Commission

CALENDAR PAGE 58
MINUTE PAGE 076
Form 13-20 (7/82)

WELLS PIER AND BUOYS

PROJECT DESCRIPTION

The project proposes to consider authorization of both an existing pier, constructed in 1980, and two existing buoys in Lake Tahoe, near Homewood, waterward of the upland address of 48 Moana Circle, Placer County. The existing pier is located on the northern property line between parcels 27 and 28.

The existing pier extends out approximately 130 feet from high water. Approximately 15 feet of the pier extends beyond low water (6223 foot elevation). Pier construction consisted of an 8 feet wide wood deck atop 12 inch diameter steel piles spaced at 15 feet on center. Piles were driven to 6 feet or refusal. At the waterward end of the pier is a 3 foot x 45 foot launch deck. A locked gate fence spans the width of the existing pier. The existing pier is located in an in-fill area, with adjacent piers located approximately 90 feet on either side.

The two existing mooring buoys are located approximately 125 feet and 345 feet waterward of the ordinary low water mark (6223 foot elevation) and, according to the applicant have been in existence since 1972, however, the applicant has not submitted supporting documentation. The buoys are approximately 220 feet apart in distance, the most lakeward and northeasterly buoy being located approximately 375 feet from the shoreline. According to the attached drawings provided by the applicant, the existing buoys are within 75 feet of at least six other buoys, also spaced at 75 foot intervals, with the most waterward of these other buoys extending out approximately 75 feet from the applicant's most lakeward buoy.

DESCRIPTION OF ENVIRONMENTAL SETTING

The applicant's property and site of the existing pier is located on a portion of natural beach shoreline at the west side of Lake Tahoe. The site is part of a private residence, assessor's parcel no. 98-191-28, located on Moana Circle near Chambers Lodge in Placer County.

The beach profile is a very shallow slope and composed of shallow lake bottom sediments. The beach form is three small benches, the last one a higher upland. The residence, landscaping and vegetation are found on the elevated upland portions of the parcel.

The portion of the lake bottom (submerged) below elevation 6223 consists of cobbles and small boulders between six inches and fifteen inches in size. The first bench consists of cobble and pebble substrate ranging between three inches and one inch in size. The second bench consists of sand and gravel partially sorted into long bands parallel with the lake shore alignment. The third bench is composed of primarily coarse sand and granules

fairly sorted between a half of an inch and a sixteenth of an inch grain size.

The upland consists of established topsoil and humus which has been landscaped. Pine needles and decaying leaves and branches cover the remainder of the unaltered areas of the parcel.

A small stream, McKinney Creek, is located approximately 300 feet northwest of the pier. The stream flows through a woodland. It passes adjacent to a crib and across a gravelly to sandy substrate before entering Lake Tahoe. Hardwood trees, evergreens, shrubs and grasses are found along this stream course. A population of Rorippa subumbellata has been found on the beach sediment adjacent to McKinney Creek.

No vegetation including Rorippa subumbellata were found at the project site during this survey. The beach area was void of vegetation.

The sand gravel cobble substrate characteristic of this site is similar to other Rorippa subumbellata habitats (Knapp, 1979) (Ferrerira, 1987). This site is considered as potential habitat for the plant.

The existing pier is located in one of the highest density stretches of shoreline at Lake Tahoe. There is 3,150 feet of shoreline in this area. The February 1978 Phillips Brandt Reddick report on The Cumulative Impacts of Shorezone Development at Lake Tahoe identified the project area as having a 1978 density of 4.13 piers per 1000 feet of shoreline, with a future density of 6.03 piers per 1000 feet of shoreline. The shorezone in the area is mapped spawning habitat on the Prime Fish Habitat Maps identified by the Tahoe Regional Planning Agency.

DONALD A. WELLS JR. PIER AND BUOYS
ENVIRONMENTAL IMPACT ASSESSMENT

W 22081

A.1. Earth Conditions

The project involves an existing recreational pier and two buoys. The existing pier was constructed with open steel pilings supporting a wood deck. The buoys are anchored by concrete blocks resting on the lakebed. This construction did not alter or cover any ground features and did not create unstable conditions.

A.2. Overcovering Soil

The existing pier was constructed with 12" diameter steel pilings for support driven into the lakebed. An eight foot wide wood deck was constructed on pilings, approximately six feet above the lakebed. This open construction did not cover the lake bottom except the space occupied by pilings and the buoy anchors. The buoys are anchored with concrete blocks approximately two feet in diameter resting on the lakebed. The amount of soil coverage which the piles and buoy anchors occupy is considered to be a minor impact.

A.3. Topography

The existing pier was constructed using an open construction. The pilings were set with hydraulic pressure to minimize impacts to the lakebed. The structure does not modify the topography of the lakebed. No new shore modification resulted from the pier construction. The mooring buoys were installed with concrete anchor blocks resting on the substrate of the lakebed. This impact was minimal.

A.4. Unique Features

The lakebed at the pier site is flat and lacks unique features. The existing pier was designed with open construction to reduce impacts to the lakebed. The pier and buoys do not affect any unique features.

A.5. Erosion

The pilings were placed directly in the lakebed substrate and the buoy anchors rest on the bottom of the lakebed within the body of the lake. They did not cause any wind or water erosion or significant disturbance to lake bottom profiles.

A.6. Siltation/Deposition

The existing pier was constructed using an open construction. Their placement would not have an impact to existing erosion or depositional processes.

A.7. Geologic Hazards

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The pilings were set directly into the lakebed. The buoy anchors rest on the bottom of the lakebed. The depths of installation were shallow and did not induce seismic instabilities or ground failures. No impacts occurred.

B.1. Emissions

The pilings were set using a barge-mounted pile driver. Construction crews arrived by car and truck during construction. Some emissions resulted from operation of the pile driving equipment and vehicles used by commuting workers. This impact was small and temporary, lasting during the construction.

B.2. Odors

The construction operations created some odors as engines were operated during the piling installation and from crew vehicles arriving at and leaving the site. This impact was not significant and was temporary; lasting until construction was completed. Use of the pier creates some odors as boats arrive and leave. This impact is seasonal, intermittent, and considered to be minimal.

B.3. Air Alterations

The existing pier and buoys are located in the lake. They do not contain fuel-operated equipment, nor features which would create impacts which would alter air characteristics in any way.

C.1. Currents

The existing pier was constructed using an open piling design and the buoys held by submerged anchor blocks and chains. These structures do not create a significant impact on currents or water movements.

C.2. Runoff

The existing pier and buoys were placed within the body of Lake Tahoe. They do not affect surface water drainage patterns, etc.

C.3. Flood Waters

The existing pier and buoys were placed within the body of Lake Tahoe. They do not affect flood waters from streamflows.

C.4. Surface Water

The existing pier and buoys were placed in the body of Lake Tahoe. The pilings and

buoys do not affect the surface water volume of Lake Tahoe.

C.5. Turbidity

The existing pier was constructed in the dry land area so no turbidity resulted from the operations. The buoy blocks rest on the lake bottom. Minor amounts of sediment may be disturbed from boat movements at the pier. These impacts are considered minimal.

C.6. Ground Water Flows

The pier pilings and buoy blocks were set at relatively shallow depths. They do not affect ground water flows.

C.7. Ground Water Quality

The pier and buoy anchor blocks were set at relatively shallow depths and do not serve as water acquisition facilities. They do not affect ground water supplies.

C.8. Water Supplies

The existing pier and buoys are not intended for water acquisition. They do not affect water supplies.

C.9. Flooding

The cumulative volume of the pilings and buoy assemblies will not induce flooding. The structures do not interfere with water movements to induce flooding.

C.10. Thermal Springs

There are no thermal springs in the vicinity. The existing pier and buoys do not affect any thermal springs.

D.1. Plant Species Diversity

The lake bottom at the site consists of small pebbles with an underlie of coarse sand. The structures furnish a substrate for sessile aquatic plants. The property is approximately 300 feet from McKinney Creek, which is a known location for populations of Rorippa subumbellata, Roll. A soils and vegetation report was prepared on the applicant's property but no specimens of Rorippa subumbellata, Roll. were found. However, the site is conducive to supporting the species.

The applicant has agreed to participate in the Interim Management Program for Rorippa subumbellata, Roll. and will adhere to all conservation and access guidelines,

Attachment C.

D.2. Endangered Species

A site inspection for Rorippa subumbellata, Roll. was conducted on the dry lakebed. No specimens were found. The applicant has agreed to participate in the Interim Management Program for Rorippa subumbellata, Roll. and will adhere to all conservation and access guidelines, Attachment C. The continued use of this pier, implementing the conservation and access guidelines for Rorippa subumbellata, Roll. would not impose a significant impact to threatened or endangered plant species.

D.3. Introduction of Plants

The existing anchor chains and pier pilings afford a hard substrate for sessile aquatic plants. Other piers and buoys are located in the vicinity of the site so no new impact on plant populations is created. No landscaping is proposed in this project.

D.4. Agricultural Crops

The existing pier and buoys are located in Lake Tahoe. No agriculture or aquaculture are carried out in this area. There is no impact.

E.1. Animal Species Diversity

The existing pier pilings and buoy anchors affect access to the lake bottom by burrowing organisms. Fish and benthic organisms are attracted to the pilings and buoy assemblies for grazing and shelter. The impacts are minimal.

E.2. Rare Species

The existing pier may serve as shelter and a food source to fish. The two existing mooring buoy anchors cover a small portion of the lake bottom. Each buoy utilizes a concrete anchor block approximately two square feet in size. There is no impact on rare fish species.

E.3. New Species

No new animal species are being introduced to the area by this project nor is the existence of the pier or buoy anchors within the body of the lake posing a barrier to animal migration. No new animal species were introduced as a result of the applicant's pier.

E.4. Habitat Deterioration

The project is located in a designated fish spawning area. However, since the pier and buoys are already in existence, there is minimal impact.

F.1. Noise Increases

The construction of the existing pier involved a period of moderate noise levels as the pilings were being set and the pier itself was being constructed. Noise from work crew vehicles arriving and leaving the site occurred at the beginning and end of work days. This activity ended when the project was completed. Some noise will continue to result from seasonal use of the dock for boating access. These occurrences are brief and minimal. No new noise will occur from the continued existence or use of the two existing mooring buoys.

F.2. Severe Noise

The construction of the existing pier may have caused periods of extreme noise as pile driving equipment was being used. These episodes were brief, lasting seconds or minutes in duration. Some severe noise may arise from boat use during engine operation. These occurrences will be brief.

G.1. Light and Glare

The existing pier was constructed during daylight hours. There are no navigational lights on the existing pier or buoys to create light or glare. No reflections or glare are created from finished surfaces.

H.1. Land Use

The existing pier and buoys were installed among existing piers and buoys on either side, so there is no alteration of land use patterns. Adjacent piers are approximately 90 feet to the right and left of the site.

I.1. Resource Use

The existing pier and buoys do not increase resource depletion or loss of non-renewable resources. The existing pier and buoys are used only for recreational boating purposes.

J.1. Explosion

As the pier and buoys currently exist, there is no risk of explosion of fuel during construction. Recreational boats will use the pier and buoys. Possibility of explosion will be minimal.

J.2. Emergency Plans

The pier and buoys do not have an impact upon emergency vessel movements in the area as they are located among other piers and buoys.

K.1. Alter Population

The existing pier and buoys do not affect the population density or growth patterns in the area. The pier and buoys are for private use by the applicant for mooring of a recreational vessel. There are no live-aboard vessels or increases in local population resulting from this project.

L.1. Housing

The existing pier and mooring buoys are used by the applicant whose property is located at the shoreward end of the pier. A residence exists on the upland. No new housing was constructed in association with the existing pier and buoys.

M.1. Vehicular Movement

The existing pier and buoys are for the applicant's private use. No new parking facilities were created or required to accommodate the use of these facilities.

M.2. Parking

See response to M.1. above.

M.3. Transportation Systems

The construction crew accessed the site using existing roadways. The project would have no significant impact to transportation systems.

M.4. Circulation

The existing pier and buoys were constructed among several other existing piers and buoys. Adjacent piers and buoys are located on either side. The pier on the north is 135 feet long and is approximately 90 feet from the applicant's pier. The pier on the south is 105 feet long and is approximately 90 feet from the applicant's pier. As there exists a buoy some 90 feet waterward of the applicant's most lakeward buoy, effects on current land or water traffic circulation are negligible.

M.5. Traffic

The existing pier and buoys are located among several existing piers and buoys at the

west shore of Lake Tahoe. All of these existing piers and buoys affect boat traffic, driving it waterward to avoid collision with these structures. Waterskiing and fishing must be conducted away from the piers and buoys to avoid injury to skiers or fouling of trolling lines. This impact is not new, but ongoing. According to TRPA, the existing pier is within an established pierhead line.

M.6. Hazards

As the pier exists within the shoreline of Lake Tahoe and the existing buoys are located in the body of the lake, they do not pose a hazard to motor vehicles, pedestrians or bicyclists.

N.1-6 Public Services

Continued use of the existing pier and buoys would not create a new impact on public services including fire and police protection, school and park facilities, road maintenance or other public services.

O.1. Energy Use

The existing pier and buoys did not require use of energy for navigational aids. Fuel and electricity were required during construction. Since construction has been completed, there is no further impact on energy use.

O.2. New Energy

The existing pier and buoys require no energy, therefore there is no impact on future energy needs.

P.1-6 Utilities

The existing pier and buoys do not create an impact on utilities services including power, water, sewerage and waste or communications. A residence is located on the upland which provides these needs.

Q.1-2 Health Hazards

The existing pier was constructed with steel pilings, steel and wood framing and wood decking. The buoys used a 2-inch chain attached to concrete anchor blocks and plastic floats. These materials do not pose a health hazard or potential health hazard to humans.

R.1. Views

The existing pier is located in one of the highest density stretches of shoreline at

Lake Tahoe. The existing pier and buoys are located among several other piers and buoys. This does not create a new impact upon the present view status, but contributes to an existing condition.

S.1. Recreation

The existing pier and buoys do not create a new impact upon recreation in this area as they exist among several other piers and buoys. The structures in this area would continue to have a minor impact on waterskiing, fishing and possibly swimming activities. This pier has been constructed within the limits of the established TRPA pierhead line.

T.1-4 Historic Ethnic Sites

The existing pier and buoys are located waterward of the lake shore. There are no known archaeological or ethnic sites in this location so there is no impact.

U.1. Degradation

The existing pier was constructed with steel pilings and steel/wood decking. This structure does create a visual impact which could be considered a degradation. There are several piers in the immediate area so this impact is not new, but ongoing.

U.2. Environmental Goals

The continued presence of the existing pier among other existing waterward structures does not adversely affect current environmental goals.

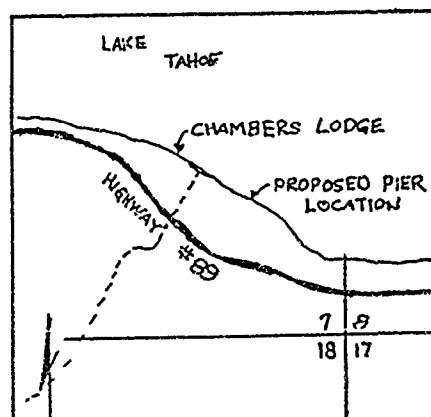
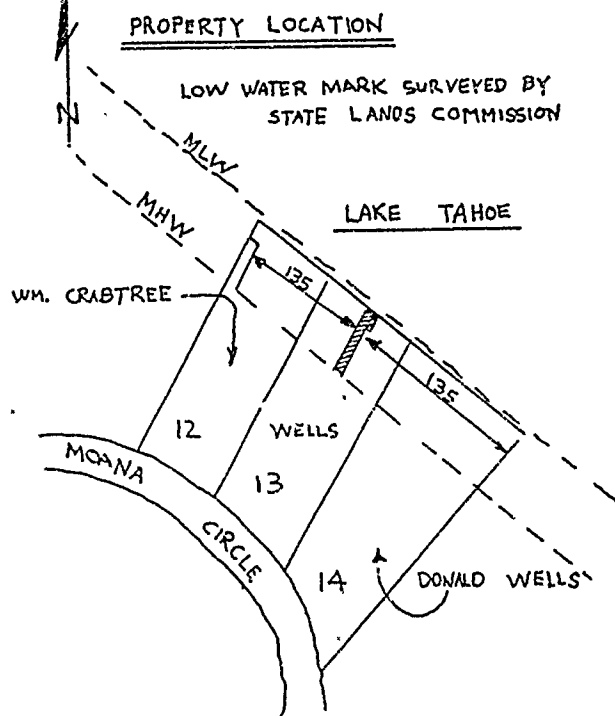
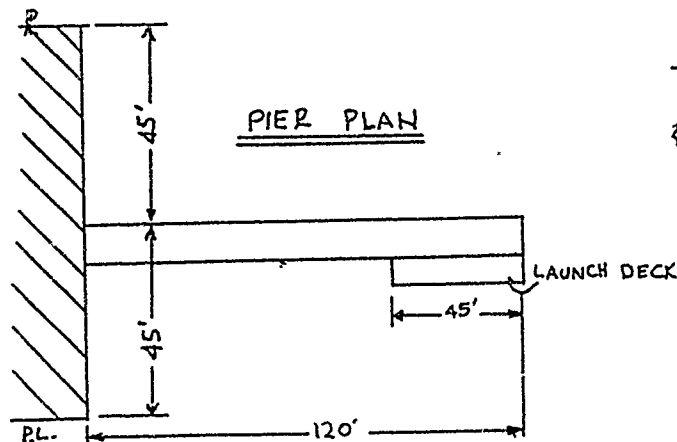
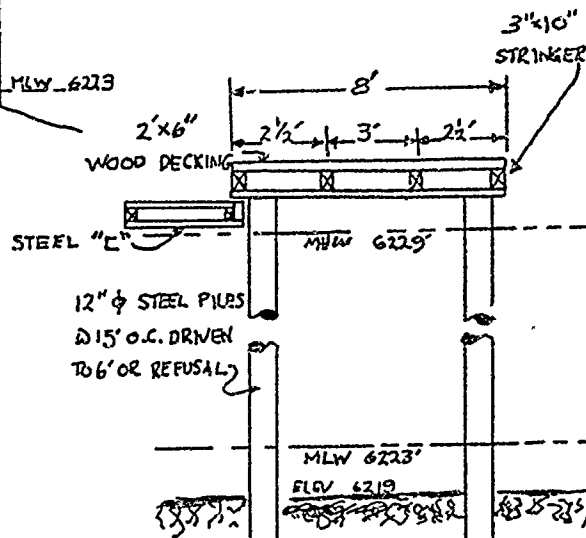
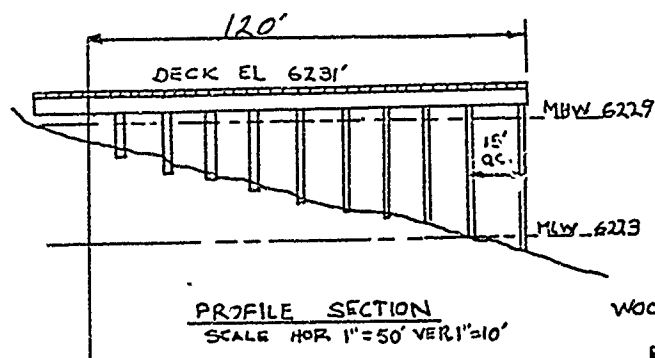
U.3. Cumulative Impacts

The existing pier and buoys are located among several existing piers. Greater pier densities create a greater negative impact on the public than few or no piers. These structures also create a negative barrier to beach walking. This existing pier does add to the cumulative impact of piers already installed. The project does not create significant impacts on its own merits.

U.4. Adverse Impacts

The accumulation of several piers in this area including the applicant's existing pier may contribute to the scenic quality of this segment of shoreline, but the added impact of the applicant's existing pier is negligible. There is no significant adverse impact on humans.

EXHIBIT A



PROPOSED PIER

LAKE TAHOE, CA. MOANA BEACH
SECTION 7 T1AN R 17E
M.R.M. PLACER COUNTY, CAL.

APPLICATION BY:

DONALD WELLS
33 BARRY LN.

ATHERTON CAL 94025

DATE OCT 11, 1978

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1387

Buoy Location for Boat Line 3, No. 15

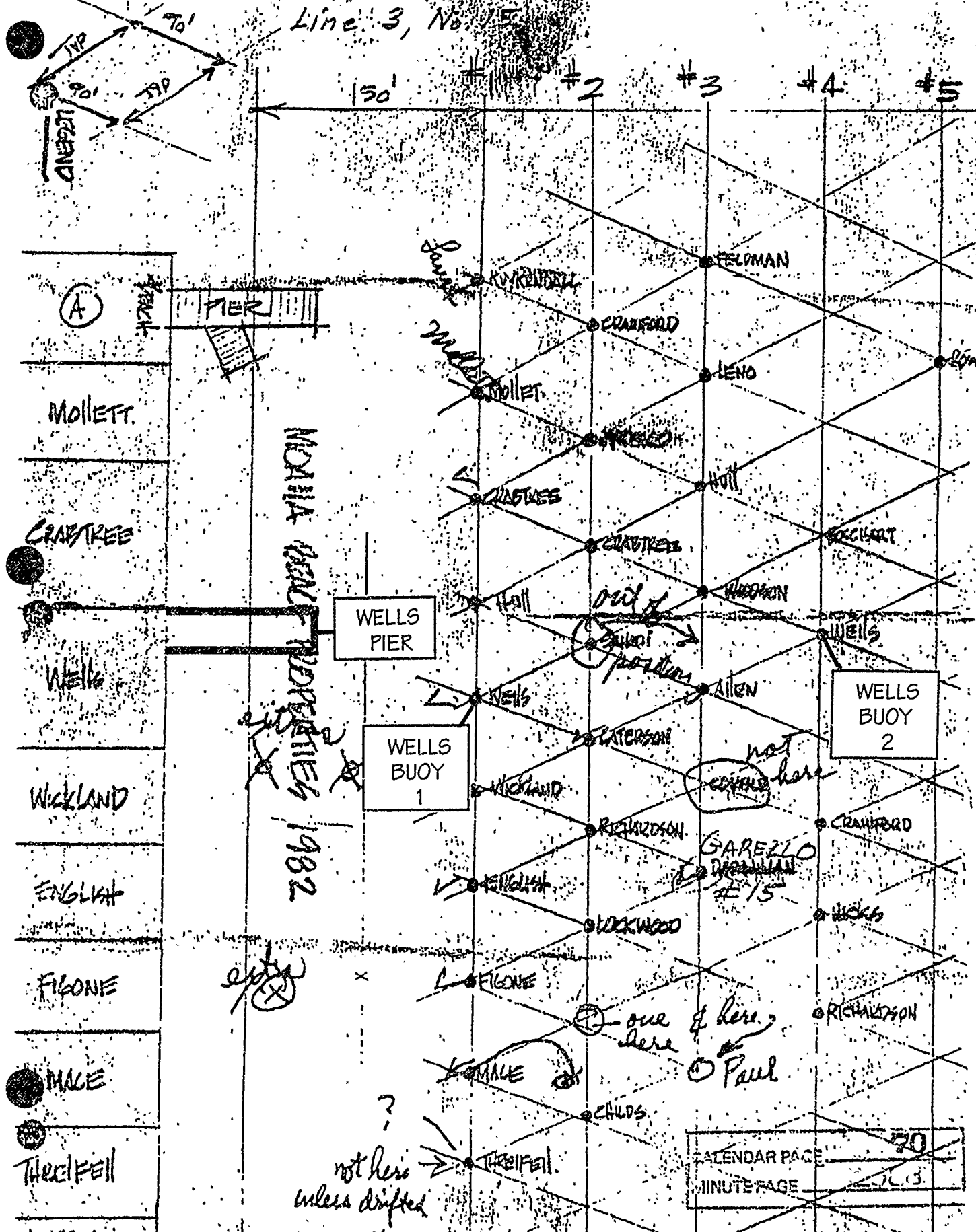


EXHIBIT C

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.

- 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 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.

EXHIBIT "D"

Date May 14, 1992

File Ref: W 22081

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

Subject: Building Permit for Pier Retention of an existing pier and
two mooring buoys

Name: Donald A. Wells, Jr.

Address 303 Twin Dolphin Drive, Suite 122

Redwood, City, CA 94065

Placer County Assessor's Parcel No. 98-101-28

Upland Address: 48 Moana Circle

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,

Jan Christian
JAN CHRISTIAN

Associate Civil Engineer

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