

**MINUTE ITEM**  
This Calendar Item No. 606  
was approved as Minute Item  
No. 606 by the State Lands  
Commission by a vote of 3  
0 at its 6-30-92  
meeting.

**CALENDAR ITEM**

A 7

**C 0 6**

06/30/92  
W 24647 PRC 7634  
J. Ludlow

S 1

**APPROVE A RECREATIONAL PIER PERMIT**

**APPLICANT:**

Eric P. Wente, Philip R. Wente and  
Carolyn Wente  
5565 Tesla Road  
Livermore, California 94550

**AREA, TYPE LAND AND LOCATION:**

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

**LAND USE:**

Reconstruction, expansion and 30-foot extension of an  
existing rock crib pier.

**TERMS OF PROPOSED LEASE:**

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 fee, processing fee, and environmental fee have been  
received. Mitigation monitoring fee and construction  
compliance fee have also been received.

CALENDAR ITEM NO. C 0 6 (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:

08/12/92

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 590, State Clearinghouse No. 92052041. 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 reconstruct and extend an existing, and previously unauthorized, rock crib pier. The Applicant proposes to extend the existing 165-foot pier an additional 30 feet to a new length of 195 feet. The pier will be reconstructed with an open-pile design except for the most landward 36 feet which will remain rock crib.
4. The project will be accomplished using a barge-mounted pile driver and all work will be completed from the water using floating equipment. The pier will be

CALENDAR ITEM NO. C 0 6 (CONT'D)

dismantled by hand and the rocks will be moved by machinery and dispersed to conform with the natural configuration of the lakebed below elevation 6,220' L.T.D.

5. Materials will be neither stored nor placed, nor will any activity associated with the construction, be conducted above the low water line of the subject property. This procedure will prevent any disturbance to Rorippa habitat.
6. The lease includes special language in which the lessee agrees to protect and replace or restore, if required, the habitat of Rorippa subumbellata, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
7. Commission staff will monitor the reconstruction of the pier in accordance with the Monitoring Program attached as Exhibit "E".
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.

CALENDAR ITEM NO. C 0.6 (CONT'D)

**APPROVALS OBTAINED:**

Tahoe Regional Planning Agency, Department of Fish and Game,  
and El Dorado County

**FURTHER APPROVALS REQUIRED:**

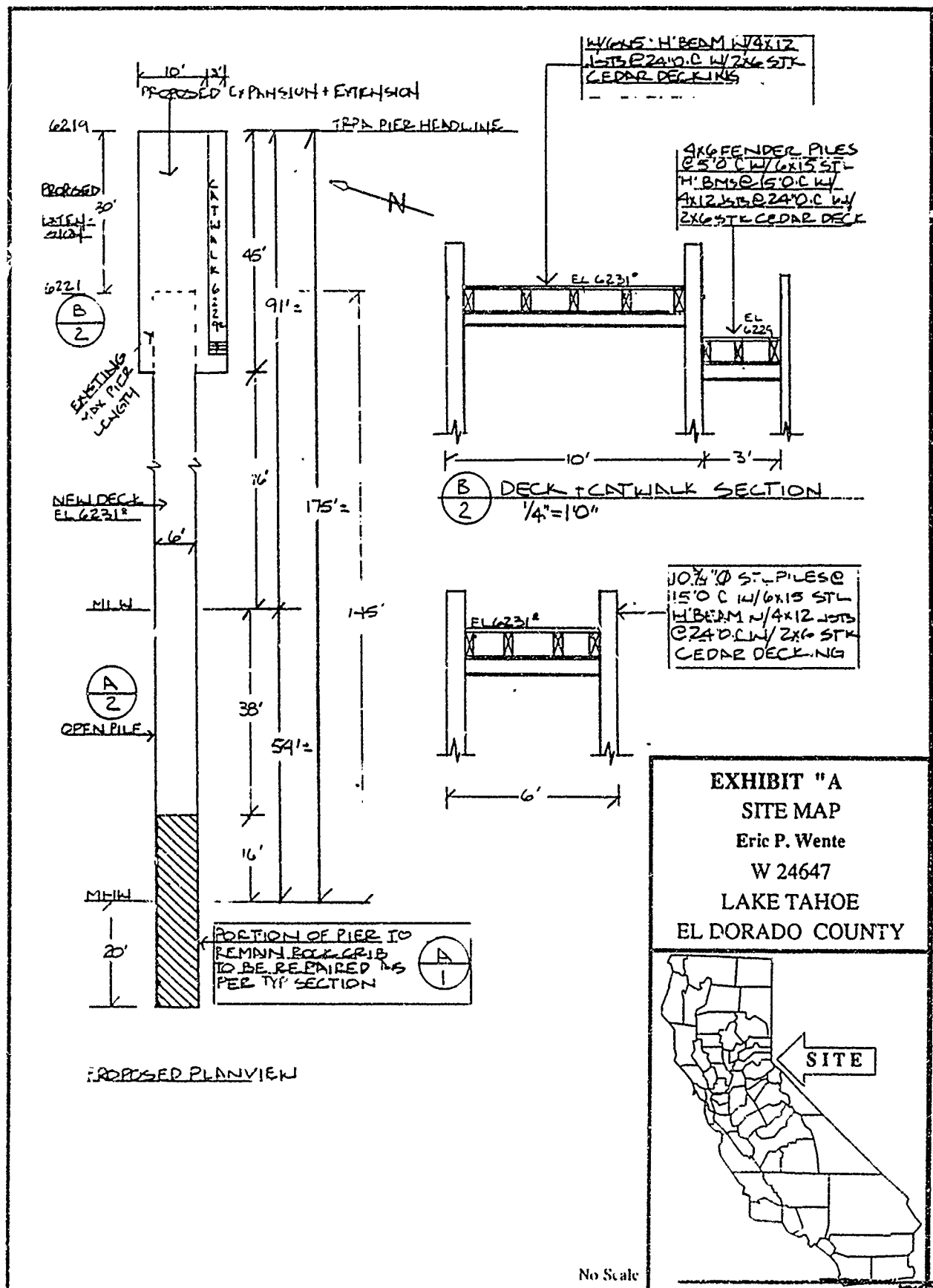
United States Army Corps of Engineers and State Lands  
Commission

**EXHIBITS:**

- A. Site Map
- B. Location Map
- C. El Dorado County Letter of Approval
- D. Negative Declaration
- E. Monitoring Program

**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 590, STATE CLEARINGHOUSE NO. 92052041, 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. ADOPT THE MONITORING PROGRAM ATTACHED AS EXHIBIT "E" PREPARED PURSUANT TO P.R.C. 21081.6.
5. AUTHORIZE ISSUANCE TO ERIC P. WENTE, PHILIP A. WENTE AND CAROLYN WENTE, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JUNE 30, 1992, FOR THE RETENTION, RECONSTRUCTION, AND 30-FOOT EXTENSION OF AN EXISTING PIER, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.







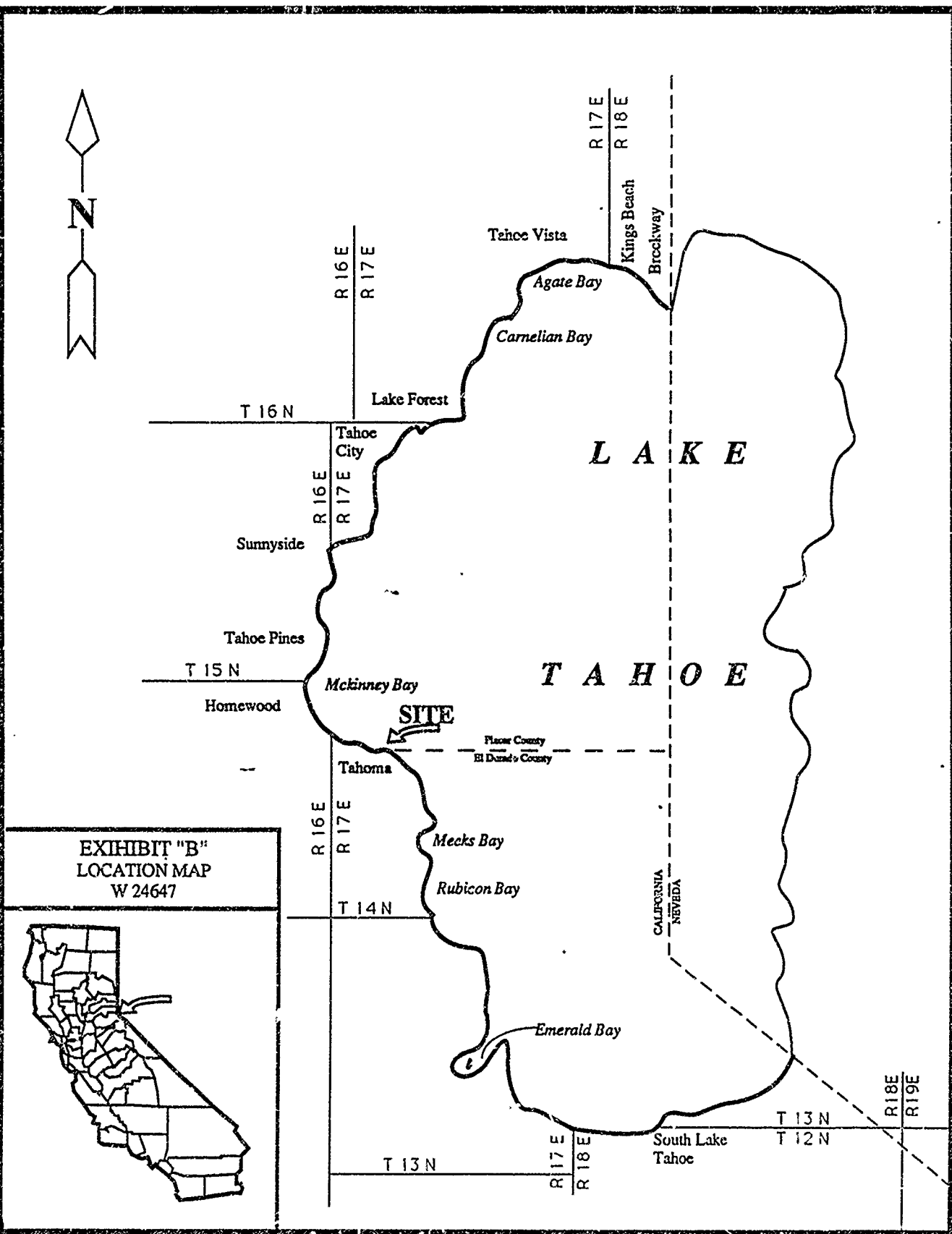


EXHIBIT "B"  
LOCATION MAP  
W 24647



Date 3-5-91File Ref: W 24647

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

Subject: Building Permit for Pier (Rock crib pier reconstruction and  
30 foot extension)

Name: Eric Wentz

Address: 5565 Tesla Road  
Livermore, CA 94550

Lake Tahoe Address: 7171 West Lake Boulevard, TahoeCounty Assessor's Parcel No. 15-370-07

Dear Ms. Ludlow:

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

If you have any questions, you may reach me at (916) 573-3145

Sincerely,

El Dorado County  
Building Division

*John S. Walker*  
JOHN S. WALKER  
Building Inspector III

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EXHIBIT "D"

STATE OF CALIFORNIA

PETE WILSON, Governor

**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

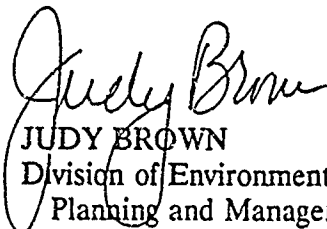
May 11, 1992  
File: W 24647  
ND 590

**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 June 10, 1992.

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

  
JUDY BROWN  
Division of Environmental  
Planning and Management

Attachment

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## STATE LANDS COMMISSION

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

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95811

CHARLES WARREN  
Executive Officer

PROPOSED NEGATIVE DECLARATION

ND 590

File Ref.: W 24647

SCH NO. 92052041

Project Title: Wente Existing Pier Authorization, Reconstruction and Extension

Project Proponent: Eric P. Wente

Project Location: Lake Tahoe, 7179 West Lake Boulevard, Lake Tahoe, Tahoma, APN: 015-370-07, El Dorado County.

Project Description: Authorization and reconstruction of an existing 6' x 150' recreational pier and reconstruction with a 30' extension. The most lakeward 45 feet of the pier would be expanded to a 10' width, with a 3' catwalk. The pier reconstruction involves 90% conversion of a rock crib pier to an open-pile pier.

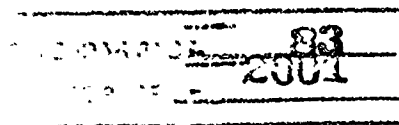
Contact Person: Judy Brown Telephone: (916) 324-4715

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

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

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

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



## STATE LANDS COMMISSION

## ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: W 24647

## I. BACKGROUND INFORMATION

- A. Applicant: Eric P. Wentz  
c/o Gary R. Taylor  
P. O. Box 1715  
Crystal Bay, NV 89402
- B. Checklist Date: 04 / 01 / 92
- C. Contact Person: Judy Brown  
Telephone: ( 916 ) 324-4715
- D. Purpose: To authorize an existing recreational pier, including reconstruction and extension
- E. Location: 7179 West Lake Blvd., APN: 015-370-07, Tahoe, El Dorado County,  
Lake Tahoe
- F. Description: Applicant proposes to reconstruct an existing 6' x 150' recreational pier,  
which would include a 30'' extension to the pierhead line. In addition, the pier  
reconstruction involves 90% conversion of rock cribbing to an open-pile design.
- G. Persons Contacted: Coleen Shade, TRPA  
Kevin Roukey, Corps of Engineers

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

## A. Earth. Will the proposal result in:

Yes Maybe No

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Unstable earth conditions or changes in geologic substructures? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Disruptions, displacements, compaction, or overcovering of the soil? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Change in topography or ground surface relief features? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The destruction, covering, or modification of any unique geologic or physical features? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? ..... | <input type="checkbox"/> | <input 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"/> |

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

J *Risk of Upset.* Does the proposal result in:

Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? ☐ ☐ ☒
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? ☐ ☐ ☒

2004

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: 04 / 16 / 92

*Judith A. Brown*  
For the State Lands Commission 2005



## PROJECT DESCRIPTION

This project proposes authorization and reconstruction of an existing 6' x 150' recreational pier with a proposed 30' extension. The reconstruction activity includes dismantling a 6' x 114' rock crib area under the existing pier decking. The pier would be reconstructed using open pile design except for the most landward 36' feet of the pier which will remain rock crib. A 10' x 45' pierhead with a 3' catwalk is proposed to be constructed at the most lakeward end of the reconstructed pier. The catwalk would be located on the south side of the end of the pier. The pier's total length would then be 195', which would extend to the existing Tahoe Regional Planning Agency pierhead line.

The reconstruction work would be performed from the lake side of the project utilizing a barge/lark vehicle. The pier would be dismantled by hand and rocks moved by machinery and dispersed to conform with the natural configuration of the lakebed below LTD 6220' elevation. A turbidity screen will be placed in the Lake around the proposed project site. A flat bottom boat will be located under the reconstruction areas and a tarp and water skimmer net will be used to prevent debris from falling into the lake waters.

All construction activity will be performed during normal work hours between 8:00 a.m. and 6:30 p.m.

## ENVIRONMENTAL SETTING

The proposed project is located on the shore and in Lake Tahoe just south of the Placer/El Dorado County line and west of the Sugar Pine State Campground lakeward of 7179 West Lake Boulevard, APN: 015-370-07, in Tahoma, El Dorado County. There is an existing boat house and marine railway located within the foreshore boundaries. The property slopes an average of 15 percent towards the lake and is well vegetated.

According to the soils and vegetation report prepared September, 1991, for this parcel, the upland vegetation is composed of conifer/shrub habitat and is largely undisturbed. Native vegetation dominates the landscape. Bluegrass turf provides a transition from the upland to the lakefront.

The area below the high water elevation of 6228.75' is divided into two subzones consisting of a well-vegetated peninsula on the south side of the property, and an unvegetated area north of the boat launch north of the existing pier. The dominant species in the vegetated zones include Mimulus guttatus (Common Yellow Monkeyflower) and Epilobium adenocaulon (Willow Herb.). Both species occur close to the lake level. Willow herb prefers substrate that is dominated by cobble and gravel sized material and slightly drier conditions. Monkeyflower occurs in areas that have at least some fine grained material, usually closer to the lake.

No plants of Rorippa subumbellata, Roll. (Tahoe Yellow Cress) were found during the September, 1991 survey. The majority of the property consisted of very fine - fine sands with coarse sands and gravel interspersed in pockets. Rock and larger fragments were found along the pier and on the south side peninsula. The report concluded that the site does not appear to be prime habitat, and that areas an opportunities for establishment have increased, Rorippa plants have failed to invade. (Rorippa subumbellata Rollins: Habitat Analysis, Etra, September 1991).

Staff of the State Lands Commission have reviewed the report and disagree with the conclusions of the Etra, 1991 report in that patches of habitat do exist and could possibly support Rorippa subumbellata, Rollins. The project is pending response to consultation with the Department of Fish and Game to verify if the project site does contain suitable habitat for the State-listed, endangered plant, Rorippa subumbellata, Roll..

The shoreline frontage is approximately 128' in distance. The project is located in an area mapped by the TRPA as prime fish habitat, and as such, construction is limited to the period June 15, 1991 to October 15, 1991, or as authorized by the California Department of Fish and Game Streambed Alteration Agreement.

The existing pier with rock cribbing abuts the applicant's northern property line. The existing pier is acknowledged by the Tahoe Regional Planning Agency as an allowable nonconforming pier. Recreational piers are located on adjacent shore areas of the existing pier approximately 130' in equal distance to the north and to the south.

## DISCUSSION OF ENVIRONMENTAL EVALUATION WENTE PIER RECONSTRUCTION

### A. 1. Earth Conditions

The project involves the dismantling of a major portion of a rock crib pier and reconstruction of an open piling design pier. Rocks from the cribbing areas would be redistributed by barge-mounted machinery to conform to the natural contours of the lake bottom below elevation 6220'. This construction activity would not alter or unnaturally cover any new ground features. The pier would be reconstructed within the footprint of the existing pier. This activity would not create unstable conditions.

### A.2. Overcovering the Soil

The pier would be reconstructed utilizing approximately 40 steel pilings which would occupy a total of 430sf ground surface. Additional soil coverage would be insignificant involving approximately 64.5sf, for the placement of six new pilings upon ground surface not previously covered.

### A.3. Topography

The pier would be reconstructed in an open pile design with the exception of the most landward 36', which would remain rock cribbing. The reconstructed pier would not modify the existing topography of the lake bed.

### A.4. Unique Features

The lakebed at the project site is gently sloped and lacks unique features. The majority of the rock crib pier would be reconstructed with open pile design. The reconstruction of the pier would be accomplished within the footprint of the existing pier except for the extension; however, neither activity would affect any unique feature on the lakebed.

### A.5. Erosion

The steel pilings would be placed directly in the lake bed substrate. They would not cause any erosion or significant disturbance to lake bottom and shore profiles. The dismantling and reconstruction would be conducted within the footprint of the existing pier and would not create any new erosion. Deposition and erosional processes have been impeded by the rock cribbing which occurs under the entire length of the existing pier. Reconstruction would convert the majority of the pier to an open pile design, thus allowing a more natural flow of waters. The area

to remain rock cribbing would be close to the high water line (elevation 6228.75') landward, thus having little or no effect on the littoral transport of beach materials, except under extreme high lake levels.

#### A.6. Siltation

The waterward portion of the pier is located on a portion of the lakebed which is dominated by cobble substrate. The construction activity proposed would not cause significant siltation in the water column. To further avoid siltation caused by the driving of steel piles, steel sleeves or caissons and siltation barriers would be placed at the construction site and remain until the project is completed. Water level rise might cause minor siltation after the project is done.

#### A.7. Geologic Hazards

The pilings would be set directly into the lake bed. The depths of installation would be a minimum of 6' or to refusal. This activity would not induce seismic instabilities or ground failures. No impacts are anticipated.

#### B.1. Emissions

The pilings would be set using an amphibious lark/barge with a pile driving attachment. The barge would be powered by a conventional diesel engine. Construction crews would arrive by private and commercial vehicles to the upland site for deck finish work. Some emissions would result from the operation of the pile driving equipment and vehicles used for commuting to the site. The pile driving activity may take a couple weeks to complete. The pier reconstruction activity would be completed in approximately 30 working days. These impacts would be minor and temporary, lasting during the construction. Some emissions would be generated from recreational motorized boat usage at the applicant's pier. This impact is not new but ongoing along the shoreline of Lake Tahoe.

#### B.2. Odors

The reconstruction activity would create some odors as engines are operated during the installation of steel piling and from construction crew vehicles arriving and departing the project site. This impact would not be significant and would be temporary during the construction activity. Continued use of the pier would create some odors as motorized boats arrive and depart from the pier. This impact would be minor and ongoing.

#### B.3. Air Alterations

The pier is located within the lake. It would not create impacts which would alter air movement, temperature or regional climate.

C.1. Currents

The proposed reconstruction is of an open piling design. The structure as proposed would not create a significant impact on water currents or water movements. As mentioned in A.6. above, the portion of the pier remaining rock crib is near high water and above, which would have little, if any, impact on water movement.

C.2. Runoff

The pier is located within the body of Lake Tahoe. The reconstruction activity would not have a new impact on surface water drainage patterns.

C.3. Flood Waters

The pier is located within the body of Lake Tahoe. The nearest stream inlet is McKinney Creek which is less than a mile to the north. The proposed reconstruction activity would not affect flood waters from streamflows.

C.4. Surface Water

The pier is located within the body of Lake Tahoe. The reconstruction and extension of the existing pier would not affect the surface water volume of Lake Tahoe.

C.5. Turbidity

The pier is located in an area designated prime fish spawning habitat, which denotes a cobble substrate. Minimal turbidity would result from the reconstruction operations. Precautionary measures incorporated into the project to minimize turbidity include: use of caissons or steel sleeves; use of a turbidity screen within the water around the reconstruction area. Turbidity may arise from disturbed sediments settling as the lake level rises. Upon conclusion of reconstruction activity, some sediments may be disturbed during motorized boat movements in the vicinity of the pier. These impacts would be minimal.

C.6. Ground Water Flows

The pier pilings would be placed approximately 6' into the substrate, or to refusal. This activity would not affect ground

water flows.

C.7. Ground Water Quantity

The pier pilings would be placed at relatively shallow depths. The pier does not serve as a water acquisition facility. This structure would not affect the quantity of ground water.

C.8. Water Supplies

The pier does not propose water acquisition. It would not affect water supplies.

C.9. Flooding

The cumulative volume of the pilings would not induce flooding. The structure would not interfere with water movements to induce flooding.

C.10. Thermal Springs

The proposed construction activity would not affect any thermal springs, as there are no known thermal springs in the project vicinity.

D.1. Plant Species Diversity

The reconstruction activity may impact current aquatic plant populations at the project site with the overcovering of the existing pilings. These pilings may have served as substrate for a now established sessile plant population. Covering of the pilings would cause a minor population loss of aquatic plants at the project site.

The new pilings would furnish a new substrate for sessile aquatic plants. This impact would be minimal as this site is dominated by a cobble substrate and could furnish habitat for sessile aquatic plants.

The upland shore area above elevation 6223' has some potential areas which could support the State-listed, endangered plant, Rorippa subumbellata, Rollins; however, no plants have been observed on the site (Etra, September 1991).

The endangered species consultation process is pending response from the California Department of Fish and Game.

D.2 Endangered Species



The proposed pile driving activity would occur from the lakeward side of the project, so as to disturb as little beach area as possible. When the informal consultation is completed, steps will be taken to ensure construction activities would protect and minimize habitat disturbance for Rorippa subumbellata, Rollins. A jeopardy opinion from the California Department of Fish and Game would necessitate the applicant to incorporate the Interim Management Guidelines or the preparation of a site-specific environmental impact report would be required for the project. No significant impacts to endangered species are anticipated, as a result of the above process.

#### D.3. Introduction of Plants

The new pier pilings would afford a hard substrate for sessile aquatic plants. The project site is located on a cobble substrate, so introduction of the new pier pilings would not significantly change existing plant populations. This project does not propose the planting of vegetation. No impacts are anticipated.

#### D.4. Agricultural Crops

The proposed reconstruction and extension of the existing pier would occur within the body of the lake. No agricultural crops or aquaculture activities exist within the waters of Lake Tahoe at this location. There would be no impact to agricultural crops.

#### E.1. Diversity of Species

The pier pilings involved in the proposed reconstruction and extension of the existing pier would continue to affect access to the lake bottom by burrowing organisms. Covering of the old pier pilings could impact fish and benthic organisms which were attracted to the pilings for grazing and shelter. Until the plant population returns to the reconstructed pilings, there may be a temporary drop in fish population around the structure. The impacts would be minimal.

#### E.2. Rare Species

The proposed pier reconstruction and extension activity timeframe is controlled by the Tahoe Regional Planning Agency and the California Department of Fish and Game. In order to avoid impacts to fish spawning activity within the lake, the project would be constructed between June 15 and October 15. There are no known rare fish species at this location of Lake Tahoe; therefore, no impacts to rare species are expected.

#### E.3. New Species

The proposed project would remove and reintroduce habitat at this site, having a minimal effect. No new animal species are proposed for introduction to this site.

#### E.4. Habitat Deterioration

The proposed project site is located within an area identified by the Tahoe Regional Planning Agency as fish spawning habitat. The Tahoe Regional Planning Agency has determined that the project would have no negative impact upon fish habitat because the project involves removal of an existing rock crib and redistribution of rock material in an acceptable manner.

#### F.1. Noise Increase

The proposed reconstruction and extension activity involving pile driving activity and construction crew arriving and leaving the project site would involve short periods of moderate increases to the existing noise levels. Construction hours would be limited by the Tahoe Regional Planning Agency to be 8:00 a.m. to 6:30 p.m.

Brief, periodic noise increases from continued use of the dock after reconstruction is completed would continue to occur but would be considered minimal.

#### F.2. Severe Noise

Refer to Response F.1., above.

#### G.1. Light and Glare

The proposed reconstruction and extension to the existing pier would be conducted during daylight hours. No lighting would be used during the construction activity. No new exterior lighting on the pier is proposed. The color and design features of the pier such as non-glare earth tone or wood tone materials are conditions of the Tahoe Regional Planning Agency permit. The proposed project would not produce reflections or glare from finished surfaces.

#### H.1. Land Use

The proposed reconstruction of the existing pier would occur within the same footprint. The addition to the proposed pier would extend the pier to the mapped Tahoe Regional Planning Agency pierhead line. No impacts would occur to existing or allowable land uses for this area.

#### I.1. Resource Use

The proposed facility would not increase resource depletion or loss of non-renewable resources. The pier would continue to be used for recreational purposes by the applicant.

#### J.1. Explosion

The proposed project involves reconstruction and extension of an existing pier. Risk of explosion would be minimal as the equipment to be used to drive the pilings is diesel fueled. The Tahoe Regional Planning Agency permit requires that no containers of fuel, paint, or other hazardous materials may be stored on the pier. In addition, TRPA prohibits the discharge of petroleum products to the surface waters of the Lake Tahoe Basin.

#### J.2. Emergency Plans

The existing pier would be reconstructed within the footprint. The proposed pier extension would be limited to the mapped Tahoe Regional Planning Agency pierhead line. In addition, the TRPA has determined that the proposed project would not adversely impact navigation or create a threat to public safety. The project as proposed would have no impact on existing emergency response plans for this area.

#### K.1. Alter Population

The proposed project would not affect the population density or growth patterns in the area. The pier would continue to be used for the private recreational use of the applicant. This project would not propose the use of live-aboard vessels or a habitable structure which would increase the local population.

#### L.1. Housing

The proposed project would not include new housing or the need for new housing to be constructed. The existing facility is a recreational pier proposed for the continued use by the applicant.

#### M.1. Vehicular Movement

Minor increases in vehicular movement would occur during the reconstruction and extension of the existing pier. No new vehicular traffic would result upon completion of construction activity for the continued use of the pier.

#### M.2. Parking

The proposed pier reconstruction activity is located lakeward from the applicant's upland residential structure. Parking is available at the upland structure. No new parking would be required for the construction activity or for the continued use of the pier.

#### M.3. Transportation Systems

The proposed reconstruction of this existing pier would not create significant impacts on existing or future transportation systems. Construction crews arriving and leaving the project site

would use existing, established roads and highways.

#### M.4. Circulation

The proposed reconstruction and extension of an existing recreational pier would not produce a significant effect on the present patterns of circulation or movement of people and/or goods. Construction crews arriving and leaving the project site would use existing, established roadways and highways. This minor impact to circulation on land would be temporary.

#### M.5. Traffic

The proposed pier reconstruction and extension would not significantly affect existing waterborne circulation patterns. Many of the piers existing in this shoreline segment have been extended to the mapped Tahoe Regional Planning Agency pierhead line. In addition, several mooring buoys are located beyond the adjacent piers in the nearby vicinity. Boaters and skiers would continue to divert their navigational course around these facilities. This proposed project would not produce new impacts to navigational circulation at this location.

#### M.6. Traffic Hazards to Motor Vehicles, Bicyclists, Pedestrians

The proposed project is located within the shorezone and in the body of Lake Tahoe. A public trust easement exists in the shorezone between elevation 6223' and 6228.75' which is upheld by the State Lands Commission. Reconstruction of the pier pilings would occur from the lakeward side of the pier, thereby reducing impacts to the shorezone. No vehicles or storage of equipment would occur within the beach or within 50 feet of the beach bluff. Impacts which may occur to pedestrians would be minimal. This proposed project would have no significant impact on motor vehicles or bicyclists.

#### N. 1-6. Public Services

The proposed project would not create a new impact on public services including fire, police protection, school and park facilities, road maintenance or their public services. The project involves the reconstruction and extension of an existing structure located waterward of an existing upland residence.

#### O.1. Energy Use

The proposed project would require the use of minor amounts of fuel and electricity during construction activity. Once construction is complete, there would be no further impacts on energy use.

#### O.2. New Energy

Refer to response O.1., above. No new energy uses are proposed.

P.1-6. Utilities

Reconstruction and extension of the existing pier would not create a demand on or need for new utilities services including power, water, sewerage and waste or communications. These services are provided at the upland residence. Construction waste would be disposed at an approved landfill.

Q.1-2. Health Hazards

The proposed reconstruction and extension of the existing pier as conditioned by the design features and construction methods and access by the Tahoe Regional Planning Agency would not pose a health hazard or potential health hazard to humans.

R.1. Views

The proposed pier reconstruction and extension of the existing pier would not significantly change the view for this section of the shoreline. A majority of the rock cribbing from the existing pier would be removed, which would have a positive aesthetic effect. The pier would be extended to the existing mapped Tahoe Regional Planning Agency pierhead line, which is not considered to be a degrading visual factor.

S.1. Recreation

The reconstruction and extension of this existing recreational pier would produce no new impacts to recreation in this area. Refer to response M.5., above.

T.1-4. Historic/Ethnic Sites

This proposed project involves the reconstruction and extension of an existing recreational pier, located waterward of an existing upland residence. No historic or ethnic sites have been discovered at the project site during construction of these structures. No effects to historic or ethnic sites are anticipated.

U.1. Degradation

The proposed reconstruction and extension of the existing recreational pier would not create new significant impacts which would degrade the environmental quality of the project site.

U.2. Environmental Goals



Minor impacts would result from the reconstruction and extension of the existing pier. Project modifications and conditions of the Tahoe Regional Planning Agency permit, such as: accessing the project site from the lakeside of the pier; placing tarps or small boats under the construction area to prevent construction debris from falling into the lake; placing turbidity screens around the project site and/or use of caissons during pile driving activity; constructing the project during the non-fish spawning season; and defining one access pathway from the upland residence to the recreational pier in order to protect potential habitat of the State-listed, endangered plant Rorippa subumbellata, Rollins. The above list is not intended to be the total list of project modifications for the project.

The results of consultation with the California Department of Fish and Game concerning the project's potential impact to Rorippa or its habitat may necessitate the applicant's incorporation of the attached Interim Management Program Guidelines for Rorippa into the project description or require the need for the staff of the State Lands Commission to prepare a site-specific Environmental Impact Report.

All project modifications which lessen environmental impacts would be monitored by the staff of the State Lands Commission or its designated representative. The Monitoring Program would be recommended for adoption by the State Lands Commission prior to commencement of construction.

The continued use of the pier after reconstruction and extension would not achieve short-term, to the disadvantage of long-term environmental goals.

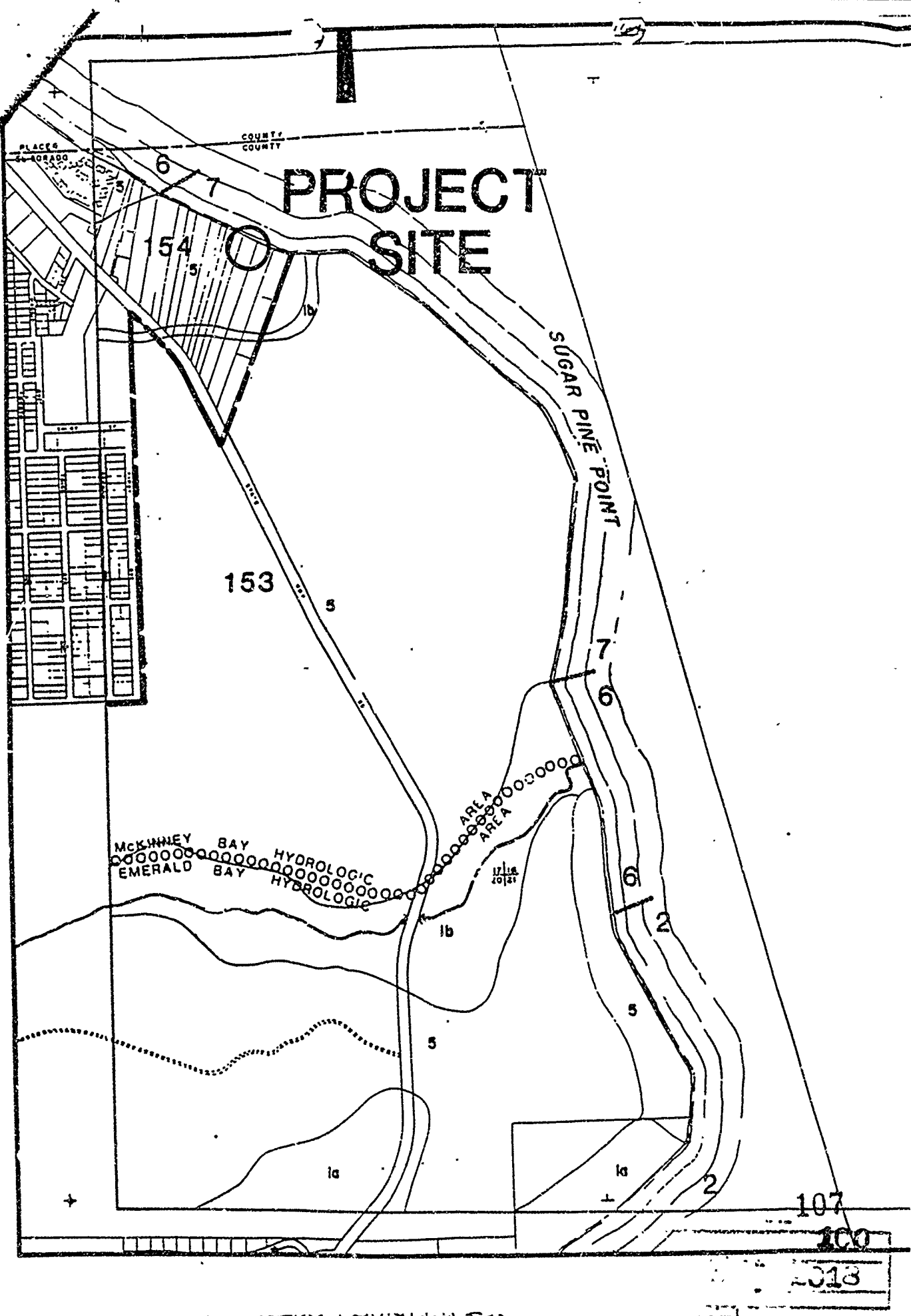
#### U.3. Cumulative

The proposed pier reconstruction and extension is an allowable nonconforming structure under the provisions of the Tahoe Regional Planning Agency Shorezone Ordinances. The existing pier is located in the vicinity of other piers and buoys. Minor impacts which may result from the proposed construction activity have been reduced to the extent possible and are described in U.2., above. The project, as proposed, would not produce cumulatively considerable impacts.

#### U.4. Adverse Effects

No significant adverse effects would result from the proposed reconstruction and extension of the existing pier. Potential impacts have been discussed previously in this environmental evaluation and a description of the more significant project modifications is mentioned in U.2., above.





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ING ROCK CRIB  
BEHOLD L/4 EITHER  
CRIBBING OR OPEN  
PIER

LAKE TAHOE

MHW 6222.0

PROPERTY  
LINE

MHW 6229.1

PIER  
130' 1/2  
R 4.3

PIER  
130' 1/2  
R 4.3

EXISTING  
BOAT  
HOUSE

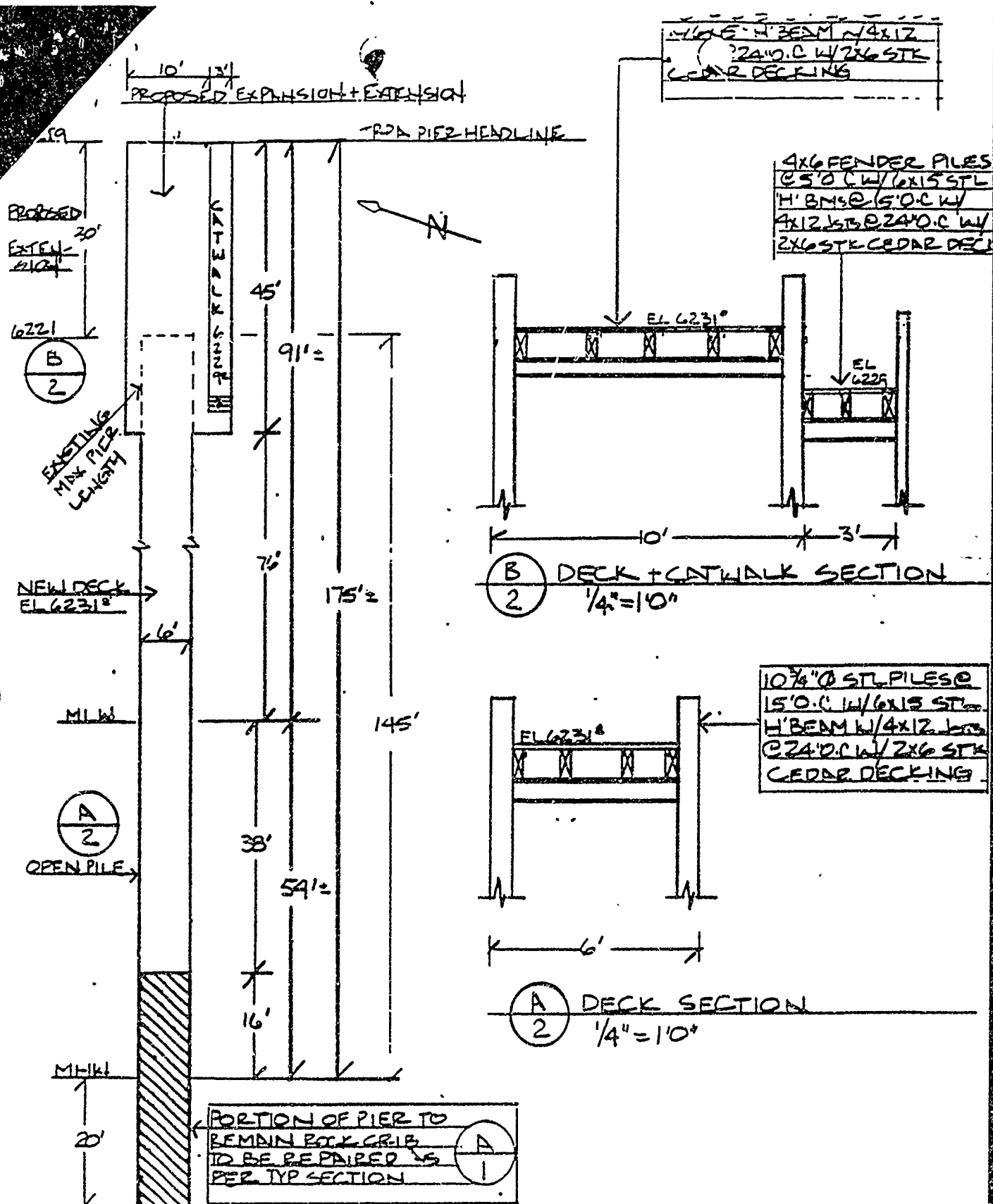
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BACKSHORE BOUNDARY

PATH

DECK

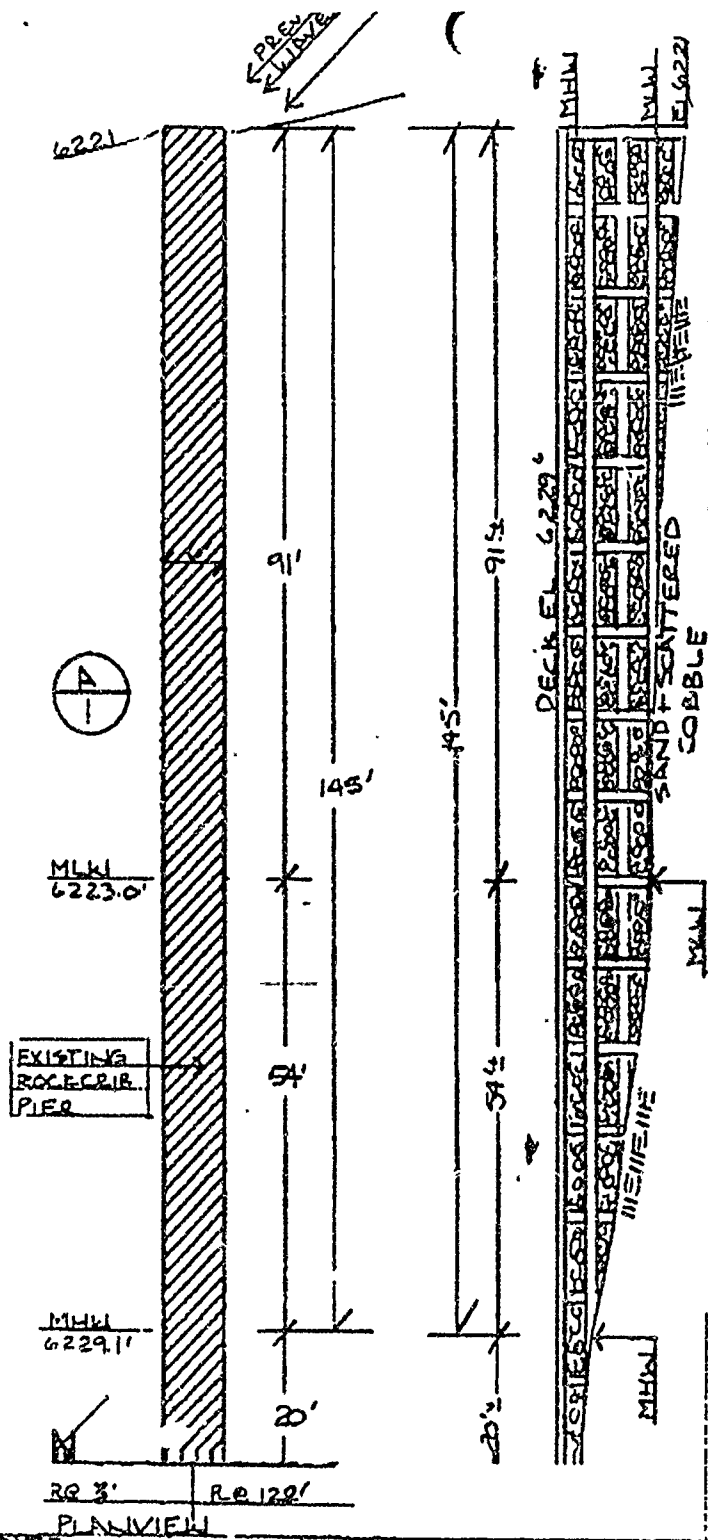
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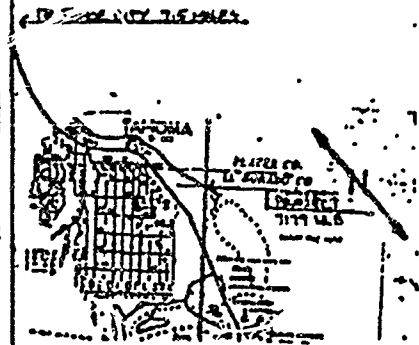
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# PROPOSED PLANVIEW

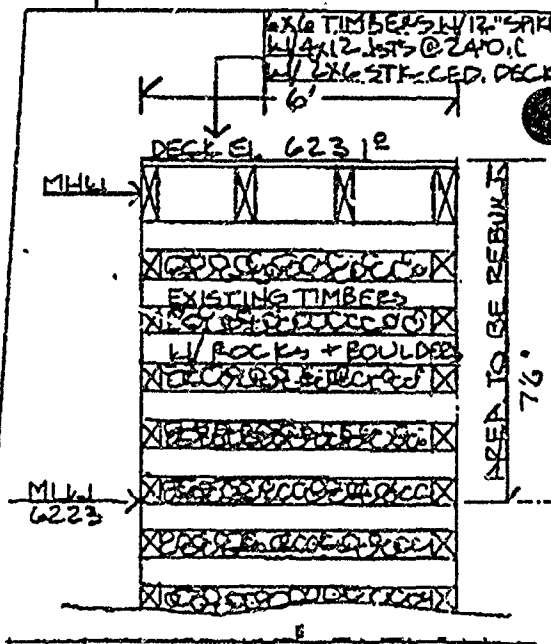
DATE	WENTE'S PROPOSED PIER REPAIR, EXPANSION	DRAWN BY
11/17/89	WIDENING	320
SCALE	711 WEST LAKE BLVD. TAHOMA	GARY R. TAYLOR
	EL DORADO COUNTY, CA	SHEET



TYP. PROFILE



LOCATION MAP NTS



NTS

DATE	11/17/89	WENTE'S EXISTING PIER	DRAWN BY
SCALE	1" = 20'0"	1179 WEST LAKE BLVD, TAYLOR	GARY R TAYLOR
		EL DORADO COUNTY, CA	SHEET
		APN 915-372-07 LOT 7	1 OF 2

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

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

Construction and Access Guidelines

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

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

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

#### Conservation Guidelines

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

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

#### Other

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

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



EXHIBIT "E"

MONITORING PROGRAM

WENTE RECREATIONAL PIER

1. Impact: The proposed project may cause minimal turbidity to lake waters during the driving of piling into the lake bed, and possible upset from construction materials or debris falling into the lake.

Project Modification:

- a) Use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile placement;
- b) Use of a turbidity screen within the water around the reconstruction area;
- c) Small boats and/or tarps will be placed under the reconstruction area as necessary to prevent construction debris from entering the lake waters;
- d) Waste materials will be collected onto a barge or placed in dumpsters, located near the upland residence, for disposal at an approved landfill site.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will periodically monitor the pier reconstruction and extension project on site during the placement of the pier pilings.

2. Impact: The proposed project is located in a lake area designated by the Tahoe Regional Planning Agency as fish spawning habitat. The reconstruction and extension of the existing pier could have an impact upon fish habitat.

Project Modification:

- a) The project involving disturbance to the lake bed will be conducted during the non-spawning season, typically June 15 - October 15, or as specifically authorized by the California Department of Fish and Game Streambed Alteration Agreement, to reduce impacts to fish habitat.

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Page Two

- b) Rock removed from the cribbing will be redistributed as designated by the Tahoe Regional Planning Agency, the California Department of Fish and Game, and the U.S. Army Corps of Engineers, to conform with the natural configuration of the lakebed below LTD 6220' elevation.
- c) The portion of the project involving disturbance to the lake bed will be conducted by a rubber-tired barge-lark vehicle. Upon conclusion of reconstruction/extension activity, if equipment tracks remain on the lake bottom, the cobble or sandy-cobble 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 without damaging the backshore habitat or the species.

3. Impact: The project is located in an area determined by the California Department of Fish and Game to be capable of supporting the California-listed, endangered plant, Rorippa subumbellata, Roll., and could potentially have an impact on this plant species.

Project Modification:

The applicant has agreed to incorporate the Interim Management Program Construction and Access Guidelines for Rorippa subumbellata, Roll., and thereby agrees to participate in the Final Conservation and Management Program for Rorippa subumbellata, Roll. Applicant will notify Commission staff at least 14 days prior to when construction will commence.

Monitoring:

Staff of the State Lands Commission, or its designated representative, will inspect the proposed project site to ensure that:

- a) all identifiable plant species are adequately fenced and the contractor of the project has been briefed concerning the conduct of the construction activity in relationship to Rorippa subumbellata, Roll. and its habitat;

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- b) only one pedestrian path shall be allowed between the upland residence and the pier. Specifications for landscaping the pathway are discussed in the Interim Management Program attached to the Proposed Negative Declaration;
- c) all construction activities shall be conducted from the water side of the pier, and that the area of disturbance of the lake bottom and shoreline shall be no greater than the footprint of the pier;
- d) no equipment or materials will be located or stored between elevation 6220' and 6232' LTD;

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