

MINUTE ITEM

This Calendar Item No. C04
was approved as Minute Item
No. C4 by the State Lands
Commission by a vote of 2
to 0 at its 6-21-93
meeting.

CALENDAR ITEM

C04

A 4
S 1

06/21/93
W 24897 PRC 7690
J. Ludlow

APPROVE THE ISSUANCE OF A RECREATIONAL PIER PERMIT

APPLICANT:

Mindy Cooper-Smith and Robert E. James, III
352 Lincoln Drive
Ventura, California 93001

AREA, TYPE LAND AND LOCATION:

A parcel of submerged land located in the bed of Lake Tahoe
near Skyland, Placer County

LAND USE:

Retention, use and maintenance of two existing previously
unauthorized mooring buoys.

PROPOSED LEASE TERMS:

Lease period: Five years beginning June 21, 1993

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 fees have been
received.

STATUTORY AND OTHER REFERENCES:

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

B. Cal Code Regs.: Title 2, Div. 3: Title 14, Div. 6.

AB 884:

07/18/93

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OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 618, State Clearinghouse No. 93052035. 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). A Mitigation Monitoring Plan has been prepared in conformance with the provisions of the CEQA (Section 21081.6, P.R.C.).

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 permit includes specific provisions by 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.
4. The applicant has received letters of acknowledgement and approval from the U.S. Army Corps of Engineers and the Tahoe Regional Planning Agency.
5. The permit requires that the mooring floats and chains will be removed from the anchor blocks on a seasonal basis between October 16 and April 30 to avoid impacts to fisheries and spawning.
6. Commission staff will monitor the buoys in accordance with the Monitoring Program included within the Proposed Negative Declaration.

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7. This permit is conditioned on Permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance. If any structure authorized by the Permit 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.

8. The Permit is conditioned on the public's right of access along the shorezone below the high water line (Elevation 6,228.75 feet, Lake Tahoe Datum), pursuant to the holding in State v. Superior Court (Fogerty), 2 Cal. 3d 240 (1981), and provides that the Permittee must provide a reasonable means for public passage along the shorezone, including, but not limited to, the area occupied by the authorized improvements.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Placer County, United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Negative Declaration and Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION AND MONITORING PLAN, EIR ND 618 STATE CLEARINGHOUSE NO. 93053025, WERE PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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2. ADOPT THE PROPOSED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. ADOPT THE MITIGATION MONITORING PLAN, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
5. AUTHORIZE ISSUANCE TO MINDY COOPER - SMITH AND ROBERT E. JAMES, III, OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JUNE 21, 1993, FOR THE RETENTION, USE AND MAINTENANCE OF TWO PREVIOUSLY UNAUTHORIZED MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

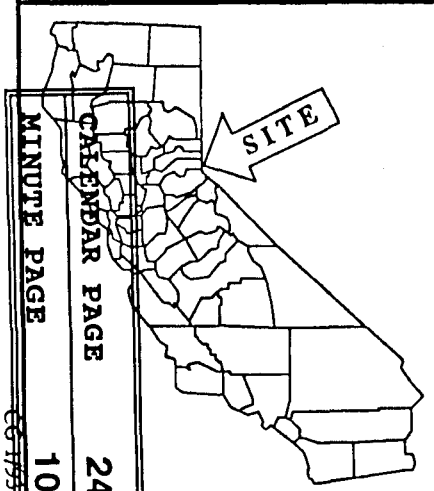
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EXHIBIT "A"

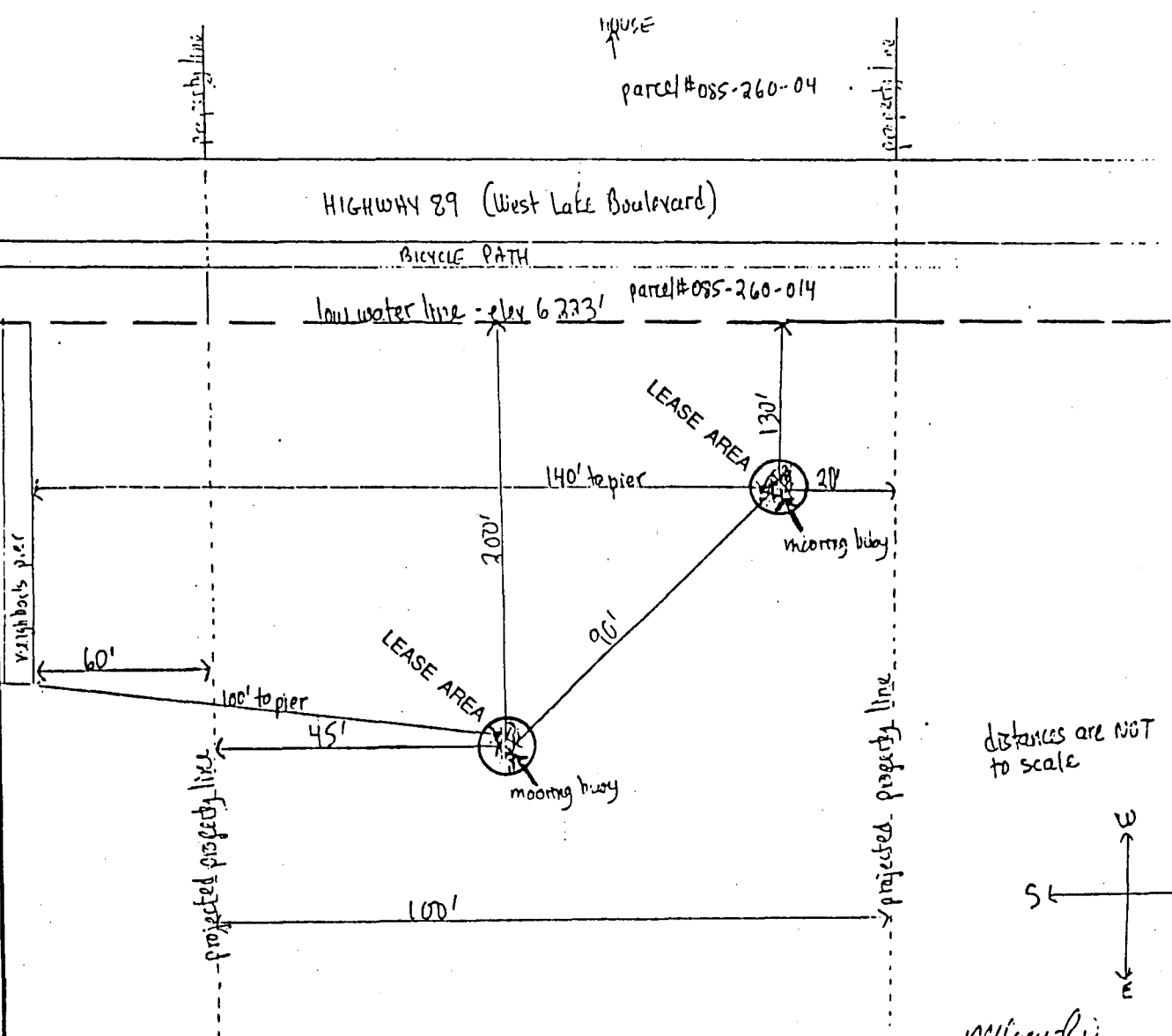
W 24897

APN 085 - 260 - 014

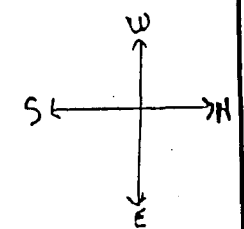
LAKE TAHOE
PLACER COUNTY



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distances are NOT
to scale



MMS/low/low

This Exhibit is solely for purposes of generally defining the lease premises,
and is not intended to be, nor shall it be construed as, a waiver or limitation of
any State interest in the subject or any other property.

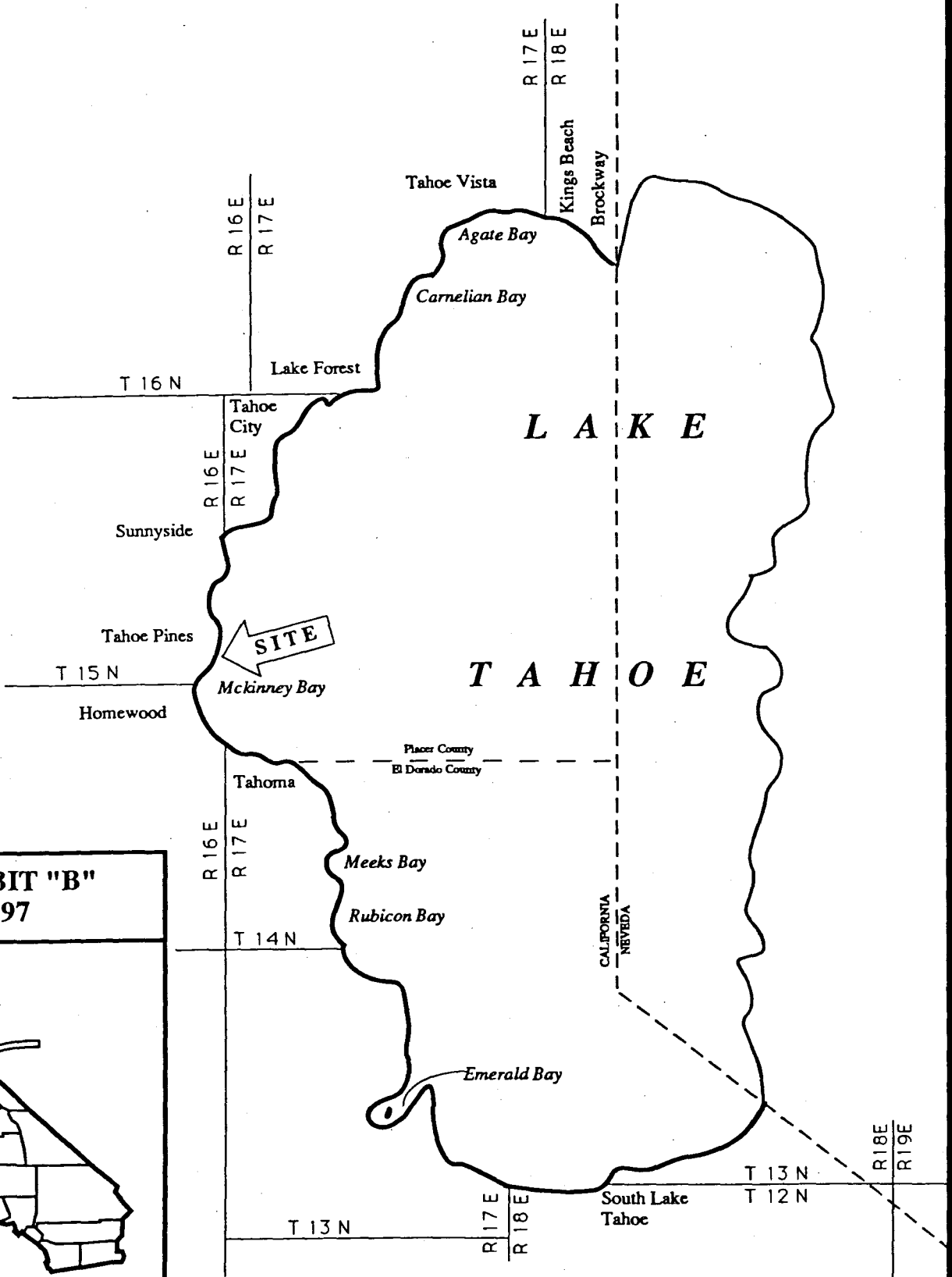


EXHIBIT "B"
W 24897



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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


May 13, 1993
 File: W 24897
 ND 618
 SCH No. 93052035

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 12, 1993.

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


 JUDY BROWN
 Division of Environmental
 Planning and Management

Attachment

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STATE LANDS COMMISSION

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

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, CA 95814

CHARLES WARREN
 Executive Officer

PROPOSED NEGATIVE DECLARATION

File: W 24897
 ND 618
 SCH No.: 93052035

Project Title: Cooper-Smith/James Mooring Buoys

Project Proponent: Mindy Cooper-Smith, Robert E. James III

Project Location: APN: 085-260-014, Tahoe Pines, McKinney Bay, Lake Tahoe, Placer County.

Project Description: Proposed retention of two existing mooring buoys spaced 130' and 200' respectively from the low water line (elev. 6223' LTD) and 90' apart in a NE SW direction. The mooring buoys have been acknowledged by TRPA and grandfathered by the USACOE (attachments C and D).

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.

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I. BACKGROUND INFORMATION

A. Applicant: Mindy Cooper-Smith
Robert E. James III
352 Lincoln Drive
Ventura, CA 93001

B. Checklist Date: 03 / 04 / 93

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

D. Purpose: To bring under permit two existing mooring buoys used for private recreational purposes.

E. Location: Lake Tahoe, McKinney Bay, APN: 085-260-014, Tahoe Pines, Placer County, Lake Tahoe.

F. Description: Applicants seek authorization of two existing mooring buoys spaced 130' and 200' respectively from the low water line (elev. 6223'LTD) and 90' apart in a NE SW direction.

G. Persons Contacted: _____
TRPA, USACOE

These buoys have been acknowledged by TRPA as having been in place prior to May 27, 1976 and have also been grandfathered by the U.S. Army Corps of Engineers, see Attachments C and D.

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?	—	—	<u>X</u>
2. Disruptions, displacements, compaction, or overcovering of the soil?	—	—	<u>X</u>
3. Change in topography or ground surface relief features?	—	—	<u>X</u>
4. The destruction, covering, or modification of any unique geologic or physical features?	—	—	<u>X</u>
5. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X</u>
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?			<u>X</u>
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?			<u>X</u>

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

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

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- S. Recreation. Will the proposal result in:
- | | Yes | Maybe | No |
|---|-----|-------|----------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? | ___ | ___ | <u>X</u> |
- T. Cultural Resources
- Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site? ... ___ ___ X
 - Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
 - Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
 - Will the proposal restrict existing religious or sacred uses within the potential impact area?
- U. Mandatory Findings of Significance.
- 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?
 - Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?
 - Does the project have impacts which are individually limited, but cumulatively considerable?
 - 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: 5 / 7 / 93

Judy A. Brown
 For the State Lands Commission
 JUDY BROWN

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Project Description

This project proposes consideration of retention of two mooring buoys which have existed within Lake Tahoe prior to 1976. The two mooring buoys are located waterward of APN 85-260-14, Tahoe Pines, Placer County.

The buoys are located approximately 130' and 200' feet from the low water line, elevation 6223' LTD. The buoys are configured in a northwest to southeast diagonal from the low water line. The northernmost buoy is setback 20' from the northern property line extension and the southernmost buoy is set back 45' from the southernmost property line extension (please refer to Exhibit A included within this environmental document).

Environmental Setting

The mooring buoys are located in a shoreline area that can be viewed by the public from Highway 89 and from a bike path which runs parallel to the highway.

The mooring buoys are located within an area mapped by TRPA as being fish spawning, targeted for restoration. On August 19, 1992, TRPA issued an acknowledgement and finding that the two buoys did exist prior to the adoption date of the TRPA Shorezone Ordinances, 27 May 1976, letter attached as Exhibit C. Part of the acknowledgement requests that the buoys be removed at the end of each boating season. This procedure would involve removal of the buoy floats and chains from the anchors during the fish spawning season, October 16 to April 30, of each year.

The U.S. Army Engineer District, Sacramento Corps of Engineers, by letter dated June 19, 1992, has indicated that the buoys are considered to be grandfathered and do not require specific authorization by the Department of the Army (notification attached as Exhibit D).

The nearest waterward structures are a private recreational pier located waterward from the parcel to the south, at a distance of approximately 100 feet from the placement of the southernmost buoy (see Exhibit A).

The nearest waterward structure to the north of the buoys would be a recreational pier located approximately 250' to the north.

III. DISCUSSION OF ENVIRONMENTAL EVALUATION
COOPER-SMITH MOORING BUOYS

A. Earth

1. Earth Conditions

Two concrete anchor blocks are resting on the lake bed of Lake Tahoe. The substrate at the project location is rock cobbles. The anchor blocks will remain in place and be inspected annually as required by U.S. Coast Guard regulation. Retention of these mooring buoys would not cause unstable earth conditions or changes in the geologic substructure of the project site.

2. Compaction, Overcovering of the Soil

The mooring buoy anchor blocks will rest of the lake bed. They will not be buried within the substrate. There would be no significant impacts to soil which would result from the placement of these anchor blocks.

3. Topography

The mooring buoy anchors rest on the lake bed. The mooring floats rest on the lake's water surface; therefore, there would be no significant impacts to topography.

4. Unique Features

This project is located within the waters of Lake Tahoe. No unique features are identifiable at this project site; there would be no impacts to unique features resulting from these buoys.

5. Erosion

The mooring buoys are located within the waters of Lake Tahoe. They would not affect wind or water erosion of soils.

6. Siltation

Placement of two mooring buoy anchor blocks on the cobble substrate on the bed of Lake Tahoe at this site would not create impacts which would result in siltation.

7. Geologic Hazards

The mooring buoy anchor blocks rest on the lake bed. Placement or use of the mooring buoys would ~~not induce seismic~~ instabilities or ground failures.

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B. Air

1. Emissions

Placement of the mooring buoy floats, chains and anchor blocks would not create significant air emissions. The anchor blocks are lowered from a watercraft and could not be relocated without express permission from the USACOE, TRPA and the State Lands Commission.

Some emissions may be experienced from motorized boats which would be attached to the mooring buoys periodically during the use season (May 1 - October 15). This impact is considered to be an insignificant impact to the overall air quality of the Lake Tahoe Basin, which is monitored by the TRPA and APCD.

2. Odors

The mooring buoys, chains and anchor blocks would not emit any odors. Odors from motorized engines may be experienced during the seasonal use of the mooring buoys. This impact is considered to be insignificant.

C. Water

1. Currents

The concrete anchor blocks resting on the lake bed are small in structural size and would not affect existing currents or water movements.

2. Runoff

The mooring buoys exist within the waters of Lake Tahoe and would not affect existing surface water drainage patterns.

3. Flood Waters

The mooring buoys exist within the waters of Lake Tahoe. They would not alter the flow of flood waters.

4. Surface Water

The mooring buoy anchor blocks are small in structural size and would not affect the surface water volume of Lake Tahoe.

5. Turbidity

The mooring buoy anchor blocks rest on the lake bed. The mooring buoy floats and chains would be removed from October 16 to April 30 of each year. The lake bed substrate at this site is rock cobble. There would be ~~no water quality~~ disturbance resulting from the mooring buoys or their use.

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6. Ground Water Flows

The mooring buoy anchor blocks rest on the lake bed. They would not affect ground water flows.

7. Ground Water Quality

The mooring buoys anchor blocks rest on the lake bed. The floats rest on the water surface. The mooring buoys would not impact ground water quality.

8. Water Supplies

This project does not include water aquisition facilities. There would be no impact on water supplies.

9. Flooding

The retention of two mooring buoys within the body of Lake Tahoe would not interfere with water movements or otherwise induce flooding.

10. Thermal Springs

There are no known thermal springs located within the Tahoe Pines area. This project would not impact thermal springs.

D. Plant Life

1. Species Diversity

The mooring buoy anchor blocks may provide substrate for sessile aquatic plants. This impact would be minimal as this site is dominated by a cobble substrate which can furnish habitat for sessile aquatic plants. The anchor blocks are small in structural size and would not significantly cover an area where sessile aquatic plants may exist within the cobble substrate setting of the project site.

2. Endangered Species

The mooring buoys exist within the body of Lake Tahoe. No rare or endangered species of plants would be impacted as none have been identified to exist at submerged elevations waterward of elevation 6223' where the mooring buoy blocks exist.

3. Introduction of Plants

The mooring buoys have existed at these locations prior to 1976. Their continued existence would not introduce different plant life which does not already exist within the existing substrate.

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4. Agricultural Crops

The mooring buoys exist within the body of Lake Tahoe. They would not affect agricultural crops.

E. Animal Life

1. Species Diversity

The mooring buoys exist within an area identified by TRPA as being a fish spawning habitat area. The mooring buoy floats and chains will be removed from the anchor blocks during the fish spawning season identified to be October 15 - April 30. Seasonal motorized boat use of the mooring buoys within an identified fish habitat area would periodically and intermittently cause fish to scatter during navigational uses of the waterway within this area. No significant impacts would result.

2. Rare Species

No rare animal species have been identified to be located within the body of Lake Tahoe, therefore, there would be no impacts to rare animals species resulting from this project. Mitigation to fish habitat has already been described in the Environmental Setting and E-1., above.

3. New Species

The retention of the mooring buoy anchor blocks would not introduce new animal species into the project area which do not already exist as a result of the cobble substrate within the environmental setting of this project. No impacts are anticipated.

4. Habitat Deterioration

Retention of the mooring buoy anchor blocks which rest on the lake bed surface should not deteriorate the existing quality of fish habitat which exists at the project site. The anchor blocks are small in structure. TRPA has requested the uses of the mooring buoys to be seasonal, between May 1 - October 15 of each year, after which time the buoy floats and chains are removed from the buoy anchors and reconnected during the use season the following year. This mitigation would reduce any potential significant impact to fishery resources during the spawning season. No significant impacts are anticipated.

F. Noise

1. Increases

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Continued use of the existing mooring buoys would create seasonal, intermittent noises during motorized boat usage at the mooring buoy sites. This impact is temporary and considered to be insignificant.

2. Severe Noise

There would be no severe noises anticipated from the placement or use of the two mooring buoys.

G. Light and Glare

1. The material composition of the mooring buoys is regulated by the U.S. Coast Guard through the statutes of the Harbors and Navigation Code. Placement of the recreational mooring buoys would not introduce a new light or glare; however, the use of the mooring buoy by watercraft could create additional glare from windshield and reflective surfaces on a seasonal basis.

When boats are moored to the buoys between sunset and sunrise, a navigational safety running light is required to be operational on the watercraft pursuant to U.S. Coast Guard safety regulations. This required lighting is low intensity and would not create a significant light or glare impact.

H. Land Use

1. The existing land uses along the shoreline of the project site are residential and recreational. The applicant's shoreline frontage is too small an area between the lake level and the highway to enable construction of a residence. The parcel extends across the highway where a single-family dwelling exists. Between the highway and the shoreline area is an improved bike path.

Uses in the waterway within the vicinity of the project area are private recreational piers and recreational uses of the waterways. No changes to existing land uses would result from the authorization of these recreational mooring buoys.

I. Natural Resources

1. Increase in Use

The mooring buoys are located within the body of Lake Tahoe and do not propose consumptive uses of natural resources. There would be no impacts.

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2. Depletion of any Nonrenewable Resources

No impacts, refer to response I.1., above.

J. Risk of Upset

1. Risk of Explosion

The continued placement of the mooring buoys, chains and anchors would not create the potential for explosion, as the materials do not contain combustible fluids. Motorized boat usage at the mooring buoy sites could create the potential for explosion from improper use of fuel or fuel storage devices. This possibility is remote, and would be regulated by local law enforcement in conjunction with the U.S. Coast Guard safety regulations. No significant impacts are anticipated.

2. Emergency Response Plan

The mooring buoys have existed at this site since before 1976. There is no known evidence to suggest that these mooring buoys have created an impact to any emergency response plans known to exist within this area of the waterway. The mooring buoys do not extend out into the body of the lake any further than the nearby recreational pier located to the south of the project site. The existing placement locations are acceptable to TRPA and the USACOE as evidenced by Exhibits C and D. No impacts are anticipated.

K. Population

1. Continued placement and use of the mooring buoys would not affect the alteration or distribution, density or growth rate of the population of the area.

L. Housing

1. No impacts to housing for the same reasons identified in response K-1., above.

M. Transportation/Circulation

1. Vehicular Movement

The mooring buoys exist within the body of the Lake. There would be no impacts to existing vehicular movement resulting from this project.

2. Parking

Refer to response M-1, above. No impacts would result from this project.

3. Transportation Systems

No impacts would occur, refer to response M-1., 2., above.

4. Circulation

The mooring buoys have existed at this location since before 1976. The placement of the mooring buoys do not extend an extraordinary distance out into the lake. Their placement is consistent with the placement of other structures into the waterway within this shoreline area. Additionally, TRPA has requested seasonal use of the mooring buoys which will enhance the aesthetic and recreational quality of this shoreline area. No significant impacts would result from this project.

5. Traffic

No impacts would result from this project. Refer to response M-4., above.

6. Traffic Hazards

The mooring buoys exist within the body of the waters of Lake Tahoe. There would be no traffic hazard impacts to existing roadways, bike lanes, or pedestrian walkways resulting from these mooring buoys.

N. Public Services

1. This project would not increase the existing need for fire protective services for this area.
2. This project would not increase the existing need for police protective services for this area.
3. This project would not include a residential structure or multi-dwelling unit which would create a demand for new schools.
4. These buoys which have existed at this location since before 1976 would not change the existing public recreational uses of the waterway which exist in this vicinity.
5. This project would not create a need for maintenance of existing public facilities.

O. Energy

1. This project would not include the use of substantial amounts of fuel or energy.

2. This project would not directly involve any substantial demand upon existing sources of energy.

P. Utilities

1. This project would not by its nature include the need for identification of additional sources of power or natural gas.
2. This project would not by its nature require the need for additional communication systems.
3. This project would not by its nature require the need for additional water systems.
4. This project would not require the need for additional sewer or septic tank systems. Such systems are provided for in the applicant's single-family dwelling located on the upland.
5. This project would not require the need for additional storm or water drainage systems as the mooring buoys are located within the body of Lake Tahoe.
6. This project would not require the need for additional solid waste disposal.

Q. Human Health

1. Retention of the two mooring buoys would not directly create any health hazard. The placement location of these buoys has been determined to be acceptable to both the USACOE and TRPA.
2. No impacts identified, refer to response Q.1., above.

R. Aesthetics

1. The mooring buoys have existed at this site since before 1976. The mooring buoys are used seasonally for recreational boating and are not a newly proposed use for this shoreline area. TRPA has requested that the mooring floats and chains be removed from the anchor blocks on a seasonal basis between October 16 - April 30. This mitigation would benefit the environmental aesthetics of the shoreline area as viewed from Highway 89.

S. Recreation

1. The continued retention of these mooring buoys which have existed since before 1976 would not interfere or change the uses which have been enjoyed along this segment of

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Lake Tahoe shoreline. Recreational uses of the shoreline would be enhanced during the non-use season from October 16 - April 30 when the buoy floats and chains would be removed. No significant impacts are anticipated.

T. Cultural Resources

- 1-4. Retention of these mooring buoys would not alter or destroy any known prehistoric or historic archaeological site, building, structure, or object. None exist within this vicinity, and no excavation is proposed as part of this project; therefore, there would be no impacts.

U. Mandatory Findings of Significance

1. The retention of the two mooring buoys would not degrade the quality of the environment as previously discussed in environmental issue areas above.
2. Retention of the mooring buoys, on a seasonal basis, would not achieve short-term to the disadvantage of long-term environmental goals, as no significant impacts have been identified. Mooring buoys are much less obtrusive to the environment than a pier structure would be.
3. The mooring buoys would be used on a seasonal basis in accordance with TRPA acknowledgement. There are no impacts which would result from this project which would be individually limiting but cumulatively considerable.
4. This project would not create substantial impacts to human beings as described in environmental issue areas above.

**MONITORING PLAN
COOPER-SMITH BUOYS**

1. **Impact:** The use of two existing mooring buoys, located in a mapped fish spawning habitat, could impact fishery resources during the fish spawning season.

Project Modification:

The mooring floats and chains will be removed from the anchor blocks on a seasonal basis - between October 16 - April 30, to avoid impacts to fisheries during the spawning season.

Monitoring:

Staff of the State Lands Commission, or its designated representative, would inspect the project site before and after the identified use season to ensure that the project modification is implemented.

ATTACHMENT - B

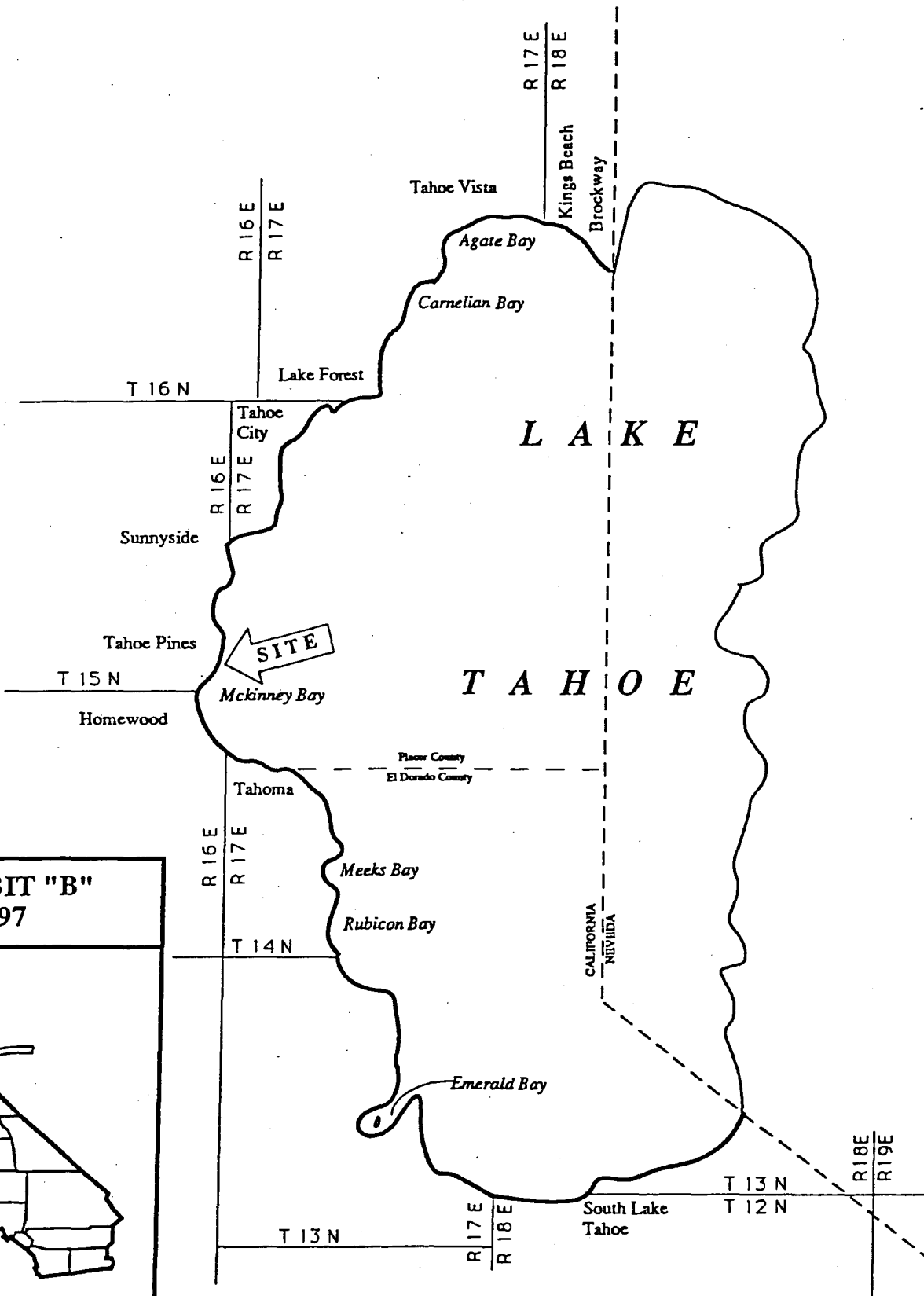


EXHIBIT "B"
W 24897



ATTACHMENT - C
TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

19 August 1992

Ms. Mindy Cooper-Smith
352 Lincoln Drive
Ventura, CA 93001

Subject: Smith - Acknowledgement of two existing buoys, APN 85-260-014
Placer County.


Dear Ms. Smith:

Based on evidence found in aerial photos (photos were dated 1970), Tahoe Regional Planning Agency (TRPA) staff has been able to make the finding that two buoys did exist prior to the adoption date of the TRPA shorezone Ordinances (27 May 1976).

This letter officially acknowledges the two existing buoys for APN 85-260-014. There is no need for you to pursue a TRPA permit in addition to this acknowledgement. We do request, as a part of this acknowledgement, that the buoys be removed at the end of each boating season. If, at sometime, you wish to relocate the buoys, a permit is required.

Please do not hesitate to call me if you have any questions regarding this matter.

Sincerely,



Jim Lawrence
Associate Planner
Project Review Division

cc: Judy Ludlow, California State Lands Commission
Ginger Tippett, Army Corps of Engineers
Ron Perrault, California State Fish and Game Department

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ATTACHMENT - D



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

June 19, 1992

Regulatory Section (199200520)

Mindy Cooper-Smith
352 Lincoln Dr.
Ventura, California 93001

Dear Ms. Cooper-Smith:

This is in response to your request for verification of the presence of two mooring buoys in front of your property in Lake Mile 15.6, Placer County Assessor's Parcel Number 85-260-014, Lake Tahoe, California.

Our 1970 aerial photo shows two buoys in front of this parcel; in accordance with 33 CFR 320.4(o), the buoys are considered to be grandfathered and do not require specific authorization by the Department of the Army. This does not obviate the need to obtain other Federal, State and local permits, however.

If you have any questions, please write to Ms. Ginger Tippet, Room 1444 at the letterhead address, or telephone (916) 557-5258.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Junell", is written over a horizontal line.

Robert W. Junell
Chief, Regulatory Unit 2

Copies Furnished:

Coleen Shade, Tahoe Regional Planning Agency. P.O. Box 1038,
Zephyr Cove, Nevada 89448-1038
Judy Ludlow, California State Lands Commission, 1807 13th Street,
Sacramento, California 95814

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