

MINUTE ITEM 39

PRC 5423

Gordon

TERMINATION OF RECREATIONAL PIER PERMIT PRC 5423
AND ISSUANCE OF GENERAL PERMIT — RECREATIONAL USE

Calendar Item 39, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 39

A 7
S 1

CALENDAR PAGE _____
MINUTE PAGE _____

CALENDAR ITEM

A 7
S 1

39

06/30/92
PRC 5423
Gordon

TERMINATION OF RECREATIONAL PIER PERMIT PRC 5423
AND ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT:

Chinquapin Homeowners Association
P. O. Box RR
Tahoe City, California 96145

AREA, TYPE LAND AND LOCATION:

A 0.130-acre parcel, a 0.051-acre parcel, and a 3.808-acre area, which together total 3.988 acres of submerged land located in Lake Tahoe at Dollar Point, Placer County.

LAND USE:

Partial removal, reconstruction, reconfiguration, and maintenance of an authorized pier, maintenance of a second authorized pier, and placement and maintenance of a field of 132 mooring buoys, of which 70 have been previously authorized, 21 are existing and unauthorized, and 41 are newly proposed; all facilities to be utilized for multiple-use recreational boating.

TERMS OF EXISTING PERMIT:

Initial period:

Five (5) years beginning January 1, 1990.

Special:

1. The permit is conditioned on Permittee's conformance with the shorezone ordinances of California Tahoe Regional Planning Agency and Tahoe Regional Planning Agency.
2. The permit conforms to the Lyon/Fogerty decision.

CALENDAR ITEM NO. 39 (CONT'D)

3. The permit is conditioned on the public's right of access along the shorezone up to the high water line at elevation 6,228.75 feet, Lake Tahoe Datum.

4. The permit is conditioned on Permittee's retention of the public trust area and the Rorippa habitat area in its natural condition.

CONSIDERATION:

Nonmonetary, pursuant to P.R.C. 6503.5.

TERMS OF PROPOSED PERMIT:

Initial period:

Five (5) years beginning July 1, 1992.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Special:

1. All parties agree that recreational pier permit PRC 5423, dated January 1, 1990, shall terminate July 1, 1992.

2. The permit is conditioned on Permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.

3. The permit prohibits any residential use of the facilities.

4. The permit requires the annual removal of the mooring buoys and their anchoring chains from Lake Tahoe for the period of time between Labor Day and Memorial Day to enable the public to exercise the right to fish from a boat in a designated angling area.

5. The permit requires refuse containers for the disposal of vessel-generated trash.

6. The permit conforms to the Lyon/Fogerty decision.

7. The permit is conditioned on the public's right of access along the shorezone up to the high water line at elevation 6,228.75 feet, Lake Tahoe Datum.

CALENDAR ITEM NO. 39 (CONT'D)

8. The permit is conditioned on Lessee's retention of the public trust area and the Rorippa habitat area in its natural condition.

9. Permittee agrees to conserve the natural resources and to prevent pollution and harm to the environment; and acknowledges that failure to comply with this provision constitutes a default or breach of the agreement.

CONSIDERATION:

\$11,588.90 per annum.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and estimated processing costs have been received.

STATUTORY AND OTHER REFERENCES:

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

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

AB 884:

10/24/92

OTHER PERTINENT INFORMATION:

1. Applicant is a homeowners association. The subject facilities are utilized by its homeowner members, tenants, and guests. Because the membership currently includes non-natural persons as members, Applicant does not meet the criteria of P.R.C. 6503.5 for rent-free status. This is an application to bring Applicant's nonconforming pier (Parcel 1) into compliance with Tahoe Regional Planning Agency requirements and to authorize mooring buoys not previously considered by the Commission.

2. At its January 17, 1990 meeting, in Minute Item 2, the Commission authorized the issuance of recreational pier permit PRC 5423, dated January 1, 1990, to Chinquapin Homeowners Association. To facilitate the issuance of the proposed new permit agreement, which is consistent with the Commission's current rules and regulations, termination of the earlier permit is recommended.
3. 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 593, State Clearinghouse No. 92052131. 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))

4. In order to determine the potential trust uses in the area of this activity, staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, Department of Fish and Game, County of Placer, and the Tahoe Conservancy. None of these agencies expressed a concern that this activity would have a significant effect on trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.
5. Staff has physically inspected the site for purposes of evaluating the impact of the activity on the Public Trust.
6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and

through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

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

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description
- B. Site/Location Map
- C. Local Government Comment
- D. Proposed Negative Declaration/Monitoring Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 593, STATE CLEARINGHOUSE NO. 92052131, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. ADOPT THE MONITORING PROGRAM ATTACHED AS EXHIBIT "E" WHICH HAS BEEN PREPARED IN CONFORMANCE WITH P.R.C. 21081.6.
5. AUTHORIZE TERMINATION OF RECREATIONAL PIER PERMIT PRC 5423, DATED JANUARY 1, 1990, EFFECTIVE JULY 1, 1992, AND THE ISSUANCE TO CHINQUAPIN HOMEOWNERS ASSOCIATION OF A FIVE-YEAR GENERAL PERMIT - RECREATIONAL USE FROM JULY 1, 1992 IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$11,588.90,

CALENDAR ITEM NO. 39 (CONT'D)

AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE OF COMBINED SINGLE LIMIT COVERAGE IN THE AMOUNT OF \$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE FOR THE PARTIAL REMOVAL, RECONSTRUCTION, RECONFIGURATION, AND MAINTENANCE OF A PIER, MAINTENANCE OF A SECOND PIER, AND PLACEMENT AND MAINTENANCE OF A FIELD OF 132 MOORING BUOYS, ALL FACILITIES TO BE UTILIZED FOR MULTIPLE-USE RECREATIONAL BOATING ON THE LAND DESCRIBED AND DELINEATED ON EXHIBITS "A" AND "B", ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 5423

LAND DESCRIPTION

One hundred-thirty four (134) parcels of land in the bed of Lake Tahoe, Placer County, California, said parcels being more particularly described as follows:

PARCEL 1 - NORTHERLY PIER

That land immediately beneath a pier, TOGETHER WITH a necessary use area extending no more than 10 feet from the extremities of said pier, said pier being adjacent to and easterly of Lot 194 (Common Area), shown on that certain map entitled "Tract No. 292, CHINQUAPIN, Phase 4", recorded in Book K of Maps at page 24, Placer County Records.

PARCEL 2 - SOUTHERLY PIER

That land immediately beneath a pier, TOGETHER WITH a necessary use area extending no more than 10 feet from the extremities of said pier, said pier being adjacent to and easterly of Lot 194 (Common Area), shown on that certain map entitled "Tract No. 292, CHINQUAPIN, Phase 4", recorded in Book K of Maps at page 24, Placer County Records.

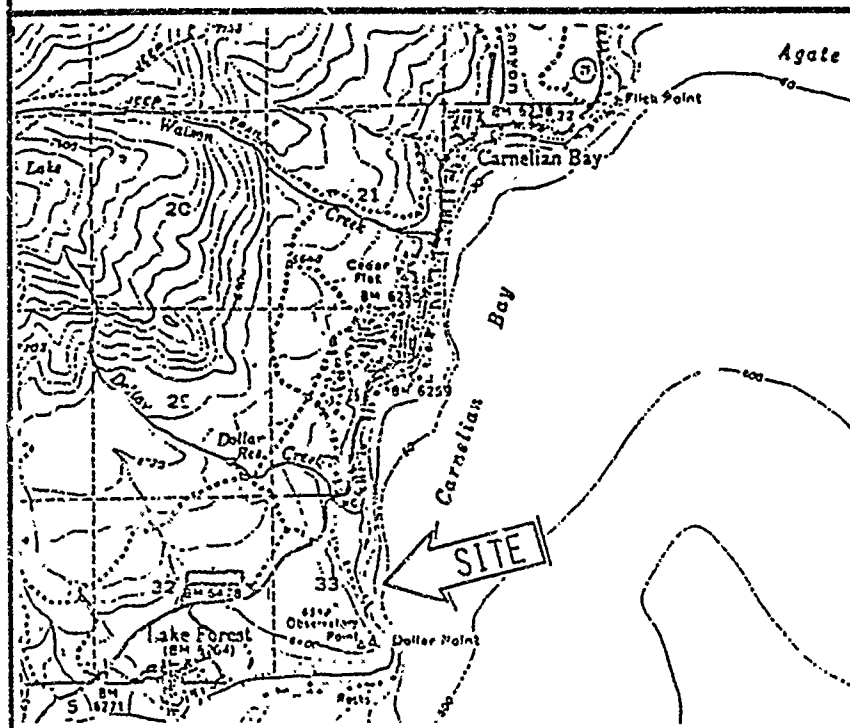
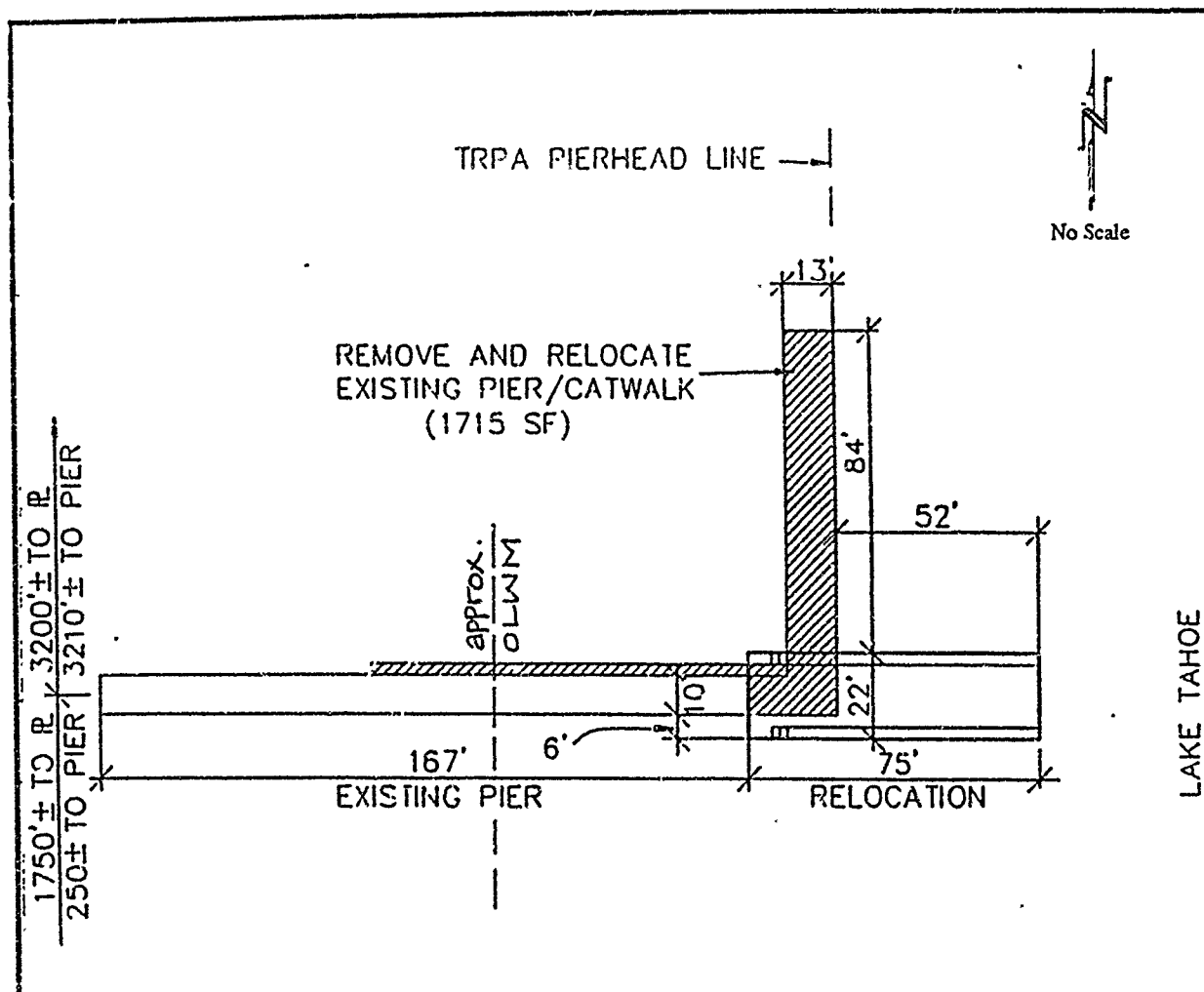
EXCEPTING THEREFROM any portion of the above parcels lying landward of the ordinary low water mark of Lake Tahoe.

PARCEL 3 through 134 - BUOYS

One hundred-thirty two (132) circular parcels of land, each having a diameter of 40 feet, said parcels situated adjacent to and easterly of Lot 194 (Common Area), shown on that certain map entitled "Tract No. 292, CHINQUAPIN, Phase 4", recorded in Book K of Maps at page 24, Placer County Records.

END OF DESCRIPTION

PREPARED DECEMBER, 1991 BY LLB



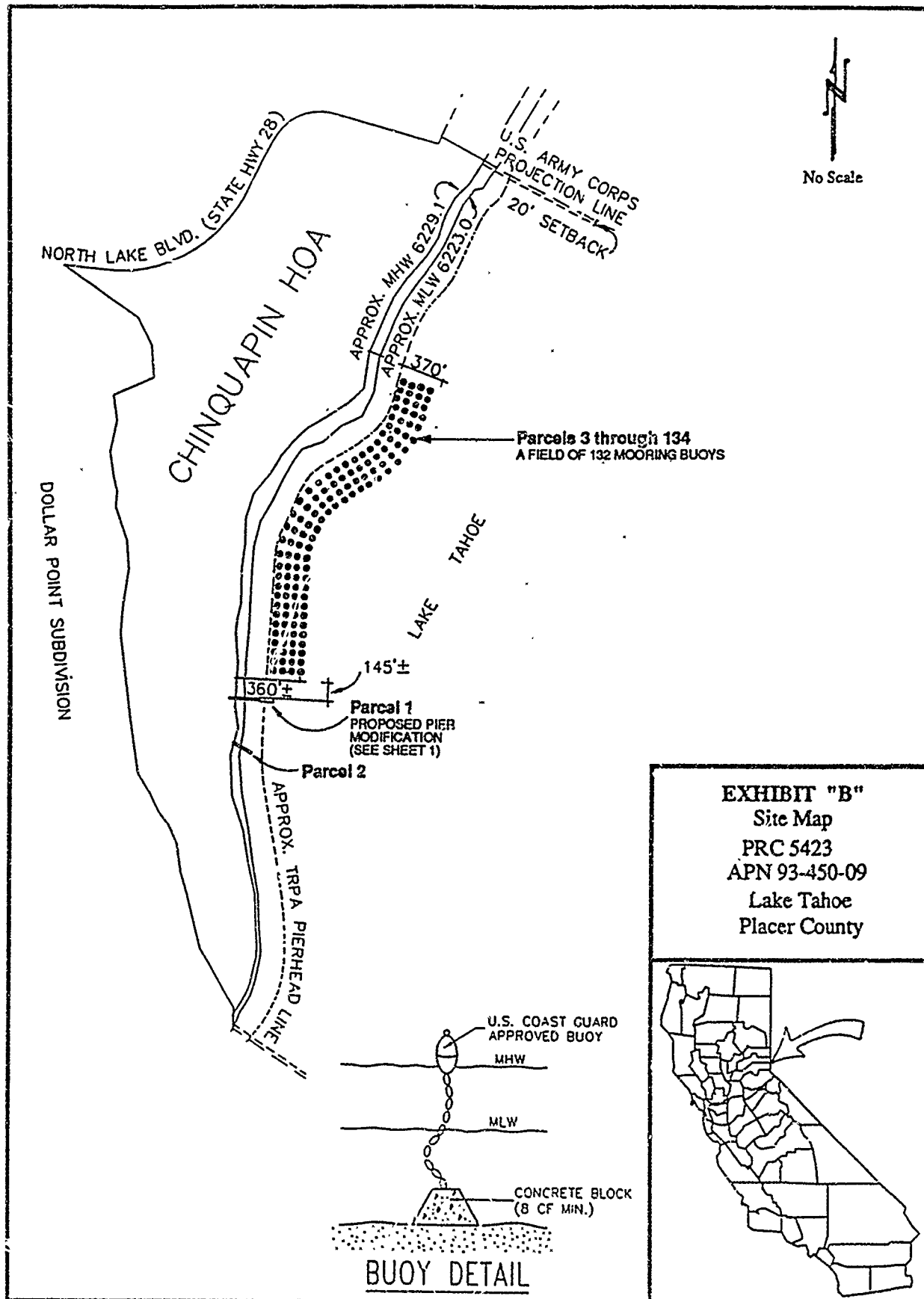


EXHIBIT "C"

Date: 11-4-91

File Ref: PRC 5423

State Lands Commission
Attn: Gerald D. Gordon
1807 - 13th Street
Sacramento, California 95814

Greetings:

Subject: TWO (2) EXISTING PIERS OF WHICH ONE IS SUBJECT TO A
MODIFICATION PROJECT AND A FIELD OF 132 MOORING BUOYS OF
WHICH SEVENTY (70) ARE AUTHORIZED, TWENTY-ONE (21) ARE
EXISTING BUT UNAUTHORIZED AND FORTY-ONE (41) ARE
PROPOSED, ALL IN LAKE TAHOE AT DOLLAR POINT

Name: Chinquapin Homeowners Association

Address: c/o Mitch Packard
P.O. Box RR
Tahoe City, California 96145

Assessor's Parcel No. 93-450-09

The County of Placer has received notice of the above-referenced activity in Lake Tahoe and has no objection to said project or to the issuance of a permit or lease by the State Lands Commission for such use of sovereign lands.

If you have any questions, you may reach me at (916) 823-4511.

County of Placer
Department of Public Works
Jack Warren, Director



For Jan Christian
Associate Civil Engineer

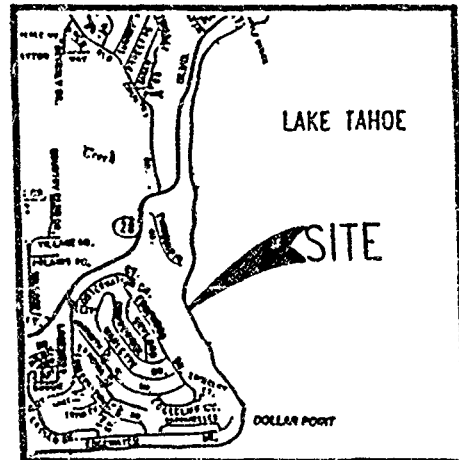
EXHIBIT "C"

NOTE:

THIS PROPOSED MODIFICATION IS BRINGING THE PIER INTO CONFORMANCE WITH THE TRPA CODE OF ORDINANCES.

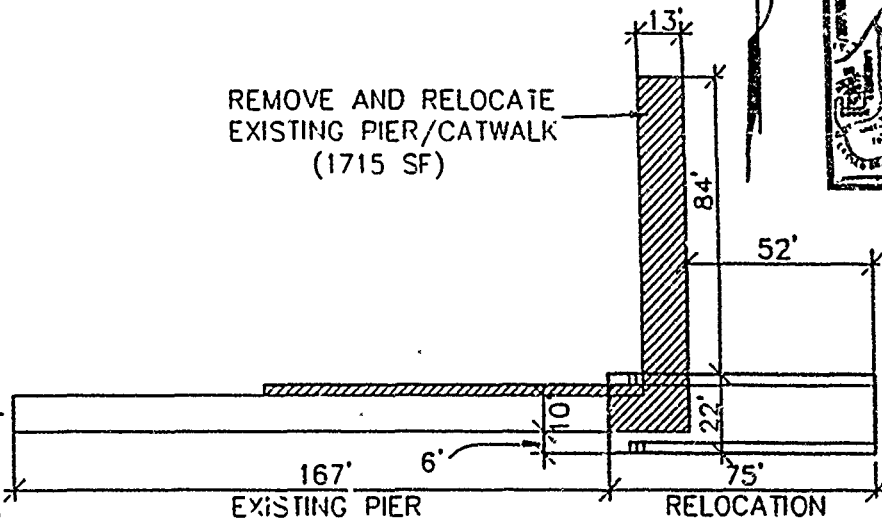
TRPA PIERHEAD LINE

REMOVE AND RELOCATE EXISTING PIER/CATWALK (1715 SF)

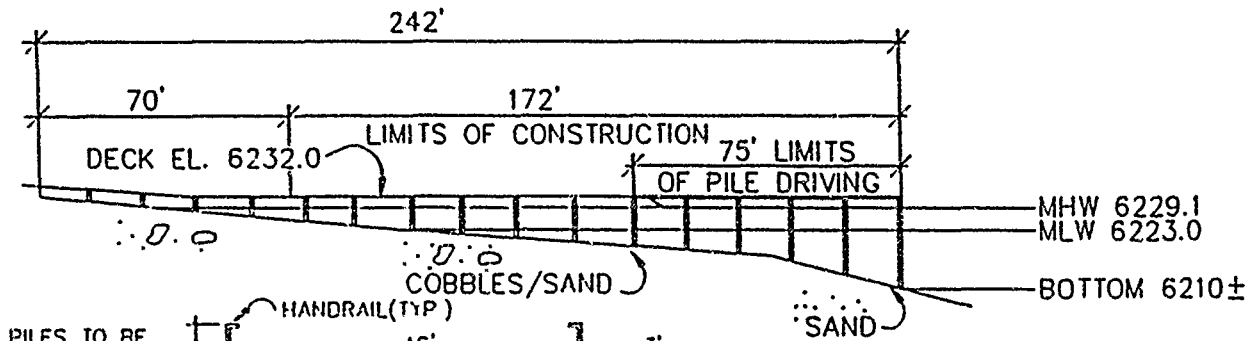


LOCATION MAP

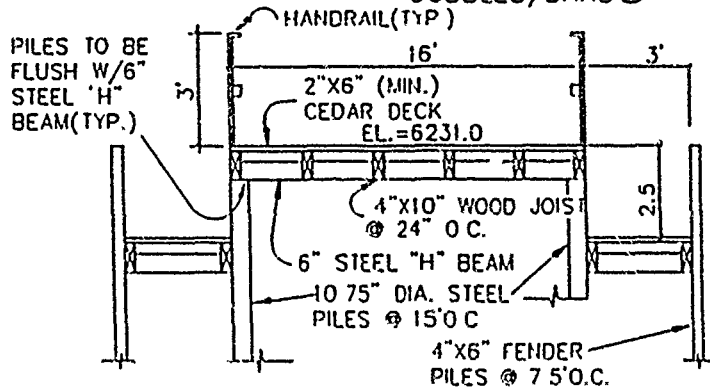
1750'± TO R. & 3200'± TO R.
250'± TO PIER & 3210'± TO PIER



PLAN 1"=50'



PROFILE 1"=50'



PROPOSED PIERHEAD SECTION
NTS.

ADJOINING PROPERTIES
NORTH
93-540-34

SOUTH
93-083-15

REVISED

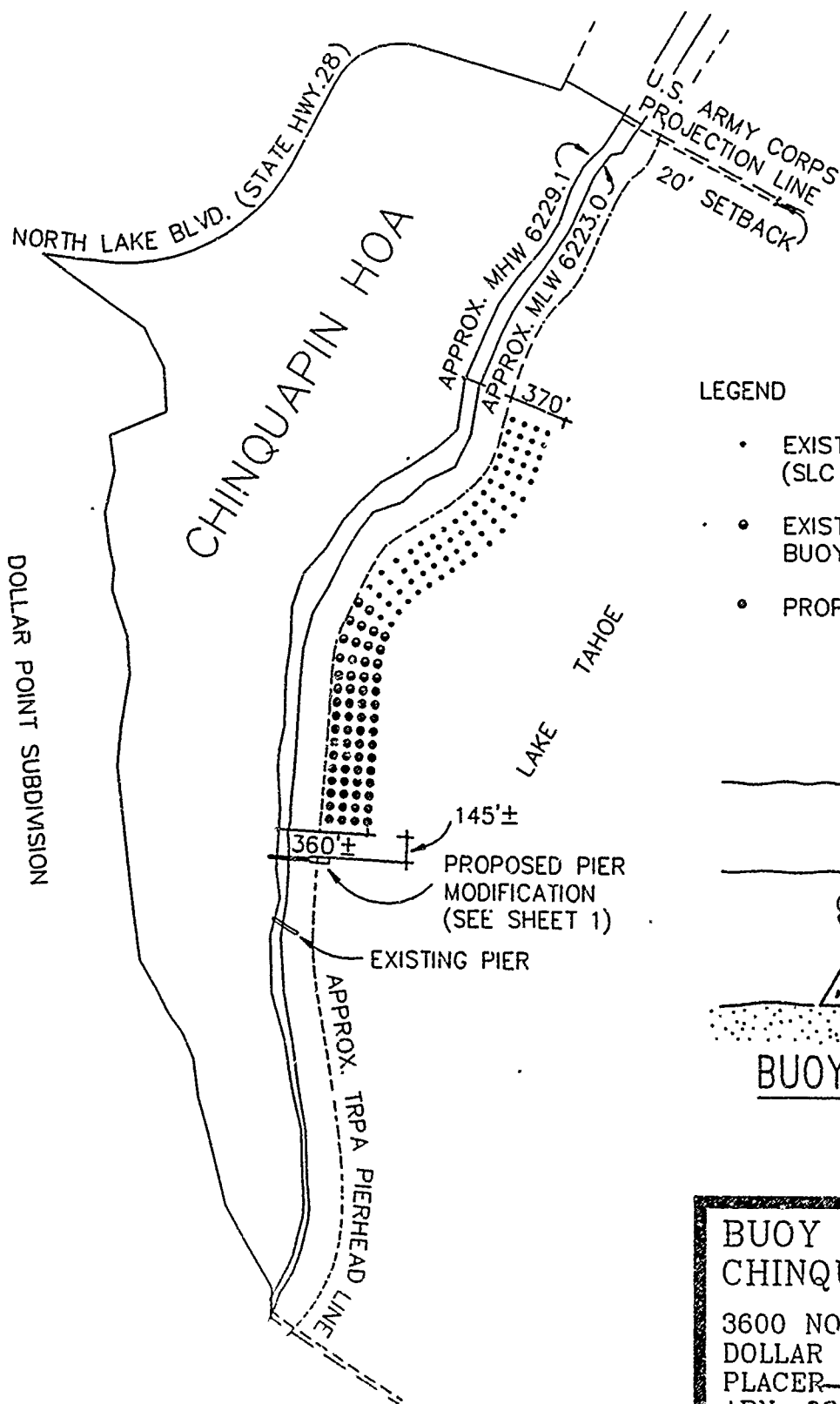
PIER MODIFICATION
CHINQUAPIN HOA

3600 NORTH LAKE BLVD.
DOLLAR POINT AREA
PLACER COUNTY, CA

APN: 93-450-00
JUNE 1991

512

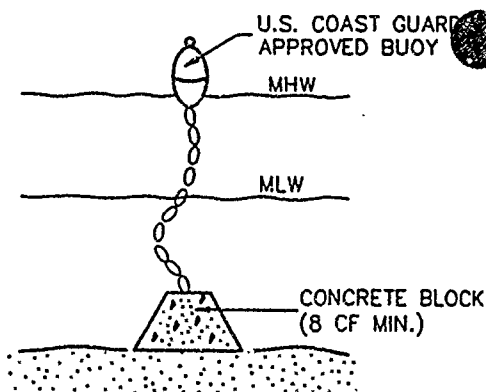
WILITE PAGE ENGINEERING
CORPORATION
TAHOE CITY, CALIFORNIA (916) 583-3417



1"=600'

LEGEND

- EXISTING PERMITTED BUOY(70)
(SLC NO. PRC5423.9)
- EXISTING UNPERMITTED BUOY(21)
- PROPOSED BUOY(41)



BUOY DETAIL
N.T.S.

BUOY FIELD ADDITION
CHINQUAPIN HOA

3600 NORTH LAKE BLVD.
DOLLAR POINT AREA
PLACER COUNTY, CA

APN: 93-450-09
JUNE 1991

DATE OF PAGE 513
WHITE PAGE 501
VAIL ENGINEERING CORPORATION
TAHOE CITY, CALIFORNIA (916) 583-3417

ADJOINING PROPERTIES
NORTH 93-540-34
SOUTH 93-083-15

REVISED

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

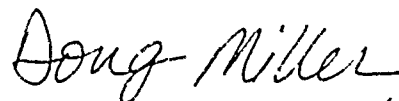
May 29, 1992
File: PRC 5423
ND 593

**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 29, 1992.

Should you have any questions or need additional information, please call the undersigned at (916) 322-7826.


DOUG MILLER
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 958

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 5423
ND 593
SCH No. 92052131

Project Title: Chinquapin Pier & Buoy Field Reconfiguration

Proponents: Chinquapin Home Owners Association

Project Location: Lake Tahoe, 3600 North Lake Blvd., APN 93-450-09, Placer County.

Project Description: Authorization to reconfigure one pier to "straight", reconfigure the buoy field to be reduced from 11.1 acres to 6 acres, authorize use of 21 existing, unauthorized buoys, and add 41 buoys to the field.

Contact Person: Doug Miller Telephone: 916/322-7826

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

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

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

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

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: PRC 5423.9

I. BACKGROUND INFORMATION

- A Applicant: Chinquapin Home Owner's Association
P.O. Box R.R.
Tahoe City, CA 95730
Agent: Kevin M. Agan, Vail Engineering Corp.
P.O. Box 879, Tahoe City, CA 95730
- B. Checklist Date: 5 / 28 / 92
- C Contact Person: Doug Miller
Telephone: (916) 322-7826
- D Purpose: Authorization for pier and buoy field reconfiguration.
- E Location: Chinquapin H.O.A., north of Donner Point, Lake Tahoe, CA
APN: 93-450-09
- F Description: Authorization to reconfigure one pier to "straight", and
reconfigure the buoy field to be reduced in size from 11.1 ac. to
6.0 ac., authorize 21 existing buoys for use and add 41 buoys to field.
- G Persons Contacted: _____

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

A. Earth. Will the proposal result in:

Yes Maybe No

- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1 Unstable earth conditions or changes in geologic substructures? | <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"/> |

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B *Air.* Will the proposal result in:

Yes Maybe No

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

C. *Water.* Will the proposal result in:

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

D. *Plant Life.* Will the proposal result in:

1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? ☐ ☐ ☒
2. Reduction of the numbers of any unique, rare or endangered species of plants? ☐ ☐ ☒
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? ☐ ☐ ☒
4. Reduction in acreage of any agricultural crop? ☐ ☐ ☒

E. *Animal Life.* Will the proposal result in:

1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)? ☐ ☐ ☒
2. Reduction of the numbers of any unique, rare or endangered species of animals? ☐ ☐ ☒
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? ☐ ☐ ☒
4. Deterioration to existing fish or wildlife habitat? ☐ ☐ ☒

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

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

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

1. The production of new light or glare? ☐ ☐ ☒

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

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

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

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

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

Yes Maybe No

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

K. *Population.* Will the proposal result in:

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

L. *Housing.* Will the proposal result in:

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

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

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

N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

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

O. *Energy.* Will the proposal result in:

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

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

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

Q. *Human Health.* Will the proposal result in:

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

R. *Aesthetics.* Will the proposal result in:

1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? ☐ ☐ ☒

S. *Recreation.* Will the proposal result in:

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

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T. *Cultural Resources.*

Yes Maybe No

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

U. *Mandatory Findings of Significance.*

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

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

SEE ATTACHED

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

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

Date: 5/29/92

| | | |
|--------------------------------|-------------|-----|
| For the State Lands Commission | DATE PAGE | 519 |
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PROJECT DESCRIPTION

PROJECT NARRATIVE

PRC 5423.9 authorized the use of two recreational piers and a buoy field with 70 buoys. This project proposes authorization for reconfiguration (reconstruction) of the existing northern "L" shaped recreational pier to meet Tahoe Regional Planning Agency (TRPA) standards (See attached plan: Exhibit "B"). Additionally, this project proposes authorization for the use of the 21 unauthorized existing buoys, use of an additional 41 buoys, and the reconfiguration of the buoy field to reduce it's size from 11.1 acres to 6.0 acres (See attached plan: Exhibit "B").

The proposed pier reconfiguration includes the removal of the 84 foot long "L" leg and construction of 75 additional feet to the lakeward terminus of the existing pier. The total length of the pier will be 242 feet. The pier width will be 10 feet wide for 164 feet. The lakeward 75 addition will have a total width of 16 feet which includes catwalks. The pier will be reconstructed with 10.75" diameter steel piles at 15' O.C., 6" steel "H" beams, 4" x 10" wood joists at 24" O.C., 2" x 6" min. cedar deck, and a catwalk on each side of the pierhead.

The reconfiguration of the existing buoy field would include the 70 permitted buoys, the 21 presently unauthorized buoys, and an additional 41 buoys totaling 132 buoys. The reconfiguration will place the buoys on a 50 foot grid system with buoys placed four deep for a run of 1650 feet along the shoreline. The lakeward row of buoys will be no farther than 420 feet measured from high water line (6229.1).

The present buoy field occupies 483,800 square feet (11.1 acres), but after the reconfiguration the buoy field will be reduced to 259,340 square feet (6.0 acres).

CONSTRUCTION METHOD

MULTIPLE USE PIER

Construction of this pier will be by barge with pile driver; caissons or sleeves will be used if sediment is resuspended while driving piles. Anchorage of the barge will be to the existing structure and/or lake anchors required for adequate stabilization of barge. All construction wastes will be collected onto the barge and disposed of at the nearest dumpster/sanitary landfill site. Small boats and tarps will be placed under construction areas to

provide collection of construction debris, preventing any discharge of these wastes entering the lake. If lake bottom sediments are found disturbed due to construction activity associated with the removal and installation of this project, the affected areas will be hand rolled and/or rock cobble to be hand picked to reconsolidate the lakebottom sediments. There will be no storage of materials above the low water line of the subject property.

BUOY FIELD

Collection and replacement of existing buoys will be accomplished by a barge with hoist. Any construction wastes will be collected on the barge and disposed at the nearest dumpster/sanitary landfill site. The buoy field will be laid out on a 50 foot grid system.

DESCRIPTION OF ENVIRONMENTAL SETTING

PRC 5423.9

The proposed project is adjacent (lakeward) to the Chinguapin Home Owners Association (HOA) subdivision located immediately north of Dollar Point, Lake Tahoe, California. This subdivision is a 3,722,000 square foot (85.45 acres) parcel located upland of the shore of the lake. The upland is well vegetated with native species and has been retrofitted with BMPs. Access to the existing pier is by private road.

The proposed project is located within an area that is mapped both as spawning habitat and feeding and/or escape cover habitat on the Prime Fish Habitat Maps identified by the Tahoe Regional Planning Agency. The Department of Fish and Game has determined that the reconstruction, or reconfiguration, of the pier and repositioning of the buoys may take place between July 1 and November 1, so as not to interfere with the fish spawning season. There are existing piers located approximately 3210 feet north and 250 feet south of the Chinguapin pier to be reconfigured. Both TRPA and SLC staff personnel have inspected the site and found that the band of cobble stops abruptly off shore and gives way to a sandy substrate. The buoy field will be reconfigured so that the entire buoy field is located over the sandy substrate and not the prime fish habitat. The pierhead will be reconfigured so that it projects over the sandy substrate past the prime fish habitat.

This project is within Scenic Shoreline Unit (Dollar Point, 17) which has a travel route rating of 10 which is in attainment with the scenic quality threshold. TRPA Staff has determined from the submitted scenic simulation that the proposed pier and buoy field project, as conditioned, will not degrade the scenic threshold.

This project is also within the Scenic Roadway Unit (Lake Forest, 16) which has a travel route rating of 13 which is in attainment with the scenic quality threshold. The proposed project will not be seen from this roadway unit, as depicted in the scenic simulation, and therefore will not have an impact on the travel route rating.

The removal of the "L" leg will enhance the view of the lake from the shore and the reduction in size of the buoy field will eliminate it from being seen from the scenic roadway.

DISCUSSION OF ENVIRONMENTAL EVALUATION
CHINQUAPIN HOME OWNERS RECREATIONAL
PIER AND BUOY FIELD RECONFIGURATION PROJECT

PRC 5423.9

A. Earth

1. Earth Conditions

No. The pier and buoy field reconfiguration project is confined to the surface and will not create any unstable conditions or change any geological structure.

2. Compaction, Overcovering of Soil

No. The pier reconfiguration operation will be removing the 85 foot leg of The "L" shaped pier and extending the existing portion of the pier 75 feet lakeward. The open piling design of the pier will not overcover any substrate. There will be some additional overcovering of lake bottom strata created by the additional 41 proposed buoys. Each buoy anchor will cover about three square feet of lake bottom's sandy substrate on a 50 foot grid spacing. This will overcover about 123 square feet additional lake bottom. This project does not involve any excavation or filling of earthen materials. This will not create a significant impact to the lakebed.

3. Topography

No. This open piling pier reconstruction project will not create any changes in ground surface relief. There will not be any excavating. The buoy anchors rest on the lake bottom, and authorization for use of the existing 21 unauthorized and 41 proposed buoys will not alter the topography of the sandy substrate. This project does not involve any excavation or filling of earthen materials. This project will not create any new significant permanent impacts to ground surface relief.

4. Unique Features

No. The geology in the project area consists of glacial and alluvial deposits. The lake bed at the site is essentially flat and lacks unique features. The removal and driving of replacement piles for the pier, and the reconfiguration of the buoy field and the addition of the proposed 41 buoys will not change any geological or physical features of the lakebed.

5. Erosion

No. This pier reconfiguration project is simply straightening an "L" shaped pier. The pier's open piling construction will have no effect on wind or water erosion on or off the site. The buoys will be placed on a 50 foot grid system and will not create any new erosion.

6. Siltation

No. This pier and buoy field reconfiguration project will not create any channel changes nor erosion of non-existent beach sands. The beach is comprised of cobble with no sand present to erode.

7. Geologic Hazards

No. The reconfiguration of the existing pier and buoy field is not deep enough to induce any seismic instabilities or ground failures. The new pilings being driven to support the new pierhead and the buoy anchors being placed on the lake bottom 50 feet apart will not create any new significant geological impacts or hazards.

B. Air

1. Emissions

No. The reconfigured pier and buoy field will not affect the air quality. However, during construction hours, there will be about a four week period when fumes from the diesel engine will be emitted in the immediate vicinity of the project. These emissions will be immediately dispersed by the prevailing winds. There will be some additional emissions from possible additional motor boats, but these will be immediately dispersed by the constantly prevailing wind. Upon completion this proposed project will not create any new significant emissions.

2. Odors

No. The reconfigured pier and buoy field will not create objectionable odors. However, during construction hours, there will be about a four week period when fumes from the diesel engine will be noticeable in the immediate vicinity of the project. These emissions will be immediately dispersed by the prevailing winds. There may be some additional odors from the possible increase in motor boats, but these will be immediately dispersed by the constantly prevailing wind. Upon completion this proposed project will not create any new significant emissions.

3. Climate

No. The reconfigured pier and buoy field will not create any major changes in air movements, temperature, climate, nor create any abnormal weather conditions.

C. Water

1. Currents

No. The open piling design of the pier and the 50 foot spacing of the buoys pier are of an open static nature and will not create any changes in water currents or movements.

2. Runoff

No. The open piling design of the pier and the 50 foot spacing of the buoys pier are of an open static nature and will not affect absorption rates, drainage patterns, etc. The entire project area is submerged.

3. Flood Waters

No. The reconfigured pier and buoy field will not create any new effects upon flood waters.

4. Surface Water

No. The reconfigured pier and buoy field are static in nature and will not affect the area of surface water at Lake Tahoe. The overall length of the pier will be 10 feet shorter and the buoy field will be reduced from 11.1 acres to 6 acres. This reduction will increase the surface area of Lake Tahoe available to boaters, anglers, etc.

5. Turbidity

No. Mitigation measures required by the Tahoe Regional Planning Agency (TRPA) include the applicant installing a turbidity screen around the entire construction site (in the water), or using caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile placement activities from entering the lake. Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. The reconfigured pier and buoy field will not change the water quality.

6. Ground Water Flows

No. The geology of the project area is composed of glacial and alluvial deposits. The placement of the pilings for the pier extension and the anchors for the

buoys are all relatively shallow operations and should not affect ground water flows.

7. Ground Water Quantity

No. This project will not alter any aquifers nor consume any ground water. There will not be any changes to ground water quantity caused by the reconfiguration of the pier and buoy field.

8. Water Supplies

No. This is not a water consuming project. The upland area is a private homeowners subdivision which buffers this project from any public water supplies. The reconfigured pier and buoy field will have no effect on public water supplies.

9. Flooding

No. The reconfigured pier and buoy field will not expose people or property to water-related hazards such as tidal waves or induce flooding.

10. Thermal Springs

No. There are no thermal springs in the vicinity which could be affected by this project.

D. Plant Life

1. Species Diversity

No. There will be a temporary change in aquatic sessile plants during the reconfiguration period which will be approximately four weeks. This temporary change will only affect the pier construction area which will be isolated by a turbidity screen, caisson, etc. This will not constitute a permanent or significant change. The pier anchors placed on the sandy substrate will provide strata for aquatic sessile plants. The indigenous aquatic flora will shortly begin recolonizing the affected areas after the project has been completed. The impact to aquatic plants will be temporary and the pier anchors will actually enhance aquatic sessile plants.

2. Endangered Species

No. There have not been any rare or endangered species reported on or within the project area. This project is located and will occur below the low water contour of 6,223 feet, and a monitor will be on site during the project to assure that no disturbance of the area above

the 6223 foot contour occurs. The applicant's property between 6223 feet and 6228.75 feet, Lake Tahoe Datum, is public trust and can be a natural habitat of Rorippa Subumbellata, a plant commonly known as Tahoe Yellow Cress, or Rorippa, which has been listed as an endangered species by the Department of Fish and Game Commission of California pursuant to the California Endangered Species Act. The applicant upon executing the lease agrees to maintain the public trust located between elevations 6,223 and 6,229 feet in its present condition and shall not store construction materials nor create any ground disturbance in order retain the public trust and possible Rorippa habitat in its natural state. There shall be no disturbance of any vegetation in this area. With the above mitigation measures incorporated into the pier and buoy field reconfiguration plan, this project will not create any significant negative environmental effects on possible Rorippa habitat.

3. Introduction of Plants

No. The pier and buoy field reconfiguration project will not introduce new species to the area nor exclude existing species from becoming established.

4. Agriculture Crops

No. The pier and buoy field reconfiguration project will not reduce the acreage of agricultural crops. There are no known agriculture or aquaculture activities in this area; therefore, there will be no impacts.

E. Animal Life

1. Species Diversity

No. There will be a temporary disruption in aquatic animal life confined to the actual pier reconfiguration area by the sleeves, caissons, turbidity screens, etc. required by TRPA as BMPs. The pier reconfiguration period will be approximately four weeks. The additional 41 buoy anchors will displace small burrowing animals at a rate of three square feet per anchor or 123 square feet for the 41 additional buoys being placed on the sandy substrate. The buoy anchors will create artificial structures on the flat sandy substrate for small aquatic animals to use for escape. Upon completion of the project, the indigenous aquatic fauna will begin to re-occupy any voids created during the reconfiguration operation. The pier and buoy field reconfiguration project will be conducted during the non-spawning season, identified to be between July 1, and November 1, to minimize the impact on fish spawning habitat. The buoys

will be removed during the non boating season from Labor Day to Memorial Day. This will allow anglers to fish additional areas previously protected by the buoy field. The reconfiguration of the pier will allow additional access of areas not previously accessible to anglers. This pier reconfiguration project will enhance the aquatic fauna species by creating additional habitat. The reconfigured pier and buoy field will benefit aquatic fauna and will not create any significant effects affecting species diversity.

2. Endangered Species

No. There have not been any rare or endangered aquatic animals reported within the project area. No impacts are anticipated.

3. Introduction of Plants

No. The pier and buoy field reconfiguration will not introduce any new species to the area nor create a new barrier to aquatic animals.

4. Habitat Deterioration

No. The pier and buoy field reconfiguration project will increase the aquatic animal habitat area upon completion.

F. Noise

1. Increases

No. The completed pier and buoy field reconfiguration project will not increase existing noise levels. There will be short term additional noises during the construction and buoy replacement period, but there will not be an increase in long term noise levels. There will be an additional 41 mooring buoys with an additional 41 boats. It is doubtful that all of these will be sail boats. There will be some increase in noise caused by additional motorboats; however, the members of the HOA normally are not all at the lake at the same time nor do they use their boats at the same time. Additional localized increases in noise from the buoy field will be absorbed by the subdivision vegetation before reaching the highway. There is a 5 mph speed limit which will also help minimize any additional noise from motor boats. Increases in noise levels from the proposed buoy and pier reconfiguration are not considered significant.

2. Severe Noise

No. The reconfigured pier and buoy field will not create

any new severe noise levels; however, there will be a temporary period when the noise levels increase during the period of reconfiguration. Upon completion of the project, any severe noise levels will return to normal. The construction personnel will be subjected to higher noise levels, but they wear hearing protective devices. The general public will not be exposed to this increased noise level because the subdivision between the project and the highway will act as a buffer. There is a 5 mph speed limit which will also help minimize any additional noise from motor boats. Increases in severe noise levels from the proposed buoy and pier reconfiguration are not considered significant.

G. Light and Glare

1. No. The reconfiguration of the pier and buoy field will not result in creating any new significant light or glare. This project has no control of the color scheme of the boats moored to the buoys. Since the buoy field is not visible from the highway, but hidden by the vegetation of the subdivision, this project will not create any new significant effects on light and glare.

H. Land Use

1. No. The reconfiguration of the pier and buoy field will not alter the present or planned use of the area. The existing pier and buoy field serves a private HOA and not the general public. There are presently piers on adjacent properties. This project will not substantially alter the land use in the area.

I. Natural Resources

1. Increase in Use

No. The continued seasonal recreational use of this private pier and buoy field by the Chinquapin HOA will not create any new significant effects upon the use rate of the natural resources.

2. Depletion of any Nonrenewable Resources

No. The Chinquapin HOA's seasonal use of their private recreational pier and buoy field will not create any changes which could deplete any nonrenewable resource.

J. Risk of Upset

1. Risk of Explosion

No. The project involves the dismantling and construction on a portion of an existing pier. The barge being used is diesel operated which reduces the risk of explosion. Hazardous materials are not to be used during the reconstruction phase, but mitigation measures have been planned in the event that there is an accidental spill.

Small boats and/or tarps will be placed under the reconstruction area as necessary to collect construction debris. The use of a turbidity screen surrounding the construction area or caissons or vertical cylinders (sleeves) will be required to prevent the release of resuspended sediments during the pile placement activities from entering the lake during reconstruction.

There is always the possibility of risk of explosion from motor boats colliding and gasoline fumes igniting; however, there is a 5 mph speed limit which will minimize this possibility. There is no fuel facility at the dock and this too will minimize the possibility of explosion. The past limited seasonal use of this and adjacent private recreational piers have not demonstrated a risk of releasing hazardous substances, creating upset conditions, or explosions in the Lake Tahoe Basin. Precautions will be taken to minimize these risks.

2. Emergency Plan Response

No. The seasonal use of the Chinquapin HOA's existing private recreational pier and buoy field will not create an interface with any emergency response or any evacuation plan.

K. Population

1. No. The seasonal use of the Chinquapin HOA's existing recreational pier will not alter the population in the lake basin. This subdivision is fixed in size and will not alter the population of the Lake Tahoe Basin.

L. Housing

1. No. Neither this existing private recreational pier nor buoy field will create a demand for additional housing.

M. Transportation/Circulation

1. Vehicular Movement

No. This is a private HOA's pier and buoy field used by

its members and not the general public. There are no facilities being added to attract more people. The use of this reconfigured buoy field and pier will not create any external changes to attract additional people to this area; therefore, this project will not create any substantial increase in vehicle movement.

2. Parking

No. See #1 above.

3. Transportation System

No. See #1 above.

4. Circulation

No. See #1 above.

5. Traffic

No. See #1 above.

6. Traffic Hazards

No. TRPA staff has determined that the pier will not extend more 75 feet past their normal pierhead line, and in doing so the pier will not create a traffic hazard. Additionally, TRPA staff has determined that the most lakeward buoys in the field will extend no farther than 420 feet measured from the mean high water line (6229.1)

N. Public Services

1. Fire Protection

No. This is a private HOA and the reconfigured pier and buoy field will not create any additional use or increase of use by the general public. All roads within the subdivision are private. This project will not create any new demands on government agencies and services such as fire, police protection, parks and recreation, road maintenance, etc.

2. Police Protection

No. See #1 above.

3. Schools

No. See #1 above.

4. Parks and Recreation Facilities

No. See #1 above.

5. Maintenance of Public Facilities

No. See #1 above.

6. Government services

No. See #1 above.

O. Energy

1. Fuel and Energy

1

No. This pier and buoy field reconfiguration project will not have any significant affect on additional energy consumption. The addition of 41 buoys and their tethered boats could consume additional fuel for additional motor boats. The boating season is only about four months and this use will not constitute a substantial increase in fuel energy being used in the Lake Tahoe Basin.

2. Existing Energy Sources

No. See #1 above.

P. Utilities

1. Power or Natural Gas

No. The reconfiguration of the private recreational pier and buoy field will not create any changes in utilities. This project is for the private benefit of the Chinquapin HOA, a fixed seasonal community. There will be no additions to the existing facilities which will significantly affect the current uses of power, communications, water, septic tanks, storm water drainage, or solid waste disposal.

2. Communication Systems

No. See #1 above.

3. Water

No. See #1 above.

4. Sewer or Septic Tanks

No. See #1 above.

5. Storm Water Drainage

No. See #1 above.

6. Solid Waste Disposal

No. See #1 above.

Q. Human Health

1. Health Hazard

No. This reconfigured private recreational pier and buoy field will not create any new health hazards to humans.

2. Exposure of People to Health Hazards

No. This reconfigured private recreational pier and buoy field will not expose people to any new potential health hazards.

R. Aesthetics

1. No. This reconfigured private recreational pier and buoy field are existing facilities. There are no new facilities being added. The reconfiguration of the pier is to enhance the view of Lake Tahoe. The reconfiguration of the buoy field is to reduce its size from 11.1 acres to 6.0 acres which will keep it from being seen from the scenic highway. As a result this reconfiguration project will not be a distraction from the aesthetics of this residential recreational area consisting of homes, piers, buoys and boats, but will add to the aesthetics of the area..

S. Recreation

1. No. The reconfiguration of this private recreational pier and buoy field will have a positive effect on public recreation in the area. The reconfiguration of the buoy field will add an additional 5.1 shore surface acres of unrestricted boating and the reconfigured pier will also add additional areas for boaters and anglers.

T. Cultural Resources

1. Archaeological Sites

No. This existing pier and buoy reconfiguration project

actually consists of reducing the size of both the pier and the buoy field. There are no identified cultural, ethnic, religious, or sacred uses pertinent to this project area which could be significantly affected.

2. Historic Buildings

No. See No.# 1 above.

3. Ethnic Cultural Values

No. See No.# 1 above.

4. Religious/Sacred Uses

No. See No.# 1 above.

U. Mandatory Findings of Significance

1. Environmental Quality Degradation

No. The open pile designed pier is to be reconfigured by eliminating the existing 85 foot "L" leg and extending the pier 75 feet in a straight configuration from the shore over the sandy substrate. This is a 10 foot linear reduction in pier length. There will be about a four week period during reconstruction when the indigenous aquatic biota will be displaced but will recolonize and return to normal after the project is completed. Mitigation measures, including turbidity screens or caissons or vertical sleeves, as directed by TRPA, will be incorporated to protect Lake Tahoe during the reconfiguration phase of the operation. The reconfiguration of the buoy field will actually reduce the physical size of the field from 11.1 acres to 6.0 acres. All reconfiguration work will occur during the non fish spawning season between July 1 and November 1, as designated by the Department of Fish and Game. Additionally, all buoys will be pulled during the non boating season to facilitate anglers. With the mitigation measures incorporated into the reconfiguration process, this project will not create any long term significant degradational environmental effects.

2. Short Term vs. Long Term Environmental Goals

No. There will be a short term, approximately four weeks, disruption of the marine environment in the immediate vicinity of the pier being reconfigured. This area will be separated by a turbidity screen or the use of caissons or vertical cylinders (sleeves) to prevent the release of resuspended sediments during pile placement activities as determined by TRPA. Upon

completion of the project, the indigenous marine biota will re-colonize and fill any voids created during the pier reconstruction. There will not be any long term significant degradational environmental changes created by this project.

3. Cumulative Impacts

No. The Chinquapin Home Owners private recreational pier and buoy field are existing facilities. The pier and buoy field reconfiguration will result in a physically smaller pier and a reduction in the buoy field from 11.1 acres to 6.0 acres. This project will not add or create any new impacts which will increase the propensity for considerable cumulative effects.

4. Adverse Effects on Human Beings

No. This private pier and buoy field reconfiguration project will not create any new environmental effects which could create a significant adverse effect on human beings.

