

MINUTE ITEM

24

03/27/90
W 24126
J. Ludlow

DENIAL OF APPLICATION

Calendar Item 24, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 24.

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CALENDAR ITEM

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DENIAL OF APPLICATION

Current law requires State agencies to compile lists of criteria specifying the detailed application information required of applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item 2 at its April 12, 1987 meeting.

Once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, could result in approval of the project. The application, which is the subject of this calendar item, was accepted as complete as of May 5, 1989, and must be acted upon by May 4, 1990.

APPLICANT: James P. and Susan K. Lennane
421 Crocker Road
Sacramento, California 95864

BACKGROUND:

The applicants, James and Susan Lennane, applied to the Commission for the replacement and 30-foot extension to an existing unauthorized pier at Lake Tahoe near Rubicon, El Dorado County. After the Lennane's application had been deemed complete by staff, it was discovered that the proposed project may adversely impact the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a listed endangered plant species.

Pursuant to the Endangered Species Act, Fish and Game Code Section 2053, it is the policy of the State that State agencies should not approve projects which would jeopardize the

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(ADDED pgs. 223-223.4)

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CALENDAR ITEM NO. 24 (CONT'D)

continued existence of any endangered species, or result in the destruction or adverse modification of habitat essential to the continued existence of the species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat.

State Lands Commission staff is presently working with the Endangered Species Office of the Department of Fish and Game, and other experts, to develop a management program to assure the continued existence of the plant and ultimately increase its numbers. Until such a management program is developed, Fish and Game Section 2053 clearly directs that approval should not be given to proposed projects which may adversely impact the plant or its habitat. Under these circumstances, and because the Commission must act on the subject application by May 4, 1990, staff recommends denial of this application without prejudice to the Applicant's right to reapply.

AB 884: 05/04/90

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Code Regs. 15270.

EXHIBITS:

- A. Site Map.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 P.R.C. 21080(b)(5) AND 14 CAL. CODE REGS. 15270, PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.

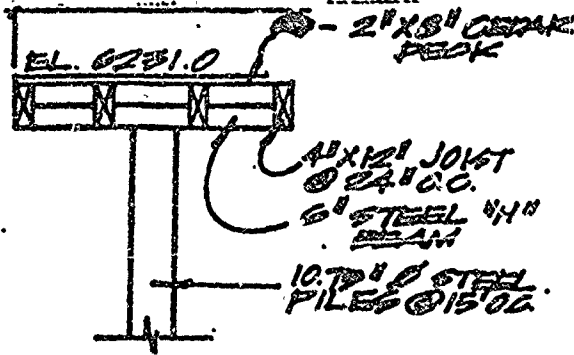
CALENDAR ITEM NO. 21 (CONT'D)

2. DENY, WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECT, THE APPLICATION OF JAMES P. AND SUSAN K. LENNANE, FOR A RECREATIONAL PIER PERMIT TO REPLACE AND EXTEND AN EXISTING PIER ON THE LANDS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, CONSISTENT WITH STATE POLICY AS SET FORTH IN FISH AND GAME CODE SECTION 2053, IN COMPLIANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.

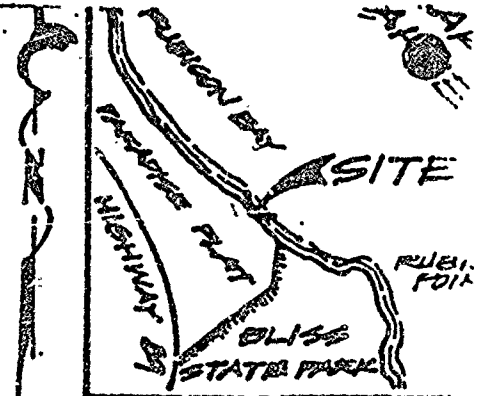
Prepared on 7/27/89
by Judy Ludlow

LAND DESCRIPTION

EXHIBIT "A"
W 24126

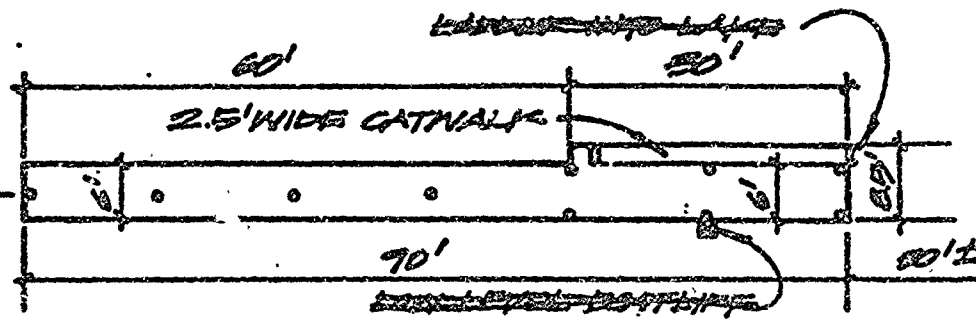


WALKWAY SECTION

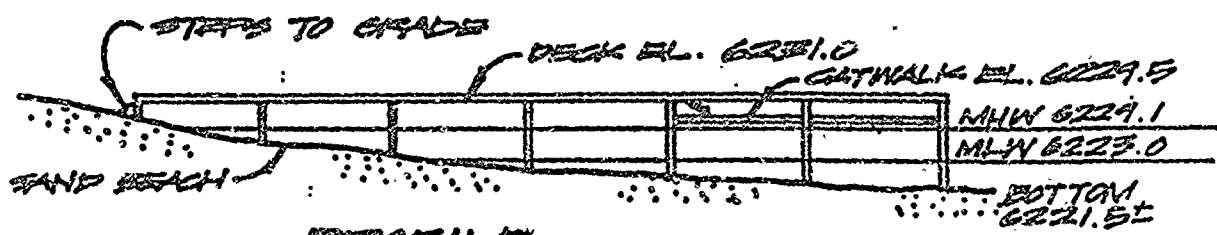


LOCATION MAP

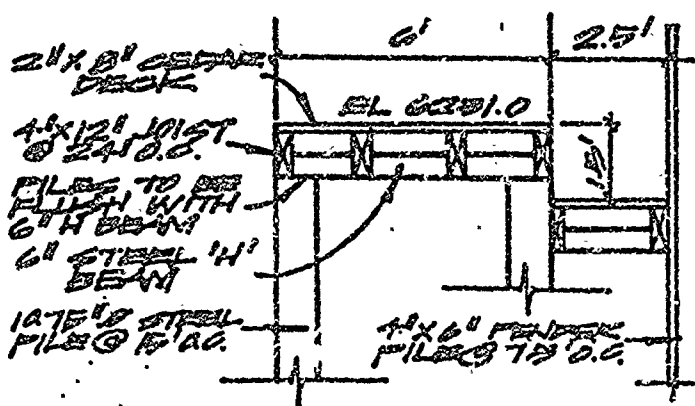
220'± TO PIER
 125'± TO PL
 50' TO PLINE
 50' TO PL



PLAN



PROFILE



PIERHEAD SECTION

EXISTING

EXISTING PIER
 LENNANE PARCEL
 PARADISE FLAT AFE
 RUBICON BAY
 EL CORADO COUNTY
 APN 017-041-251

ADJOINING PROPERTIES
 NORTH 017-041-271 SOUTH 017-041-171

REVISED

223.3
 RAYMOND VAUGHAN & ASSOCIATES
 ENGINEERING • PLANNING • ARCHITECTURE • SURVEYING

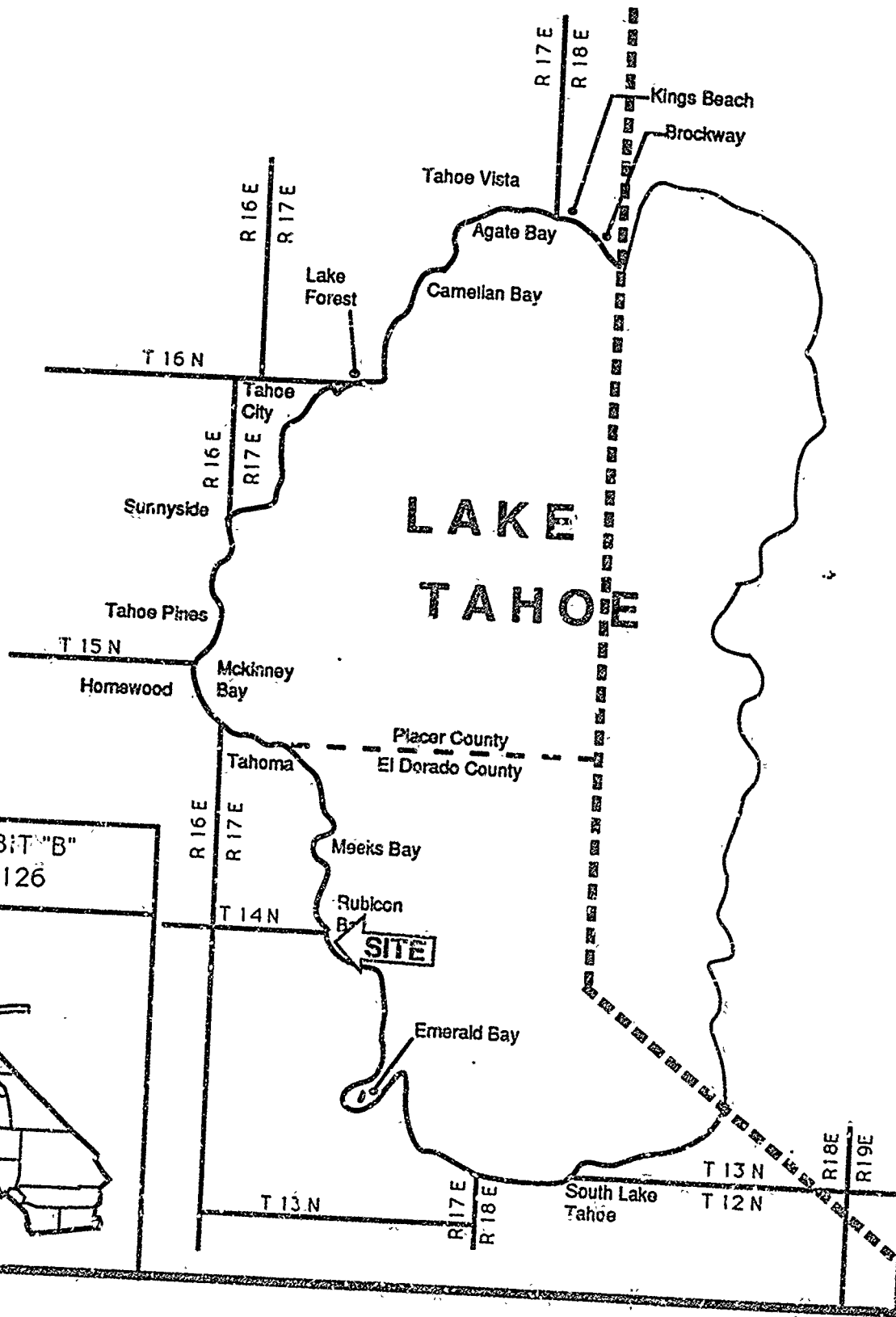


EXHIBIT "B"
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