

MINUTE ITEM

This Calendar Item No. 64  
was approved as Minute Item  
No. 64 by the State Lands  
Commission by a vote of 3  
to 0 at its 6/11/90  
meeting.

CALENDAR ITEM

A 7  
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64

06/11/90  
W 24126 PRC 7415  
J. Ludlow

APPROVE A RECREATIONAL PIER PERMIT

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

AREA, TYPE LAND AND LOCATION:  
A parcel of submerged land in Lake Tahoe at  
Rubicon Bay, El Dorado County.

LAND USE: Thirty-foot extension and partial  
reconstruction of an existing pier, including  
installation of a low-level boat lift.

TERMS OF PROPOSED PERMIT:  
Initial period: Five years beginning June 11,  
1990.

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 upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:  
Filing fee and processing cost 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.

(ADDED pgs. 478-478.7)

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AB 884: 08/02/90.

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 487, State Clearinghouse No. 89073102. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

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

2. In lieu of total reconstruction, the Applicant proposes to reconstruct only that portion of the pier waterward of the low water mark (6,223' elevation). That portion of the pier located in the shorezone area shall remain as is since it has been determined that it is in a safe and serviceable condition.
3. The work, as proposed, will be done from a barge that will be located in the lake. All construction wastes will be collected onto the barge and disposed at the nearest dumpster or sanitary landfill site.
4. There will be no materials stored or placed, nor will any activity associated with the construction, be conducted above the low water line of the subject property. This will prevent any disturbance to what may be considered a Tahoe Yellow Cress (*Rorippa*) habitat.

CALENDAR ITEM NO. 64 (CONT'D)

5. All permits issued at Lake Tahoe include special language in which the permittee/lessee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
6. This property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
7. If any structure hereby authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's shorezone ordinance, and if any alterations, repairs or removal required pursuant to said ordinance are not accomplished within the designated time period, then this lease 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, Lessee shall request the consent of State to make such alteration.
8. The applicants have been notified that the public has a right to pass along the shoreline and the permittee must provide a reasonable means for public passage along the shorezone area occupied by the permitted structure.
9. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: TRPA, Department of Fish and Game, County of El Dorado and the Tahoe Conservancy. None of these agencies expressed a concern that the

proposed project 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.

10. 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, Department of Fish and Game, and El Dorado County.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. El Dorado County Letter of Approval.
- D. Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 437, STATE CLEARINGHOUSE NO. 89073102, 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. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO JAMES P. LENNANE AND SUSAN K. LENNANE OF A FIVE-YEAR RECREATIONAL PIER PERMIT, BEGINNING JUNE 11, 1990: FOR THE PARTIAL RECONSTRUCTION, THIRTY-FOOT EXTENSION AND INSTALLATION OF A LOW-LEVEL BOAT LIFT ON AN EXISTING PIER OR THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



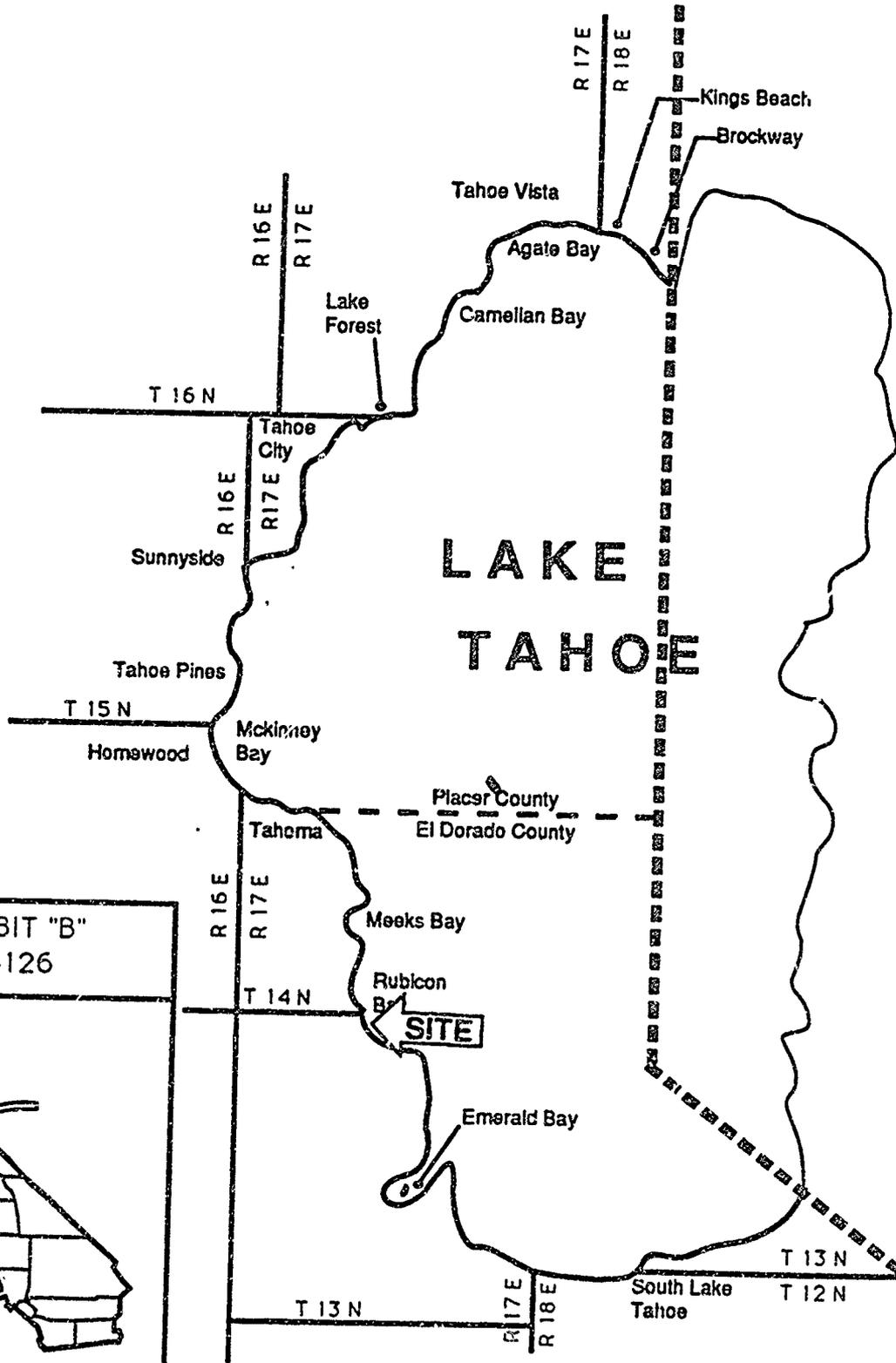


EXHIBIT "B"  
W 24126



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RECEIVED

FEB 06 1989

EL DORADO CO. COMMUNITY DEVELOPMENT DEPT  
SOUTH LAKE TAHOE

Date 2-6-89

File Ref: W 24126

EXHIBIT "C"

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

Subject: Building Permit for Pier

Name: James and Susan Lennane

Address: 9539 Highway 89 (approximately 330' northwest  
of Bliss State Park)

County Assessor's Parcel No. 017-041-251

Dear Ms. Ludlow:

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

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

Sincerely,

El Dorado County  
Building Division

JOHN S. WALKER  
Building Inspector III

Hoffman, Lien, Faccinto and Spitzer  
Attorneys at Law  
Attention: Sandy Fetterolf  
P.O. Box 7740  
Tahoe City, CA 95730

66311

*Handwritten notes:*  
W. Walker  
1-15-89

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STATE LANDS COMMISSION  
1807 13TH STREET  
SACRAMENTO, CALIFORNIA 95814



PROPOSED NEGATIVE DECLARATION

EIR ND 487

File Ref.: W 24126

SCH#:

Project Title: Lennane Pier Repair/Extension

Project Proponent: James Lennane

Project Location: Lake Tahoe at Rubicon Bay, El Dorado County

Project Description: Repair and extend existing private recreational pier. Extension involves 30' length and 4.5' width of pierhead.

Contact Person: Dan Cohen

Telephone: (916) 324-8497

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:

the 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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