

MINUTE ITEM

This Calendar Item No. C48 was approved as Minute Item No. 48 by the California State Lands Commission by a vote of 3 to 0 at its 10/20/03 meeting.

**CALENDAR ITEM
C48**

A 4
S 1

PRC 5801

10/20/03
WP 5801.9
B. Young

**TERMINATION OF RECREATIONAL PIER LEASE
AND ISSUANCE OF NEW RECREATIONAL PIER LEASE**

LESSEES:

Claudia Florsheim, and Karen J. Van Voorhis, Trustee of the Karen J. Van Voorhis Revocable Trust

APPLICANTS:

Alan K. Austin and Marianne P. Austin, Trustees of the Austin Family Trust dated August 6, 1997, and Karen J. Van Voorhis, Trustee of the Karen J. Van Voorhis Revocable Trust, under Trust Agreement dated December 23, 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Sunnyside, Placer County.

AUTHORIZED USE:

Proposed extension of an existing previously authorized joint-use pier, two boat lifts and four mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 1, 2003.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Applicant's obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments- Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

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OTHER PERTINENT INFORMATION:

1. On October 28, 1996, the Commission authorized a Recreational Pier Lease to the Lessees for an existing joint-use pier, two boatlifts and four mooring buoys. That lease will expire on December 11, 2004. The Applicants have submitted an application for the proposed pier extension and are now applying for a new Recreational Pier Lease.
2. The Tahoe Yellow Cress (TYC) is listed under the provisions of the California Endangered Species Act as an endangered plant species subject to special protection. On October 1, 2002, the Commission authorized the Executive Officer on their behalf to sign a Memorandum of Understanding to implement the "Conservation Strategy For Tahoe Yellow Cress (*Rorippa subumbellata*) in conjunction with the Tahoe Regional Planning Agency, the U.S. Fish and Wildlife Service, the U.S. Forest Service, the Nevada Division of Forestry, the Nevada Division of State Lands, the Nevada Division of State Parks, the Nevada Natural Heritage Program, the California Department of Fish and Game, the California Department of Parks and Recreation, the California Tahoe Conservancy, the Tahoe Lakefront Owners' Association and the League To Save Lake Tahoe.
3. The proposed project is located in suitable TYC habitat. The project site was surveyed for the presence of TYC by staff of the Commission on September 18, 2003 and the project site does not presently contain TYC.
4. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. **Issuance of New Lease – Pier Extension:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from

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the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

Buoys: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVAL OBTAINED:

Pier Extension: Tahoe Regional Planning Agency

APPROVALS REQUIRED:

Pier Extension: U.S. Army Corps of Engineers
Lahontan Regional Water Quality Control Board
California Department of Fish and Game
Buoys: Tahoe Regional Planning Agency

EXHIBIT:

A. Location and Site Map

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PERMIT STREAMLINING ACT DEADLINE:

January 1, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 15378.

ISSUANCE OF NEW LEASE – PIER EXTENSION: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

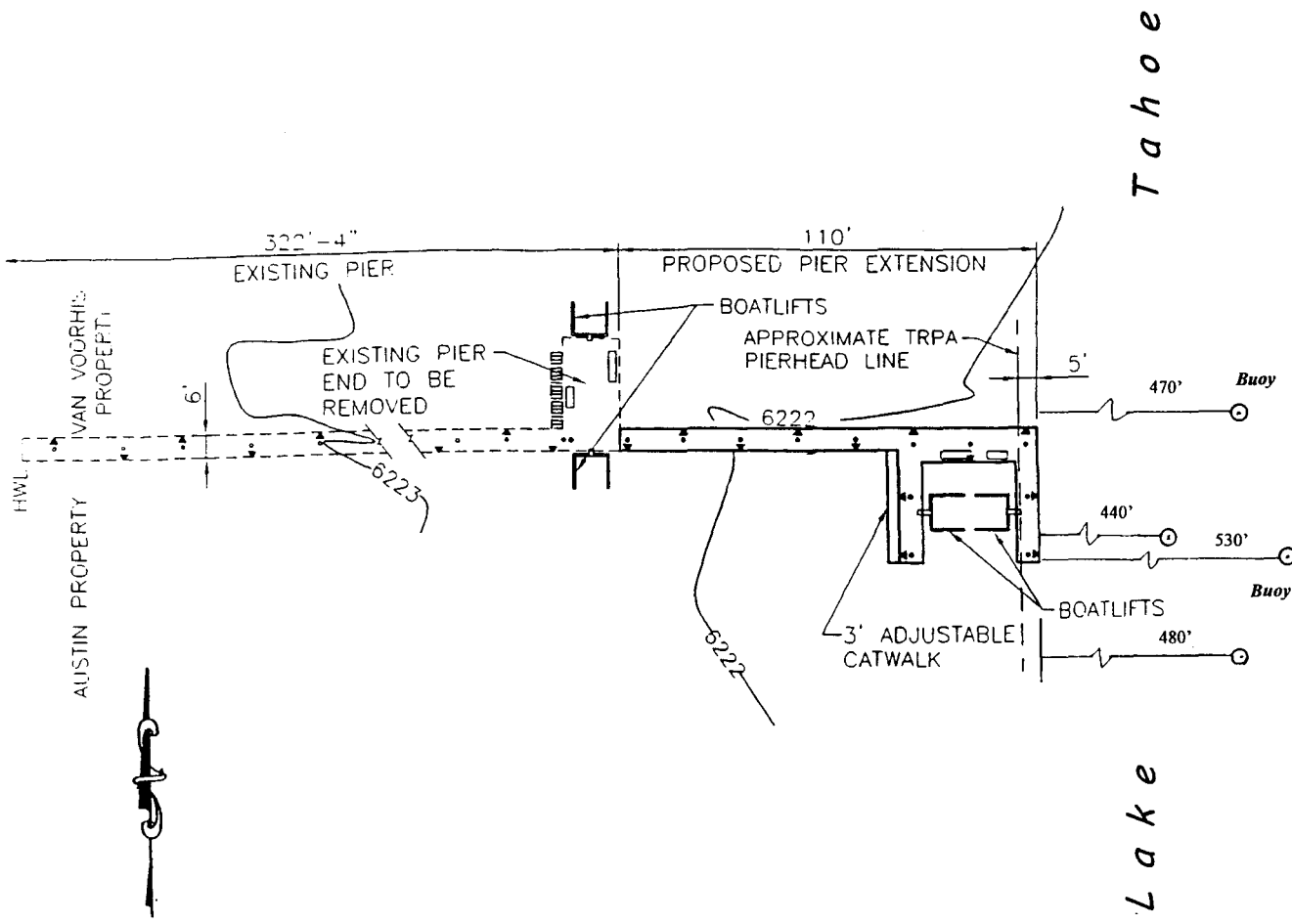
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE ISSUED TO CLAUDIA FLORSHEIM, AND KAREN J. VAN VOORHIS, TRUSTEE OF THE KAREN J. VAN VOORHIS REVOCABLE TRUST, AND APPROVED BY THE COMMISSION ON OCTOBER 28, 1996.

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AUTHORIZE ISSUANCE TO ALAN K. AUSTIN AND MARIANNE P. AUSTIN, TRUSTEES OF THE AUSTIN FAMILY TRUST DATED AUGUST 6, 1997, AND KAREN J. VAN VOORHIS, TRUSTEE OF THE KAREN J. VAN VOORHIS REVOCABLE TRUST, UNDER TRUST AGREEMENT DATED DECEMBER 23, 1992, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING NOVEMBER 1, 2003, FOR THE PROPOSED EXTENSION OF AN EXISTING JOINT-USE PIER, TWO BOAT LIFTS AND FOUR MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$300,000.

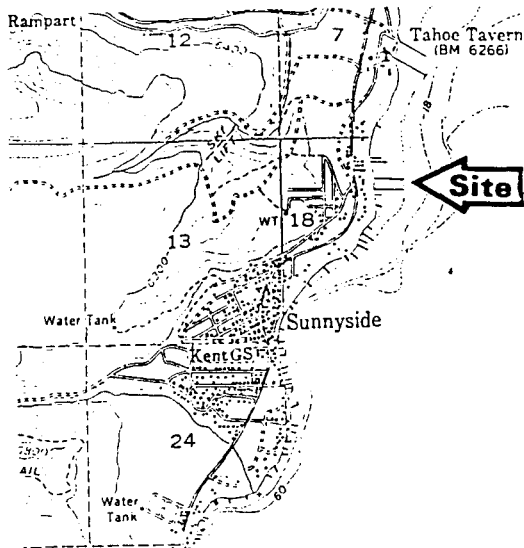
SITE MAP



850 & 860 West Lake Blvd.

NO SCALE

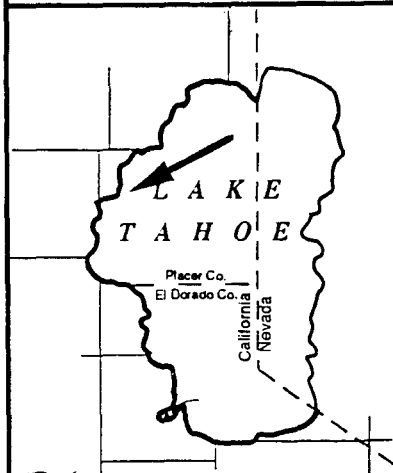
LOCATION MAP



Lake Tahoe

NO SCALE

EXHIBIT A
PRC 5801.9
APNs 083-172-09 & 10
Lake Tahoe
PLACER COUNTY



BY 10/03

This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.

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