

MINUTE ITEM

This Calendar Item No. C33 was approved as Minute Item No. 33 by the California State Lands Commission by a vote of 3 to 0 at its 2/3/04 meeting.

CALENDAR ITEM

C33

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S 1

02/02/04
W 25517/PRC 8251.9
PRC8251 B. Young

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

LESSEES/APPLICANTS:

William R. Green and Michelle A. Green

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Construction, use and maintenance of a floating pier and four mooring buoys on two contiguous littoral parcels as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning February 1, 2004

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 PERTINENT INFORMATION:

1. William R. Green and Michelle A. Green are littoral owners of two contiguous littoral parcels - APN 017-041-171 and 181. On November 27, 2000, the Commission authorized a Recreational Pier Lease to William R. Green and Michelle A. Green for two mooring buoys adjacent to APN 017-041-181. That lease will expire on September 30, 2010. William R. Green and Michelle A. Green submitted an application for the construction of a new floating pier, placement of two additional mooring buoys and to relocate the two previously authorized

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buoys adjacent to APN 017-041-171 for a total of four mooring buoys. William R. Green and Michelle A. Green are now applying for a new Recreational Pier Lease. The Recreational Pier Lease involves proposed improvements that are a component of a larger project involving reconstruction of a flume. The flume is not located on lands under the Commission's jurisdiction.

2. The proposed project is located in suitable Tahoe Yellow Cress (TYC) habitat. The project site was surveyed/evaluated by the staff of the California State Lands Commission, the California Department of Fish and Game, and Julie Etra, a private consultant, in the summers of 2001, 2002, and 2003. The TYC was found on the backshore portion of the project area proposed for the flume reconstruction, which is not within the Commission's jurisdiction. The existing flume was constructed years ago to contain the flow of the Rubicon Creek. The flume is on the private upland property. As partial mitigation for the pier project TRPA is requiring the relocation and redesign of the flume to allow for fish migration. However, as a precaution, special provisions have been incorporated into the project for the protection of TYC. A site-specific management plan to protect existing plants and habitat on the overall project site has been prepared, submitted by the applicant, approved by staff and incorporated into the project. The California Department of Fish and Game, acting as the Lead Agency under CEQA, has monitoring responsibilities for the applicant's compliance with the CEQA document containing the site-specific management plan for the protection of TYC. Commission staff will monitor that portion of the project under the Commission's jurisdiction.
3. **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.

4. **Issuance of New Lease:** A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by the California Department of Fish and Game. The California State Lands Commission's staff has reviewed such documents.

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5. 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.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, California Department of Fish and Game, and the California Water Quality Control Board, Lahontan Region

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers

EXHIBIT:

- A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

May 25, 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: FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, WHICH IS ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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SIGNIFICANT LANDS INVENTORY FINDING:

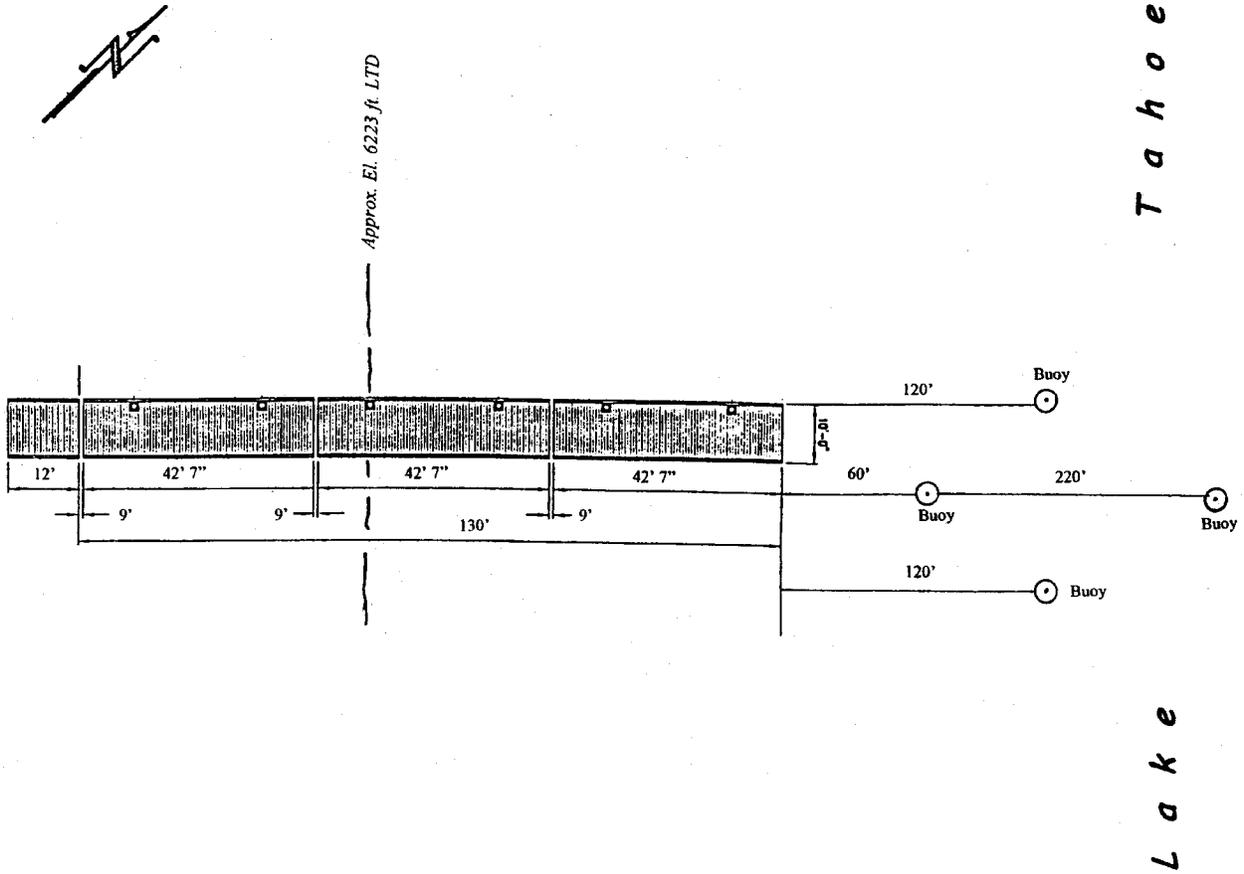
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8251.9, ISSUED TO WILLIAM R. GREEN AND MICHELLE A. GREEN, AND APPROVED BY THE COMMISSION ON NOVEMBER 27, 2000.

AUTHORIZE ISSUANCE TO WILLIAM R. GREEN AND MICHELLE A. GREEN OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING FEBRUARY 1, 2004, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A FLOATING PIER 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 COMBINED SINGLE LIMIT COVERAGE OF \$300,000.

SITE MAP



8801 One Ring Road & 9505 Emerald Bay Road

LOCATION MAP

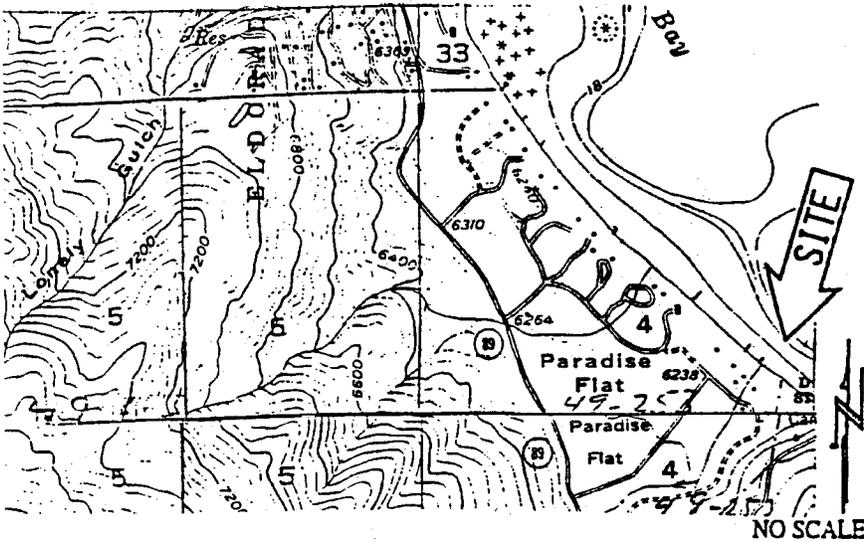
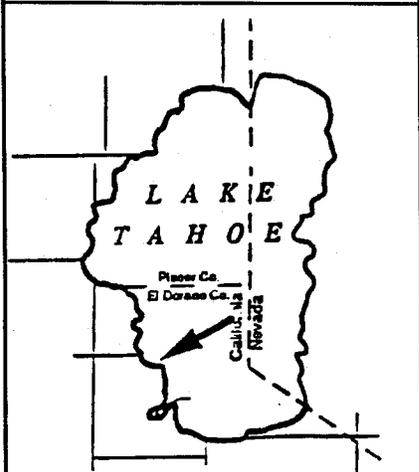


EXHIBIT A
W25517 / PRC 8251.9
APNs 017-041-171 & 181
Lake Tahoe
EL DORADO COUNTY



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.

BY 12/03

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