

MINUTE ITEM

This Calendar Item No. C61 was approved as
Minute Item No. 61 by the California State Lands
Commission by a vote of 3 to 2 at its
05/10/07 meeting.

CALENDAR ITEM

C61

A 4

05/10/07

PRC 6377

WP 6377.9

S 1

B. Terry

AMENDMENT OF GENERAL LEASE – PUBLIC AGENCY USE

LESSEE:

California Department of Parks and Recreation, Sierra District
P. O. Box 266
Tahoma, CA 96142

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Emerald Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing public recreational pier and 22 mooring buoys, as shown on the attached Exhibit A.

LEASE TERM:

49 years, beginning April 8, 1982.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Amend the authorized improvements for the removal of the existing open pile pier and wood landing and the reconstruction of a new partly fixed and floating pier and to include special provisions for the protection of the Tahoe Yellow Cress an endangered plant species under provisions of the California Endangered Species Act during demolition and construction. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On January 27, 1983, the Commission authorized a 49-year General

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Lease - Public Agency Use, to the Department of Parks and Recreation (Parks), effective on April 8, 1982. PRC No. 6377.9 is a Master Lease, which covers numerous and varied public recreational facilities located adjacent to State parks property at Lake Tahoe and Donner Lake. Parks is now applying to amend the lease to include the reconstruction of the existing pier at Emerald Bay.

3. The proposed project is located at the facilities known as Boat-In Camp, within the Emerald Bay State Park at Lake Tahoe. The project would consist of removing an existing non-historical 135-foot open pile pier and wood landing. Construction activities associated with the project will include, removal of the current pier, decking, adjacent wood landings/platforms, non-historic pilings, railings, cross ties, and stringers; and removal of an aluminum gangway and boat boarding float. The existing pier is situated in the same location and relative position as earlier piers that served the resort/camp from the 1920's to recent time. Although the existing pier is non-historic, historic pilings remain beneath the pier. Ground disturbance for the removal of the pier will be limited to within the foot print of the existing pier and will not involve the removal of the historic pilings.
4. The proposed project would consist of constructing a new American Disability Act (ADA) handicapped accessible partially fixed and floating pier. The project is to accommodate ADA access and provide a safer, more stable and better quality of recreational experience for park visitors, and is designed for the use by small boats only. The pier will be used in conjunction with the 22 existing boat camp mooring buoys, other boating visitor's and any emergency boating situations. The pier will be constructed using fiberglass and galvanized steel. A 30 foot by 30 foot fixed landing will be attached to the end of the floating portion of the pier, extending it approximately 33 feet longer into the Lake to accommodate access during low water conditions.
5. Parks also proposes to replace an existing fresh water pipeline that is currently mounted to the underside of the existing pier. The new replacement pipeline will be installed on the lakebed under the new proposed pier with the pump mounted an end fixed piling. Pursuant to Public Resource Code Section 6327, the installation and use of the pipeline for the procurement for fresh water, does not require a lease from

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the Commission because Parks will be obtaining a permit from the U.S. Army Corps of Engineers.

6. Construction on the lease premises is anticipated to take place between October 15, 2007 – May 1, 2008, or as prescribed by other permitting agencies. All material to be removed will be disassembled and disposed of in the manner required by the permitting agencies.

7. 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 (MOU) to implement the "Conservation Strategy for Tahoe Yellow Cress (*Rorippa subumbellata*)" in conjunction with the Tahoe Regional Planning Agency (TRPA), 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.

The proposed project is located in suitable TYC habitat. The project site was surveyed by a California State Parks staff biologist in September 2006. The site does not presently contain TYC, however, since this project is within a known historic TYC population, a site-specific management plan to protect potential plants and its habitat has been prepared and submitted by the Applicant, approved by Commission staff and incorporated into the project. Special provisions have been incorporated into the lease for the protection of TYC.

8. 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 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302.

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

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9. 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 REQUIRED:

Tahoe Regional Planning Agency, State Park and Recreation Commission, Lahontan Regional Water Quality Control Board, U.S. Army Corps of Engineers and California Department of Fish and Game

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINE ACT:

May 14, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 2, REPLACEMENT OR RECONSTRUCTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15302.

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 AMENDMENT OF LEASE NO. PRC 6377.9, A GENERAL LEASE – PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE MAY 10, 2007, TO AMEND THE AUTHORIZED IMPROVEMENTS TO INCLUDE THE REMOVAL OF THE EXISTING

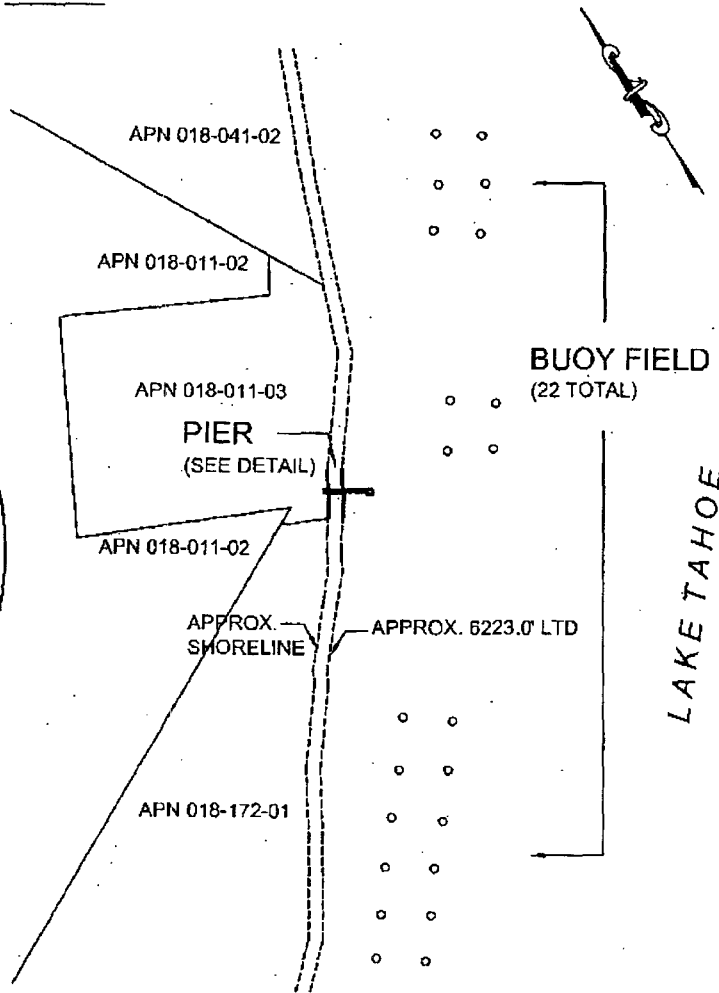
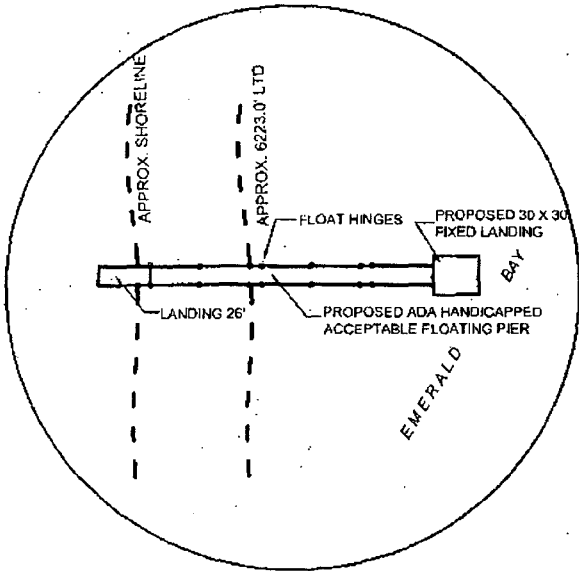
CALENDAR ITEM NO. C61 (CONT'D)

OPEN PILE PIER AND WOOD LANDING AND THE RECONSTRUCTION OF A NEW PARTLY FIXED AND FLOATING PIER AND TO INCLUDE SPECIAL PROVISIONS FOR THE PROTECTION OF THE TAHOE YELLOW CRESS AN ENDANGERED PLANT SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT DURING DEMOLITION AND CONSTRUCTION; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE

PIER DETAIL



BOAT-IN CAMP AT EMERALD BAY

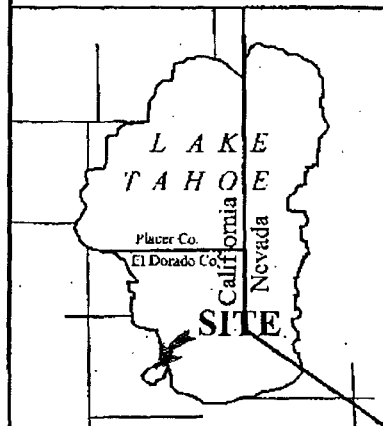
NO SCALE

LOCATION



Exhibit A

PRC 6377.9
 DEPT. OF PARKS & RECREATION
 GENERAL LEASE
 PUBLIC AGENCY
 EL DORADO COUNTY



JAK 04/07

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.