MINUTE ITEM
This Calendar Item No. 13
was submitted for information
only, no action thereon
being necessary.

INFORMATIVE

CALENDAR ITEM

13

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05/31/89
W 30005
Staff

STATUS REPORT ON THE STATE LANDS COMMISSION LEASING OF PIERS AT LAKE TAHOE AFTER THE DISCOVERY OF A STATE ENDANGERED SPECIES IN THE AFFECTED AREA

APPLICANT: State Lands Commission
1807 - 13th Street
Sacramento, California 95814

BACKGROUND

At its meeting of November 1978, the Commission suspended all leasing of State lands for construction of new piers at Lake Tahoe, excepting mooring buoys and multiple-use facilities, until June 30, 1979. This policy was extended by the Commission by various actions until April 22, 1982 when the Commission adopted a policy "under which it would no longer accept applications for new piers or pier extensions at Lake Tahoe until the Tahoe Regional Planning Agency (TRPA) has updated its Regional Plan for the shorezone of Lake Tahoe."

On July 15, 1987, TRPA adopted a shorezone ordinance to implement its previously adopted Regional Plan. Although the plan and ordinance allow the construction of new structures in Lake Tahoe, TRPA indicates that it is continuing to restrict development of new piers and pier replacements in certain areas of the lake until an analysis to determine the impacts of structures on fish spawning and fish habitat is completed. This study is underway and may be completed by year end.

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The Commission has received one hundred seventeen (117) applications to date for facilities at Lake Tahoe. These include permit renewals for existing facilities, new permits for unauthorized facilities, and applications for new piers and modifications and/or extensions to existing piers. These applications are a direct result of changes in the TRPA policies as described above. Each of these applications is subject to the provisions of the CEQA and the Commission is the Lead Agency.

THE TAHOE YELLOW CRESS (RORIPPA SUBUMBELLATA) - ENDANGERED SPECIES

In the course of research on the environmental resources in the shorezone of Lake Tahoe, staff became aware of the listing, by the Department of Fish and Game, of Rorippa subumbellata (rorippa) as an endangered species under the provisions of the State's Endangered Species Act. Under Section 2053 of the Fish and Game Code, it is the policy of the State that agencies should not approve projects which would jeopardize the 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.

In addition, whenever a project has the potential to reduce the number or restrict the range of a rare or endangered plant or animal, the CEQA Lead Agency (the Commission) must find that the project may have a significant effect on the environment and require an EIR to be prepared before acting on the project (CEQA Guidelines Section 15065).

Under the aegis of Commission staff, a group of agencies has met on three occasions (3/22, 4/10, and 5/22) to develop a process whereby the Commission could consider relevant projects and meet its obligations under law. A partial listing of the involved agencies includes: TRPA, the Departments of Fish and Game and Parks and Recreation, the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the U.S. Forest Service, and the California Native Plant Society. A full listing of group members is attached as Exhibit "A". Staff has also met (5/12) with all of the agents whose clients have submitted applications to the Commission for projects at Lake Tahoe - Exhibit "B".

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From these meetings, staff is developing recommendations which will form the basis for a statement of State Lands Commission policy regarding construction of new piers, pier extensions; and pier modifications at Lake Tahoe which staff intends to have on the Commission's June agenda.

AB 884: N/A.

EXHIBITS:
A. Tahoe Rorippa Mailing List
B. Tahoe Agent List.

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(05/03/89 - RORI)

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