

MINUTE ITEM

This Calendar Item No. 12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
0 at its 10/26/89
meeting.

CALENDAR ITEM

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12

10/26/89
W 24218 PRC 7353
J. Ludlow

APPROVAL OF RECREATIONAL PIER PERMIT

APPLICANT: Joseph William May and
Betty Lou May
7882 Lakeshore Drive
Roseville, California 95661

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

LAND USE: Construction and maintenance of a recreational
pier and boatlift, and the installation of two
mooring buoys.

TERMS OF PROPOSED PERMIT:
Initial period: Five years beginning
October 26, 1989

CONSIDERATION: Rent-free, pursuant to Section 6503.5 of the
P.R.C.

APPLICANT STATUS:
Applicant is owner of upland.

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

AB 884: 04/01/90.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs 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 3, New Construction of a Small Structure.

Authority: P.R.C. 21084, 14 Cal. Code Regs 15300, and 2 Cal. Code Regs 2905(c)(1).

2. Staff has determined that the proposed project is not located in an area identified as prime fish habitat, fish spawning area, or a habitat restoration area, identified by the Tahoe Regional Planning Agency and the Department of Fish and Game.
3. The Department of Fish and Game has determined that the shorezone at this location is unsuitable habitat for Tahoe Yellow Cress (*Rorripa*) due to the presence of boulders and rocks and has issued, pursuant to consultation under the California Endangered Species Act (CESA), a letter of "no Jeopardy" for the proposed project.
4. 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, 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.

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5. 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.
6. This property was physically inspected by staff for purposes of evaluating the impact on the public trust.
7. The entire construction of the pier will be done from a barge with a pile driver. All construction wastes will be collected onto the barge and disposed of at the nearest dumpster or sanitary landfill site.
8. 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.
9. All permits covering structures in Lake Tahoe will include a condition subsequent that if any structure 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 the permit will be automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Department of Fish and Game, United States Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and El Dorado County.

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CALENDAR ITEM NO. 12 (CONT'D)

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

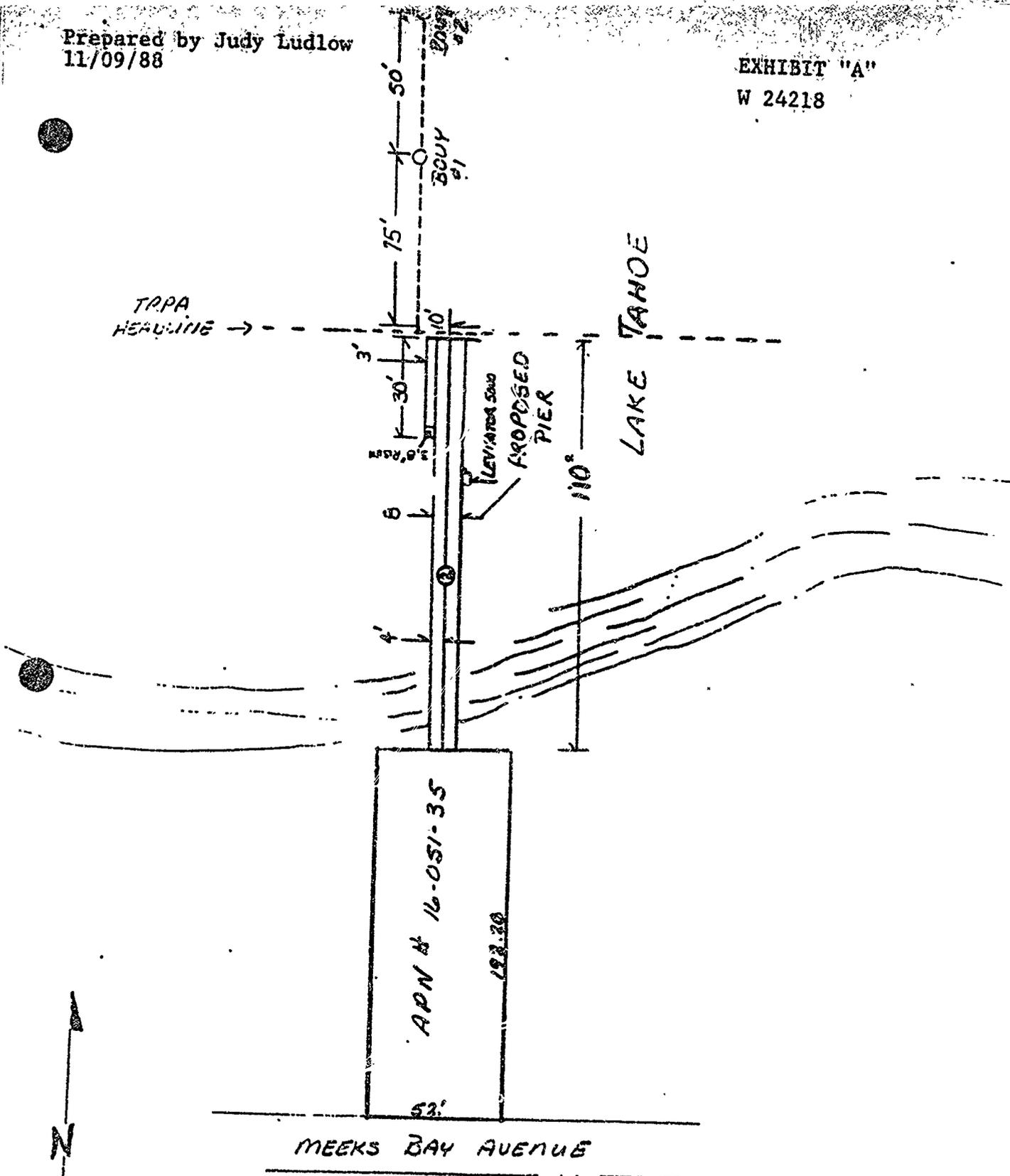
- A. Land Description.
- B. Location Map.
- C. El Dorado County Letter of Consent.
- D. Fish and Game Letter of No Jeopardy.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURE, 2 CAL. CODE REGS 2905(c)(1).
2. AUTHORIZE ISSUANCE TO JOSEPH WILLIAM MAY AND BETTY LOU MAY OF A FIVE-YEAR RECREATIONAL PIER PERMIT BEGINNING OCTOBER 26, 1989, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF ONE RECREATIONAL PIER AND BOATLIFT, AND THE PLACEMENT OF TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Prepared by Judy Ludlow
11/09/88

EXHIBIT "A"
W 24218



DATE:
7-15-88

SCALE:
1" = 25'

BETTY MAY NEW PIER & TWO BOUYS
8209 MEEKS BAY AVE, MEEKS BAY
LOT #19; EL DORADO Co. CA.

DRAWN BY
MBM

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LAKE TAHOE

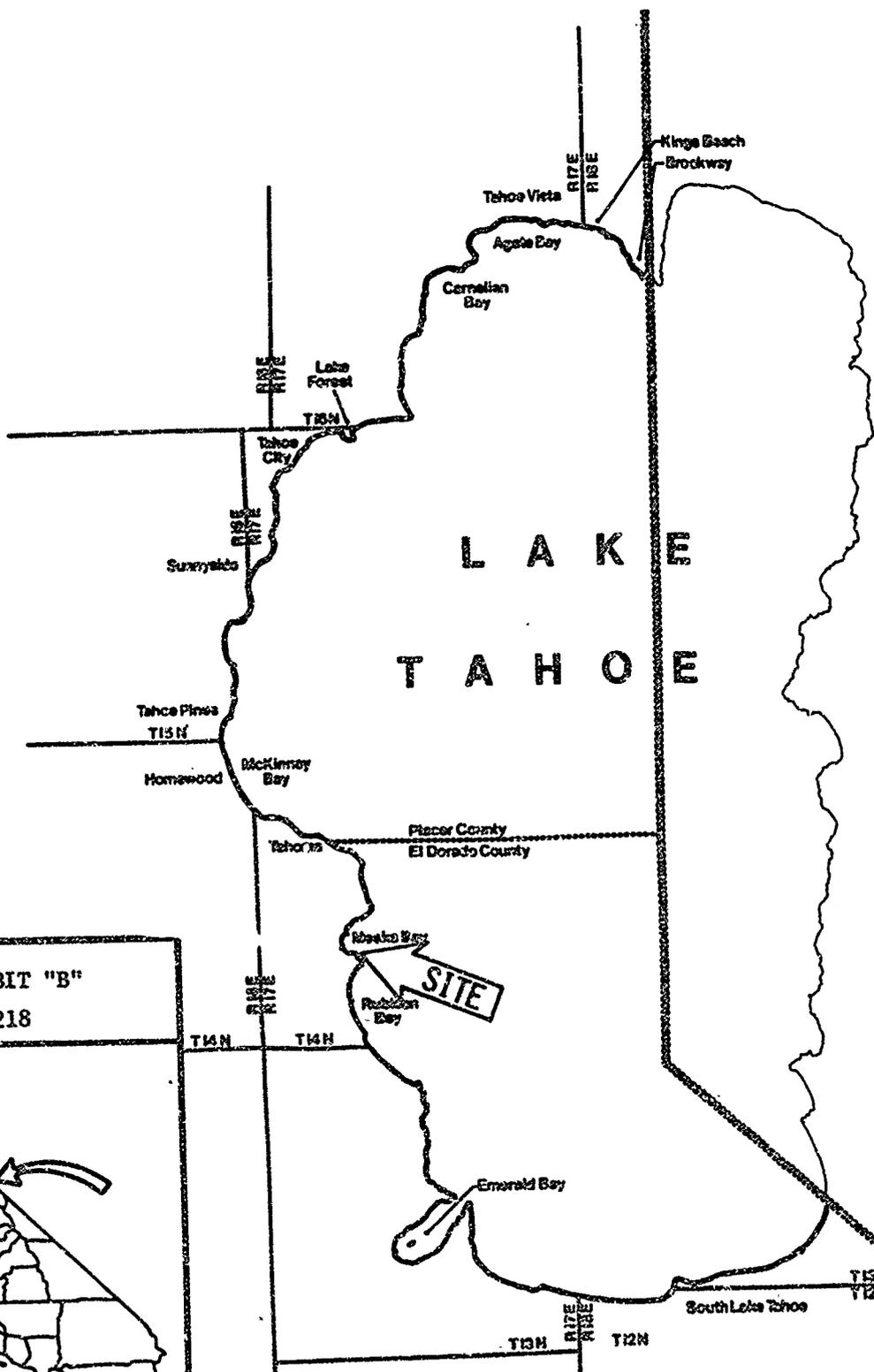


EXHIBIT "B"
W 24218



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EXHIBIT "C"

Date 1-27-89

W 24218

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

JAN 27 1989

Subject: Building Permit for Pier

Name: Joseph and Betty May

Address: 8209 Meeks Bay Avenue

Meeks Bay, CA

County Assessor's Parcel No. 16-051-35

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

cc: Gary Taylor, Consultant
P.O. Box 1715
Crystal Bay, Nevada 89402

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Memorandum

EXHIBIT "D"

W 24218

Date September 8, 1989

To : Mr. Dwight Sanders, Chief
Division of Research and Planning
State Lands Commission
1807 13th Street
Sacramento, CA 95814

From : Department of Fish and Game

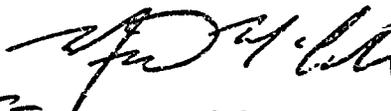
Subject: Pier Construction - May Property at Lake Tahoe, El Dorado County,
APN 016-051-35

The California Department of Fish and Game (DFG) has received a request from the staff of the State Lands Commission (SLC) to issue a finding concerning impacts to Tahoe yellow cress (Rorippa subumbellata) from beach development on the shores of Lake Tahoe. Tahoe yellow cress is a State-listed endangered species that is only found on sandy beach habitats around the shoreline of Lake Tahoe. Pier construction and maintenance activities could seriously impact existing plant populations and habitat for this species.

Mr. and Mrs. Joseph May own the subject parcel and have a permit application pending with the State Lands Commission for the construction of a new pier at Meeks Bay, Lake Tahoe. The shoreline in the project area is rock strewn above the minimum lake level of 6,223 feet. Due to the presence of boulders and rocks the habitat appears unsuitable for Tahoe yellow cress. DFG has, therefore, concluded that this project should receive a no jeopardy determination in accordance with procedure 3a outlined in our August 21 memorandum to Ms. Claire Dedrick, Executive Officer, State Lands Commission (attached).

Other DFG concerns related to water quality and fishery resources have been adequately addressed in a Streambed Alteration Agreement, Notification II-18-89, which has already been executed.

If you have any further questions, please contact either Mr. David Showers, Associate Wildlife Biologist, Environmental Services Division, telephone (916) 322-5655 or Mr. Jerry Mensch, Environmental Services Supervisor, Region 2, telephone (916) 355-7030.


Pete Bontadelli
Director

Attachment

cc: Mr. and Mrs. Joseph May
7882 Lakeshore Drive
Roseville, CA 95661

Mr. Gary Taylor
P. O. Box 1715
Crystal Bay, NV 89402

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Memorandum

Ms. Claire T. Dedrick, Executive Officer
State Lands Commission
1807 13th Street
Sacramento, CA 95814

Date: August 21, 1989

Department of Fish and Game

Consultation Under the California Endangered Species Act (CESA)
for Dock and Pier Repairs on Lake Tahoe

This memorandum is intended to address concerns you recently expressed to the Executive Secretary of the Fish and Game Commission. The Department of Fish and Game (DFG) also provides these comments to the State Lands Commission to assist both our agencies in compliance with CESA while avoiding undue delays to project proponents applying for permits for existing structures and repair of piers and docks on Lake Tahoe. To accomplish these purposes, the DFG has implemented the following procedure to identify projects which would not jeopardize Tahoe yellow cress (*Rorippa subumbellata*). The procedure does not apply to other areas of DFG concerns such as fisheries habitat protection.

This procedure will assure minimum impacts to habitat for the endangered Tahoe yellow cress while allowing necessary construction work to continue.

The procedure is as follows:

1. Permitting of existing unauthorized piers, docks or associated facilities.

If the project does not occur in habitat supporting or capable of supporting Tahoe yellow cress as determined by a qualified botanist, with the concurrence of the DFG, then the DFG finds that the project would not result in jeopardy to this species.

2. Permitting of work on piers and docks where such activities only affect the lake bed below the 6,223-foot elevation (low water) and work is completed with waterborne equipment offshore of the low-water mark.

A generic determination of no jeopardy is made for this type of work.

3. Permitting of work on piers and docks where work is completed inshore of the low-water mark.

August 21, 1989

- a. A determination of no jeopardy is made if the work does not involve habitat supporting or capable of supporting Tahoe yellow cress as determined by a qualified botanist with concurrence of the DFG.
- b. A determination of jeopardy is made for all projects affecting habitat supporting or capable of supporting Tahoe yellow cress.

This procedure is intended to expedite the review process until the Tahoe yellow cress management plan is completed including identification of impacts, mitigation and conservation measures identified. At that time we will review this procedure and revise it as necessary.

The DFG recognizes the State Lands Commission is in the process of having a habitat management plan prepared for Rorippa subumbellata. A determination of jeopardy as described under the above guidelines may be changed to no jeopardy for any project on which appropriate mitigation measures are implemented under the plan.

If we can be of further assistance, please contact Mr. Jerry Mensch, Environmental Services Supervisor, Region 2, 1701 Nimbus Road, Suite A, Rancho Cordova, CA 95670, telephone (916) 355-7030.

Original Signed By
Michael D. McCollum for

Pete Bontadelli
Director

cc: Mr. Gary R. Taylor
P.O. Box 1715
Crystal Bay, NV 89402

Mr. Kevin Agan
Raymond Vail and Associates
P.O. Box 879
Tahoe City, CA 95730

Ms. Sandy Fetterolf
Hoffman Lien and Paccinto
P.O. Box 7740
Tahoe City, CA 95730

Mr. Leah Kaufman
P.O. Box 146
Carnelian Bay, CA 95711

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