MINUTE ITEM

This Calendar Item No. C08 was approved as Minute Item No. 08 by the California State Lands Commission by a vote of 3 to 0 at its 10-20-03 meeting.

CALENDAR ITEM
C08

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PRC 5843

10/20/03
WP 5843.9
M. Hays

AMENDMENT OF LEASE

LESSEE:
West Lake Investors, A Family Trust

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, Tahoe City, Placer County.

AUTHORIZED USE:
The modification and relocation of an existing pier and retention of two mooring buoys previously authorized by the Commission.

LEASE TERM:
Ten years, beginning December 1, 2002.

CONSIDERATION:
No monetary consideration pursuant to Public Resources Code section 6503.5.

PROPOSED AMENDMENT:
To amend the lease the previously approved design of the pier, amend the location of the pier, which will be constructed approximately five feet to the South of its previously approved location, and amend the location of the previously approved mooring buoys.

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland adjoining the lease premises.

2. On December 16, 2002, the California State Lands Commission (Commission) approved the modification and relocation of an existing previously authorized pier. The proposed project has been revised in design and location from the previously authorized pier project. The original pier project has been downsized and the pier will be relocated from the approved location. The two existing previously authorized mooring buoys will be relocated closer to the shore at the end of the pier.

Lessee is now applying for an amendment to the lease to accommodate the change in design and location of the pier and mooring buoys.

3. The proposed project is located in an area identified as Tahoe Yellow Cress (TYC) habitat. The TYC is an endangered plant species statutorily protected by the California Endangered Species Act. No TYC was found during the site-specific survey performed during the 2003 growing season. Should the demolition, construction or continuation of construction on the site extend into a subsequent growing season, the Lessee is required to contact the Commission to conduct a site-specific survey (survey conducted between June 15-September 30) for the presence of Tahoe Yellow Cress.

4. **Pier:** 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 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).

5. **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.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency
Lahontan Regional Water Quality Control Board
California Department of Fish and Game
United States Army Corps of Engineers

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER: 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.

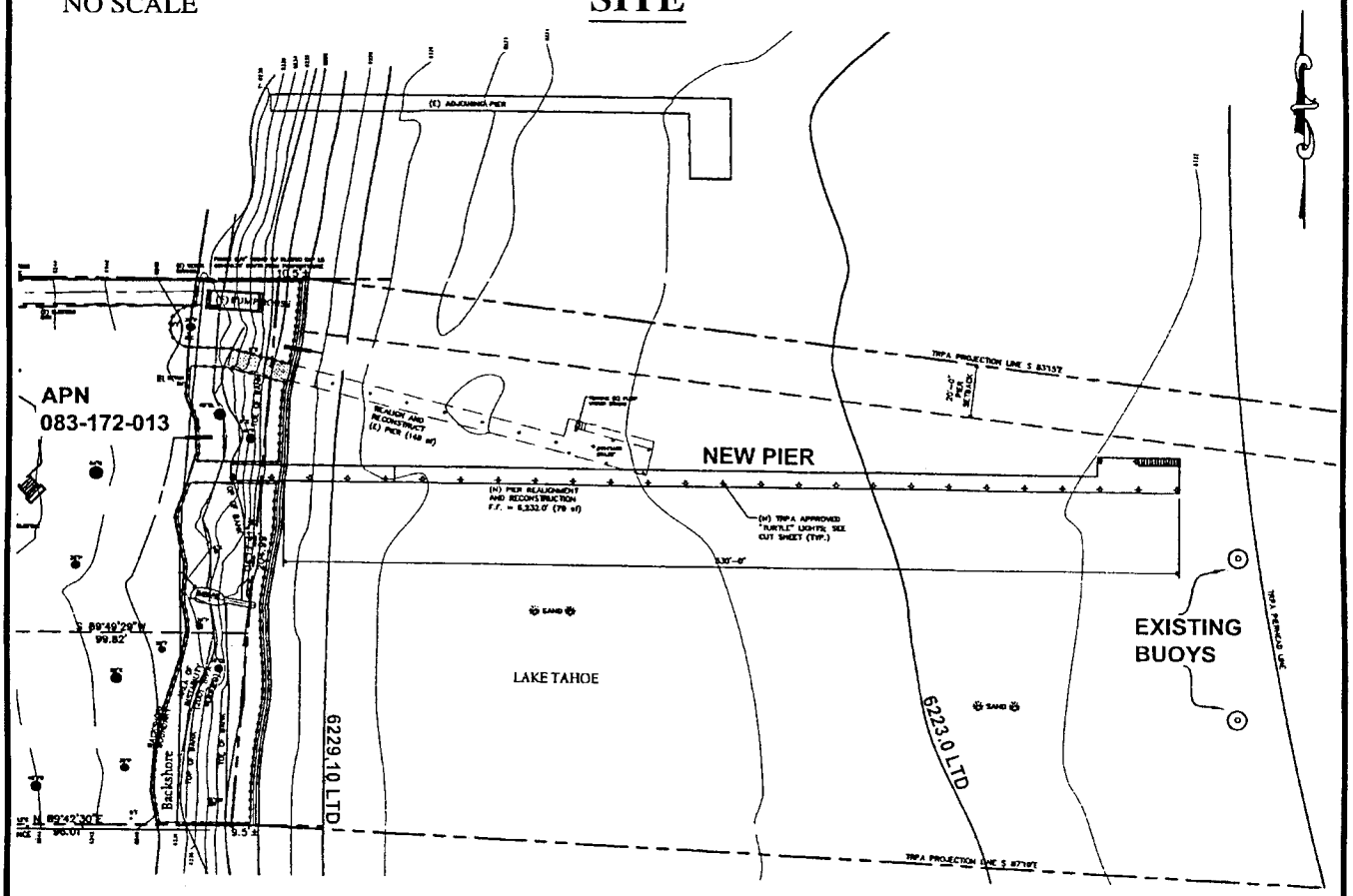
AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF PRC 5843.9, A RECREATIONAL PIER LEASE, ON THE LAND SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; EFFECTIVE OCTOBER 1, 2003, TO CHANGE THE LOCATION AND MODIFICATION OF A PREVIOUSLY AUTHORIZED PIER AND THE RETENTION AND

RELOCATION OF TWO PREVIOUSLY AUTHORIZED MOORING BUOYS; ALL OTHER TERMS AND CONDITIONS OF THE LEASE SHALL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

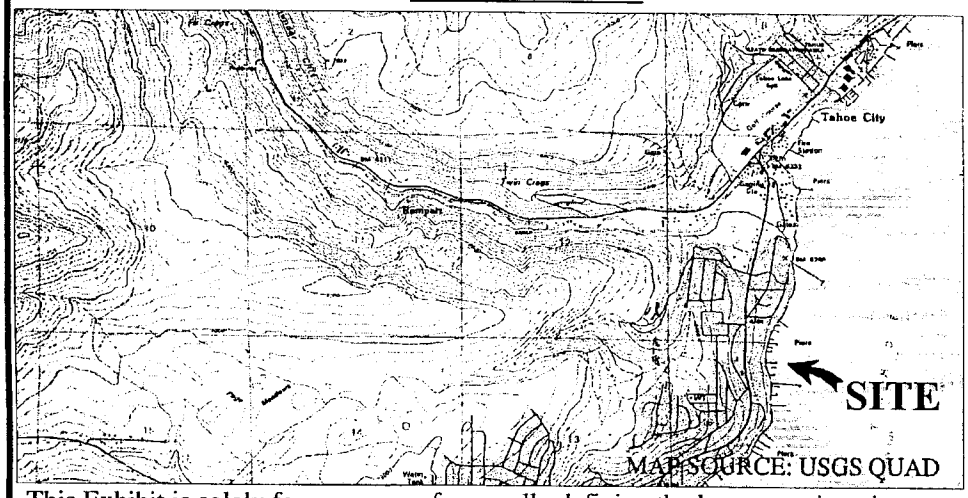
SITE



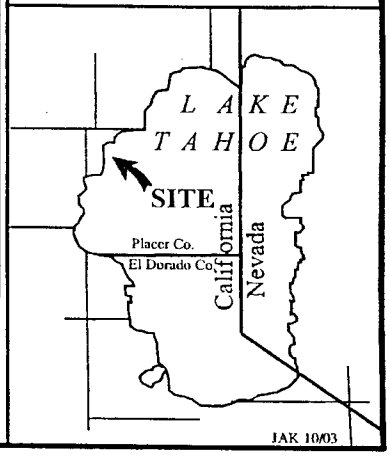
WEST LAKE INVESTORS, A FAMILY TRUST

NO SCALE

LOCATION



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.

Exhibit A

WP 5843.9
APN 083-172-013
RECREATIONAL
PIER LEASE
PLACER COUNTY