

MINUTE ITEM

This Calendar Item No. C12 was approved as Minute Item No. 12 by the California State Lands Commission by a vote of 3 to 0 at its 12-09-03 meeting.

**CALENDAR ITEM
C12**

A	4		12/09/03
S	1	PRC 8498.9	W 8516 M. Hays

RECREATIONAL PIER LEASE

APPLICANT:

Hiroko Nakazato Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Carnelian Bay, Placer County.

AUTHORIZED USE:

Modification and expansion of an existing pier, a new boatlift and retention of two existing mooring buoys, not previously authorized by the Commission.

LEASE TERM:

Ten years, beginning January 1, 2004.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000.

Other:

This lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. Applicant is now applying for a

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Recreational Pier Lease for the proposed modification and expansion of an existing pier, a new boatlift and the retention of two existing mooring buoys, not previously authorized by the Commission.

3. 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 to implement the "Conservation Strategy For Tahoe Yellow Cress (*Rorippa subumbellata*) in conjunction with the Tahoe Regional Planning Agency, 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.
4. The proposed project is located in suitable TYC habitat. The project site was surveyed for the presence of TYC by staff of the Commission on July 15, 2003, and the project site does not presently contain TYC.
5. **Pier and Boatlift:** 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).

6. **Mooring 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. 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:

California Regional Water Quality Control Board – Lahontan Region

FURTHER APPROVALS REQUIRED:

Tahoe Regional Planning Agency
California Department of Fish and Game
U. S. Army Corps of Engineers

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

March 8, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER AND BOAT LIFT: 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).

MOORING 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 3, NEW

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CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA
CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

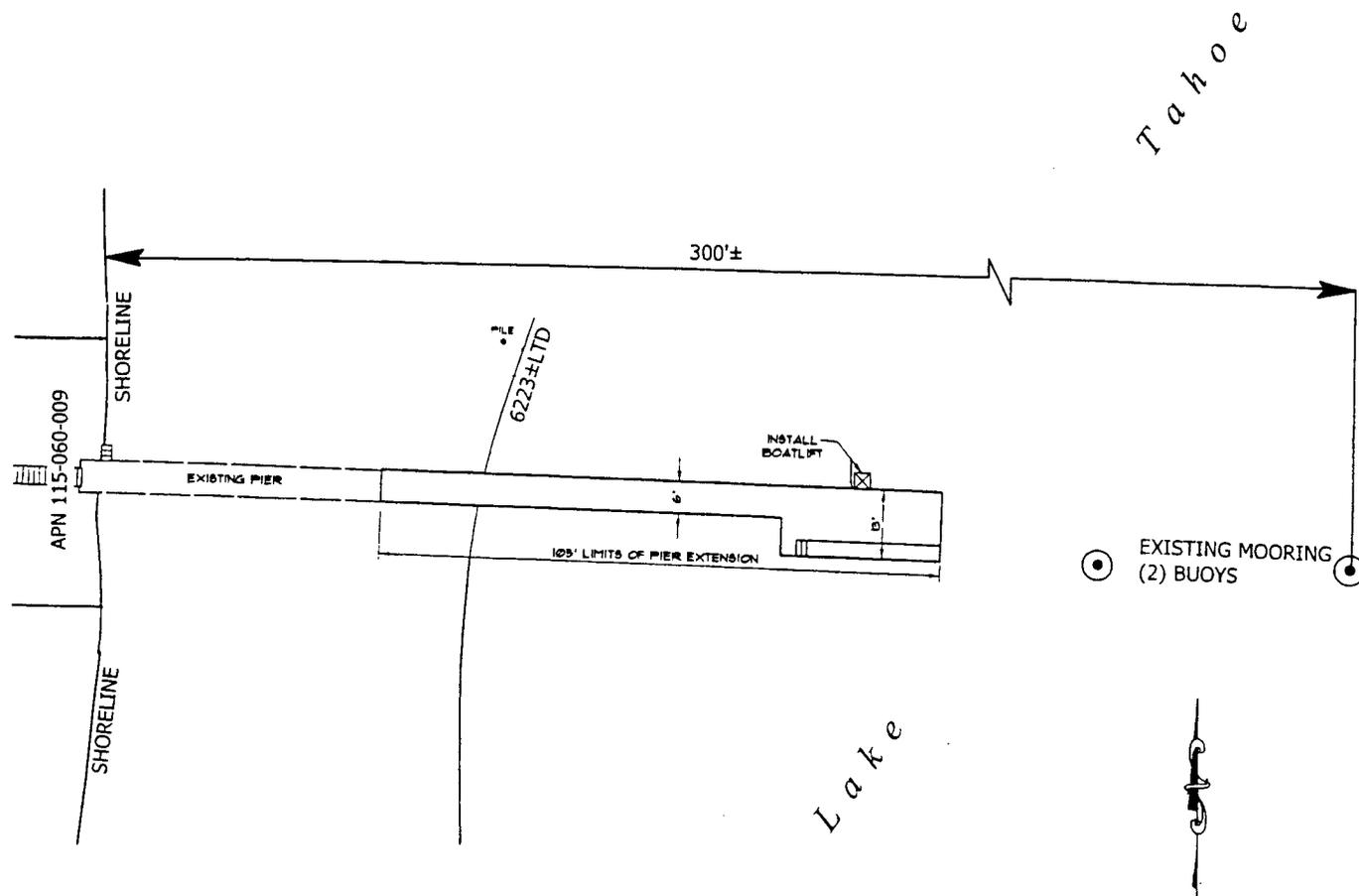
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE
CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO HIROKO NAKAZATO TRUST OF A TEN-
YEAR RECREATIONAL PIER LEASE, BEGINNING JANUARY 1, 2003,
FOR THE MODIFICATION AND EXPANSION OF AN EXISTING PIER, A
NEW BOATLIFT AND THE RETENTION OF TWO EXISTING 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 IN THE AMOUNT OF NO
LESS THAN \$300,000.

NO SCALE

SITE MAP



4798 North Lake Blvd., Carnelian Bay, Lake Tahoe

NO SCALE

LOCATION MAP

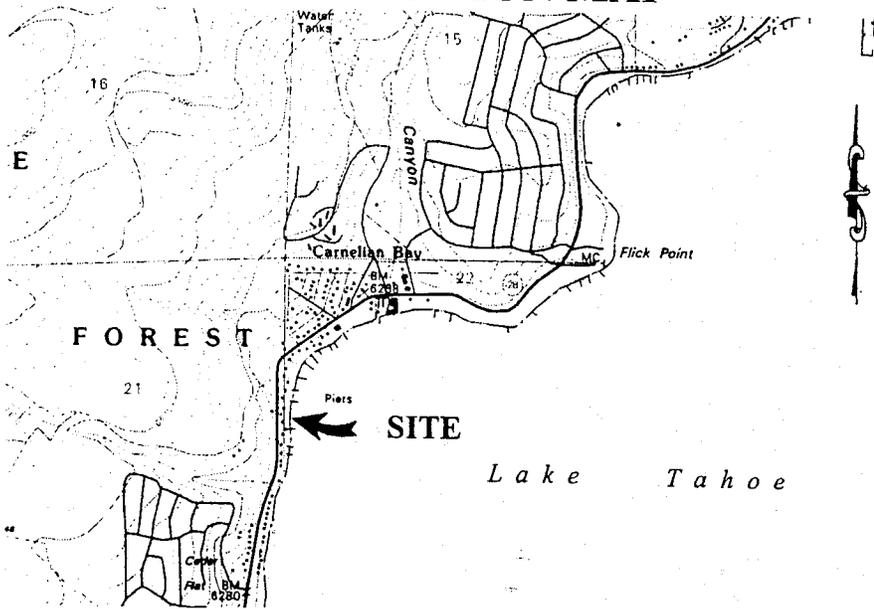
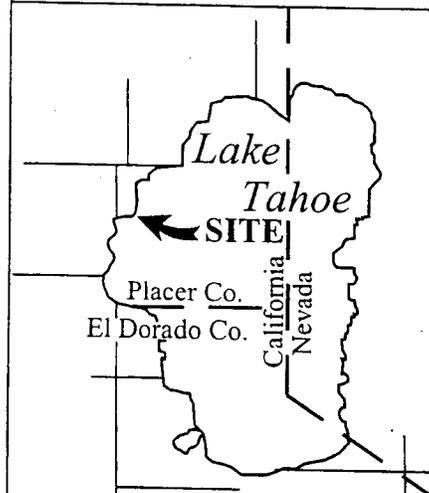


EXHIBIT A

W8516
 Nakazato Trust
 115-060-009
 Lake Tahoe
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.