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 8-8-05 meeting.

CALENDAR ITEM
C08

A 4 | PRC 8623 | 08/08/05
W 26002
S 1 | R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:
Charles B. Ebright II and Mary Ebright

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, near South Lake Tahoe, El Dorado County.

AUTHORIZED USE:
The removal of pier remnants and the proposed construction, use, and maintenance of a pier and the retention of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning August 1, 2005

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:
Pier: This lease is conditioned on the Applicants removing all pier remnants and construction of a new pier prior to June 14, 2006. If construction has not been completed by June 14, 2006, a re-inspection and clearance issued by CSLC staff for the Tahoe Yellow Cress (TYC) will be required before the continuation of any project activities.

Buoys: This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy 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. Applicants own the upland property adjoining the lease premises.

2. 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 and evaluated by CSLC staff on June 29, 2005. The site does not presently contain TYC plants. Special provisions have been incorporated into the lease for the protection of TYC.

3. Applicants are proposing the removal of old pier remnant that consists of portions of seven pilings and a wood deck previously destroyed by wave action and high winds. The TRPA and the California Department of Fish and Game (CDF&G) have issued permits for the relocation and reconstruction of the pier, subject to the new pier having the exact dimensions as the original pier. Special conditions have been applied with the permits issued by TRPA and CDF&G.

4. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Applicants are now applying for a new lease for the proposed construction of a pier and the retention of two existing mooring buoys not previously authorized by the Commission.

5. **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 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.

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

   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 REQUIRED:

Pier and Buoys: Tahoe Regional Planning Agency and the U. S. Army Corps of Engineers

APPROVALS REQUIRED:

Tahoe Regional Planning Agency and the California Department of Fish and Game

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 15302.

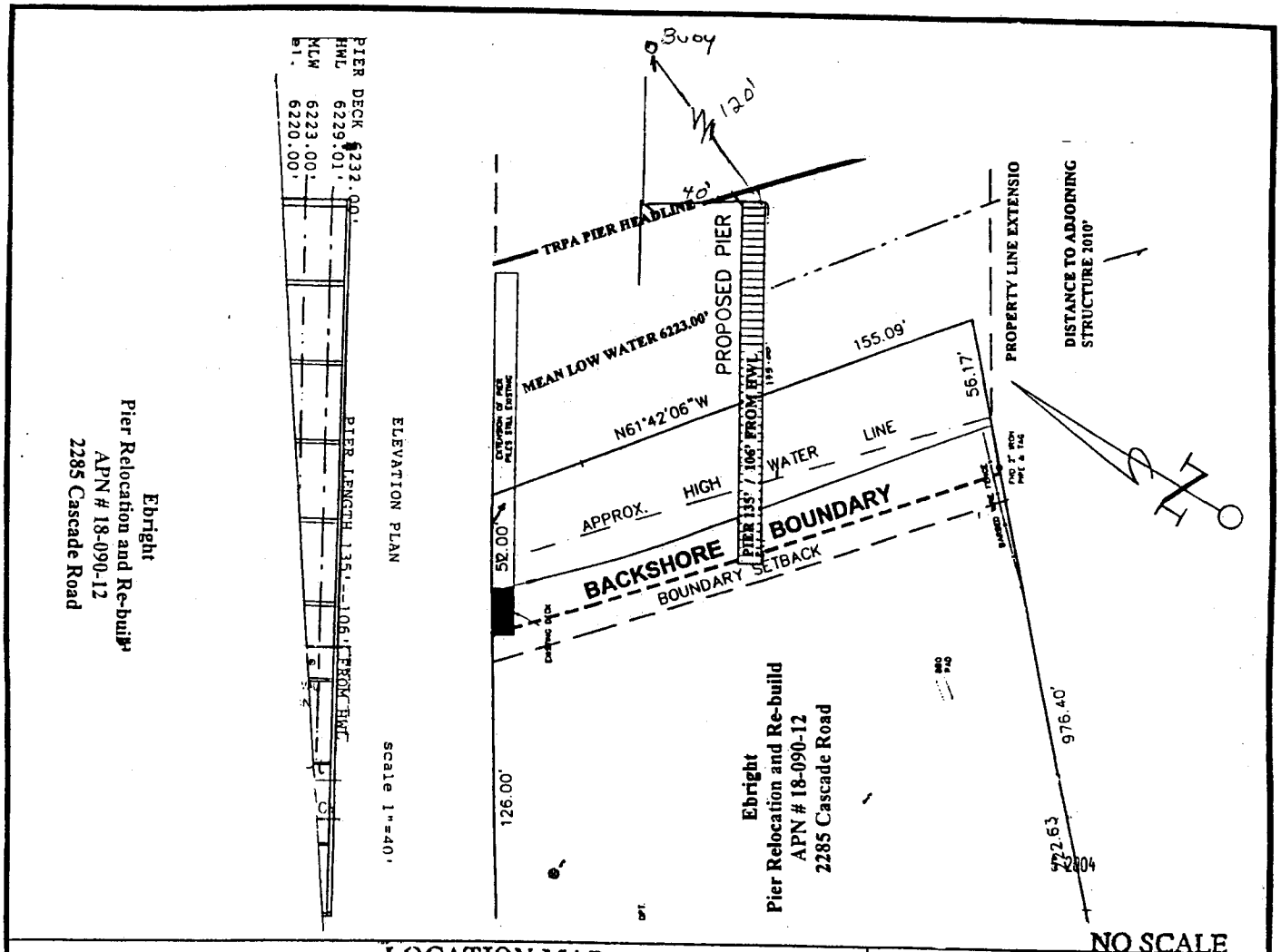
BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

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 CHARLES B. EBRIGHT, II AND MARY EBRIGHT, OF A RECREATIONAL PIER LEASE, BEGINNING AUGUST 1, 2005, FOR A TERM OF TEN YEARS, FOR THE REMOVAL OF PIER REMNANTS AND THE PROPOSED CONSTRUCTION, USE, AND MAINTENANCE OF A PIER AND THE RETENTION OF TWO EXISTING 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 WITH COMBINED SINGLE LIMIT COVERAGE OF $300,000.



LOCATION MAP

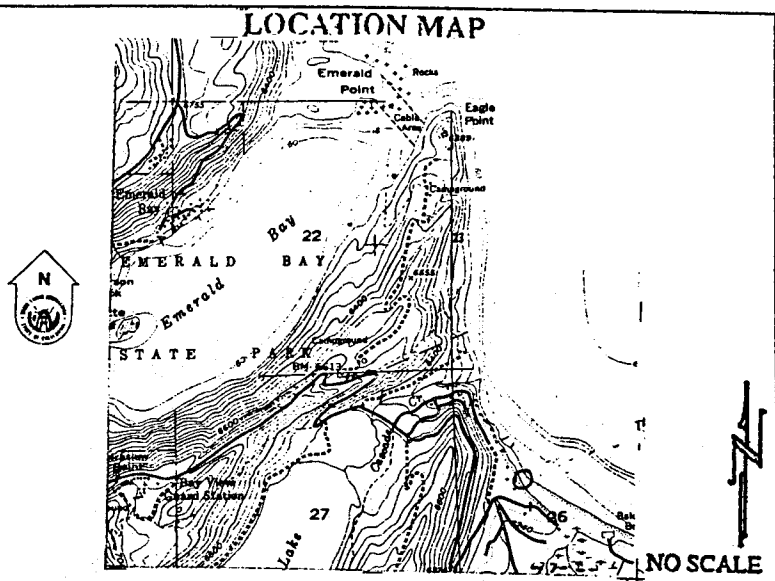
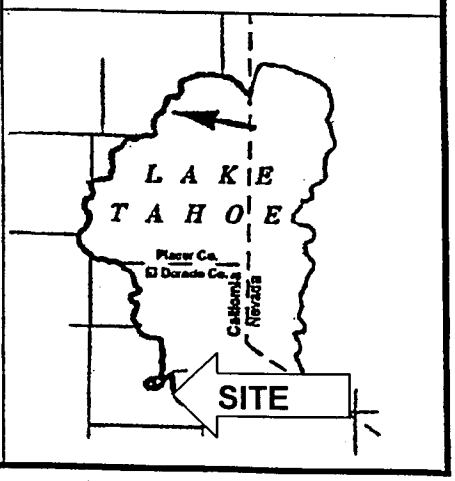


EXHIBIT A
W 26002
APN 018-090-120
LAKE TAHOE
EL DORADO COUNTY



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 to as a waiver or limitation of any state interest in the subject or any other property.

RWB 3/05