MINUTE ITEM
This Calendar Item No. C11 was approved as Minute Item No. 11 by the California State Lands Commission by a vote of 3 to 0 at its 8-8-05 meeting.

CALENDAR ITEM
C11

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PRC 8251

08/08/05
WP 8251.9
M. Hays

AMENDMENT OF LEASE

LESSEES:
William R. Green and Michelle A. Green

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

AUTHORIZED USE:
Construction, use and maintenance of a floating pier and four mooring buoys on two contiguous littoral parcels.

LEASE TERM:
Ten years, beginning February 1, 2004.

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

PROPOSED AMENDMENT:
Amend the previously authorized use from the construction, use and maintenance of a floating pier and four mooring buoys to the construction, use and maintenance of a fixed pier and four mooring buoys.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessees own the uplands adjoining the lease premises.

2. On February 2, 2004, the Commission authorized a new lease for the construction of a new floating pier, placement of two new mooring buoys and the relocation of the two previously authorized buoys adjacent to the Lessee's upland property for a total of four mooring buoys. The proposed pier project is a component of a larger project involving reconstruction of a

flume on Rubicon Creek, which is not located on land under the Commission's jurisdiction. The Lessee has not constructed the floating pier portion of the proposed project and has at the request of the Tahoe Regional Planning Agency (TRPA), revised the pier from a floating pier to a fixed pier. This decision was brought about because new studies demonstrated a floating pier was found to have adverse environmental impacts that are not associated with fixed pier design. The Lessees have submitted an application to amend the lease to accommodate the change from the construction of a floating pier to a fixed pier. Two of the existing mooring buoys have yet to be relocated adjacent to the two buoys offshore of the proposed pier project. The previously approved buoy relocation is anticipated to take place concurrently with the construction of the pier.

3. The proposed project is located in suitable Tahoe Yellow Cress (TYC) habitat. The project site was surveyed/evaluated by the staff of the California State Lands Commission, the California Department of Fish and Game, and Julie Etra, a private consultant, in the summers of 2001, 2002, 2003 and most recently on July 18, 2005. TYC was found on the backshore portion of the project area proposed for the flume reconstruction. As partial mitigation for the pier project, TRPA is requiring the relocation and redesign of the flume to allow for fish migration. However, as a precaution, special provisions have been incorporated into the project for the protection of TYC. A site-specific management plan to protect existing plants and habitat on the overall project site has been prepared and submitted by the Lessees, approved by staff and incorporated into the project. The California Department of Fish and Game, acting as the Lead Agency under the CEQA, has monitoring responsibilities for the Lessees' compliance with the CEQA document containing the site-specific management plan for the protection of TYC. Commission staff will monitor the pier construction of the project.

4. A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for the project by the California Department of Fish and Game. The Commission's staff has reviewed those documents.

5. 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 Department of Fish and Game
Tahoe Regional Planning Agency

FURTHER APPROVALS REQUIRED:

Lahontan Region, California Water Quality Control Board
U. S. Army Corps of Engineers

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, WHICH IS ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

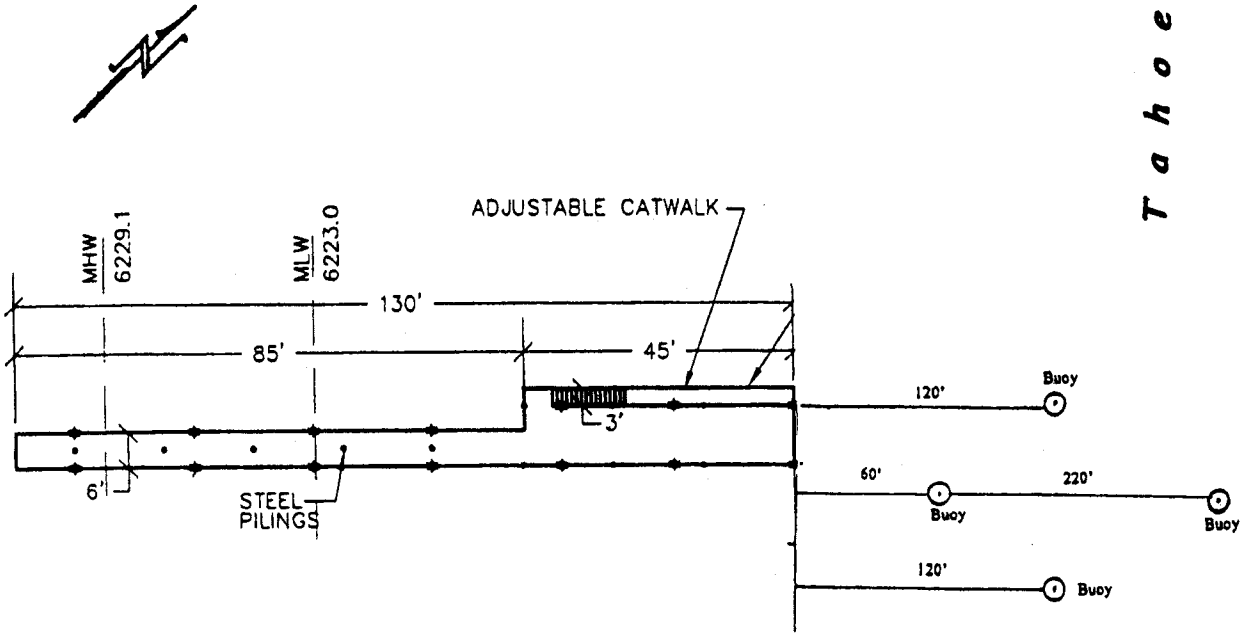
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8251.9, A RECREATIONAL PIER LEASE, OF LANDS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE AUGUST 8, 2005, TO AMEND THE PREVIOUSLY AUTHORIZED USE FROM THE CONSTRUCTION, USE AND

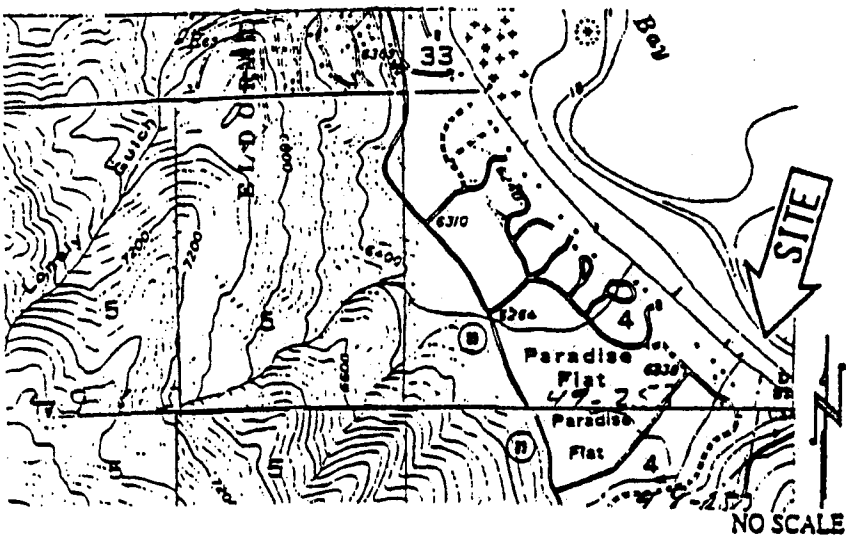
MAINTENANCE OF A FLOATING PIER AND FOUR MOORING BUOYS TO THE CONSTRUCTION, USE AND MAINTENANCE OF A FIXED PIER AND FOUR MOORING BUOYS; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

SITE MAP



8801 One Ring Road & 9505 Emerald Bay Road

LOCATION MAP



This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.

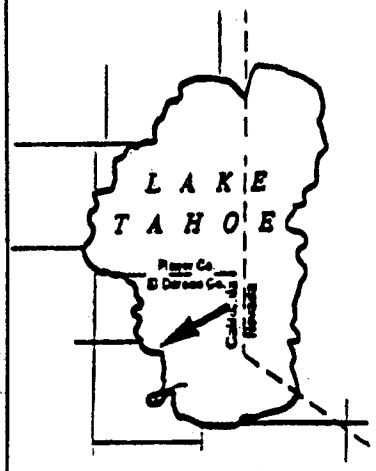



EXHIBIT A
PRC 8251.9
APNs 017-041-171 & 181
Lake Tahoe
EL DORADO COUNTY