

**CALENDAR ITEM
C18**

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06/01/09
WP 5751.9
B. Terry

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEES:

Edwin E. Wright and Judith A. Wright, Trustees, or their successors in trust, under the Wright Trust, dated November 22, 1983, as amended and restated on June 10, 1998

APPLICANT:

Judith A. Wright, Trustee of the Wright Trust, dated November 22, 1983, as amended and restated on June 10, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 3790 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 22, 2008.

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 \$500,000.

Other:

This lease contains a provision which requires the Applicant to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. On December 9, 2003, the Commission issued a ten-year Recreational Pier Lease to Edwin E. Wright and Judith A. Wright, Trustees, or their successors in trust, under the Wright Trust, dated November 22, 1983 as amended and restated on June 10, 1998, for the extension of an existing pier and the relocation of an existing boat lift and two mooring buoys. However, the extension of the pier and relocation of the boat lift did not occur. The lease will expire on December 31, 2013. On August 22, 2008, the upland parcel was deeded to Judith A. Wright, Trustee of the Wright Trust, dated November 22, 1983, as amended and restated on June 10, 1998. Applicant is now applying for a new Recreational Pier Lease and staff is recommending termination of the existing lease and issuance of a new lease.
3. The Applicant is proposing to replace the pier decking and deck girders. No pile driving is proposed and there will be no change in the existing footprint of the pier. The pier work will occur during the non-fish spawning season between October 1st and May 1st and all access will be from the landward side of the pier.
4. 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 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. The pier is located in suitable TYC habitat; however, since all work, access and equipment will not take place on the shoreline and the repair work would be confined to the pier decking, there will be no affect to TYC or its habitat.
5. Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who owns the littoral land that is improved with a single family dwelling.
6. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15060 (c)(3)), the staff has determined that

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this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15060 (c)(3) and 15378.

7. **Issuance of New Lease:** 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.

8. 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:

Pier Maintenance:
Tahoe Regional Planning Agency

APPROVALS REQUIRED:

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

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

July 31, 2009

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF A LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: 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 TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 5751.9, EFFECTIVE AUGUST 21, 2008, ISSUED TO EDWIN E. WRIGHT AND JUDITH A. WRIGHT, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE WRIGHT TRUST, DATED NOVEMBER 22, 1983, AS AMENDED AND RESTATED ON JUNE 10, 1998.

AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO JUDITH A. WRIGHT, TRUSTEE OF THE WRIGHT TRUST, DATED NOVEMBER 22, 1983, AS AMENDED AND RESTATED ON JUNE 10, 1998, BEGINNING AUGUST 22, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, AN EXISTING BOAT LIFT AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.