

**CALENDAR ITEM
C15**

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02/08/11
W 20857
N. Lee

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Tahoe Lakeview, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 969 Lakeview Avenue, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Expansion of an existing pier onto sovereign land and installation of a boat lift as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning February 8, 2011.

CONSIDERATION:

\$733 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

1. 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. TYC was found during the site-specific survey performed during the 2010 growing season. Should the demolition, construction, or continuation of construction on the site extend into a subsequent growing season after June 14, 2011, the Lessee is required to contact staff of the Commission to determine if the site should be re-surveyed (survey to be conducted between June 15-September 30, 2011) for the presence of TYC.

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2. The lease provides that the public will be allowed to pass and re-pass underneath the pier to provide continuous shoreline access to the Public Trust Easement below elevation 6228.75 Lake Tahoe datum.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. Applicant has applied for a General Lease - Recreational Use to expand an existing pier and install a boat lift. The existing 95-foot pier with a boathouse does not extend past the low water mark, elevation 6,223 feet, Lake Tahoe Datum, and, therefore, does not occupy State sovereign land. The Applicant is proposing to expand the pier to a length of 170 feet with a 16-foot by 45-foot pier head with a 6,000-pound boat lift. The proposed expansion will extend past the low water mark and onto State sovereign land.
3. Construction access will occur solely by amphibious vehicle and a barge will be used for staging. The existing pier and boathouse will be removed using a crane and barge. Since the existing wooden piles are believed to be driven only two to three feet into the lake bottom, they will be pulled out with a crane on the amphibious vehicle. Caissons will be used, if necessary, to prevent disturbance in the water. At the site of the existing pier, a new pier will be constructed with pilings driven to an approximate depth of six feet using a pile driver or vibration unit attached to the amphibious vehicle. Once the pilings and support steel are in place, Trex decking will be secured to the supports and the boat lift installed.
4. In order to provide continuous shoreline access to the Public Trust Easement, the base of the pier will be constructed so that the public has a six-foot wide area for passing underneath the pier with three feet of the area having a minimum of five feet eight inches of headroom.
5. Applicant does not qualify for rent-free status because the Applicant does not own the littoral property as a natural person pursuant to Public Resources Code section 6503.5.
6. 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

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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/evaluated by a Commission biologist on August 19, 2010. The site does support TYC. A site-specific management plan to protect and enhance existing plants and habitat was prepared, submitted by the Applicant, approved by staff, and incorporated into the project description. Special provisions were incorporated into the lease for the protection of TYC.

7. 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 this activity is exempt from the requirements of 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)(1).

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. but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

Tahoe Regional Planning Agency
Lahontan Regional Water Quality Control Board
California Department of Fish and Game
U.S. Army Corps of Engineers

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

April 3, 2011

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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)(1).

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 of a General Lease – Recreational Use to Tahoe Lakeview, LLC beginning February 8, 2011, for a term of 10 years, for the expansion of an existing pier onto sovereign land and installation of a boat lift as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$733, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.