

MINUTE ITEM
This Calendar Item No. C59
was approved as Minute Item
No. 59 by the State Lands
Commission by a vote of 3
to 0 at its 11-26-01
meeting.

**CALENDAR ITEM
C59**

A 4
S 1

11/26/01
PRC 5300 WP 5300.1
B. Young

GENERAL LEASE-RECREATIONAL USE

APPLICANTS:

Bay View Refuse Service, Inc.
P.O. Box 277
El Cerritos, CA 94530

AREA, LAND TYPE, AND LOCATION:

0.09 acres, more or less, of sovereign lands in Lake Tahoe, Tahoma, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning April 14, 2001.

CONSIDERATION:

\$500 per annum; 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:

Combined single limit coverage of \$1,000, 000.

Other:

This lease is conditioned on Lessees obtaining authorization from the Tahoe regional Planning Agency (TRPA) for the mooring buoys within two (2) years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

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OTHER PERTINENT INFORMATION:

1. On October 23, 1986, the Commission authorized a General Permit - Recreational Use to Bay View Refuse Service, Inc. The lease expired on April 13, 2001. Applicant does not qualify for a rent-free lease because applicant is a corporation. Bay View Refuse Service, Inc. is now applying for a new General Lease - Recreational Use.

2. **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 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.

3. **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.

4. 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.

EXHIBIT:

- A Location and site map

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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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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).

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.

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 BAY VIEW REFUSE SERVICE, INC. OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING APRIL 14, 2001, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND RETENTION OF TWO MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; \$500 PER ANNUM WITH THE STATE RESERVING THE RIGHT TO FIX A

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DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE NO LESS THAN \$1,000,000.

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