

MINUTE ITEM

This Calendar Item No. C13 was approved as Minute Item No. 13 by the California State Lands Commission by a vote of 3 to 0 at its 1-30-02 meeting.

**CALENDAR ITEM
C13**

A	4		01/30/02
S	1	PRC 6120	WP 6120 N. Lee

TERMINATION AND ISSUANCE OF RECREATIONAL PIER LEASE

APPLICANTS:

Terry R. Peets and Diane M. Peets as Trustees of the Terry R. Peets and Diane M. Peets Trust dated March 9, 1989
327 Coral Avenue
Balboa Island, CA 92662

Michael C. Scroggie and Kathleen J. Scroggie as Trustees of the Scroggie Family Trust dated September 13, 1995
21 Paradise Cove
Laguna Niguel, CA 92677

Jean E. Hagler, Trustee under that Certain Amended Trust Agreement dated May 26, 1983
30 Corte Cayuga
Greenbrae, CA 94904

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy and retention of three additional existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning February 1, 2002.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

CALENDAR PAGE	000056
MINUTE PAGE	000074

CALENDAR ITEM NO. **C13** (CONT'D)

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Lessee obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys 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. On May 26, 1996, the Commission authorized a Recreational Pier Lease with Terry R. Peets and Diane M. Peets as Trustees of the Terry R. Peets and Diane M. Peets Trust dated March 9, 1989; Michael C. Scroggie and Kathleen J. Scroggie as Trustees of the Scroggie Family Trust dated September 13, 1995; and Jean E. Hagler, Trustee under that Certain Amended Trust Agreement dated May 26, 1983. That lease will expire on October 11, 2005 and authorizes a joint-use pier and one existing mooring buoy. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral lands with, and use the uplands for, single-family dwellings. Terry R. Peets and Diane M. Peets as Trustees of the Terry R. Peets and Diane M. Peets Trust dated March 9, 1989; Michael C. Scroggie and Kathleen J. Scroggie as Trustees of the Scroggie Family Trust dated September 13, 1995; and Jean E. Hagler, Trustee under that Certain Amended Trust Agreement dated May 26, 1983 are now applying for a new Recreational Pier Lease for continued use and maintenance of the existing joint-use pier and one mooring buoy and retention of three additional existing mooring buoys.
2. **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 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, sections 15060 (c)(3) and 15378.

3. **Issuance of New Lease - Pier and One Mooring Buoy:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines

CALENDAR PAGE	000057
MINUTE PAGE	000075

CALENDAR ITEM NO. C13 (CONT'D)

(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.

Three Additional Mooring 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.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

CALENDAR PAGE	000058
MINUTE PAGE	000078

CALENDAR ITEM NO. C13 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING 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 - PIER AND ONE MOORING BUOY: 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).

THREE ADDITIONAL MOORING 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 TERMINATION OF RECREATIONAL PIER LEASE PRC 6120.9, EFFECTIVE OCTOBER 12, 1995, ISSUED TO TERRY R. PEETS AND DIANE M. PEETS AS TRUSTEES OF THE TERRY R. PEETS AND DIANE M. PEETS TRUST DATED MARCH 9, 1989; MICHAEL C. SCROGGIE AND KATHLEEN J. SCROGGIE AS TRUSTEES OF THE SCROGGIE FAMILY TRUST DATED SEPTEMBER 13, 1995; AND JEAN E. HAGLER, TRUSTEE UNDER THAT CERTAIN AMENDED TRUST

CALENDAR PAGE	000059
MINUTE PAGE	000077

CALENDAR ITEM NO. C13 (CONT'D)

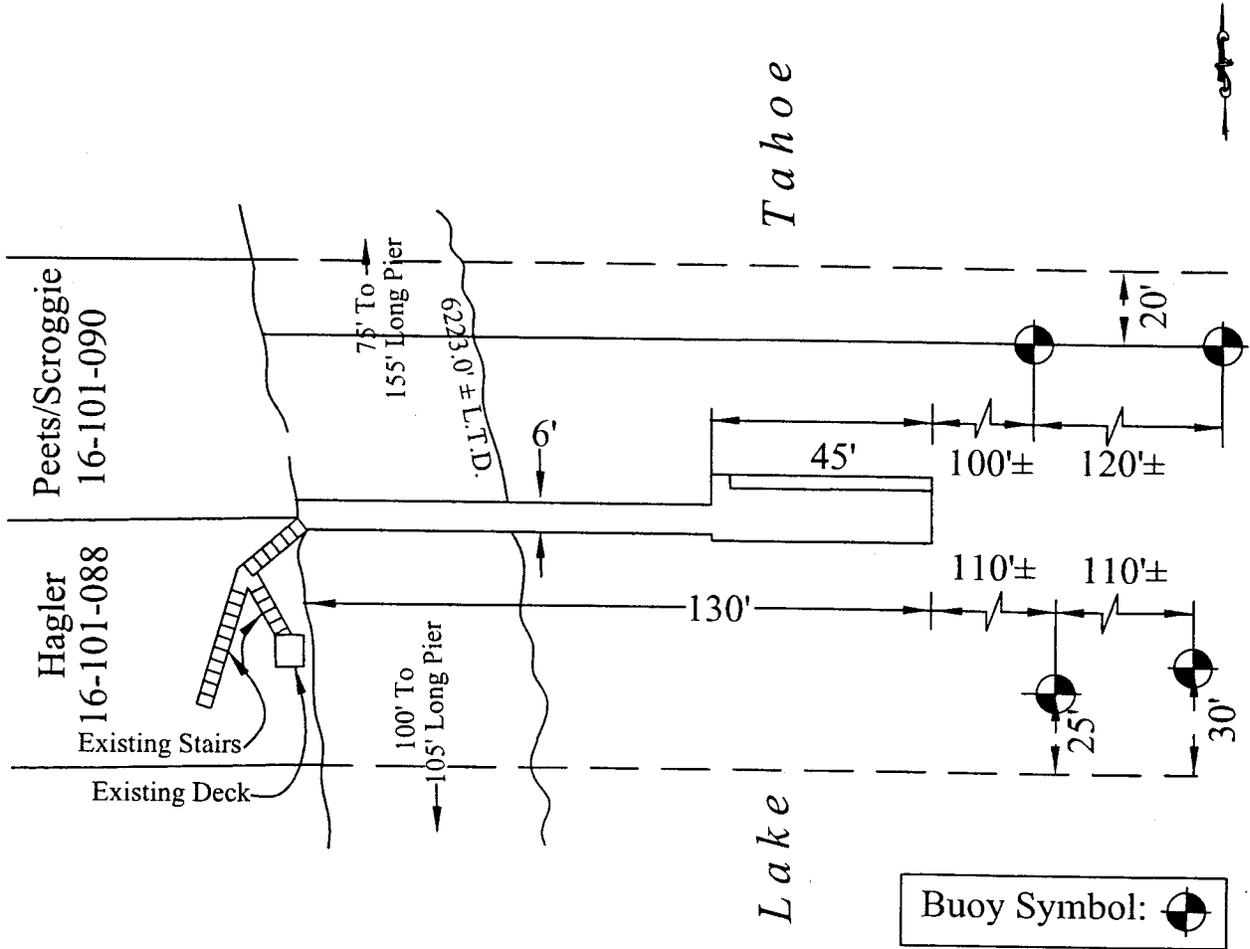
AGREEMENT DATED MAY 26, 1983 AND APPROVED BY THE COMMISSION ON MAY 26, 1996.

AUTHORIZE ISSUANCE TO TERRY R. PEETS AND DIANE M. PEETS AS TRUSTEES OF THE TERRY R. PEETS AND DIANE M. PEETS TRUST DATED MARCH 9, 1989; MICHAEL C. SCROGGIE AND KATHLEEN J. SCROGGIE AS TRUSTEES OF THE SCROGGIE FAMILY TRUST DATED SEPTEMBER 13, 1995; AND JEAN E. HAGLER, TRUSTEE UNDER THAT CERTAIN AMENDED TRUST AGREEMENT DATED MAY 26, 1983, OF A RECREATIONAL PIER LEASE, BEGINNING FEBRUARY 1, 2002, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND ONE MOORING BUOY AND RETENTION OF THREE ADDITIONAL EXISTING MOORING 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 COVERAGE OF NO LESS THAN \$300,000.

CALENDAR PAGE	000060
MINUTE PAGE	000078

NO SCALE

SITE MAP



8559 & 8565 Meeks Bay Ave.

NO SCALE

Location Map

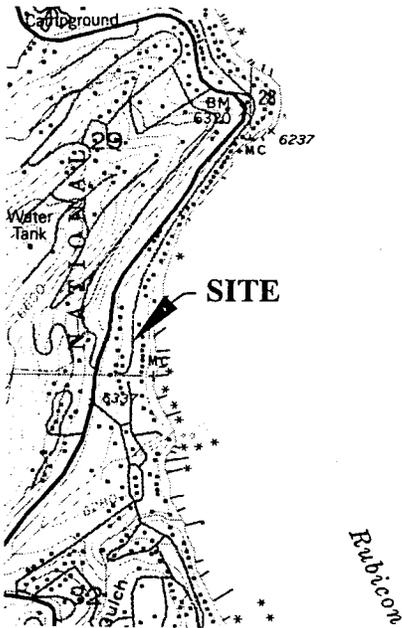
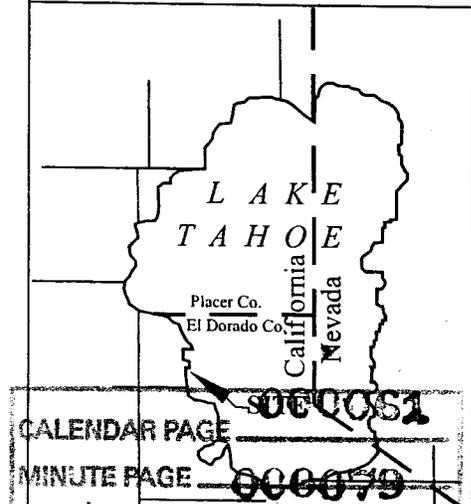


Exhibit A
 PRC 6120.9
 APN 16-101-088 &
 APN 16-101-090
 Lake Tahoe
EL DORADO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.