

**CALENDAR ITEM
C08**

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04/09/02
WP 4483
B. Dugal

**TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE**

APPLICANTS:

John H. Bottomley III, Trustee and Marion W. Bottomley, Trustee
of the John H. Bottomley and Marion W. Bottomley Trust Agreement
dated October 27, 1980

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boatlift, catwalk and mooring
buoy previously authorized by the Commission and the retention of one
additional existing mooring buoy.

LEASE TERM:

Ten years, beginning February 1, 2002.

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 \$300,000.

Other:

This lease is conditioned on the Applicants 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:

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1. Applicants own the uplands.
2. On February 12, 1997, the Commission authorized the issuance of a Recreational Pier Lease to the Applicants for the reconstruction of the existing pier and expansion and the installation of a boat lift and new catwalk and retention of an existing mooring buoy. Commission staff has recently been advised that the Applicants desire to retain an additional mooring buoy not previously authorized by the Commission. The Applicants have now applied for a new Recreational Pier Lease for the continued use and maintenance of the existing improvements and the retention of one additional existing mooring buoy.
3. 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.
4. **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.

5. **Existing Pier, Boat lift, Catwalk, and One Mooring Buoy:** 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.

6. **Retention of One Additional Existing Mooring Buoy:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has

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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.

7. 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.

APPROVALS REQUIRED:

Tahoe Regional Planning Agency
California State Lands Commission

PERMIT STREAMLINING ACT DEADLINE:

N/A

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.

EXISTING PIER, BOATLIFT, CATWALK, 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

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

RETENTION OF ONE ADDITIONAL EXISTING 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 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:

TERMINATE, EFFECTIVE JANUARY 31, 2002, RECREATIONAL PIER LEASE NO. PRC 4483.9, ISSUED TO JOHN H. BOTTOMLEY III, TRUSTEE AND MARION W. BOTTOMLEY, TRUSTEE OF THE JOHN H. BOTTOMLEY AND MARION W. BOTTOMLEY TRUST AGREEMENT DATED OCTOBER 27, 1980 .

AUTHORIZE ISSUANCE TO JOHN H. BOTTOMLEY III, TRUSTEE AND MARION W. BOTTOMLEY, TRUSTEE OF THE JOHN H. BOTTOMLEY AND MARION W. BOTTOMLEY TRUST AGREEMENT DATED OCTOBER 27, 1980, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING FEBRUARY 1, 2002, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOAT LIFT, CATWALK AND MOORING BUOY AND THE RETENTION OF ONE ADDITIONAL MOORING BUOY 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 IN THE AMOUNT OF NO LESS THAN \$300,000.