

**CALENDAR ITEM  
C11**

A 4  
S 1

04/09/02  
WP 4141  
B. Dugal

**TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE**

**LESSEES:**

Carolyn L. Brien, Kathryn R. Childers and Robert D. May

**APPLICANTS:**

John B. Lovewell and Cynthia B. Lovewell, Trustees of the John B. Lovewell and Cynthia B. Lovewell Revocable Trust dated September 21, 1990

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, at Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and mooring buoy previously authorized by the Commission and the construction of a new boatlift.

**LEASE TERM:**

Ten years, beginning January 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:**

CALENDAR ITEM NO. **C11** (CONT'D)

1. On November 7, 1997, the Commission approved the issuance of a Recreational Pier Lease to the Lessees for the existing pier and mooring buoy. On May 12, 2000, the Lessees sold their interest in the upland property to the Applicants. The Applicants have subsequently submitted an application for a new Recreational Pier lease for the existing improvements previously authorized by the Commission and for the addition of a new boat lift on the existing pier.
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.
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. **Existing Pier and 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.

5. **Boat lift:** 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 14, California Code of Regulations, section 15303(e).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

CALENDAR ITEM NO. **C11** (CONT'D)

6. 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:**

Tahoe Regional Planning Agency - Boatlift

**FURTHER APPROVALS REQUIRED:**

Tahoe Regional Planning Agency – Buoy  
California State Lands Commission – Pier, boatlift, and buoy

**EXHIBIT:**

- A. Site and Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

May 10, 2002

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

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 PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060(c)(3) AND 15378.

**CEQA FINDING:**

**PIER AND 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).

CALENDAR ITEM NO. **C11** (CONT'D)

**BOATLIFT:** 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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303(e).

**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 PEIR LEASE NO. PRC 4141.9, EFFECTIVE JUNE 30, 1997, ISSUED TO CAROLYN L. BRIEN, KATHRYNE R. CHILDERS AND ROBERT D. MAY APPROVED BY THE COMMISSION ON NOVEMBER 7, 1997.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO JOHN B. LOVEWELL AND CYNTHIA B. LOVEWELL, TRUSTEES OF THE JOHN B. LOVEWELL AND CYNTHIA B. LOVEWELL REVOCABLE TRUST DATED SEPTEMBER 21, 1990, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JANUARY 1, 2002, FOR 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.