

MINUTE ITEM

This Calendar Item No. C36 was approved as Minute Item No. 36 by the California State Lands Commission by a vote of 3 to 0 at its 4-9-02 meeting.

CALENDAR ITEM

C36

A 4

04/09/02

S 1

PRC 1691.1 WP 1691.1

B. Young

GENERAL LEASE-RECREATIONAL USE

APPLICANT:

BST III Owners Association Inc., a California nonprofit mutual benefit corporation
P.O. Box 7486
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

0.97 acres, more or less, of sovereign lands in Lake Tahoe, Brockway, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing rock crib pier, a hot spring deck and breakwater, swim area with swim line and floats, and fifteen mooring buoys, as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 19, 1997.

CONSIDERATION:

\$1,762 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:

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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CALENDAR ITEM NO. C36 (CONT'D)

OTHER PERTINENT INFORMATION:

1. On April 28, 1992, the Commission authorized a General Lease - Recreational Use to Brockway Springs Partners dba Brockway Hot Springs. The lease expired on October 18, 1997. On September 29, 1995 Brockway Springs Partners quitclaimed the littoral parcel to BST III Owners Association, Inc., a California nonprofit mutual benefit corporation, who is now applying for a new General Lease - Recreational Use.
2. Staff negotiated the collection of \$8,810 in back rent, including any penalty and interest, to cover the period from October 19, 1997 to October 18, 2001.
3. **PIER AND BREAKWATER:** 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 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905(b).

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. **BUOYS, SWIM AREA WITH SWIM LINE AND FLOATS:** 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. 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.

CALENDAR ITEM NO. C36 (CONT'D)

EXHIBIT:

A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER AND BREAKWATER 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, 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(b).

BUOYS, SWIM AREA WITH SWIM LINE AND FLOATS: 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).

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 THE ACCEPTANCE OF \$8,810 IN BACK RENT, INCLUDING ANY PENALTY AND INTEREST, TO COVER THE PERIOD FROM OCTOBER 19, 1997 TO OCTOBER 18, 2001.

AUTHORIZE ISSUANCE TO BST III OWNERS ASSOCIATION INC., A CALIFORNIA NONPROFIT MUTUAL BENEFIT CORPORATION OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING OCTOBER 19, 1997, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING ROCK CRIB PIER, A HOT SPRING

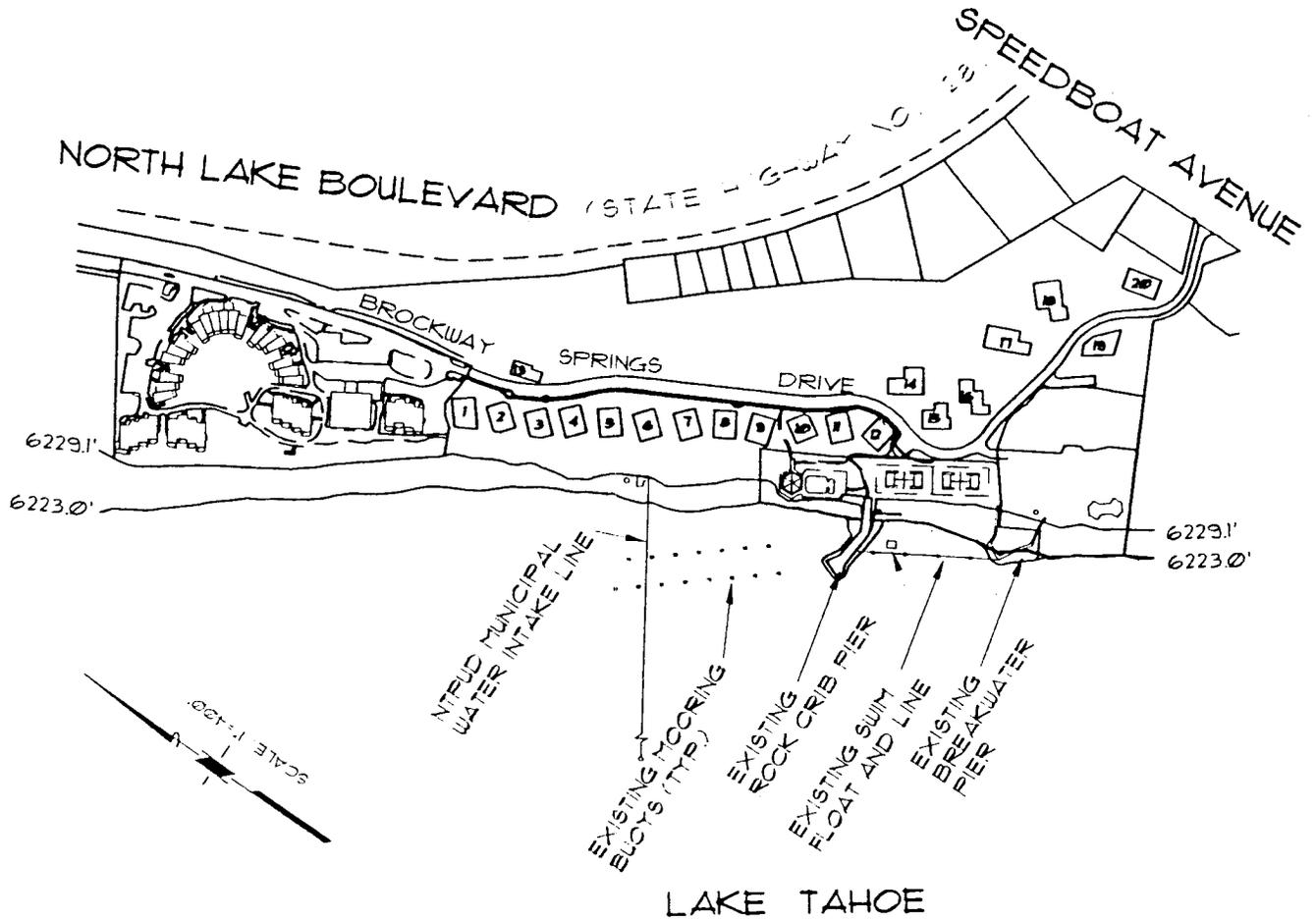
CALENDAR ITEM NO. C36 (CONT'D)

DECK AND BREAKWATER, SWIM AREA WITH SWIM LINE AND FLOATS, AND 15 MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; \$1,762 PER ANNUM WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

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NO SCALE

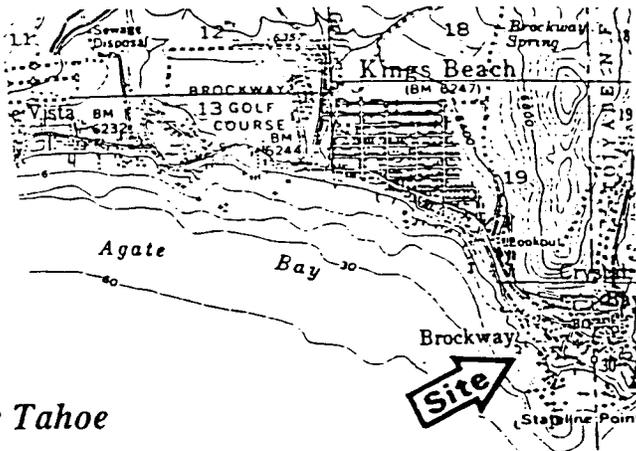
SITE MAP



9680 Brockway Springs Drive

NO SCALE

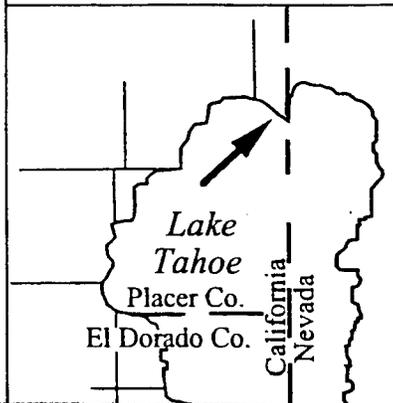
LOCATION MAP



Lake Tahoe

EXHIBIT A

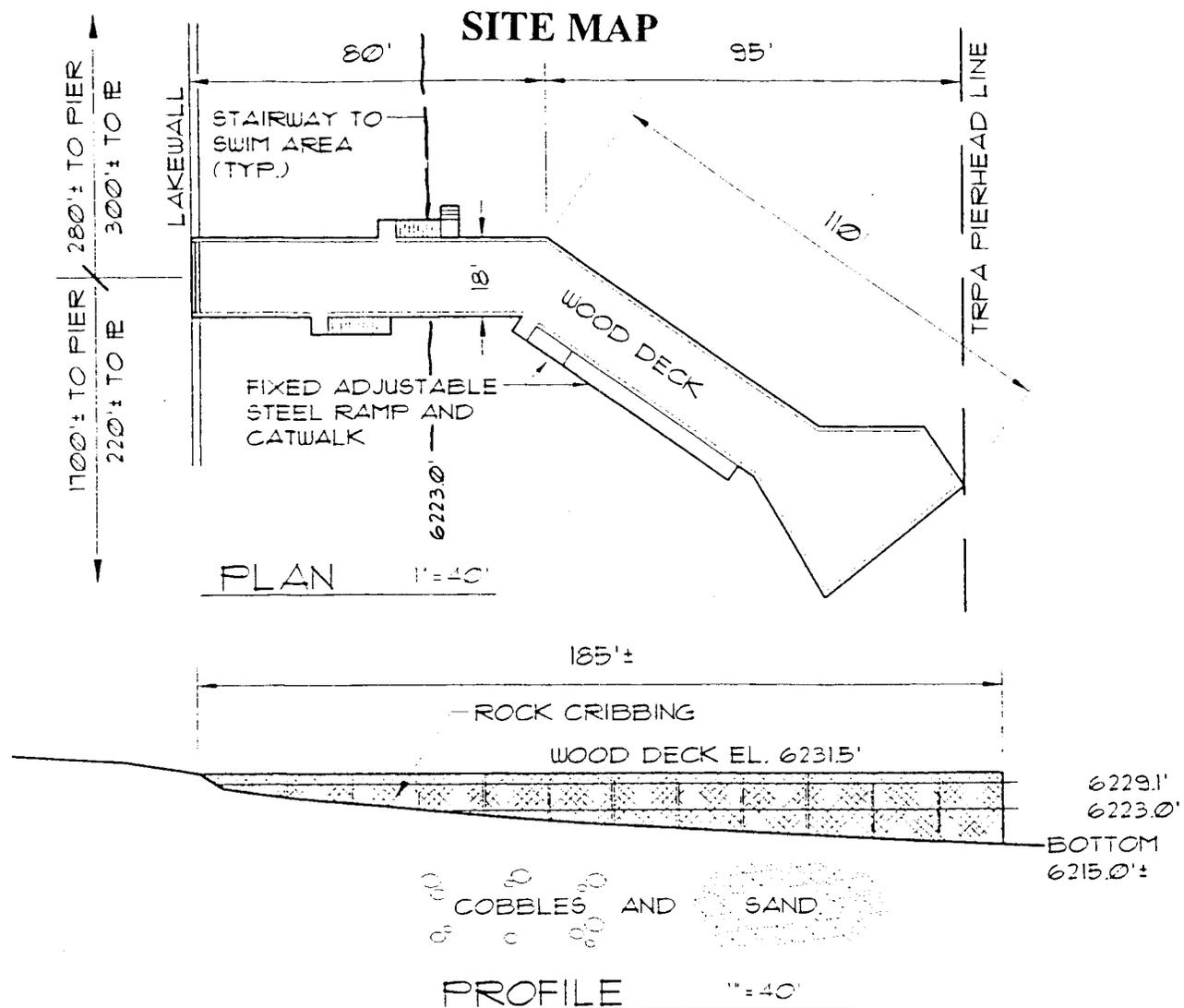
PRC 1691.1
 APN 090-250-035
 Lake Tahoe
 Placer County
 Sheet 1 of 2



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.

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NO SCALE

LOCATION MAP

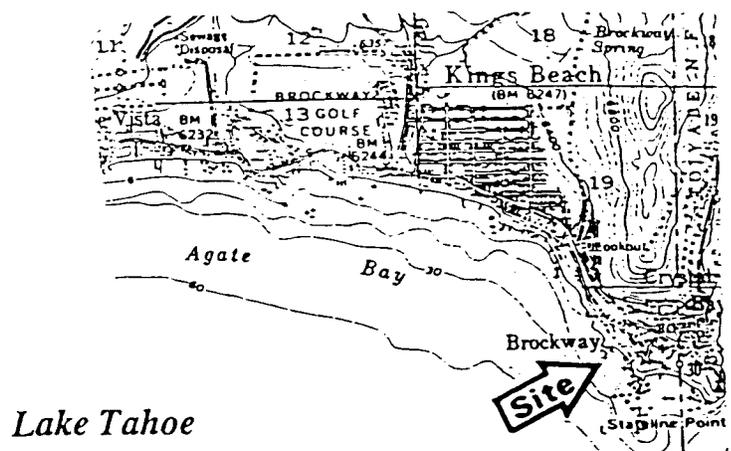
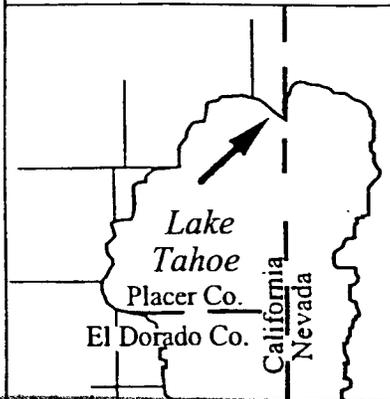


EXHIBIT A
 PRC 1691.1
 APN 090-250-035
 Lake Tahoe
 Placer County
 Sheet 2 of 2



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