**MINUTE ITEM**
This Calendar Item No. C41 was approved as Minute Item No. 41 by the California State Lands Commission by a vote of 3 to Ø at its 4-9-02 meeting.

# CALENDAR ITEM
# C41

A 4

S 1

PRC 1828.9

04/09/02
WP 1828.9
B. Young

## TERMINATION AND ISSUANCE OF RECREATIONAL PIER LEASE

**APPLICANT:**

David Michael Bowman, as trustee, or his successor, of the David Michael Bowman Trust Agreement dated April 13, 1989
P.O. Box 284
Tahoma, CA 96142

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

Sovereign lands in Lake Tahoe, Meeks Bay, El Dorado County.

**AUTHORIZED USE:**

Modification of an existing pier, installation of a new boat lift, and continued use of two existing mooring buoys, as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning March 1, 2002.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

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 February 27, 1996 the Commission authorized a Recreational Pier Lease to David Michael Bowman, Trustee of the David Michael Bowman Trust for a pier and two mooring buoys. That lease will expire on August 21, 2005. Applicant submitted an application for the proposed modification of the existing pier and installation of a new boat lift. Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. David Michael Bowman, as trustee, or his successor, of the David Michael Bowman Trust Agreement dated April 13, 1989, is now applying for a new Recreational Pier Lease.

2. **Termination of existing lease:**
Pursuant of the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 150609(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:**
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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

   Authority: Title 14, California Code of Regulations, section 15061 (b)(3)

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

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**TERMINATION OF EXISITNG 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:** FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

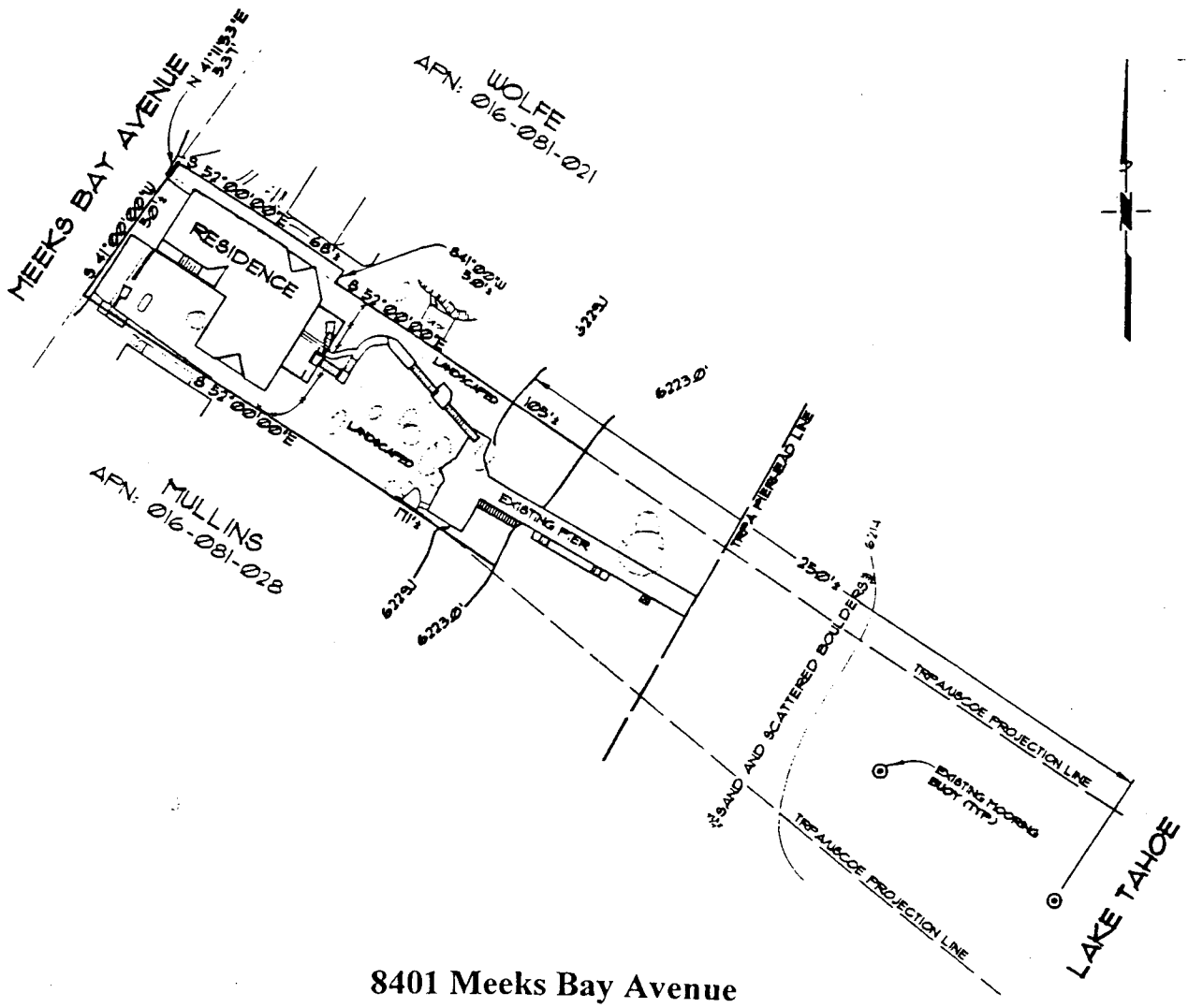
**SIGNIFICANT LANDS INVENTORY FINDING:**

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 NO. PRC 1828.9, EFFECTIVE AUGUST 22, 1995, ISSUED TO DAVID MICHAEL BOWMAN, TRUSTEE OF THE DAVID MICHAEL BOWMAN TRUST, AND APPROVED BY THE COMMISSION ON FEBRUARY 27, 1996.

AUTHORIZE ISSUANCE TO DAVID MICHAEL BOWMAN, AS TRUSTEE, OR HIS SUCCESSOR, OF THE DAVID MICHAEL BOWMAN TRUST AGREEMENT DATED APRIL 13, 1989, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING MARCH 1, 2002, FOR MODIFICATION OF AN EXISTING PIER, INSTALLATION OF A NEW BOAT LIFT AND TWO 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.

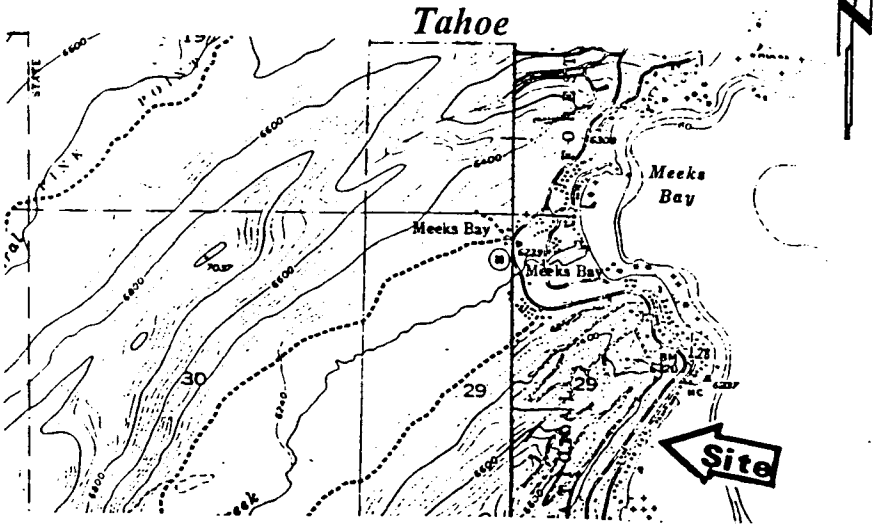



**8401 Meeks Bay Avenue**

NO SCALE

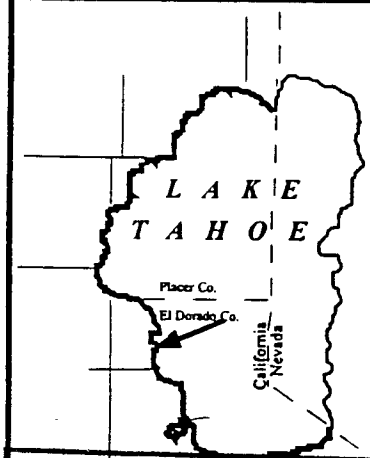
**LOCATION MAP**

*Lake Tahoe*



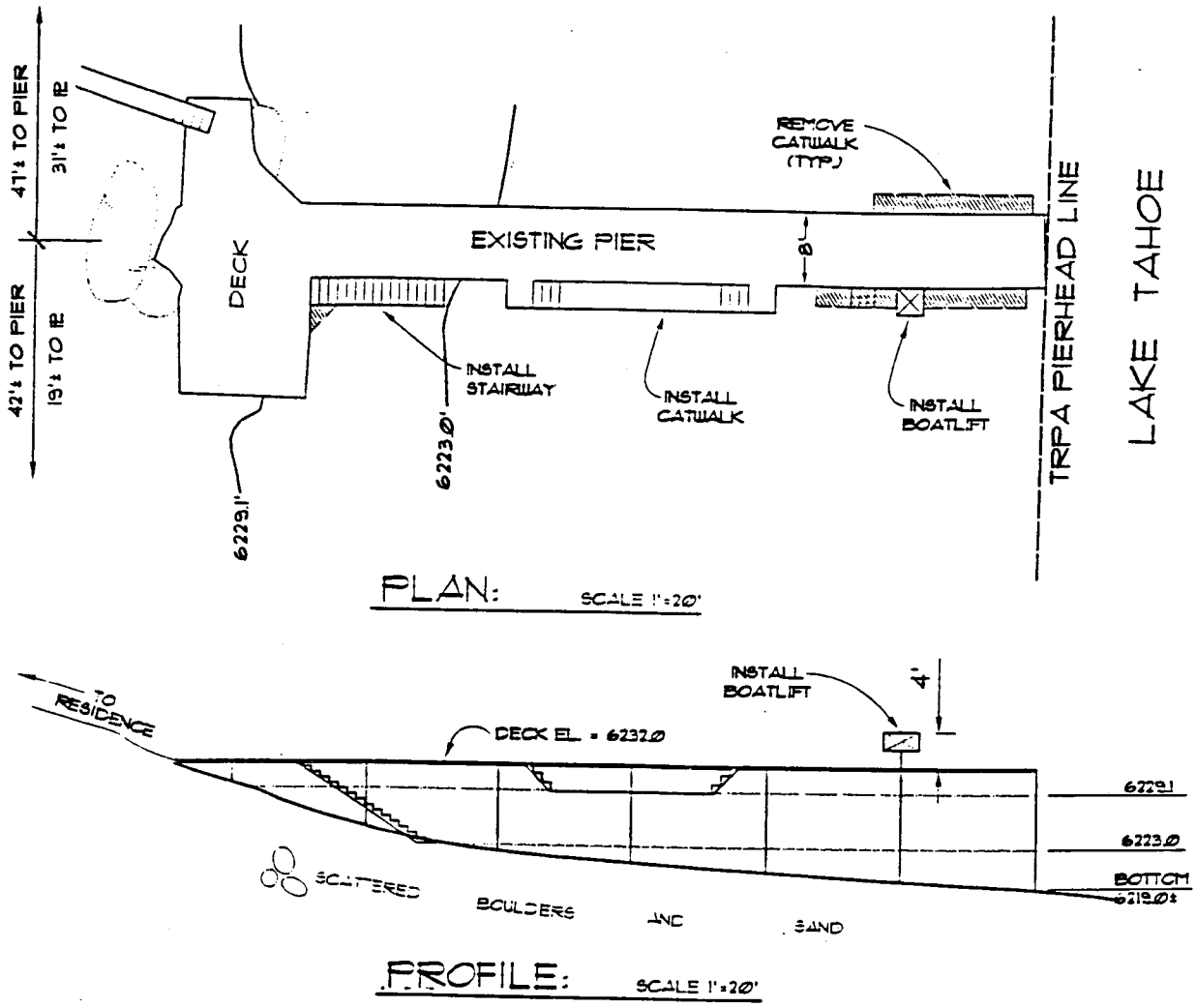

# EXHIBIT A

**PRC 1828.9**
**APN 016-081-29**
**Lake Tahoe**
**El Dorado County**
Sheet 1 of 2



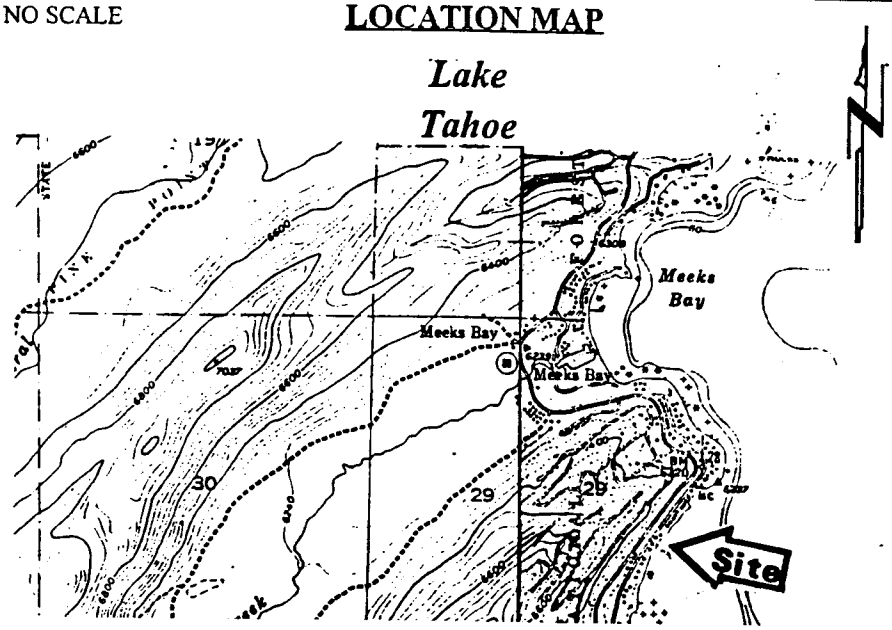

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

CALENDAR PAGE 000228
MINUTE PAGE 000834



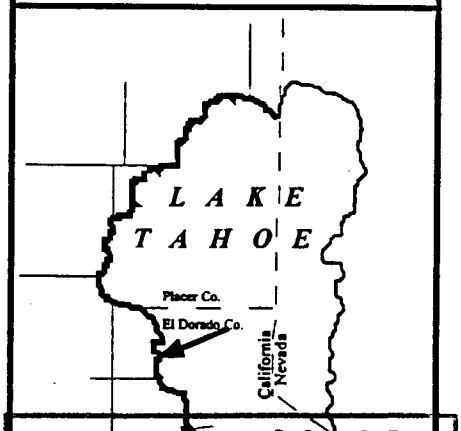

NO SCALE

## LOCATION MAP




# EXHIBIT A

**PRC 1828.9**
**APN 016-081-29**
**Lake Tahoe**
**El Dorado County**
Sheet 2 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 to as a waiver or limitation of any state interest in the subject or any other property.

CALENDAR PAGE 000233
MINUTE PAGE 00835