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 0 at its 6-18-02 meeting.

CALENDAR ITEM
C41

A 4

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PRC 4852

06/18/02
WP 4852.1
B. Young

TERMINATION OF RECREATIONAL PIER LEASE
ISSUANCE OF GENERAL LEASE - RECREATIONAL USE

LESSEE:
Robert A. Swanson and Judy Church Swanson

APPLICANT:
Judy C. Swanson, as Co-Trustees of the Swanson Community Property Trust, U/T/A dated 4/14/90

AREA, LAND TYPE, AND LOCATION:
0.03 acres, more or less, of sovereign lands in Lake Tahoe, Rubicon Bay, El Dorado County.

AUTHORIZED USE:
Existing pier, boat lift and two mooring buoys and extension of pier with relocation of the boat lift, and inclusion of an existing seasonal swim float.

LEASE TERM:
Ten years, beginning April 1, 2002.

CONSIDERATION:
$93 per annum for the swim float; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease. No monetary consideration for the pier, boat lift and two mooring buoys pursuant to Public Resources Code Section 6503.5.

SPECIFIC LEASE PROVISIONS:
Insurance:
Liability insurance with coverage of no less than $1,000,000.
Other:
This lease is conditioned on applicant 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.

The proposed project is located in an area identified as Tahoe Yellow Cress (TYC) habitat. The TYC is an endangered plant species statutorily protected by the California Endangered Species Act. No TYC was found during the site-specific survey performed during the 2001growing season. Should the demolition, construction or continuation of construction on the site extend into a subsequent growing season after June 14, the Applicant is required to contact staff of the California State Lands Commission to conduct a site-specific survey (survey to be conducted between June 15-September 30) for the presence of Tahoe Yellow Cress.

OTHER PERTINENT INFORMATION:

1. On October 28, 1996, the Commission authorized a Recreational Pier Lease to Robert A. Swanson and Judy Church Swanson for a pier, boat lift and two mooring buoys. That lease will expire on December 19, 2003. Applicant submitted an application for the extension of the existing pier and to include the existing swim float. Applicant does not qualify for a rent-free lease because of the swim float. However, no monetary consideration for the pier, boat lift and two mooring buoys pursuant to Public Resources Code Section 6503.5. Judy C. Swanson, as Co-Trustees of the Swanson Community Property Trust, U/T/A dated 4/14/90, is now applying for a new General Lease - Recreational Use.

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:** 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)(1).

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. **SWIM FLOAT:** 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)(4).

   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. **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 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. 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 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.

ISSUANCE OF NEW LEASE – PIER: 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)(1).

SWIM FLOAT: 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)(4).

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

SIGNIFICANT LANDS INVENTORY FINDING:

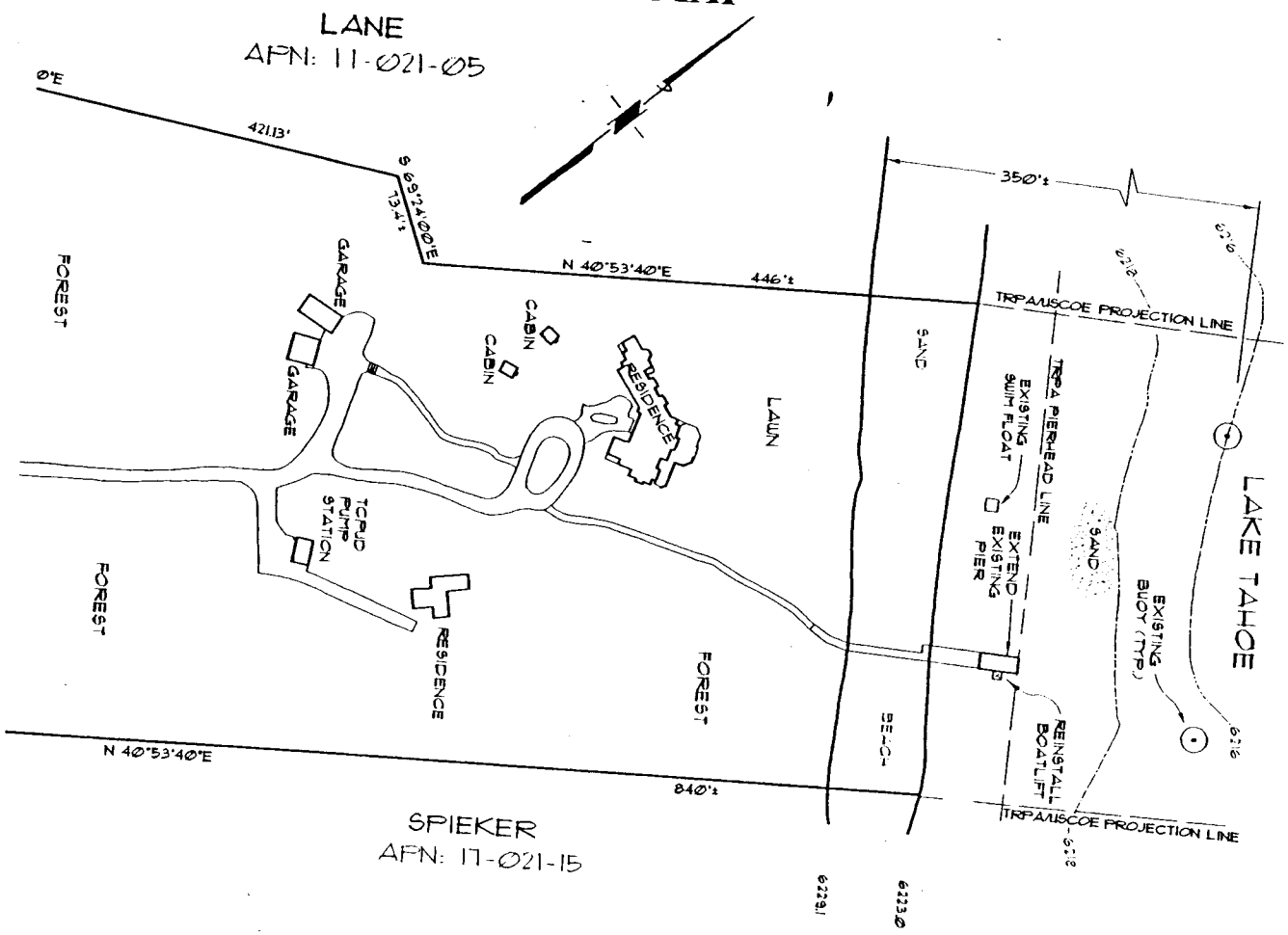
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 4852.9, ISSUED TO ROBERT A. SWANSON AND JUDY CHURCH SWANSON AND APPROVED BY THE COMMISSION ON OCTOBER 28, 1996.

AUTHORIZE ISSUANCE TO JUDY C. SWANSON, AS CO-TRUSTEES OF THE SWANSON COMMUNITY PROPERTY TRUST, U/T/A DATED 4/14/90 OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING APRIL 1, 2002, FOR A TERM OF TEN YEARS, FOR THE EXTENSION OF AN EXISTING PIER, BOAT LIFT, ONE SEASONAL SWIM FLOAT AND TWO MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; $93 PER ANNUM FOR THE SWIM FLOAT, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION FOR THE PIER, BOAT LIFT AND TWO MOORING BUOYS PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000,000.

SITE MAP



221 Paradise Flat Lane

NO SCALE

LOCATION MAP

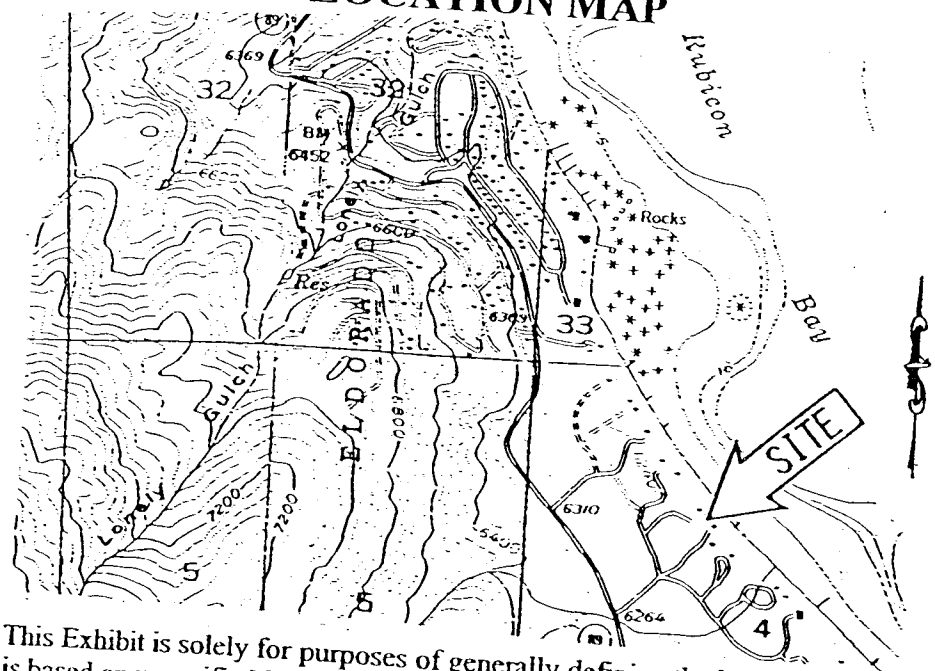
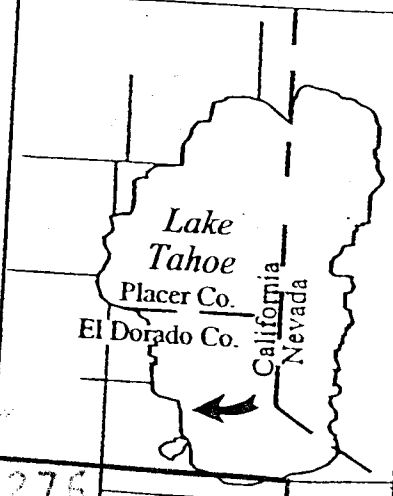


EXHIBIT A

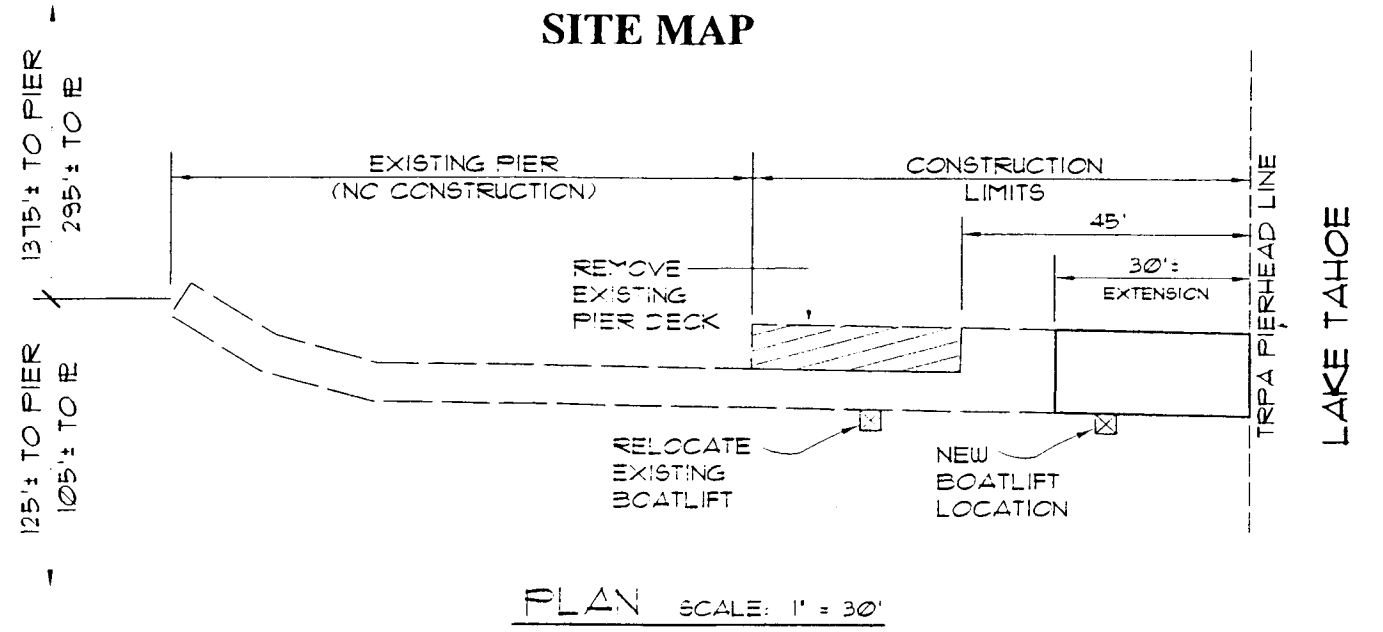
PRC 4852.9
APN 017-021-061
Lake Tahoe
El Dorado County
Sheet 1 of 2



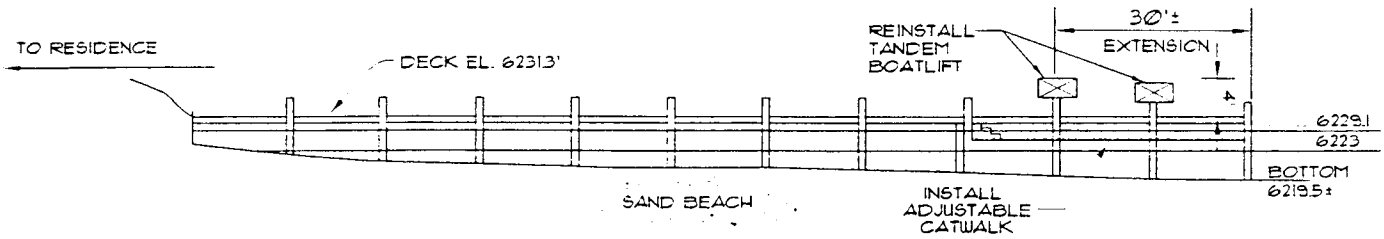
This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties and is not intended to be, nor shall it be construed as a waiver or limitation of any state interest in the subject or any other property.

BY 4/02

SITE MAP



PLAN SCALE: 1" = 30'



PROFILE SCALE: 1" = 30'

221 Paradise Flat Lane

NO SCALE

LOCATION MAP

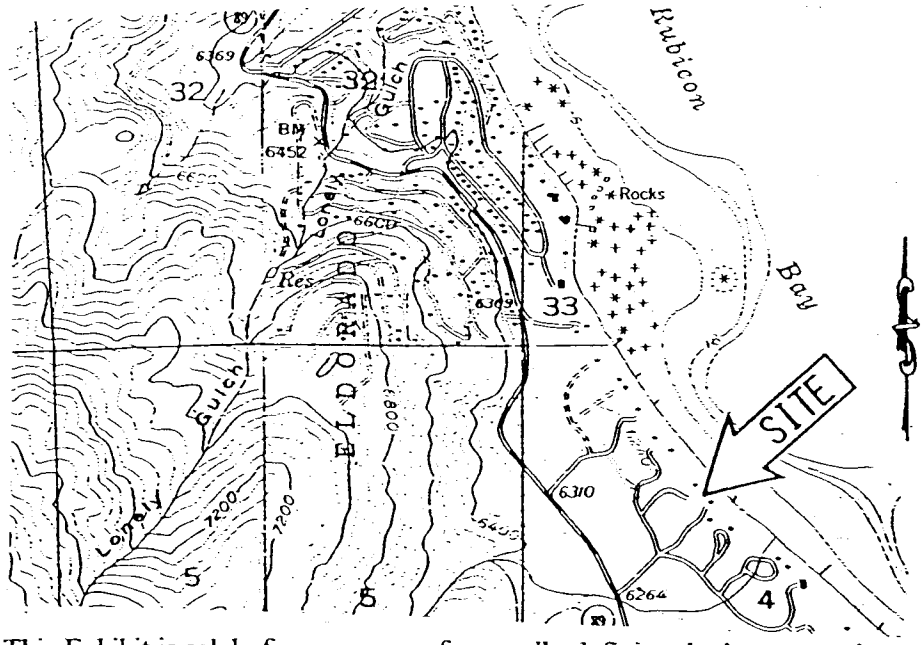
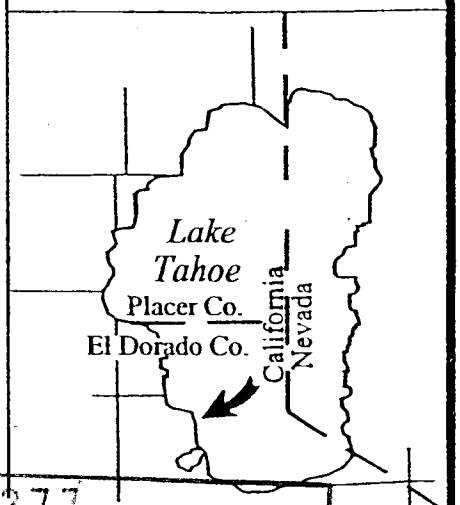


EXHIBIT A

PRC 4852.9
APN 017-021-061
Lake Tahoe
El Dorado County
Sheet 2 of 2



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