

**CALENDAR ITEM  
C48**

A 4  
S 1

10/01/02  
WP 8164.9  
B. Young

**TERMINATION OF RECREATIONAL PIER LEASE  
ISSUANCE OF RECREATIONAL PIER LEASE**

**LESSEE:**

Marie Antoinette Clough, as Trustee of Marie Antoinette Clough Revocable Living Trust, dated January 11, 1989

**APPLICANT:**

Marie Antoinette Clough, as Trustee of Marie Antoinette Clough Revocable Living Trust, dated January 11, 1989

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

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

**AUTHORIZED USE:**

Construction of a new pier, boat lift and two existing mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning September 1, 2002.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$300,000.

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.

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**OTHER PERTINENT INFORMATION:**

1. On April 20, 2000, the Commission authorized a Recreational Pier Lease to Marie Antoinette Clough, as Trustee of Marie Antoinette Clough Revocable Living Trust, dated January 11, 1989, for two mooring buoys. That lease will expire on April 30, 2010. Applicant submitted an application for the construction of a new pier and a 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. Marie Antoinette Clough, as Trustee of Marie Antoinette Clough Revocable Living Trust, dated January 11, 1989, is now applying for a new Recreational Pier Lease.

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 AND 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 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.

**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).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

3. 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 AND 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 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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**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 8164.9, ISSUED TO MARIE ANTOINETTE CLOUGH, AS TRUSTEE OF MARIE ANTOINETTE CLOUGH REVOCABLE LIVING TRUST, DATED JANUARY 11, 1989, AND APPROVED BY THE COMMISSION ON APRIL 20, 2000.

AUTHORIZE ISSUANCE TO MARIE ANTOINETTE CLOUGH, AS TRUSTEE OF MARIE ANTOINETTE CLOUGH REVOCABLE LIVING TRUST, DATED JANUARY 11, 1989, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 1, 2002, FOR THE CONSTRUCTION OF A NEW PIER, BOAT LIFT AND TWO EXISTING 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.