

**CALENDAR ITEM
C50**

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10/01/02
WP 5528.1
B. Young

GENERAL LEASE-RECREATIONAL USE

APPLICANTS:

Craig Miller and Beverly Jo Miller

AREA, LAND TYPE, AND LOCATION:

0.002 acres, more or less, of sovereign lands in Lake Tahoe near Lake Forest, Placer County.

AUTHORIZED USE:

Retention of two existing mooring buoys and a swim float as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 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 two mooring buoys pursuant to Public Resources Code Section 6503.5.

SPECIFIC LEASE PROVISIONS:

Combined single limit coverage of \$1,000,000.

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.

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OTHER PERTINENT INFORMATION:

1. On August 31, 1978, the Commission authorized a Recreational Pier Permit to Drew R. and Patricia A. Lance, and William and Susan T. Whalen for a pier and two mooring buoys. However, the U.S. Army Corps of Engineers denied the permit on March 20, 1979, and the pier was never constructed. The Whalens sold their property to Craig Miller and Beverly Jo Miller. Applicants are littoral owners who have improved the littoral land with, and use the upland for, a single-family dwelling. However, they do not qualify for a rent-free lease because of the swim float. Craig Miller and Beverly Jo Miller are now applying for a new General Lease - Recreational Use.

2. **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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

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. **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.

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.

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EXHIBIT:

- A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

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).

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 ISSUANCE TO CRAIG MILLER AND BEVERLY JO MILLER OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING AUGUST 1, 2002, FOR A TERM OF TEN YEARS, FOR THE RETENTION OF TWO EXISTING BUOYS AND A SWIM FLOAT ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; \$93 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.