MINUTE ITEM
This Calendar Item No C44 was approved as Minute Item No. 44 by the California State Lands Commission by a vote of 3 to 0 at its 12-16-02 meeting.

CALENDAR ITEM
C44

A 4 12/16/02
PRC 8439 W 2355
S 1 B. Young

GENERAL LEASE-RECREATIONAL USE

APPLICANT:
Tonopalo L.L.C., A Delaware Limited Liability Company

AREA, LAND TYPE, AND LOCATION:
0.37 acres, more or less, of sovereign lands in Lake Tahoe, Tahoe Vista, Placer County.

AUTHORIZED USE:
Construction and maintenance of a new multiple use floating pier and retention of three existing mooring buoys and placement of nine additional mooring buoys as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning January 1, 2003.

CONSIDERATION:
$1,318 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.

OTHER PERTINENT INFORMATION:

1. Applicant is a Limited Liability Company and is the littoral owner of the upland properties. The pier and buoys will be under the ownership of Tonopalo Resort, which are intended for the use of timeshare members and invitees.

2. **FLOATING 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, 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.

3. **EXISTING 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 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. **ADDITIONAL 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.

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.

APPROVAL OBTAINED: (Pier and buoys)
Tahoe Regional Planning Agency
Lahontan Regional Water Control Board

FURTHER APPROVALS REQUIRED:
California Department of Fish and Game
U.S. Army Corps of Engineers

EXHIBIT:
A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:
January 22, 2003.

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FLOATING 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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(c)(1).

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

ADDITIONAL 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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

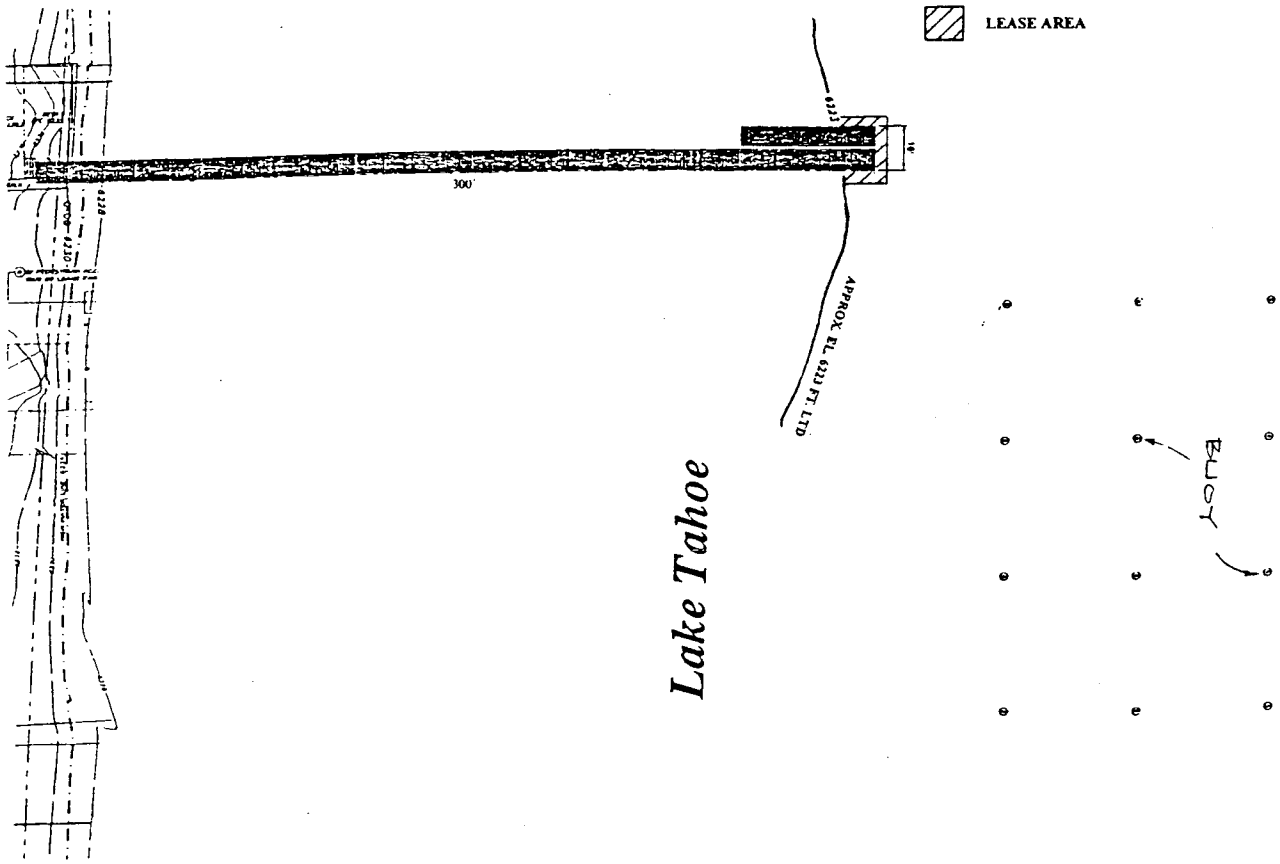
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TONOPALO L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING JANUARY 1, 2003, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION AND MAINTENANCE OF A MULTIPLE USE FLOATING PIER AND RETENTION OF THREE EXISTING MOORING BUOYS AND PLACEMENT OF NINE ADDITIONAL MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $1,318 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; COMBINED SINGLE LIMIT LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000,000.

NO SCALE

SITE MAP



6724 & 6750 North Lake Blvd.

NO SCALE

LOCATION MAP

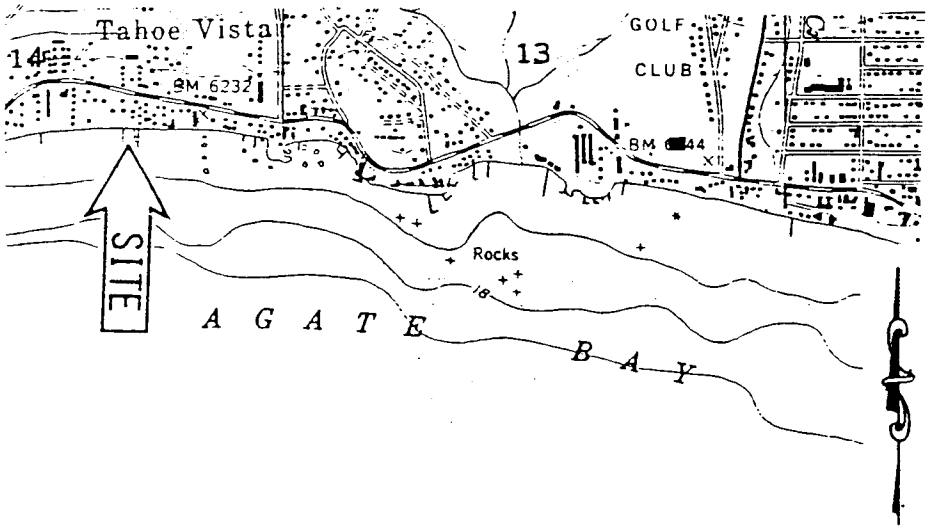
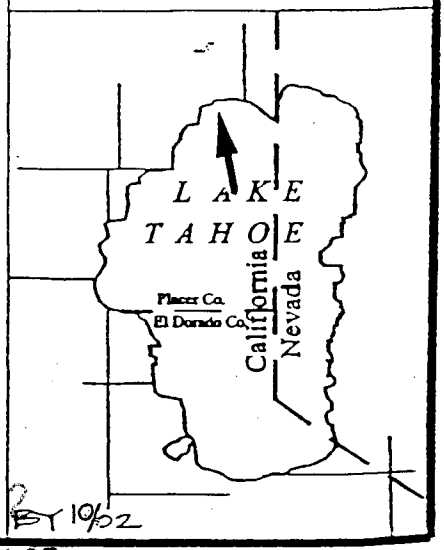


EXHIBIT A

W 2355
APNs 117-072-008 &
117-072-009
Lake Tahoe
Placer County



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.

BY 10/02