MINUTE ITEM
This Calendar Item No. C16 was approved as Minute Item No. 16 by the California State Lands Commission by a vote of 3 to 0 at its 2-21-03 meeting.

CALENDAR ITEM
C16

A 4 — 02/21/03
PRC 4878.9
S 1 — B. Dugal

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEE:
Norman W. Schlinger

APPLICANT:
Norman W. Schlinger, Trustee of the Norman Warren Schlinger Living Trust, Dated April 17, 1995.

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, at Carnelian Bay, Placer County.

AUTHORIZED USE:
Continued use and maintenance of an existing pier, boathouse, boat hoist, and one mooring buoy and the retention of one existing mooring buoy.

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

CONSIDERATION:
No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:
Insurance:
Liability insurance in the amount of no less than $300,000.
Other:
The proposed lease is conditioned on the 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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland parcel adjacent to the lease premises.

2. On September 19, 2000, the California State Lands Commission (Commission) authorized the issuance of a ten-year General Lease – Recreational Use to the Applicant for an existing pier, boathouse, boat hoist, and one mooring buoy.

3. An application has been submitted on behalf of the Applicant in order to amend the authorized improvements to include one additional mooring buoy which was placed in Lake Tahoe before 1970.

4. 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.

5. **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.

6. **Existing Pier, Boathouse, Boat Hoist, and One Mooring Buoy:** 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.

7. **Retention of One Existing Mooring Buoy**: 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.

8. 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. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:
N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF 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.

EXISTING PIER, BOATHOUSE, BOAT HOIST, AND ONE MOORING BUOY: 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).

RETENTION OF ONE EXISTING MOORING BUOY: 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).

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.

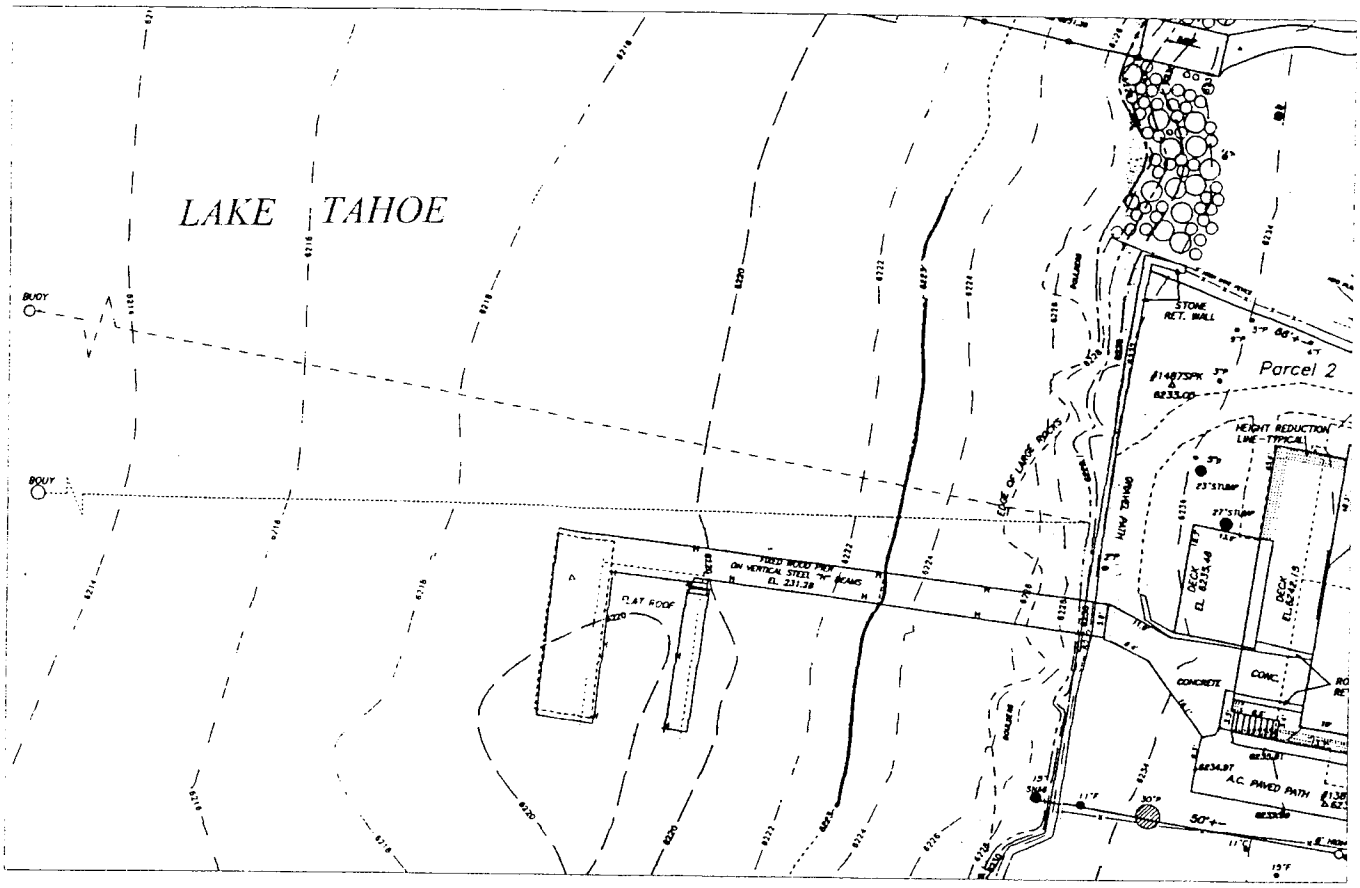
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF A GENERAL LEASE - RECREATIONAL USE NO. PRC 4878.9, APPROVED BY THE COMMISSION ON SEPTEMBER 19, 2000 AND ISSUED TO NORMAN W. SCHLINGER.

AUTHORIZE THE ISSUANCE TO NORMAN W. SCHLINGER, TRUSTEE OF THE NORMAN WARREN SCHLINGER LIVING TRUST, DATED APRIL 17, 1995, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING FEBRUARY 1, 2003, FOR THE USE AND MAINTENANCE OF AN EXISTING PIER, BOATHOUSE, BOAT HOIST, AND ONE MOORING BUOY AND THE RETENTION OF ONE ADDITIONAL EXISTING MOORING BUOY 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 IN THE AMOUNT OF NO LESS THAN $300,000.

NO SCALE

SITE MAP



5298 N. Lake Boulevard Carnelian Bay

NO SCALE

LOCATION MAP

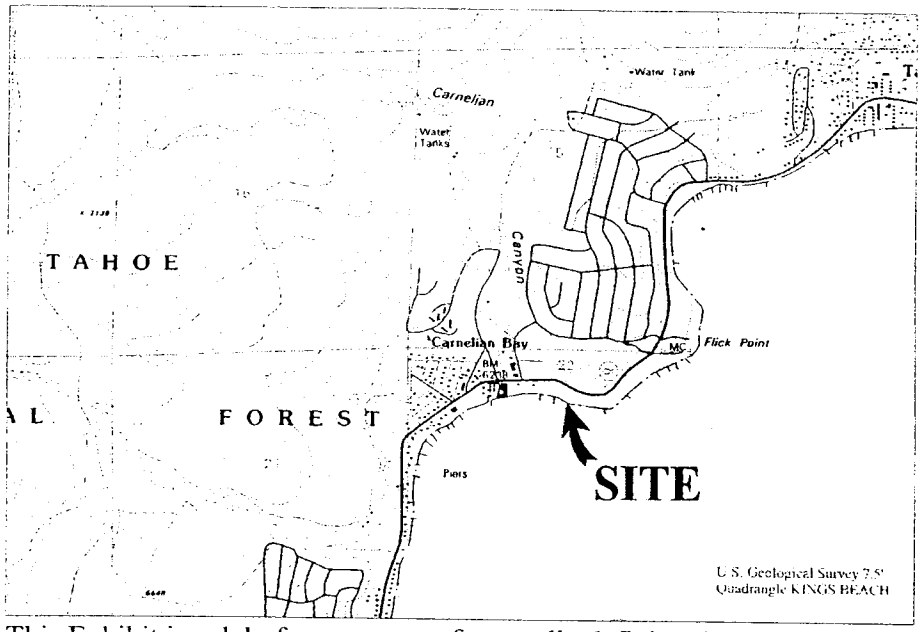
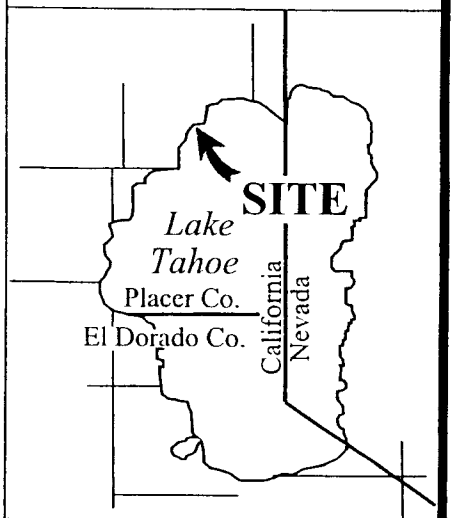


EXHIBIT A

PRC 4878.9
APN 115-020-009
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 as a waiver or limitation of any state interest in the subject or any other property.

DWC 01-09-03