MINUTE ITEM
This Calendar Item No. C46 was approved as Minute Item No. 46 by the California State Lands Commission by a vote of 3 to 0 at its 2-21-03 meeting.

CALENDAR ITEM
C46

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PRC 8316

02/21/03
WP 8316.9
B. Young

TERMINATION OF RECREATIONAL PIER LEASE AND ISSUANCE OF A NEW RECREATIONAL PIER LEASE

LESSEES/APPLICANTS:

Melvin B. Lane and Joan F. Lane, as trustees of the Melvin B. Lane Qualified Personal Residence Trust dated August 20, 1999, and Melvin B. Lane and Joan F. Lane, as trustees of the Joan F. Lane Qualified Personal Residence Trust dated August 20, 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Two existing mooring buoys previously authorized by the Commission, and proposed construction of a new pier and placement of a new boat lift as shown on the attached Exhibit A.

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 with coverage of no less than $300,000.

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.

OTHER PERTINENT INFORMATION:

1. On April 24, 2001, the Commission authorized a Recreational Pier Lease to the Lessees for two mooring buoys. That lease will expire on December 31, 2010. Applicants submitted an application for the proposed construction of a new pier and placement of a new boat lift. Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Melvin B. Lane and Joan F. Lane, as trustees of the Melvin B. Lane Qualified Personal Residence Trust dated August 20, 1999, and Melvin B. Lane and Joan F. Lane, as trustees of the Joan F. Lane Qualified Personal Residence Trust dated August 20, 1999, are now applying for a new Recreational Pier Lease.

2. **Termination of an 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

   Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

4. **Existing Mooring 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.

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.

FURTHER APPROVALS REQUIRED:
Buoys: Tahoe Regional Planning Agency.

EXHIBIT:
A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:
March 9, 2003

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE 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 BOAT LIFT): FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THIS ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

EXISTING MOORING 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.

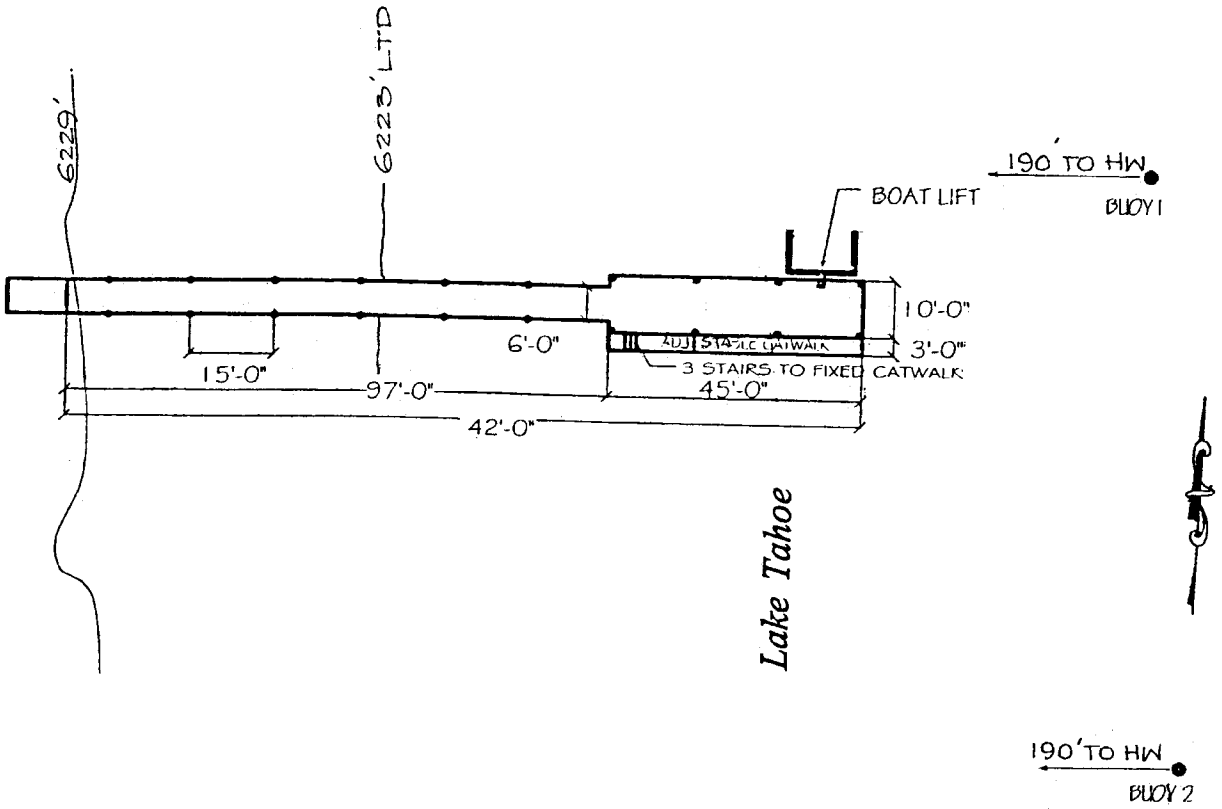
AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8316.9, ISSUED TO MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE MELVIN B. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, AND MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE JOAN F. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, AND APPROVED BY THE COMMISSION ON APRIL 24, 2001.

AUTHORIZE ISSUANCE TO MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE MELVIN B. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, AND MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE JOAN F. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, OF A RECREATIONAL PIER LEASE, BEGINNING FEBRUARY 1, 2003, FOR A TERM OF TEN YEARS, FOR TWO MOORING BUOYS PREVIOUSLY AUTHORIZED BY THE COMMISSION AND THE PROPOSED CONSTRUCTION OF A NEW PIER AND PLACEMENT OF A BOAT LIFT 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 FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $300,000.

NO SCALE

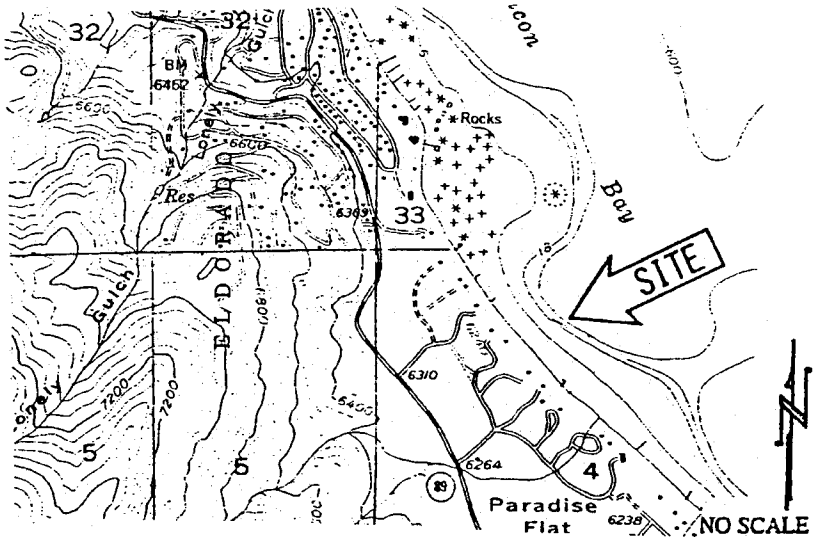
SITE MAP



181 Paradise Flat Lane

NO SCALE

LOCATION MAP



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.

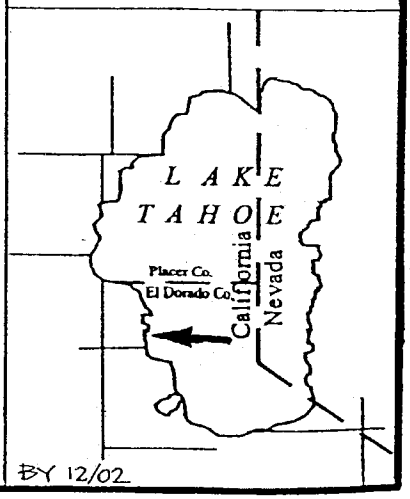



EXHIBIT A
PRC 8316.9
APN 017-021-051
Lake Tahoe
El Dorado County