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 10-06-04 meeting.

CALENDAR ITEM
C44

A 4

S 1

PRC 8570

10/06/04
W 21107
B. Young

TERMINATION OF GENERAL LEASE-RECREATIONAL USE AND ISSUANCE OF NEW GENERAL LEASE-RECREATIONAL USE

LESSEE:
Lakeside Terrace Homeowners Association

APPLICANTS:
Lakeside Terrace Homeowners Association and Timberlake Homeowners Association

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, Tahoe City, Placer County.

AUTHORIZED USE:
Removal of an existing pier, relocation, and construction of a joint-use pier, seven existing mooring buoys, the retention of six additional existing mooring buoys for a total of 13 mooring buoys and two marker buoys as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning October 1, 2004.

CONSIDERATION:
$250 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:
Insurance:
Liability insurance with coverage of no less than $1,000,000.
Other:
This lease is conditioned on Applicant's 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 June 18, 2002, the Commission authorized a General Lease - Recreational Use to the Lakeside Terrace Homeowners Association for seven mooring buoys. That lease will expire on May 31, 2012. The Lakeside Terrace and the Timber Lake Homeowners Associations wish to remove an existing pier situated on the Timber Lake's property and relocate and construct a joint-use pier between the properties of the Associations. Additionally, Timberlake Homeowners Association wishes to retain six existing mooring buoys and placement of two marker buoys to be added to the field of seven buoys currently under Lease PRC 8397.1, issued to the Lakeside Terrace Homeowners Association. Applicants have submitted an application for a new General Lease – Recreational Use. The Applicants are littoral owners; however, a portion of the Association members does not qualify for a rent free lease. The rent is prorated accordingly.

2. The Tahoe Yellow Cress (TYC) is listed under the provisions of the California Endangered Species Act as an endangered plant species subject to special protection. On October 1, 2002, the Commission authorized the Executive Officer on their behalf to sign a Memorandum of Understanding to implement the "Conservation Strategy For Tahoe Yellow Cress (*Rorippa subumbellata*) in conjunction with the Tahoe Regional Planning Agency, the U.S. Fish and Wildlife Service, the U.S. Forest Service, the Nevada Division of Forestry, the Nevada Division of State Lands, the Nevada Division of State Parks, the Nevada Natural Heritage Program, the California Department of Fish and Game, the California Department of Parks and Recreation, the California Tahoe Conservancy, the Tahoe Lakefront Owners' Association and the League To Save Lake Tahoe.

3. The proposed project is located in suitable TYC habitat. The project site was surveyed for the presence of TYC by staff of the Commission on August 18, 2004, and the project site does not presently contain TYC.

4. **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.

5. **Issuance of New Lease – 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, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

6. **Buoys to be Added to 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 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.

7. 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.

APPROVALS OBTAINED:

Pier: Tahoe Regional Planning Agency, California Department of Fish and Game and California Water Quality Control Board, Lahontan Region.

APPROVALS REQUIRED:

Pier: U.S. Army Corps of Engineers
Buoys: Tahoe Regional Planning Agency

EXHIBIT:

A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

October 8, 2004

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)

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).

BUOYS TO BE ADDED TO EXISTING 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).

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.

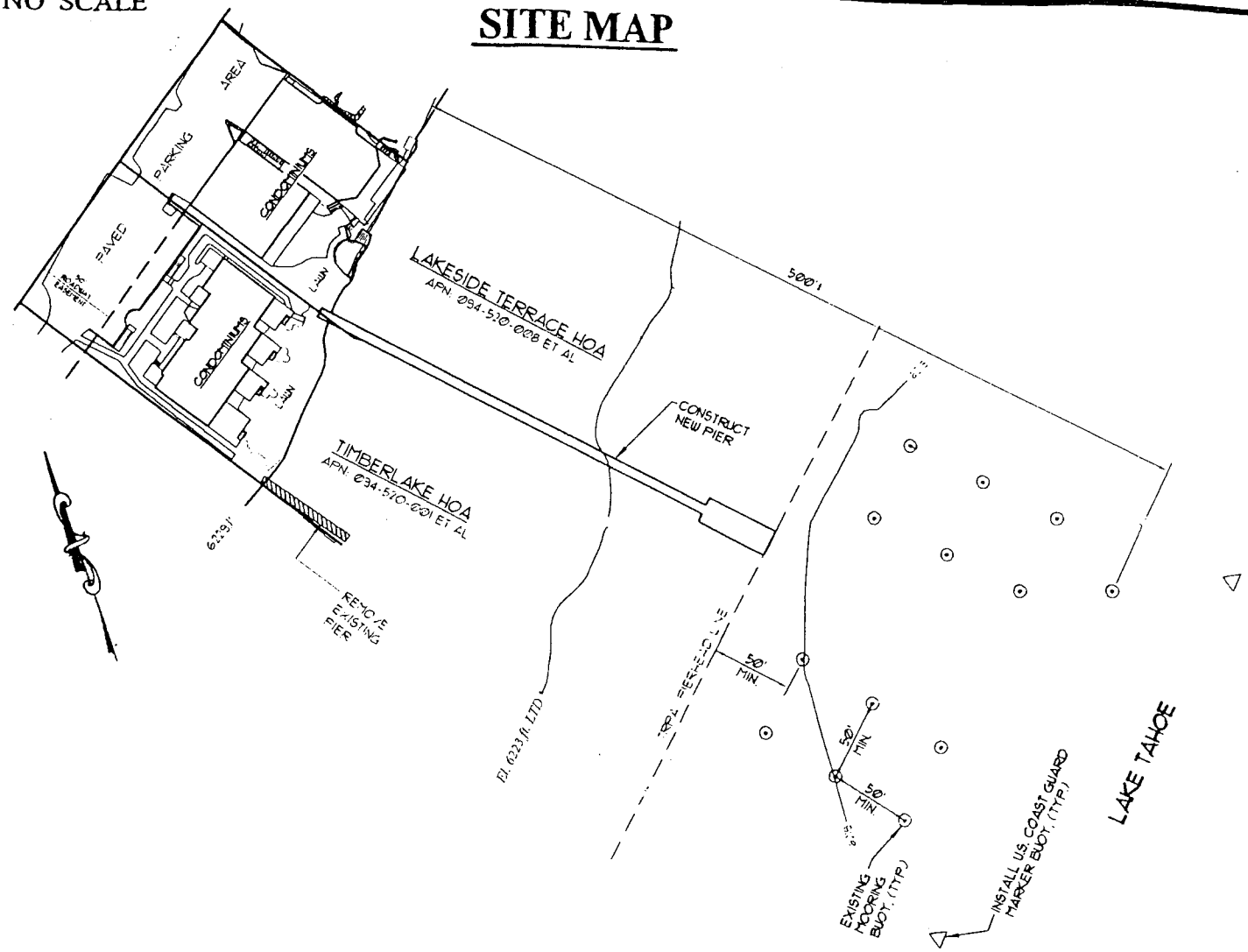
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF GENERAL LEASE - RECREATIONAL USE, ISSUED TO LAKESIDE TERRACE HOMEOWNERS ASSOCIATION, AND APPROVED BY THE COMMISSION ON JUNE 18, 2002.

AUTHORIZE ISSUANCE TO LAKESIDE TERRACE HOMEOWNERS ASSOCIATION AND TIMBERLAKE HOMEOWNERS ASSOCIATION, FOR THE REMOVAL OF AN EXISTING PIER, RELOCATION AND CONSTRUCTION OF A JOINT-USE PIER, 13 MOORING BUOYS AND TWO MARKER BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; $250 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 COMBINED SINGLE LIMIT COVERAGE OF $1,000,000.

NO SCALE

SITE MAP



1380 & 1400 North Lake Blvd.

NO SCALE

LOCATION MAP

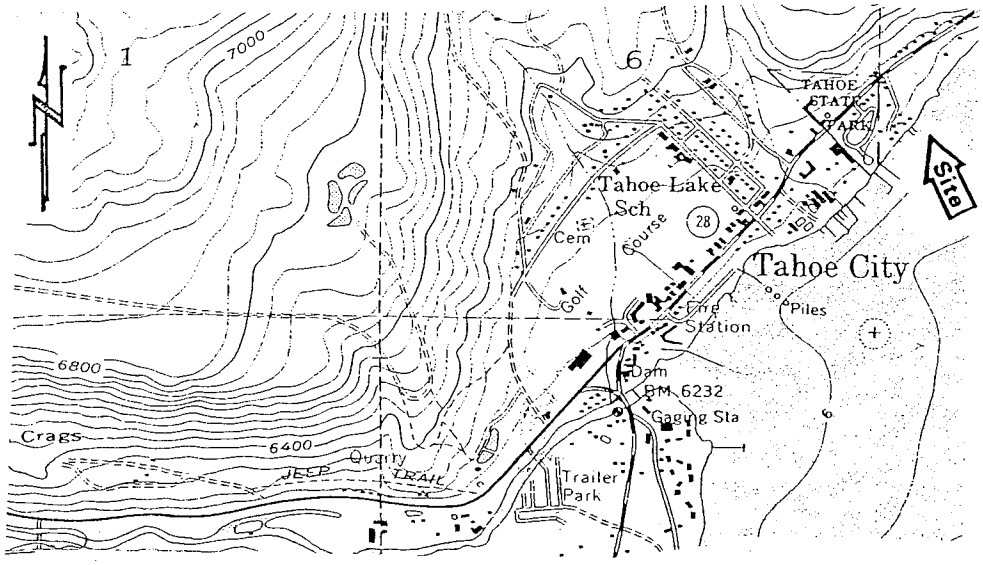
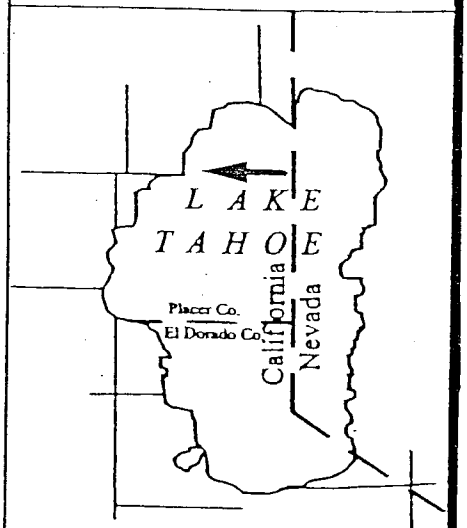


EXHIBIT A
W 21107
APN 094-520-001 & 008
Lake Tahoe
PLACER COUNTY
(Sheet 1 of 2)



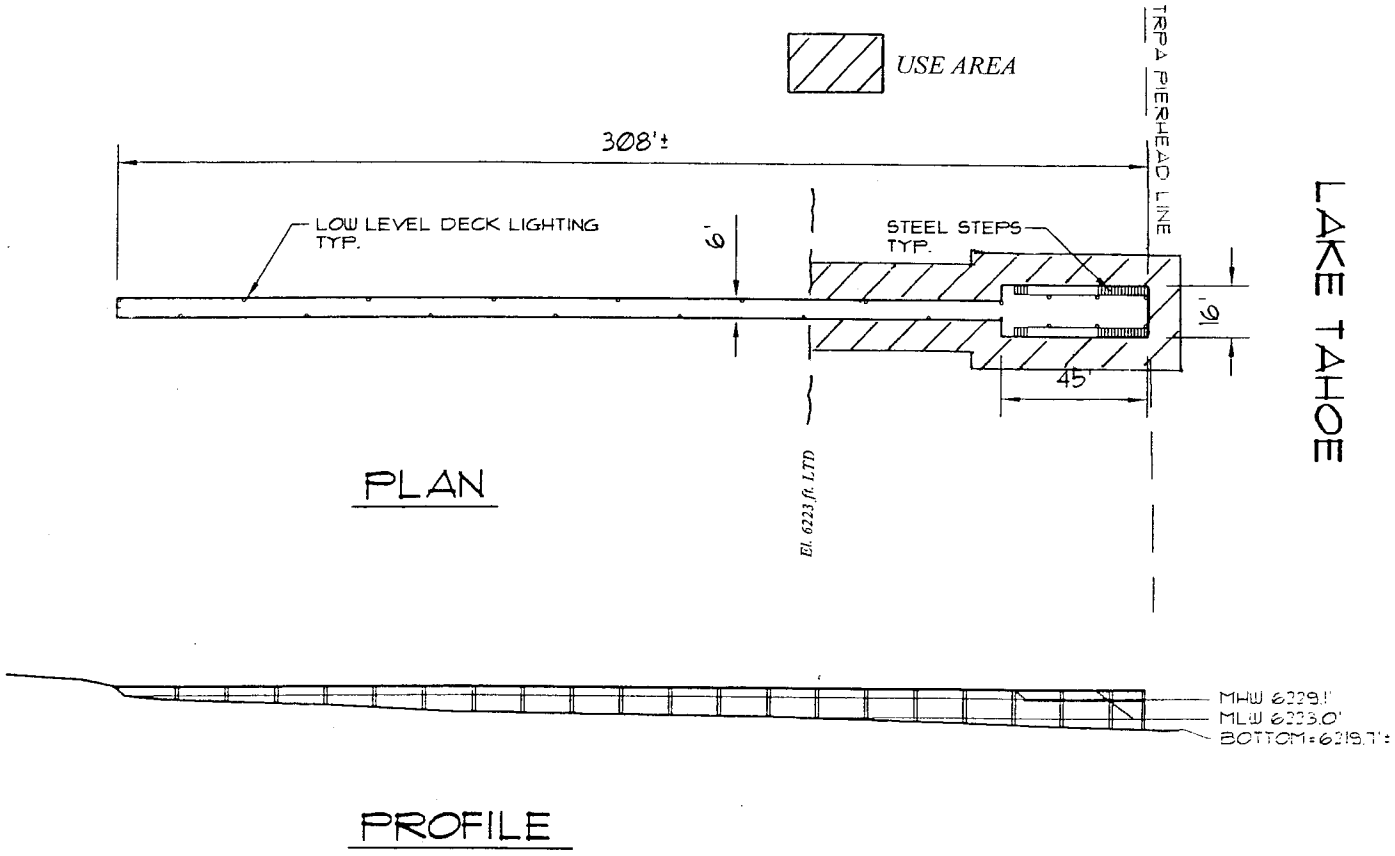
This Exhibit is solely for purposes of generally defining the lease premises, *is based on unverified information provided by Lessee or other parties,* and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

000211
CALENDAR PAGE

001768
MINUTE PAGE

NO SCALE

SITE MAP



NO SCALE

LOCATION MAP

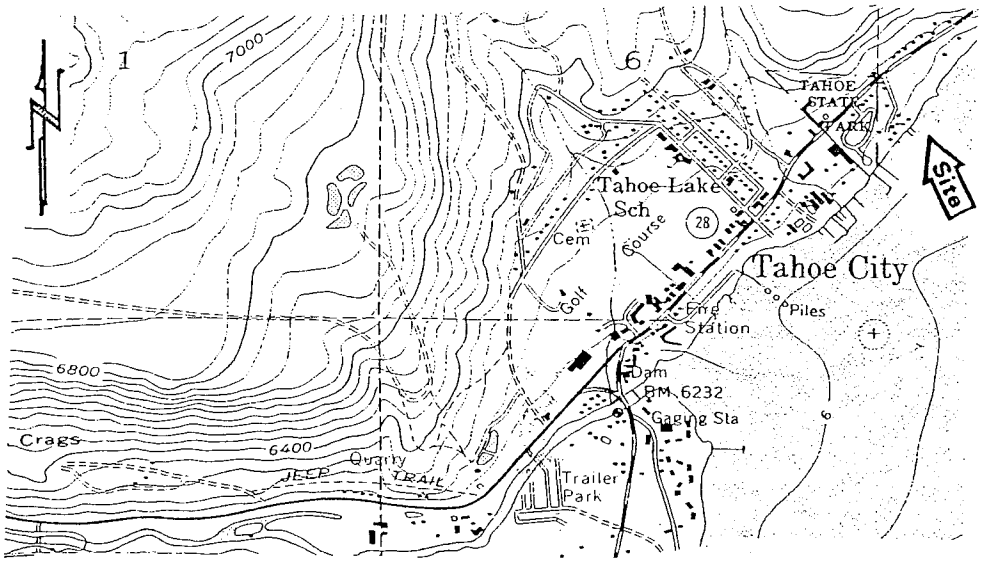
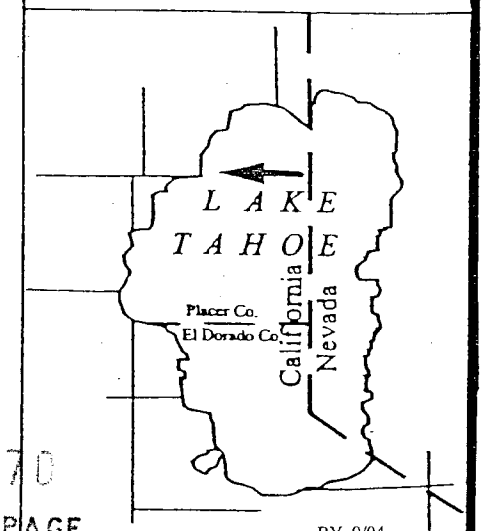


EXHIBIT A
W 21107
APN 094-520-001 & 008
Lake Tahoe
PLACER COUNTY
(Sheet 2 of 2)



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