MINUTE ITEM

This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to 0 at its 12-9-04 meeting.

CALENDAR ITEM
C03

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PRC 8335

12/09/04
WP 8335.9
R. Barham

TERMINATION AND ISSUANCE OF RECREATIONAL PIER LEASE

APPLICANTS:
Edward Robert Smith and Winifred C. Smith

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

AUTHORIZED USE:
Continued use and maintenance of one existing mooring buoy (First) and the retention of an additional existing mooring buoy (Second) as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning December 1, 2004

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:
This lease is conditioned on the Applicants 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 September 17, 2001, the Commission authorized a Recreational Pier Lease with Edward Robert Smith and Susan E. Smith. That lease will expire on May 31, 2011. Applicants qualify for a Recreational Pier Lease

because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Applicants are now applying to obtain authorization for the retention of an existing mooring buoy. This Item will terminate a Recreational Pier Lease for a mooring buoy and authorize the issuance of a new Recreational Pier Lease for two existing mooring buoys.

2. **Termination of existing lease:** 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 because the activity 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, section 15378.

3. **Issuance of new lease (first 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.

   Second 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.

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.

FURTHER APPROVALS REQUIRED:

Tahoe Regional Planning Agency
U. S. Army Corps of Engineers

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE (FIRST 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).

SECOND 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.

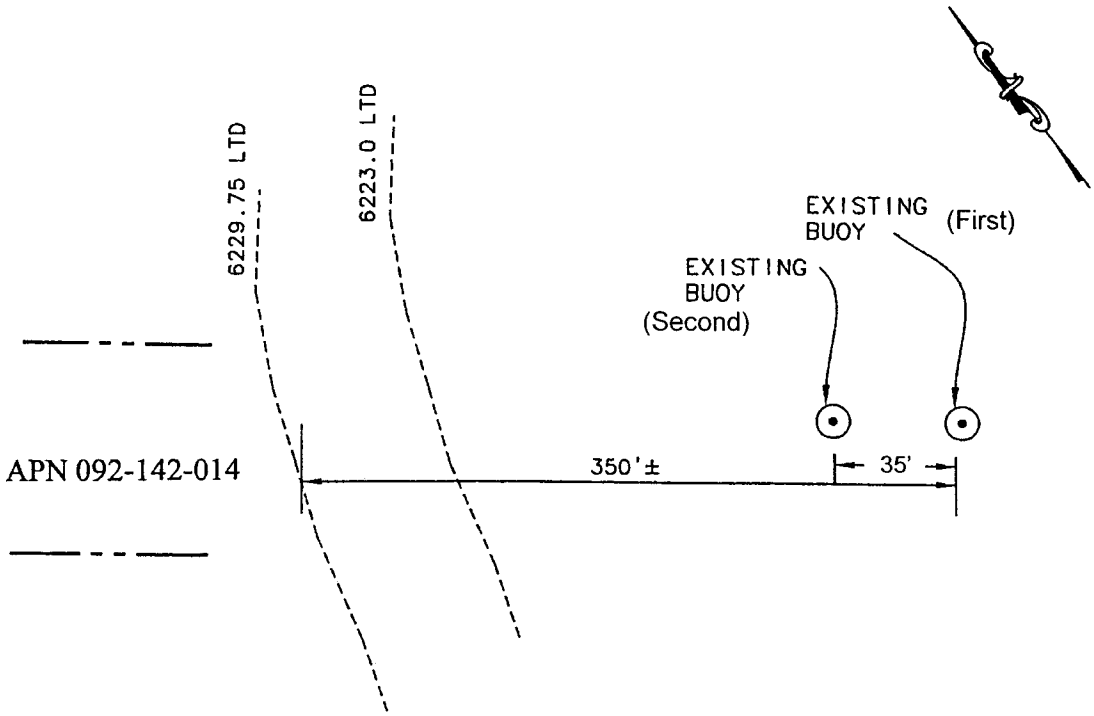
AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8335.9, EFFECTIVE JUNE 1, 2001, ISSUED TO EDWARD ROBERT SMITH AND WINIFRED C. SMITH AND APPROVED BY THE COMMISSION SEPTEMBER 17, 2001.

AUTHORIZE ISSUANCE TO EDWARD ROBERT SMITH AND WINIFRED C. SMITH OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING DECEMBER 1, 2004, FOR THE CONTINUED USE AND MAINTENANCE OF ONE EXISTING MOORING BUOY AND THE RETENTION OF AN ADDITIONAL EXISTING MOORING BUOY AS REPRESENTED 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

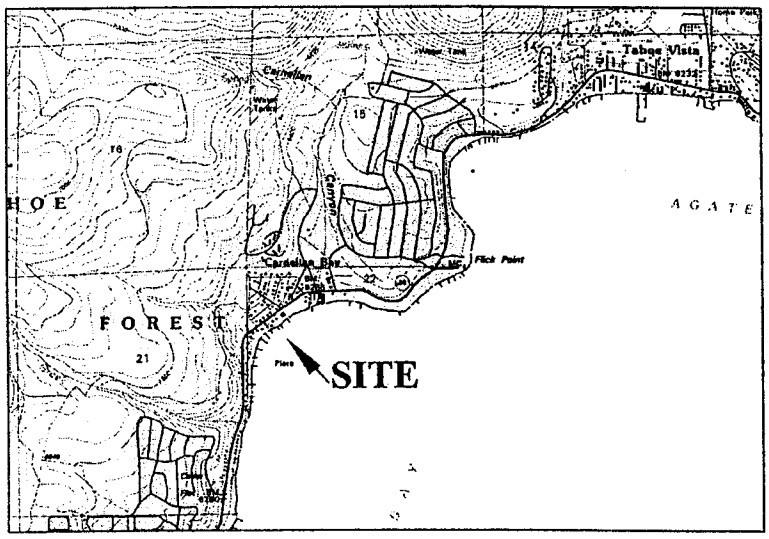


4136 FERGUSON AVE.

NO SCALE

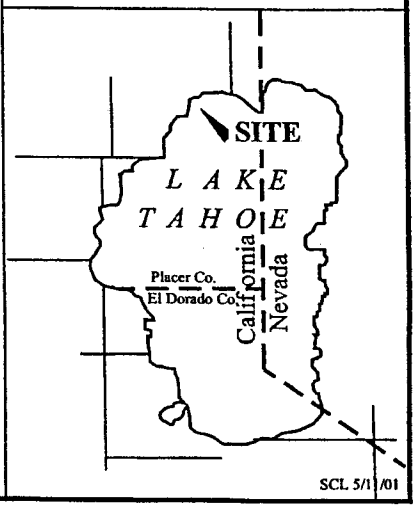
LOCATION MAP

Lake Tahoe



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

Exhibit A
WP 8335.9
APN 092-142-014
Lake Tahoe
PLACER COUNTY



SCL 5/11/01