

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 4-26-05 meeting.

CALENDAR ITEM
C16

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04/26/05
PRC 4182 WP 4182.1
R. Barham

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

LESSEE:

Basil C. Pearce and Basil C. Pearce as Trustee of the Virginia Pearce Trust

APPLICANTS:

Amy P. Bollinger
Jeffrey A. Pearce
Michelle Pearce Lyon

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Cedar Flat, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boathouse and the retention of an existing mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 30, 2003

CONSIDERATION:

\$518 per year for the pier, boathouse and one mooring buoy; with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$500,000.

Other:

This lease is conditioned on the Lessee obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy 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.

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OTHER PERTINENT INFORMATION:

1. On July 11, 1997, the Commission authorized a ten-year General Lease - Recreation Use to Basil C. Pearce and Basil C. Pearce as Trustee of the Virginia Pearce Trust. That lease will expire on February 28, 2007.
2. On November 30, 2003, the Lessee transferred ownership of the uplands to Amy P. Bollinger, Jeffrey A. Pearce and Michelle Pearce Lyon. Applicants do not qualify for a rent-free lease because they are not littoral owners. Staff is recommending termination of the existing lease and approval of a new lease, effective as of the date of the property transfer. Applicants are now applying for a new General Lease – Recreational Use.
3. **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 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, section 15060(c)(3) and 15378.

4. **Issuance of new lease (pier and boathouse):** 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. **Existing 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).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. 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 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 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.

ISSUANCE OF NEW LEASE (PIER AND BOATHOUSE): 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).

EXISTING BUOY: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14,

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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).

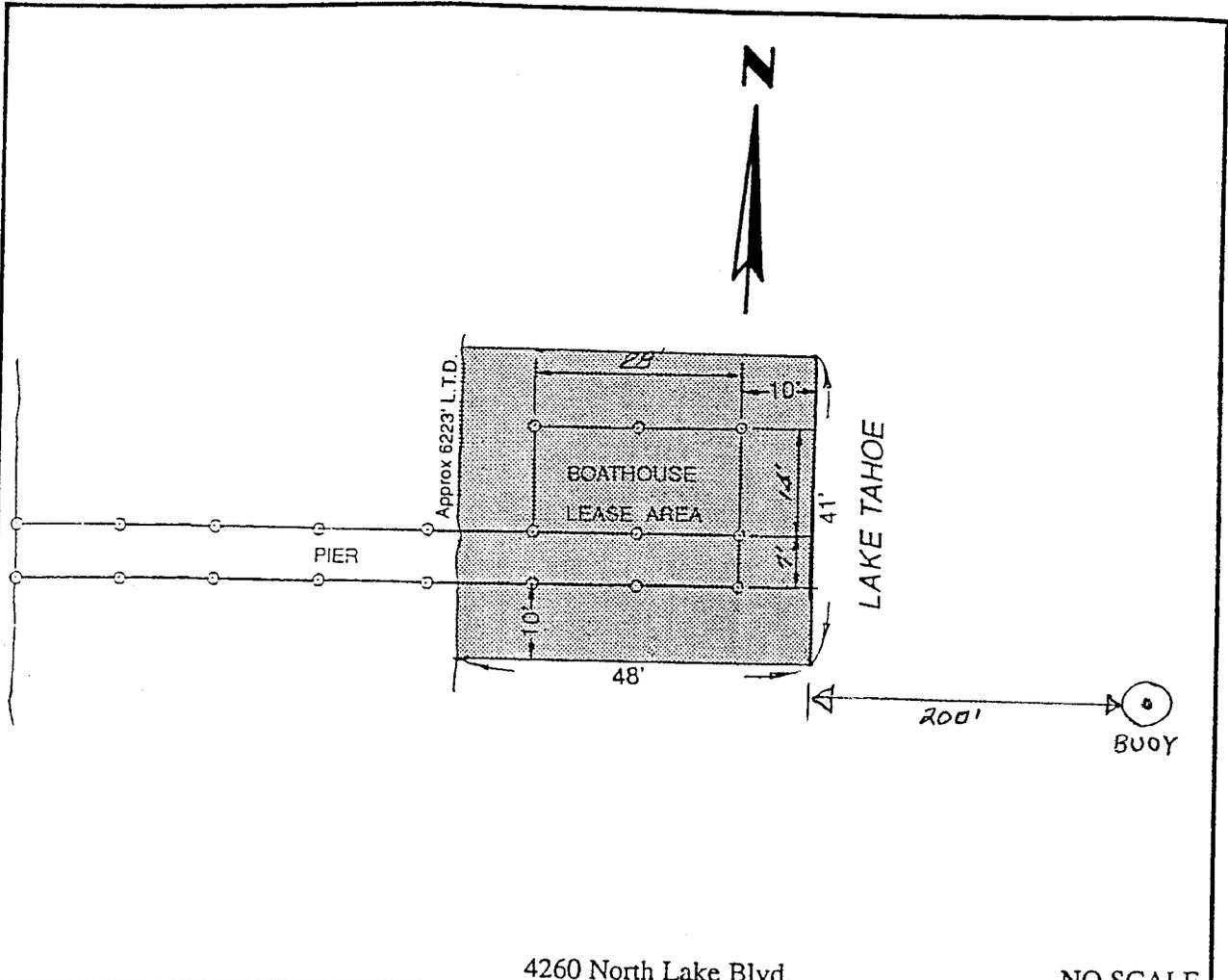
SIGNIFICANT LANDS INVENTORY FINDING:

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 A GENERAL LEASE – RECREATIONAL USE NO. PRC 4182.1, EFFECTIVE NOVEMBER 30, 2003, ISSUED TO BASIL C. PEARCE, BASIL C. PEARCE AS TRUSTEE OF THE VIRGINIA PEARCE TRUST AND APPROVED BY THE COMMISSION ON JULY 11, 1997.

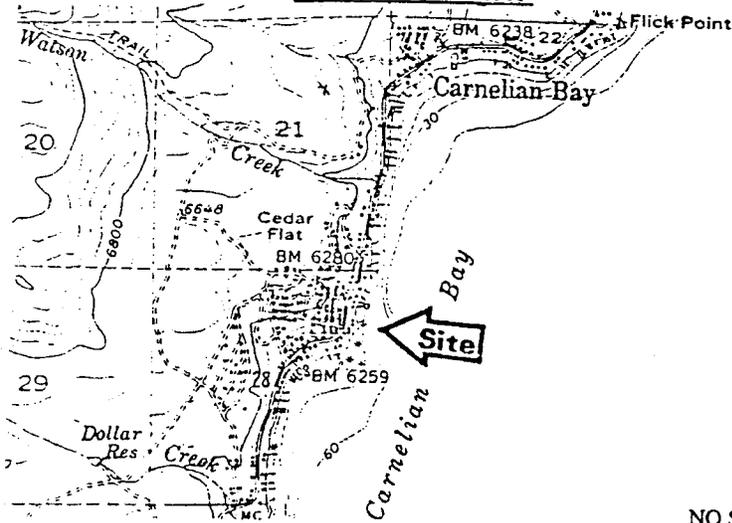
AUTHORIZE ISSUANCE TO AMY P. BOLLINGER, JEFFREY A. PEARCE AND MICHELLE PEARCE LYON OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE, BEGINNING NOVEMBER 30, 2003, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND BOATHOUSE AND THE RETENTION OF ONE EXISTING MOORING BUOY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$518, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.



4260 North Lake Blvd.

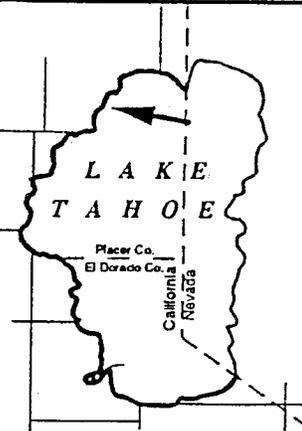
NO SCALE

LOCATION MAP



NO SCALE

EXHIBIT A
PRC 4182.1
APN 92-190-051
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.

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