

MINUTE ITEM
This Calendar Item No. C02 was approved as
Minute Item No. 02 by the California State Lands
Commission by a vote of 3 to 0 at its
06/20/05 meeting.

**CALENDAR ITEM
C02**

A 4
S 1

06/20/05
PRC 4955 WP 4955.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANT:

Helen E. O'Brien, Trustee of the Helen E. O'Brien 2000 Trust dated 3/20/00

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Camp Richardson, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy previously authorized by the Commission and the retention of one existing mooring buoy not previously authorized by the Commission as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 3, 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 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 property adjoining the lease premises.

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2. On July 6, 1995, the Commission authorized a Recreational Pier Lease with Katherine M. Tracy and Helen E. O'Brien, Trustees. That lease expired on October 2, 2004. The upland property ownership has since transferred to Helen E. O'Brien, Trustee of the Helen E. O'Brien 2000 Trust dated 3/20/00, who is now applying for a new Recreational Pier Lease. Applicant qualifies for a Recreational Pier Lease because she is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.

3. **Existing Pier 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.

4. **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 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.

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.

EXHIBIT:

A. Site and Location Map

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PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING PIER 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).

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 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 ISSUANCE TO HELEN E. O'BRIEN, TRUSTEE OF THE HELEN E. O'BRIEN 2000 TRUST DATED 3/20/00, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING OCTOBER 3, 2004, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND ONE EXISTING MOORING BUOY PREVIOUSLY AUTHORIZED BY THE COMMISSION AND THE RETENTION OF ONE MOORING BUOY NOT PREVIOUSLY AUTHORIZED BY THE COMMISSION 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.

