MINUTE ITEM

This Calendar Item No. C12 was approved as Minute Item No. 12 by the California State Lands Commission by a vote of 2 to Ø at its 12-8-05 meeting.

CALENDAR ITEM
C12

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PRC 4232

12/08/05
WP 4232.9
R. Barham

TERMINATION AND ISSUANCE OF RECREATIONAL PIER LEASE

LESSEE:

Alice Russell-Shapiro, as Trustee, or the successor Trustee or Trustees, of the Alice Russell-Shapiro Qualified Personal Residence Trust of 1996, U/A/D May 3, 1996

APPLICANT:

Alice Russell-Shapiro, as Trustee, or the successor Trustee or Trustees, of the Alice Russell-Shapiro Qualified Personal Residence Trust of 1996, U/A/D May 3, 1996

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoe Pines, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with boatlift, and the retention of two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 1, 2005.

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.

2. On February 5, 2001, the Commission authorized a ten-year Recreational Pier Lease to Alice Russell-Shapiro, as Trustee, or the successor Trustee or Trustees, of the Alice Russell-Shapiro Qualified Personal Trust of 1996, U/D/A May 13, 1996. That lease will expire on March 1, 2008. Staff is recommending termination of the existing lease and approval of a new lease.

3. 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. Applicant is now applying for a new lease for the existing pier with boatlift, previously authorized by the Commission and the retention of two existing mooring buoys, not previously authorized by the Commission.

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 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.

5. **Issuance of new lease (pier with boatlift):** 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.

6. **Issuance of new lease (two 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 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 person 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.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

A. Site and Location Map

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 WITH BOATLIFT): 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).

ISSUANCE OF NEW LEASE (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 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:

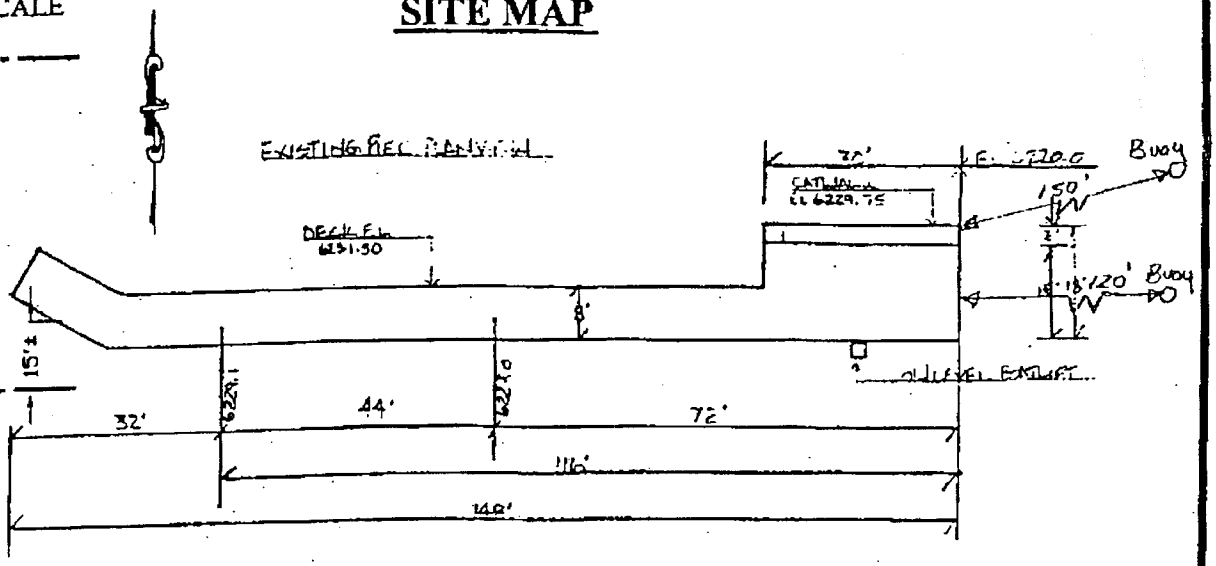
AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 4232.9, EFFECTIVE DECEMBER 1, 2005, ISSUED TO ALICE RUSSELL-SHAPIRO, AS TRUSTEE, OR THE SUCCESSOR TRUSTEE OR TRUSTEES, OF THE ALICE RUSSELL-SHAPIRO QUALIFIED PERSONAL RESIDENCE TRUST OF 1996, U/A/D MAY 3, 1996, APPROVED BY THE COMMISSION ON FEBRUARY 5, 2001.

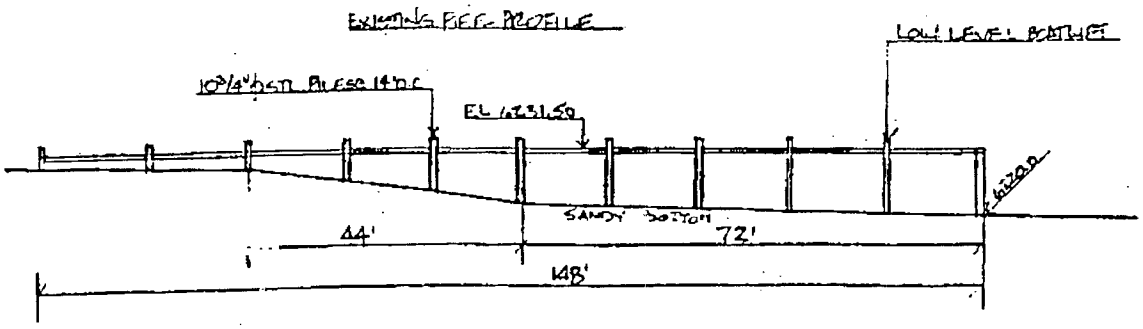
AUTHORIZE ISSUANCE TO ALICE RUSSELL-SHAPIRO, AS TRUSTEE, OR THE SUCCESSOR TRUSTEE OR TRUSTEES, OF THE ALICE RUSSELL-SHAPIRO QUALIFIED PERSONAL RESIDENCE TRUST OF 1996, U/A/D MAY 13, 1996, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER WITH BOATLIFT AND THE RETENTION OF TWO EXISTING MOORING BUOYS 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

APN 085-190-003





3695 IDLEWILD DR., TAHOE PINES, CA

NO SCALE

LOCATION MAP

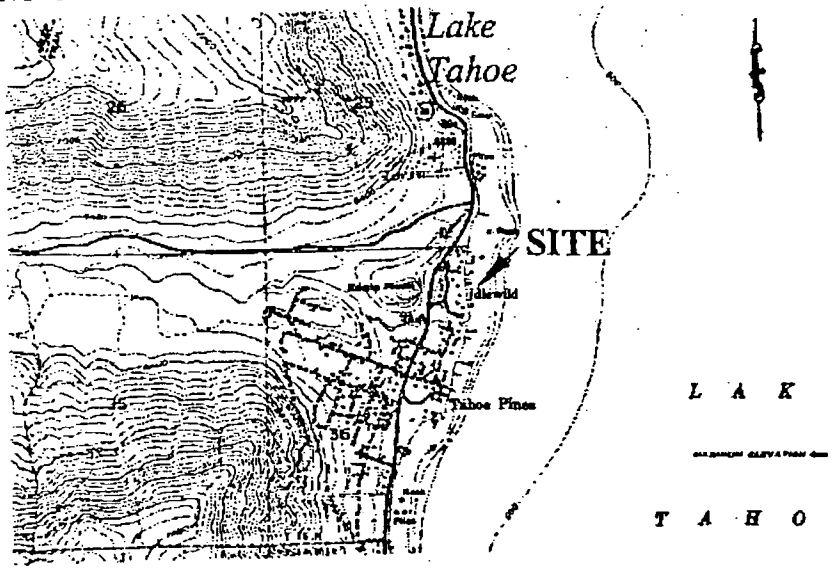
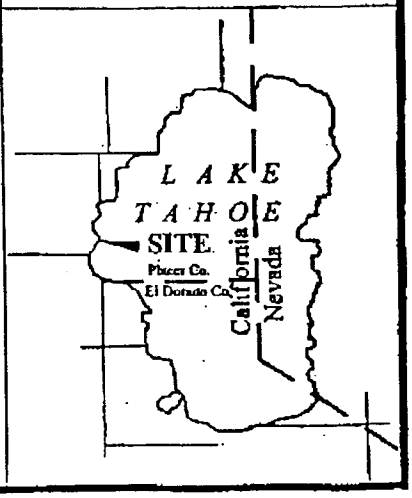


Exhibit A
PRC 4232.9
APN 085-190-003
Lake Tahoe
PLACER COUNTY



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 or limitation of any state interest in the subject or any other property.

RWB 10/05