

**MINUTE ITEM**

This Calendar Item No. C05 was approved as Minute Item No. 05 by the California State Lands Commission by a vote of 3 to 0 at its 06-26-06 meeting.

**CALENDAR ITEM  
C05**

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06/26/06  
PRC 8179.9  
R. Barham

**TERMINATION AND ISSUANCE OF  
RECREATIONAL PIER LEASE**

**LESSEE:**

Jack L. Brooks and Melisse M. Brooks, Trustees

**APPLICANT:**

Maureen T. Mullarkey, Trustee of the Maureen T. Mullarkey 2001 Trust dated June 5, 2001

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, near Kings Beach, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning June 1, 2006.

**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.

CALENDAR ITEM NO. C05 (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland property adjoining the lease premises.
2. On June 27, 2000, the Commission authorized a Recreational Pier Lease with Jack L. Brooks and Melisse M. Brooks, Trustees of the Brooks Family Trust Dated February 17, 1997. That lease will expire on May 31, 2010. The upland property ownership has been transferred to the Applicant.
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 Recreational Pier Lease for the two mooring buoys.
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:** 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 (a)(2).

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

CALENDAR ITEM NO. C05 (CONT'D)

**APPROVALS REQUIRED:**

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

**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:** 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).

**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 8179.9, EFFECTIVE JUNE 1, 2006, ISSUED TO JACK L. BROOKS AND MELISSE M. BROOKS, TRUSTEES APPROVED BY THE COMMISSION ON JUNE 27, 2000.

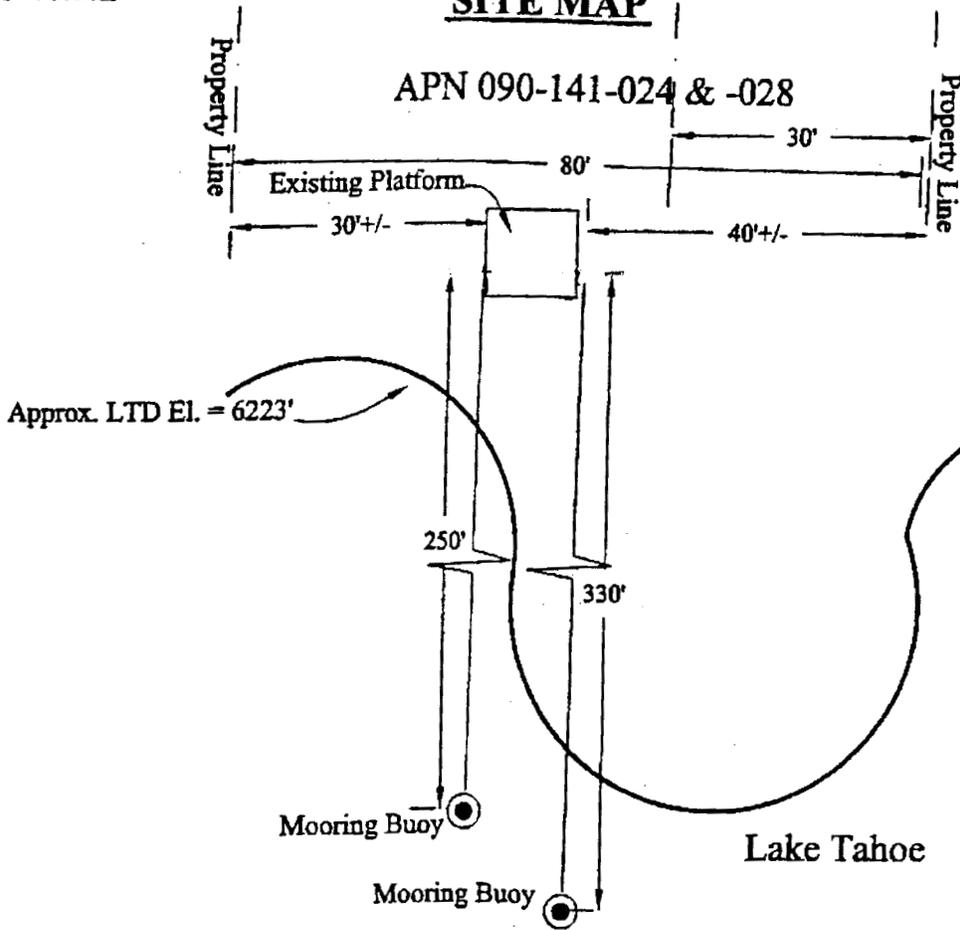
CALENDAR ITEM NO. C05 (CONT'D)

AUTHORIZE ISSUANCE TO MAUREEN T. MILLARKEY, TRUSTEE OF THE MAUREEN T. MULLARKEY 2001 TRUST DATED JUNE 5, 2001, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JUNE 1, 2006 FOR THE CONTINUED USE AND MAINTENANCE OF TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEROF; 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 090-141-024 & -028



8710 BROCKWAY AVENUE

### LOCATION MAP NO SCALE

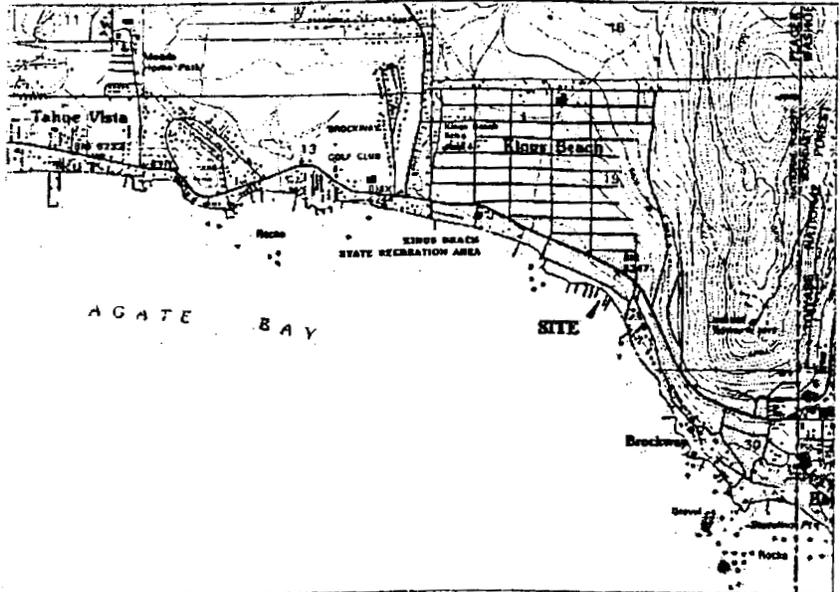
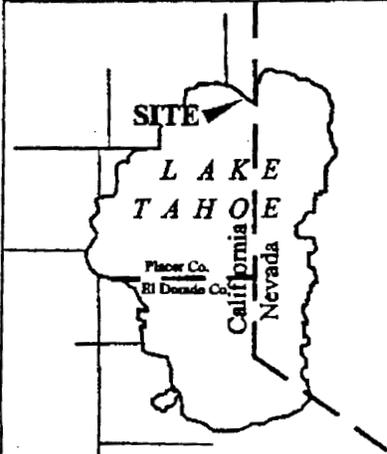


Exhibit A  
 WP 8179.9  
 APN 090-141-024 & -028  
 Lake Tahoe  
 PLACER COUNTY



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

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CALENDAR PAGE

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MINUTE PAGE