

MINUTE ITEM

This Calendar Item No. C13 was approved as Minute Item No. 13 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM

C13

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06/26/06
PRC 3551.9
V. Massey

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**TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE**

LESSEES:

G. Willard Miller and Nancy Shurtleff Miller, Trustees of the 1985 Miller Family Trust

APPLICANTS:

Nancy Shurtleff Miller and Stephen Roy Miller, Trustees of the Miller 2003 B Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat house, two mooring buoys and the retention of a boat lift, 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 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.

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OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a ten-year Recreational Pier Lease to G. Willard Miller and Nancy Shurtleff Miller, Trustees of the 1985 Miller Family Trust. That lease will expire on August 11, 2006. The property ownership has since transferred to Nancy Shurtleff Miller and Stephen Roy Miller, Trustees of the Miller 2003 B Trust (Applicants). Staff is recommending termination of the existing lease and approval of a new lease.
3. 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 for a new lease for the existing pier, boat house, two mooring buoys and the retention of a boat lift.
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 for an existing pier, boat house, and 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 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.

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6. **Boat lift:** 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 FOR AN EXISTING PIER, BOAT HOUSE, AND TWO 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 1, EXISTING

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FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 2905 (a)(2).

BOAT LIFT: 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:

- 1) AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 3551.9, EFFECTIVE JUNE 1, 2006, ISSUED TO G. WILLARD MILLER AND NANCY SHURTLEFF MILLER, TRUSTEES OF THE 1985 MILLER FAMILY TRUST, APPROVED BY THE COMMISSION ON FEBRUARY 27, 1998.
- 2) AUTHORIZE ISSUANCE TO NANCY SHURTLEFF MILLER AND STEPHEN ROY MILLER, TRUSTEES OF THE MILLER 2003 B TRUST, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JUNE 1, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOAT HOUSE, TWO MOORING BUOYS AND THE RETENTION OF A BOAT LIFT, AS 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.

