

MINUTE ITEM

This Calendar Item No. C01 was approved as Minute Item No. 01 by the California State Lands Commission by a vote of 3 to 0 at its 11-21-06 meeting.

**CALENDAR ITEM
C01**

A 4
S 1

11/21/06
PRC 4184 WP 4184.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:

Ronald S. Files and Jennifer A. Files, Trustees of the Files Family Living Trust Dated January 13, 1992; Gary Coburn and Carol Coburn; Douglas T. Valentine and Kirsten A. Valentine; William D. Schmicker and Nathalie E. Schmicker; Donn A. Moll and Gail L. Moll, Trustees of the Moll Living Trust Dated May 7, 1998 and Ronald U. Neveu and Diane E. Neveu, Trustees of the Neveu Family Trust Dated March 5, 1998; Stephen W. Oshinsky and Carolyn S. Oshinsky and Max Lettween, Trustee and Carol Bookey Lettween, Trustee of the Lettween Living Trust Dated March 29, 1976; Kenneth G. Sletten and Phyllis S. Sletten, Trustees under the Kenneth G. and Phyllis S. Sletten Trust Agreement Dated January 10, 1996

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing pier with boat hoist, ten remnant pier pilings, and the retention of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 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

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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. Applicants own the upland property adjoining the lease premises.
2. On April 1, 1969, the Commission authorized a Recreational Pier Lease with George P. Moynihan. That lease expired on January 1, 1979. The property ownership has since transferred to an undivided 1/7th interest as tenants in common.
3. Each Applicant qualifies 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 previously authorized pier and for a boat hoist, retention of two existing mooring buoys, and the inclusion of ten remnant pier pilings not previously authorized by the Commission.
4. **Pier:** 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. **Ten Remnant Pier Pilings, Boat Hoist and 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).

CALENDAR ITEM NO. C01 (CONT'D)

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.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER: 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).

TEN PIER PILING REMNANTS, BOAT HOIST AND 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.

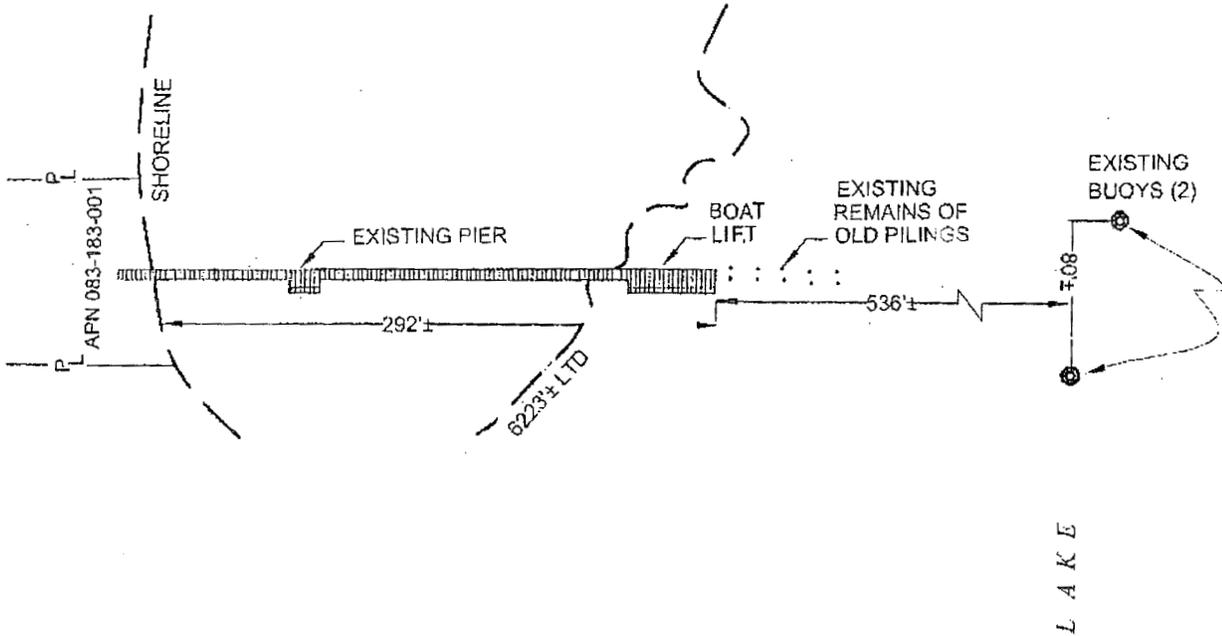
CALENDAR ITEM NO. C01 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO RONALD S. FILES AND JENNIFER A. FILES, TRUSTEES OF THE FILES FAMILY LIVING TRUST DATED JANUARY 13, 1992; GARY COBURN AND CAROL COBURN; DOUGLAS T. VALENTINE AND KIRSTEN A. VALENTINE; WILLIAM D. SCHMICKER AND NATHALIE E. SCHMICKER; DONN A. MOLL AND GAIL L. MOLL, TRUSTEES OF THE MOLL LIVING TRUST DATED MAY 7, 1998 AND RONALD U. NEVEU AND DIANE E. NEVEU, TRUSTEES OF THE NEVEU FAMILY TRUST DATED MARCH 5, 1998; STEPHEN W. OSHINSKY AND CAROLYN S. OSHINSKY AND MAX LETTWEEN, TRUSTEE AND CAROLYN BOOKEY LETTWEEN, TRUSTEE OF THE LETTWEEN LIVING TRUST DATED MARCH 29, 1976; KENNETH G. SLETTEN AND PHYLLIS S. SLETTEN, TRUSTEES UNDER THE KENNETH G. AND PHYLLIS S. SLETTEN TRUST AGREEMENT DATED JANUARY 10, 1996, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING OCTOBER 1, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOATHOIST, TEN REMNANT PIER PILINGS, AND THE RETENTION OF TWO EXISTING MOORING BUOYS 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.

NO SCALE

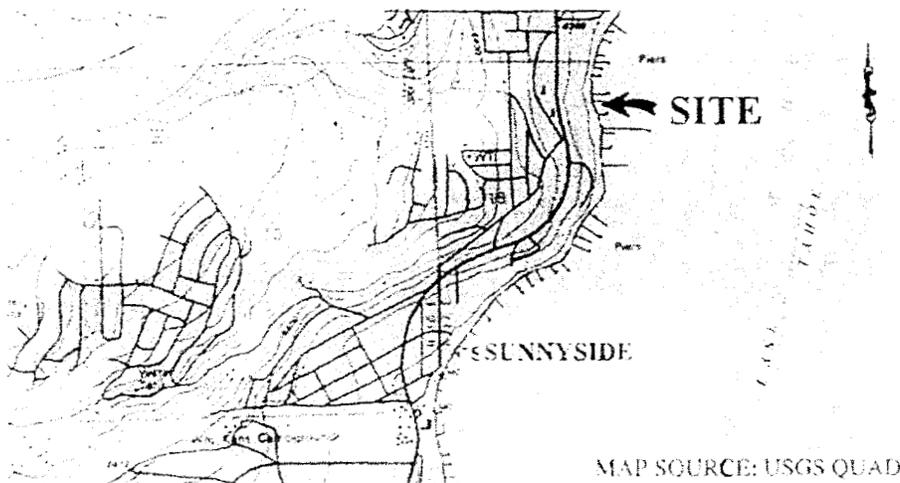
SITE



890 WEST LAKE BLVD., TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 4184.9
 FILES A, ET AL
 RECREATIONAL PIER LEASE
 PLACER COUNTY



MJ 08/06

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This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.