MINUTE ITEM
This Calendar Item No. C19 was approved as Minute Item No. 19 by the California State Lands Commission by a vote of 3 to 0 at its 05/10/07 meeting.

CALENDAR ITEM
C19

A 4 | PRC 8692 | 05/10/07
WP 8692.9
S 1 | B. Terry

RESCIND ISSUANCE OF GENERAL LEASE - RECREATIONAL USE AND ISSUANCE OF A RECREATIONAL PIER LEASE

RESCINDING APPLICANT:
REVX-431, Inc.

APPLICANTS:
David L. Millspaugh and Sandra S. Millspaugh

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, near Meeks Bay, El Dorado County.

AUTHORIZED USE:
Retention, use and maintenance of an existing pier as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning February 1, 2007.

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 PERTINENT INFORMATION:
1. On June 26, 2006, the Commission authorized a ten-year General Lease – Recreational Use to REVX-431, Inc. (Rescinding Applicant) for a pier and two mooring buoys not previously authorized by the Commission. The lease was never executed by REVX-431, Inc., and the upland property ownership has since transferred to David L. Millspaugh and Sandra S. Millspaugh (Applicants).

2. Staff is requesting that the authorization made by the Commission at its June 26, 2006, meeting be rescinded and that a new Recreational Pier Lease be issued to the Applicants.

3. The Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

4. **Rescind Issuance of a General Lease – Recreational Use:** 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 the 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, sections 15060 (c)(3) and 15378.

5. **Issuance of a Recreational Pier 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, Section 2905 (c)(1).

   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.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RESCIND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO 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 A RECREATIONAL PIER 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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.

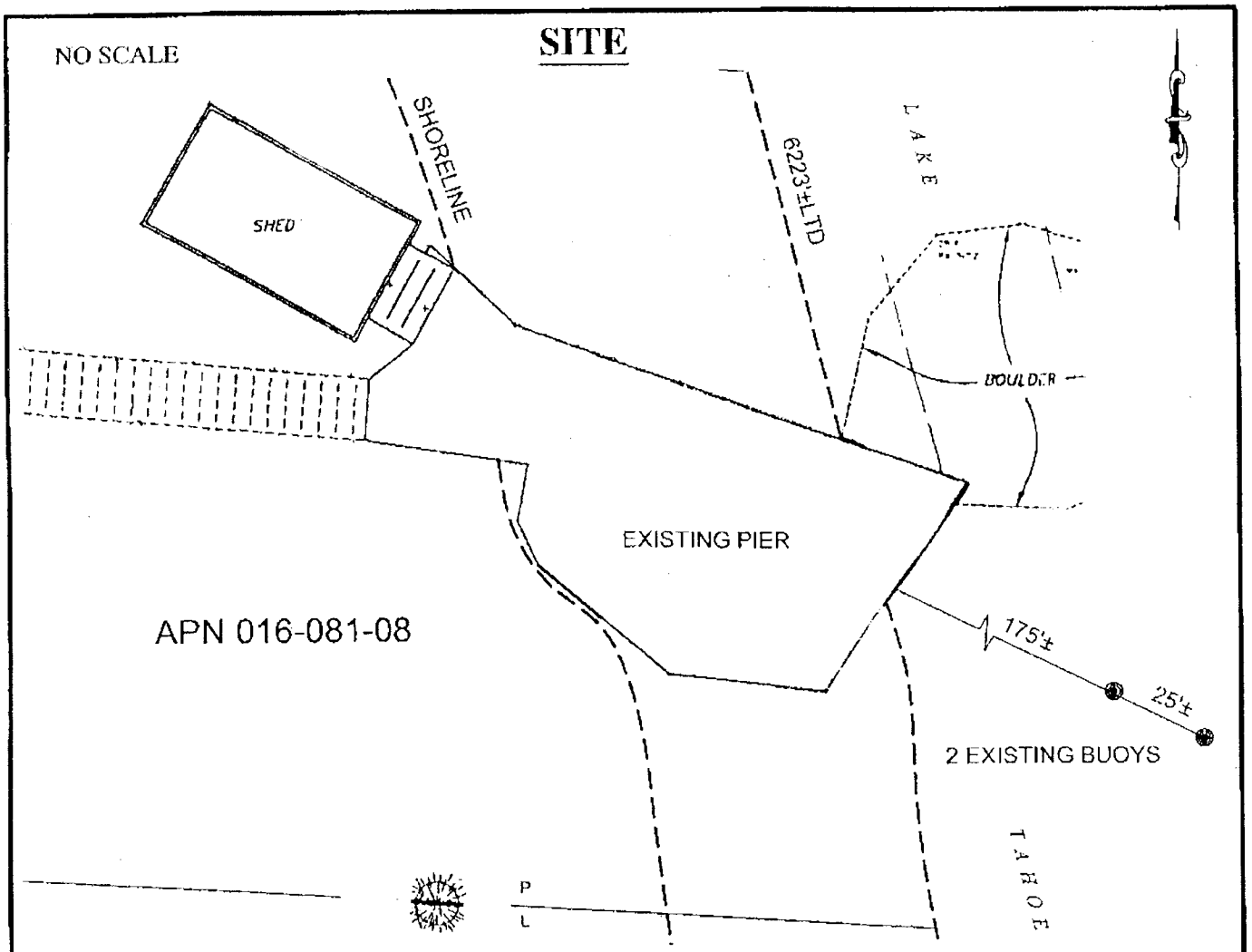
AUTHORIZATION:

1) AUTHORIZE RESCISSION OF A GENERAL LEASE – RECREATIONAL USE, NO. PRC 8692.1 TO REVX-431, INC.

2) AUTHORIZE ISSUANCE TO DAVID L. MILLSPAUGH AND SANDRA S. MILLSPAUGH OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING FEBRUARY 1, 2007, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING PIER 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

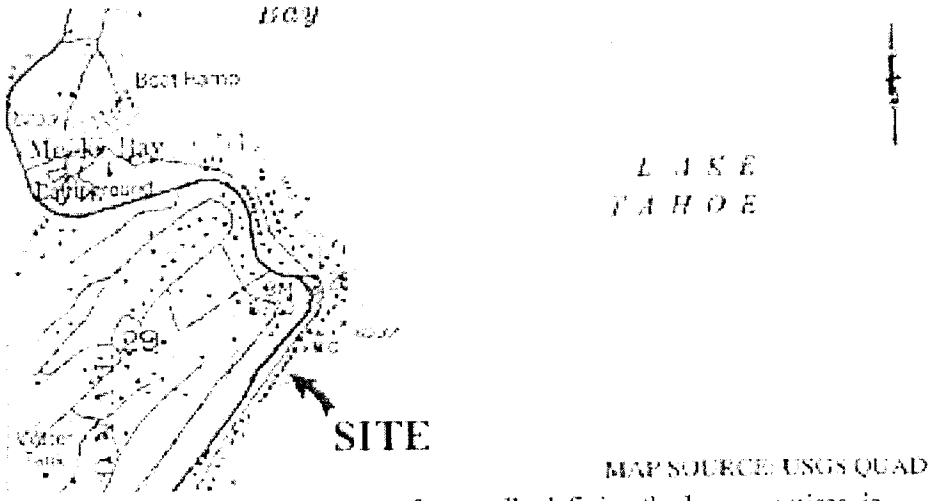
SITE



8355 MEEKS BAY AVENUE, NEAR MEEKS BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

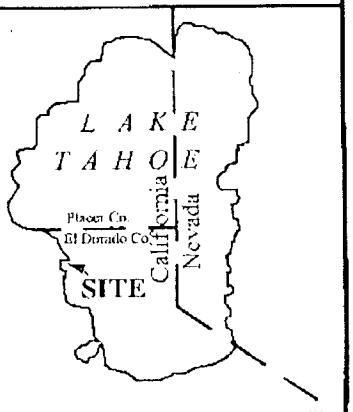
PRC 8692.9

MILLSPAUGH

APN 016-081-08

RECREATIONAL PIER LEASE

EL DORADO COUNTY



MJ 05/06