CALENDAR ITEM

C39

A 4 08/22/08

WP 8555.1

S 1 B. Terry

TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEES:

Katherine Metcalf Nelson, Trustee of the Katherine Metcalf Nelson Living Trust; Mary R. Metcalf, Trustee of the Mary R. Metcalf 2000 Trust, dated November 13, 2000; and Elizabeth H. Metcalf, Trustee of the Elizabeth H. Metcalf Living Trust, dated September 27, 2000

APPLICANTS:

Roy L. Wickland and Janet E. Wickland, Trustees for the Roy L. Wickland Family Trust dated 9-16-91, and R.L. Wickland, Inc., a Nevada Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 9021 Lupine Lane, near Tahoma, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning June 7, 2007

CONSIDERATION:

$472 per annum; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $1,000,000

Other:

The lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On August 17, 2004, the Commission authorized a General Lease – Recreational Use with Katherine Metcalf Nelson, Trustee of the Katherine Metcalf Nelson Living Trust; Mary R. Metcalf, Trustee of the Mary R. Metcalf 2000 Trust, dated November 13, 2000; and Elizabeth H. Metcalf, Trustee of the Elizabeth H. Metcalf Living Trust, dated September 27, 2000. That lease will expire on August 16, 2014. On June 7, 2007, ownership of the upland property was deeded to Roy L. Wickland and Janet E. Wickland, Trustees for the Roy L. Wickland Family Trust dated 9-16-91, and R.L. Wickland, Inc., a Nevada Corporation. Applicants are now applying for a new General Lease – Recreational Use.

3. Roy L. Wickland and Janet E. Wickland, Trustees for the Roy L. Wickland Family Trust dated 9-16-91, qualify for rent-free status because they are natural persons who own a percentage of the littoral land that is improved with a single-family dwelling. R. L. Wickland, Inc., is a Nevada corporation and also owns a portion of the littoral land, but is not a natural person and does not qualify for rent-free status, pursuant to Public Resources Code section 6503.5. Therefore, the rent for the mooring buoys has been prorated based on the percentage of each entity's ownership in the littoral property. Rent for the swim float has not been prorated because it is not used for the docking and mooring of boats.

4. **Termination of 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 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. **Two Mooring Buoys and Swim Float:** 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. 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:

TERMINATION OF LEASE: 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.

TWO MOORING BUOYS AND SWIM FLOAT: 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.

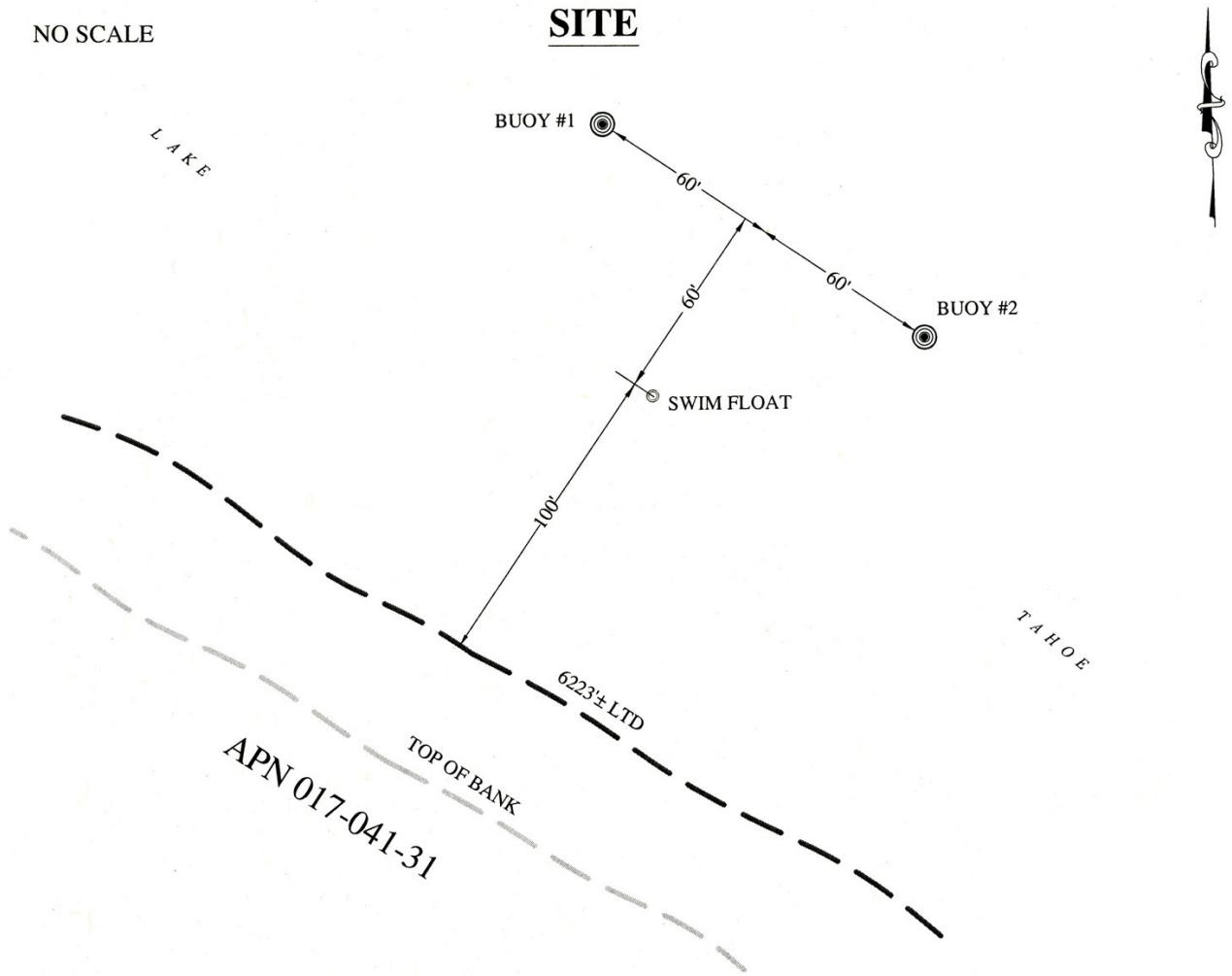
AUTHORIZATION:

AUTHORIZE TERMINATION, EFFECTIVE JUNE 6, 2007, OF LEASE NO. PRC 8555.1, A GENERAL LEASE – RECREATIONAL USE, ISSUED TO KATHERINE METCALF NELSON, TRUSTEE OF THE KATHERINE METCALF NELSON LIVING TRUST; MARY R. METCALF, TRUSTEE OF THE MARY R. METCALF 2000 TRUST, DATED NOVEMBER 13, 2000; AND ELIZABETH H. METCALF, TRUSTEE OF THE ELIZABETH H. METCALF LIVING TRUST, DATED SEPTEMBER 27, 2000.

AUTHORIZE ISSUANCE OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE TO ROY L. WICKLAND AND JANET E. WICKLAND, TRUSTEES FOR THE ROY L. WICKLAND FAMILY TRUST DATED 9-16-91, AND R.L. WICKLAND, INC., A NEVADA CORPORATION, BEGINNING JUNE 7, 2007, FOR THE CONTINUED USE AND MAINTENANCE OF TWO EXISTING MOORING BUOYS AND A SWIM FLOAT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $472 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000,000.

NO SCALE

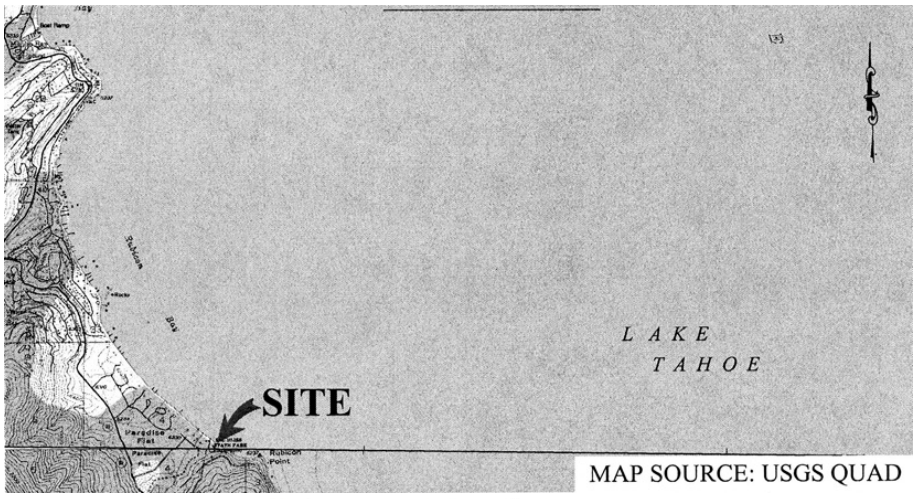
SITE



9021 LUPINE LANE, NEAR TAHOMA

NO SCALE

LOCATION

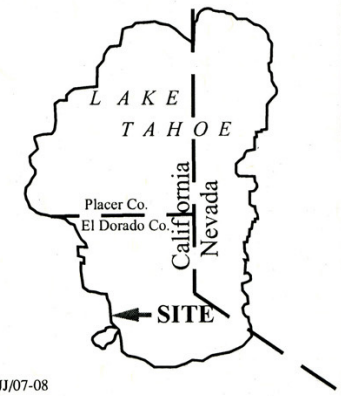


MAP SOURCE: USGS QUAD

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 8555.1
WICKLAND
APN 017-041-31
GENERAL LEASE
RECREATIONAL USE
EL DORADO COUNTY



MJJ/07-08