CALENDAR ITEM

C07

A 4 10/22/09

WP 7258.9

S 1 N. Lee

RECREATIONAL PIER LEASE

APPLICANTS:

Murray M. Smith and Carol J. Smith; and Frank Elliott and Michelle De Corte, Trustees for FCEMAD RLT DTD 4/4/05

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 8193 and 8201 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat lifts, and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 7, 2008.

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 $1,000,000.

Other:

1. This lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency 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.

2. This lease contains a provision stating the Applicants will obtain authorization from the Tahoe Regional Planning Agency for the catwalk at the end of the pier or it will be removed within three years of the effective date of the lease.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On June 27, 2000, the Commission authorized a Recreational Pier Lease with Murray M. Smith and Carol J. Smith; and Donovan C. Davis and Jeanne May Davis, Trustees of the Donovan Chester Davis and Jeanne May Davis Inter Vivos Trust under date of May 9, 1980. The lease expired October 6, 2008. On July 16, 2007, the Davis family deeded their littoral parcel to Frank Elliott and Michelle De Corte, Trustees for FCEMAD RLT DTD 4/4/05. Applicants are now applying for a new Recreational Pier Lease.

3. Upon approval of the Tahoe Regional Planning Agency (TRPA), the joint-use pier with two boat lifts was constructed in 1988. Approximately one year after construction, a four-foot by 12.5-foot catwalk was added without TRPA authorization. Applicants must seek approval for the catwalk from TRPA or remove it within three years of the effective date of the lease.

4. Applicants qualify for a Recreational Pier Lease because they are natural persons who own the littoral lands that are improved with single-family dwellings.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined 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.

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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:

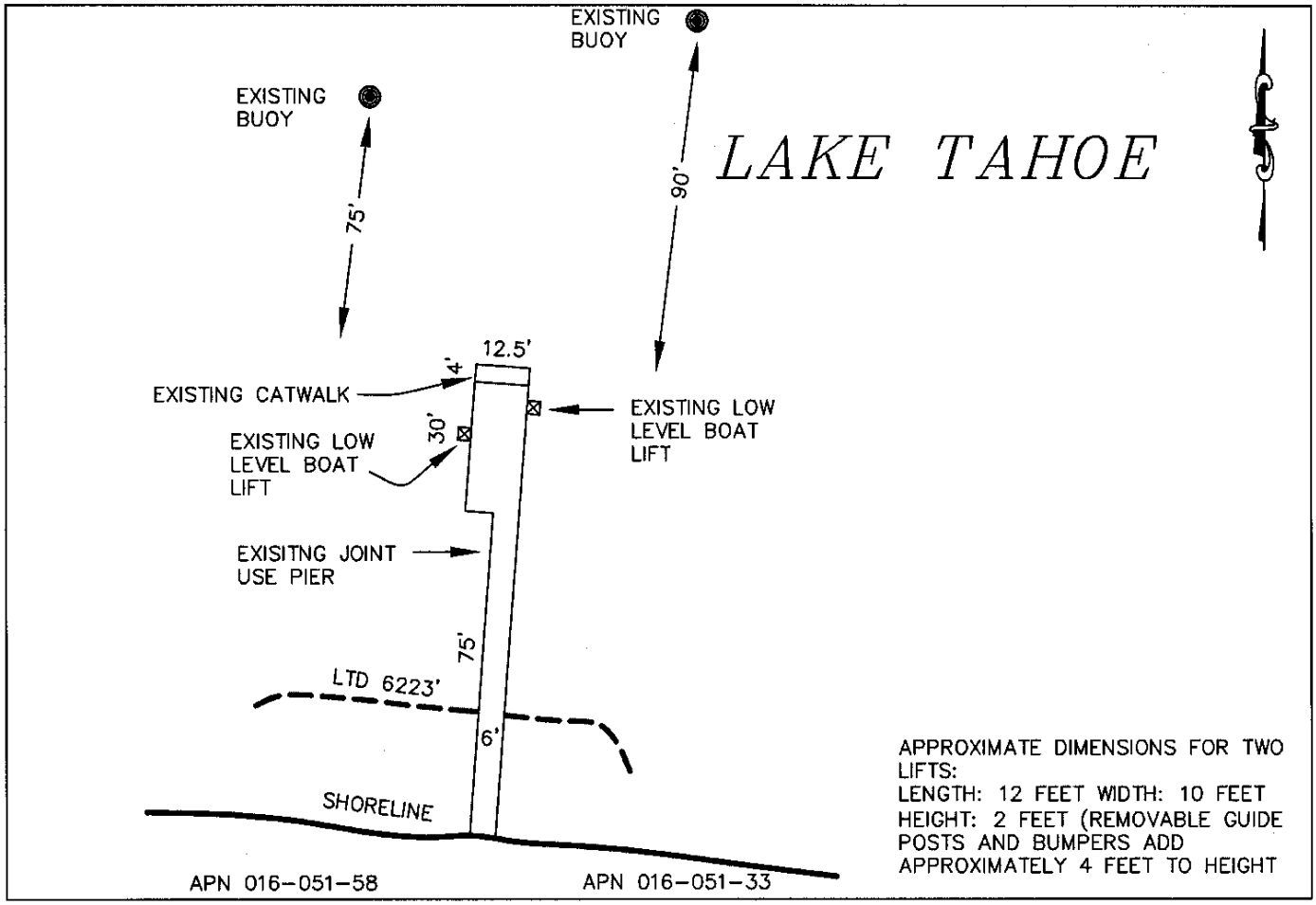
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO MURRAY M. SMITH AND CAROL J. SMITH; AND FRANK ELLIOTT AND MICHELLE DE CORTE, TRUSTEES FOR FCEMAD RLT DTD 4/4/05, BEGINNING OCTOBER 7, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER, TWO BOAT LIFTS, AND TWO 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

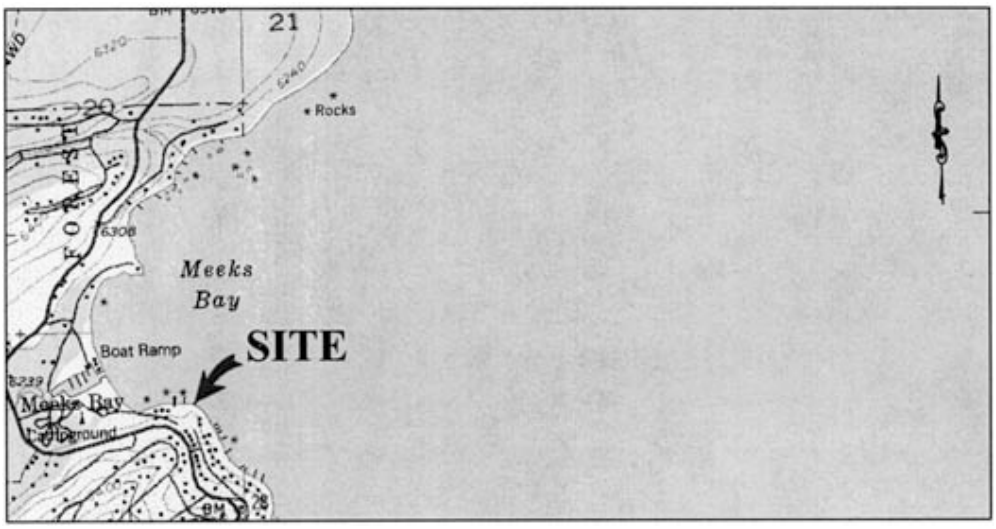
SITE



8193 & 8201 Meeks Bay Avenue, Meeks Bay

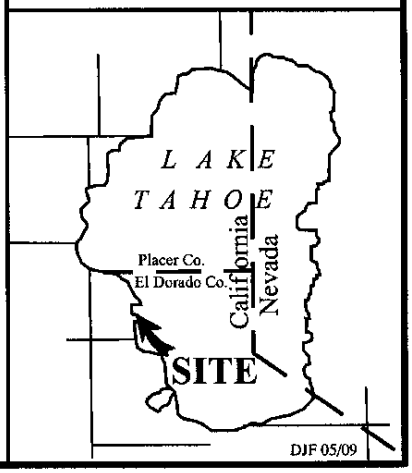
NO SCALE

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 7258.9
SMITH/ ELLIOTT/ DeCORTE
APN 016-051-33 & 016-051-58
RECREATIONAL PIER LEASE
EL DORADO COUNTY