

**CALENDAR ITEM  
C03**

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S 1

06/28/10  
WP 4471.9  
R. Barham

**RECREATIONAL PIER LEASE**

**APPLICANTS:**

Wellington S. Henderson, Jr., as to a life estate; and Wellington S. Henderson, Jr., and Richard L. Greene as Trustees of the Harriet Walker Henderson Irrevocable Trust U/T/A dated August 14, 1973, as to a remainder interest

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 8901 Rubicon Drive, near Meeks Bay, El Dorado County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boathouse, and two mooring buoys and the retention of one existing boat hoist as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning June 28, 2010.

**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 \$500,000.

Other:

This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency for the mooring buoys by October 22, 2010, which is two years after the October 22, 2008 adoption of the Final Environmental Impact Statement (FEIS) and the approval of the Lake Tahoe Shorezone Ordinance Amendments based on the FEIS.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland properties adjoining the lease premises.

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2. On October 1, 1995, the Commission authorized a ten-year Recreational Pier Permit with Harriet W. Henderson. That permit expired on May 17, 2005. On October 2, 1996, title to the upland property was transferred to Wellington S. Henderson, Jr., as to a life estate, and Wellington S. Henderson, Jr. and Richard L. Greene as Trustees of the Harriet Walker Henderson Irrevocable Trust U/T/A dated August 14, 1973, as to a remainder interest. Applicants are now applying for a new Recreational Pier Lease.
3. The existing boat hoist has not been previously authorized by the Commission. Staff is recommending approval of the retention of the existing boat lift within the lease premises. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
4. **Pier, Boathouse, 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), staff has determined that this activity is exempt from the requirements of 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. **Boat Hoist:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined that this activity is exempt from the requirements of 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, sections 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.

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**APPROVALS REQUIRED:**

Buoys: Tahoe Regional Planning Agency

**EXHIBIT:**

A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Pier, Boathouse, and Two Mooring Buoys:** Find that this activity is exempt from the requirements of 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).

**Boat Hoist:** Find that the activity is exempt from the requirements of 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:**

Authorize issuance of a ten-year Recreational Pier Lease to Wellington S. Henderson, Jr., as to a life estate, and Wellington S. Henderson, Jr., and Richard L. Greene as Trustees of the Harriet Walker Henderson Irrevocable Trust U/T/A dated August 14, 1973, as to a remainder interest, beginning June 28, 2010, for the continued use and maintenance of an existing pier, boathouse, and two mooring buoys and the retention of one existing boat hoist 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 \$500,000.