

**CALENDAR ITEM
C01**

A	4	10/29/10
S	1	WP 3675.9 R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:

Amy L. Armstrong, as to an undivided 33.33 percent interest; Richard E. Armstrong, III, as to an undivided 33.33 percent interest; Gregory G. Armstrong, as to an undivided 16.67 percent interest; and John P. Shinn, Trustee of The Richard E. Armstrong Trust, as to an undivided 16.67 percent interest.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6720 Powderhorn Lane, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning October 29, 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:

The proposed lease contains a provision which requires the Applicant(s) to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy(s) within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the ordinances. TRPA is presently

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evaluating its response. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland properties adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a 10-year Recreational Pier Lease with Richard E. Armstrong, Trustee, U.D.T. (Under Declaration of Trust), dated April 3, 1986 and Richard E. Armstrong, as Life Tenant. That lease expired on February 28, 2007. Upon the death of Mr. Armstrong in 2001, ownership of the littoral parcel was transferred to Amy L. Armstrong, Richard E. Armstrong, III, Gregory G. Armstrong, and John P. Shinn, Trustee of The Richard E. Armstrong Trust. Applicants are now applying for a new Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
4. 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. 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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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).

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 10-year Recreational Pier Lease to Amy L. Armstrong, as to an undivided 33.33 percent interest; Richard E. Armstrong, III, as to an undivided 33.33 percent interest; Gregory G. Armstrong, as to an undivided 16.67 percent interest; and John P. Shinn, Trustee of The Richard E. Armstrong Trust, as to an undivided 16.67 percent interest, beginning October 29, 2010, for the continued use and maintenance of an existing pier 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 \$500,000.