CALENDAR ITEM

C04

A 4 12/10/10

WP 6526.9

S 1 B. Terry

RECREATIONAL PIER LEASE

APPLICANTS:

Gail Cotton High, as Trustee of the Gail Cotton High Trust Under Agreement Dated April 9, 2001; and Kristi Cotton Spence, as Trustee of the Kristi Cotton Spence Qualified Personal Residence Trust Under Agreement Dated April 12, 2004

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 9872 and 9880 Pilot Circle, near Brockway, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning August 1, 2009.

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. Kristi Cotton Spence has been granted the authorization to cross Gail Cotton High's property to access the pier. Authorization must be maintained over the term of the lease. In the event the authorization is terminated, then the Lease will also terminate.

2. The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years of 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 an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. TRPA is presently 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 uplands adjoining the lease premises.

2. On September 3, 1999, the Commission authorized a Recreational Pier Lease with Gail C. High. That lease expired on July 31, 2009. Applicants are requesting that the existing pier, boat lift, boat house with boat hoist, and two mooring buoys be considered as joint-use facilities, and are now applying for a new Recreational Pier Lease.

3. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons and own the littoral parcels that are improved with single family dwellings.

4. The existing pier, boat lift, boat house with boat hoist, and the two mooring buoys are to be equally shared between the Applicants.

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

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 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:

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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

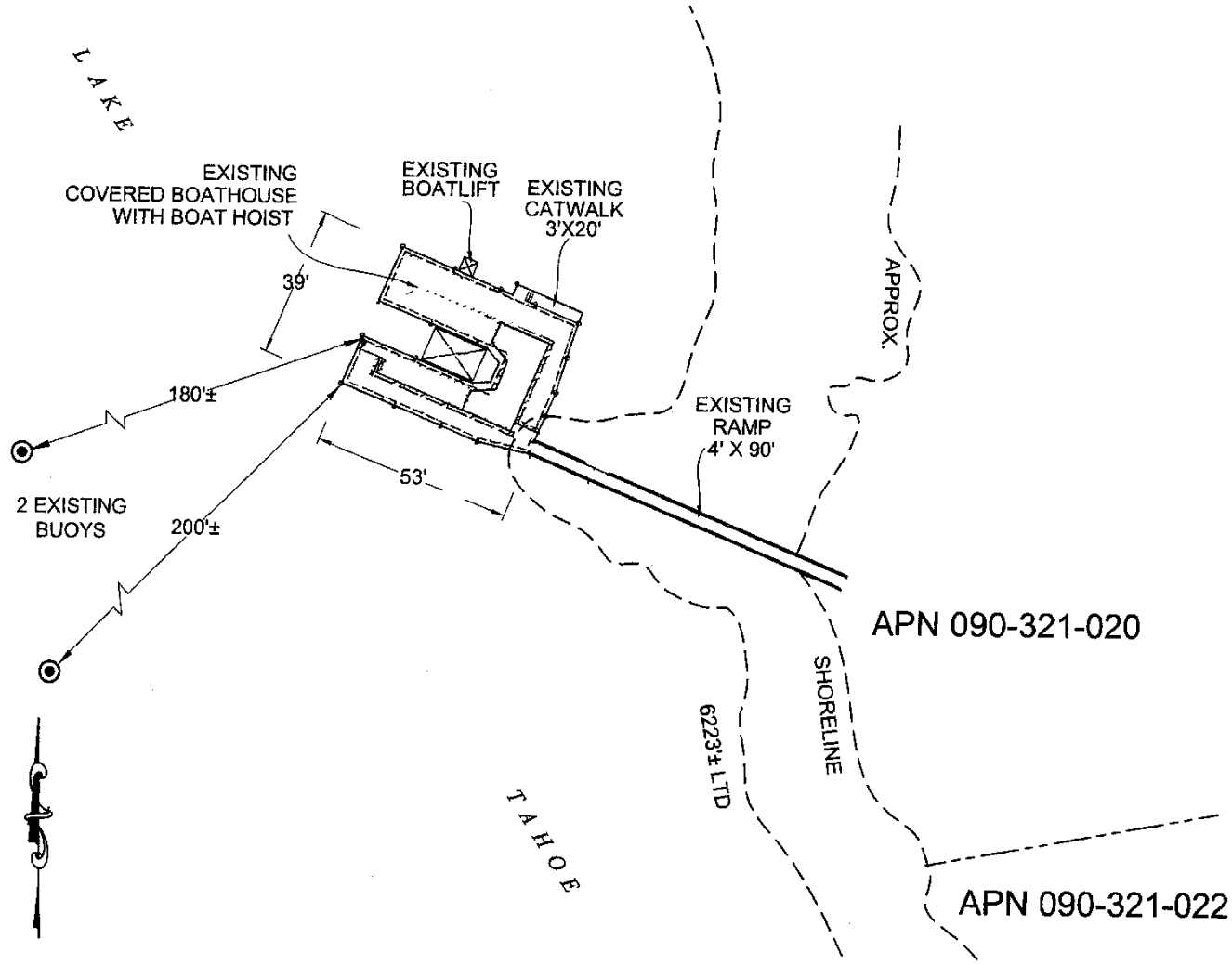
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a 10-year Recreational Pier Lease to Gail Cotton High, as Trustee of the Gail Cotton High Trust Under Agreement Dated April 9, 2001; and Kristi Cotton Spence, as Trustee of the Kristi Cotton Spence Qualified Personal Residence Trust Under Agreement Dated April 12, 2004, beginning August 1, 2009, for the continued use and maintenance of an existing joint-use pier, boat lift, boat house with boat hoist, 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

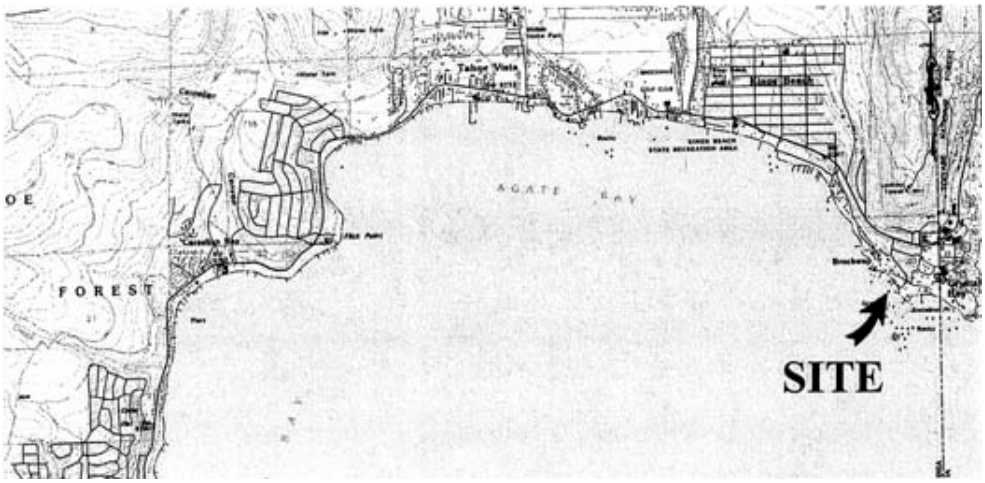
SITE



9872 & 9880 PILOT CIRCLE, NEAR BROCKWAY

NO SCALE

LOCATION

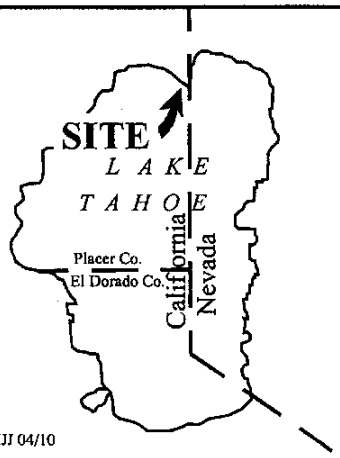


MAP SOURCE: USGS QUAD

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 6526.9
HIGH & SPENCE
APN 090-321-020& 022
RECREATIONAL PIER LEASE
PLACER COUNTY



MJJ 04/10