

**CALENDAR ITEM
C03**

A 4
S 1

10/27/11
W 26437
R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:

Richard P. Filson and Ann M. Filson, Trustees of the Filson Family Revocable Trust Dated September 19, 2001; Mark G. Marshall; Bryant C. Blewett and Ellen E. Marshall, Trustees of the Blewett-Marshall Revocable Trust Dated December 12, 2007; Molly C. Marshall; and Paul A. Marshall

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8361 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Use and maintenance of one existing mooring buoy not previously authorized by the Commission as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning October 27, 2011.

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 requiring 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 an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When

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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 amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. The Applicants' one mooring buoy has been in Lake Tahoe for many years but was not previously authorized by the Commission. The Applicants qualify for a rent-free Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling. Staff recommends approval of the existing mooring buoy within the lease premises.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the 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.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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

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

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

SIGNIFICANT LANDS INVENTORY FINDING:

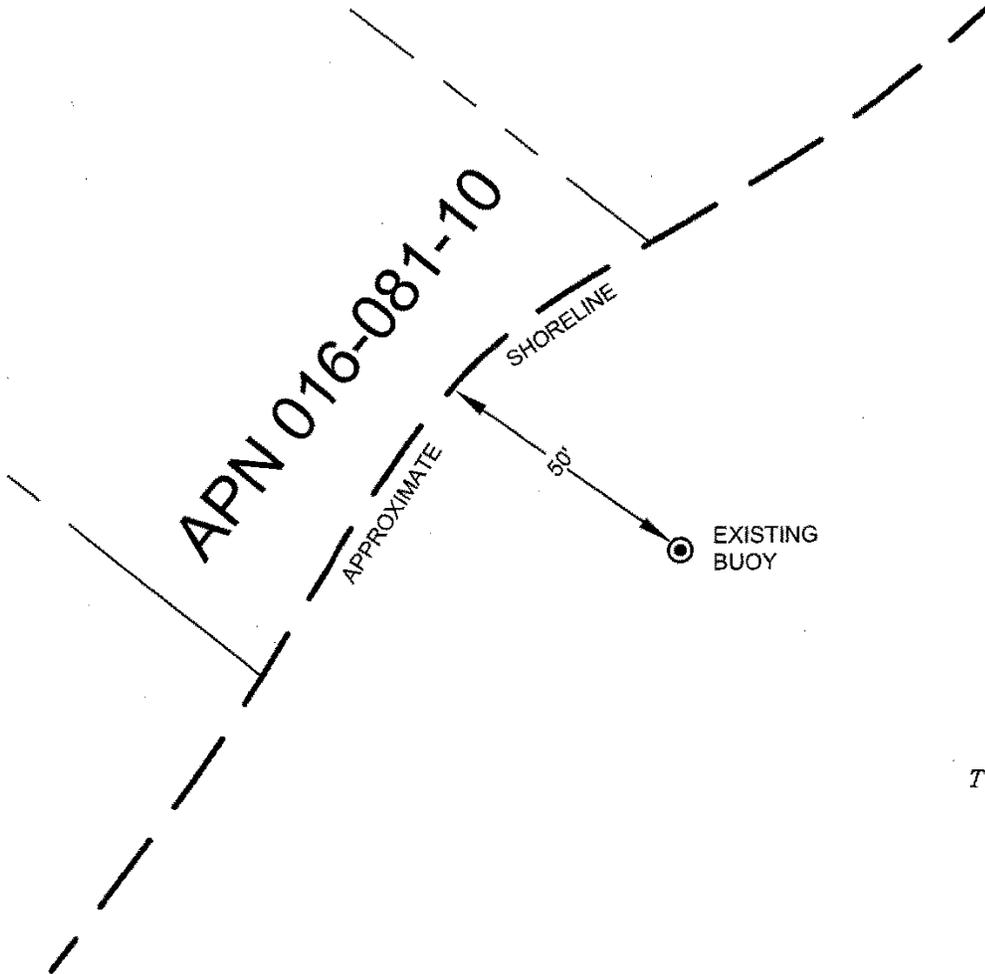
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a 10-year Recreational Pier Lease to Richard P. Filson and Ann M. Filson, Trustees of the Filson Family Revocable Trust Dated September 19, 2001; Mark G. Marshall; Bryant C. Blewett and Ellen E. Marshall, Trustees of the Blewett-Marshall Revocable Trust Dated December 12, 2007; Molly C. Marshall; and Paul A. Marshall, beginning October 27, 2011, for use and maintenance of one existing mooring buoy not previously authorized by the Commission 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.

NO SCALE

SITE

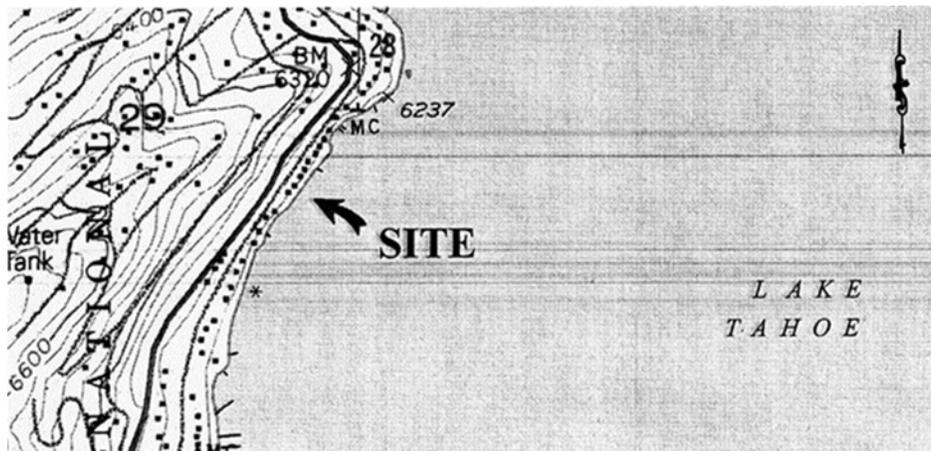


L A K E
T A H O E

8361 MEEKS BAY AVE., NEAR MEEKS BAY

NO SCALE

LOCATION

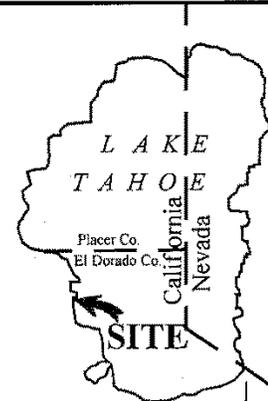


MAP SOURCE: USGS QUAD

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

W 26437
MARSHALL
APN 016-081-10
RECREATIONAL PIER LEASE
EL DORADO COUNTY



MEJ 05/11