

**CALENDAR ITEM
C12**

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10/27/11
WP 5300.1
C.Hudson

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Bay View Refuse Service, Inc., a California Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 32 Moana Circle, near
Homewood, 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 April 14, 2011.

CONSIDERATION:

\$2,205 per year, with the State reserving the right to fix a different rent
periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

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
additional information is available, Commission staff will advise the
Commission on any suggested modifications to the process used by the

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Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a General Lease - Recreational Use with Bay View Refuse Service, Inc., a California Corporation. That lease expired on April 13, 2011. The Applicant is now applying for a new General Lease – Recreational Use.
3. The Applicant is a corporation and, therefore, does not qualify for rent-free status pursuant to Public Resources Code section 6303.5.
4. 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.

5. 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 categorically exempt project, Class 1, Existing Facilities;

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Title 2, California Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

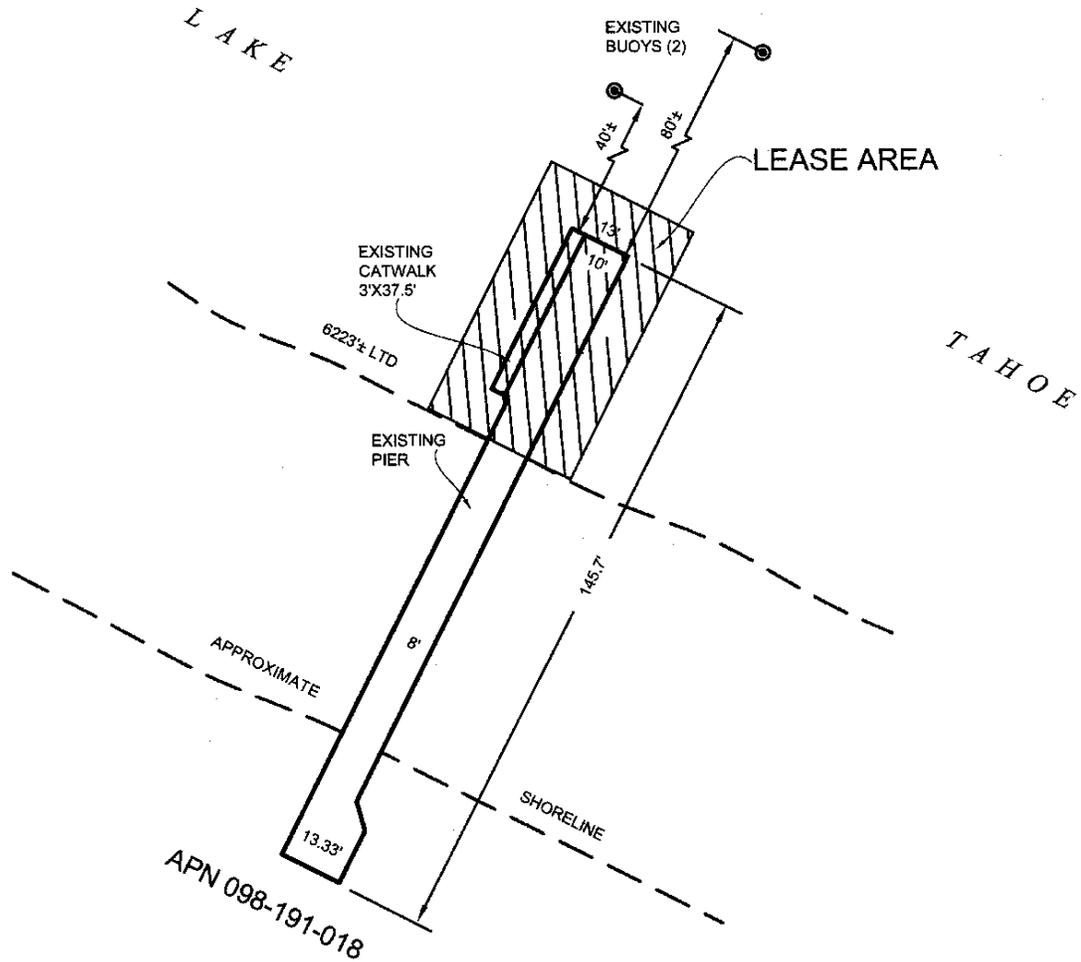
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Bay View Refuse Service, Inc., a California Corporation, beginning April 14, 2011, for a term of 10 years, for the continued use and maintenance of an existing pier and two mooring buoys as shown on the attached Exhibit A and by this reference made a part hereof; annual rent in the amount of \$2,205, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

NO SCALE

SITE



32 MOANA CIRCLE, NEAR HOMEWOOD

NO SCALE

LOCATION

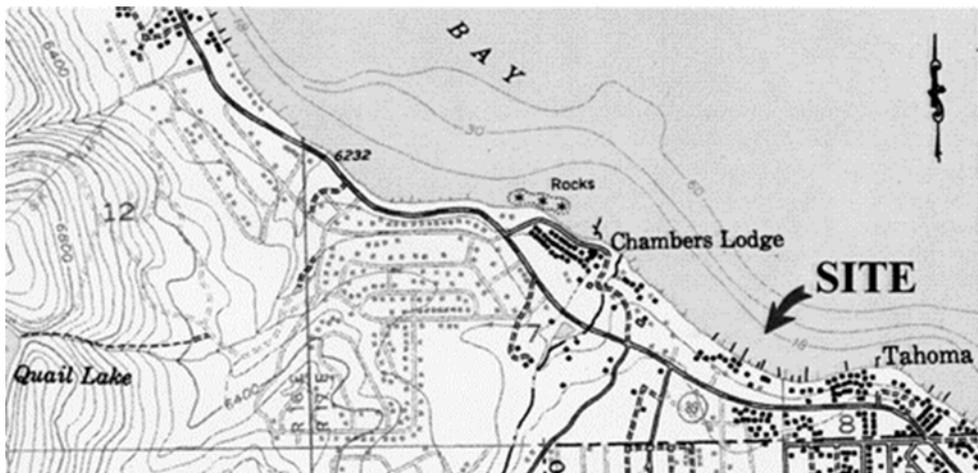
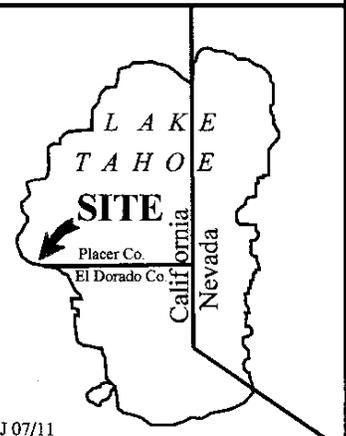


Exhibit A

WP 5300.1
 BAY VIEW REFUSE
 SERVICE, INC.
 APN 098-191-018
 GENERAL LEASE
 RECREATIONAL USE
 PLACER COUNTY



MJJ 07/11

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.