

MINUTE ITEM

This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 0 at its 06-26-06 meeting.

CALENDAR ITEM
C04

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06/26/06
PRC 7930.9
R. Barham

TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE

LESSEE:

Roger and Luise M. Menges, Trustees of the Menges Trust

APPLICANTS:

Robert Wagner, Trustee and Melissa Wagner, Trustee of The Wagner Family Trust dated May 22, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoe City, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning April 1, 2006.

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 \$300,000.

Other:

This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

CALENDAR ITEM NO. C04 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.
2. On February 12, 1997, the Commission authorized a ten-year Recreational Pier Lease with Roger and Luise M. Menges, Trustees of the Menges Trust. That lease will expire on December 31, 2006. Staff is recommending termination of the existing lease.
3. The upland property ownership has been transferred to the Applicants. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Applicants are now applying for a new Recreational Pier Lease for the two mooring buoys.
4. **Termination of existing lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, section 15060(c)(3) and 15378.

5. **Issuance of new lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the 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 person 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.

CALENDAR ITEM NO. C04 (CONT'D)

APPROVAL REQUIRED:

Tahoe Regional Planning Agency

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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.

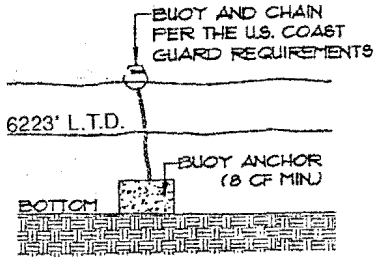
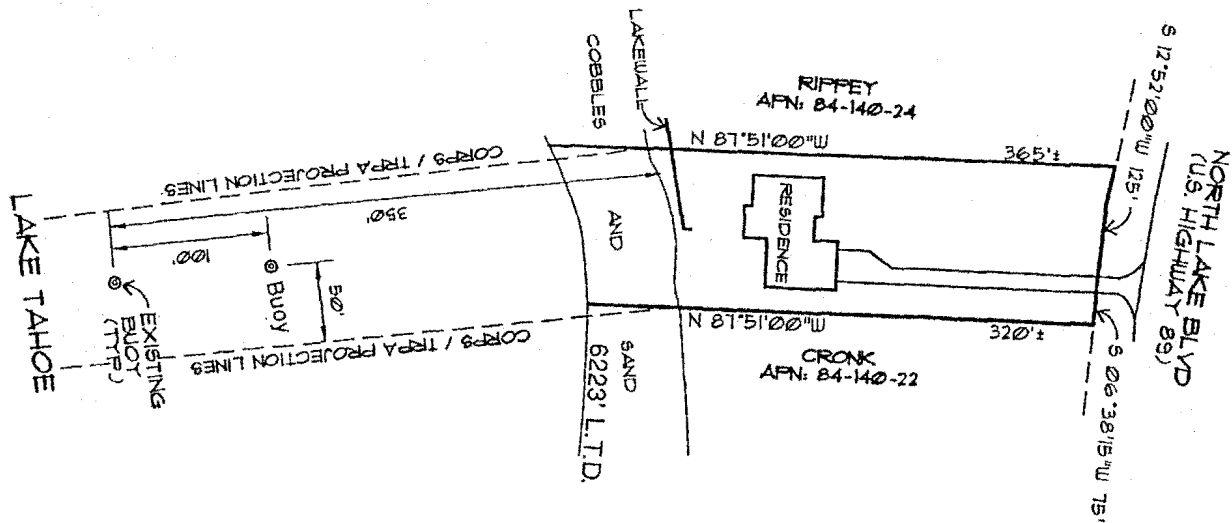
AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 7930.9, EFFECTIVE APRIL 1, 2006, ISSUED TO ROGER AND LUISE M. MENGES, TRUSTEES OF THE MENGES TRUST APPROVED BY THE COMMISSION ON FEBRUARY 12, 1997.

AUTHORIZE ISSUANCE TO ROBERT WAGNER, TRUSTEE AND MELISSA WAGNER, TRUSTEE OF THE WAGNER FAMILY TRUST DATED MAY 22, 1990, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING APRIL 1, 2006 FOR THE CONTINUED USE AND

CALENDAR ITEM NO. C04 (CONT'D)

MAINTENANCE OF 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.



BUOY DETAIL

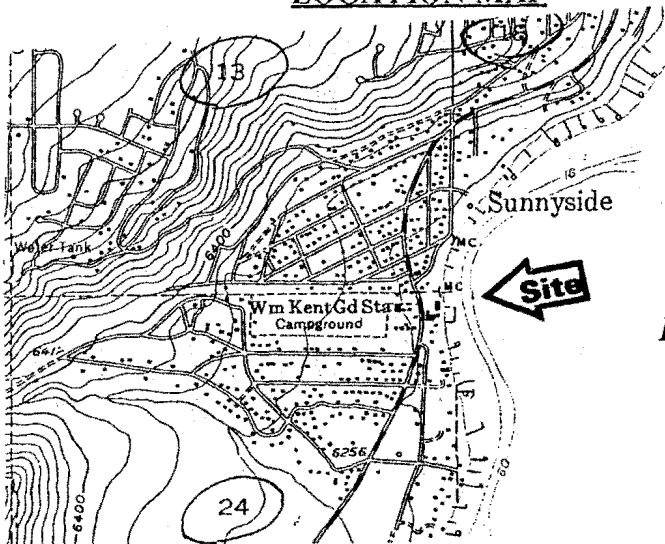
NOTES

THIS PROJECT INVOLVES RETAINING TWO MOORING BUOYS ONLY. NO CONSTRUCTION IS PROPOSED SHOREWARD OF THE MEAN HIGH WATER MARK.

1950 West Lake Blvd.

NO SCALE

LOCATION MAP



Lake Tahoe

NO SCALE

This Exhibit is solely for purposes of generally defining the lease premises, 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"

WB 7930.9

APN 84 - 140 - 23

Lake Tahoe

PLACER COUNTY

