

MINUTE ITEM

This Calendar Item No. C06 was approved as Minute Item No. 06 by the California State Lands Commission by a vote of 3 to 0 at its 06-26-06 meeting.

**CALENDAR ITEM
C06**

A 4
S 1

06/26/06
PRC 8369.9
R. Barham

**RESCIND ISSUANCE OF GENERAL LEASE - RECREATIONAL USE AND
ISSUANCE OF A RECREATIONAL PIER LEASE**

LESSEES:

Antony C. Evans and Carol Ross-Evans, Trustees of the Tony and Carol Evans 2000 Revocable Trust and Reverse Exchange Properties, Inc.

APPLICANTS:

Antony C. Evans and Carol Ross-Evans, Trustees of the Tony and Carol Evans 2000 Revocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoma, El Dorado County.

AUTHORIZED USE:

The continued use and maintenance of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning January 31, 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.

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OTHER PERTINENT INFORMATION:

1. On January 30, 2002, the Commission authorized a ten-year Recreational Pier Lease to James A. and Dona J. Affleck, Co-Trustees of the Affleck 1980 Trust, Dated 10/9/80. On August 1, 2005, the littoral property ownership was transferred to Antony C. Evans and Carol Ross-Evans, Trustees of the Tony and Carol Evans 2000 Revocable Trust and Reverse Exchange Properties, Inc.
2. On December 8, 2005, the Commission authorized the termination of Lease No. PRC 8368.9, and the issuance of a ten-year, General Lease - Recreational Use to Antony C. Evans and Carol Ross-Evans, Trustees of the Tony and Carol Evans 2000 Revocable Trust and Reverse Exchange Properties, Inc. That lease will expire on July 31, 2015. Lessees did not qualify for a rent-free lease because one of the Lessees, Reverse Exchange Properties, Inc., was not a natural person, pursuant to Public Resources Code section 6503.5.
3. On January 31, 2006, the littoral property ownership transferred to the Applicants and staff is requesting that the Commission rescind the previous General Lease - Recreational Use and issue a new Recreational Pier Lease to the Applicants, effective January 31, 2006. 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.
4. **Rescind a General Lease – Recreational Use:** 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 a New Recreational Pier 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,

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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 the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL REQUIRED:

Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RESCIND GENERAL LEASE – RECREATIONAL USE: 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 A NEW RECREATIONAL PIER 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).

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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.

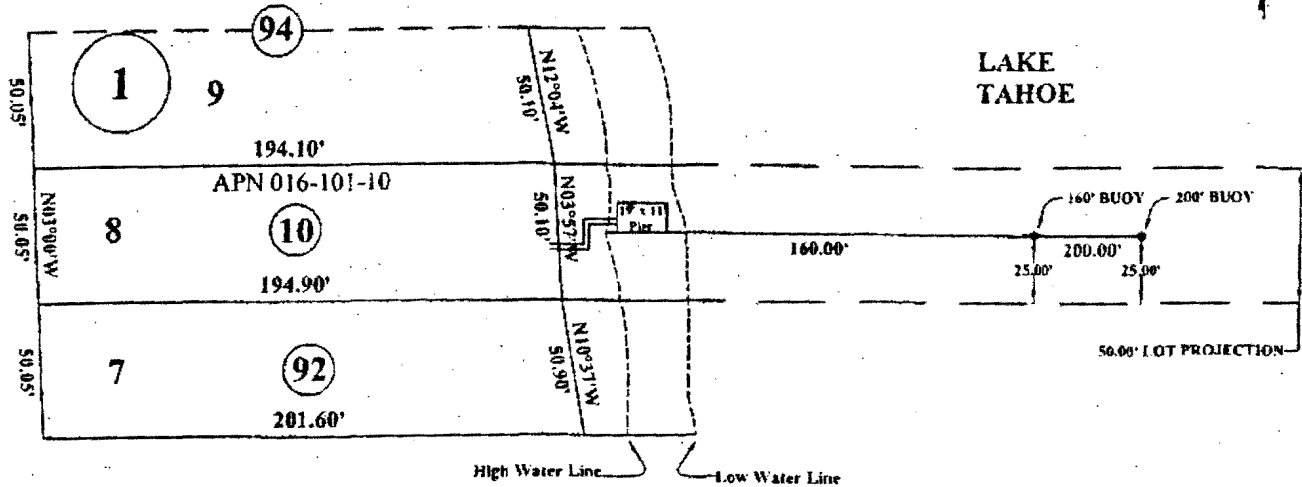
AUTHORIZATION:

- 1) RESCIND THE ISSUANCE OF GENERAL LEASE - RECREATIONAL USE LEASE NO. PRC 8368.1, AUTHORIZED BY THE COMMISSSION ON DECEMBER 8, 2005, TO ANTONY C. EVANS AND CAROL ROSS-EVANS, TRUSTEES OF THE TONY AND CAROL EVANS 2000 REVOCABLE TRUST AND REVERSE EXCHANGE PROPERTIES, INC.

- 2) AUTHORIZE ISSUANCE TO ANTONY C. EVANS AND CAROL ROSS-EVANS, TRUSTEES OF THE TONY AND CAROL EVANS 2000 REVOCABLE TRUST, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JANUARY 31, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF TWO EXISTING 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.

NO SCALE

SITE MAP



APN 016-101-10
 8547 MEEKS BAY AVENUE, TAHOMA, CA

NO SCALE

LOCATION MAP

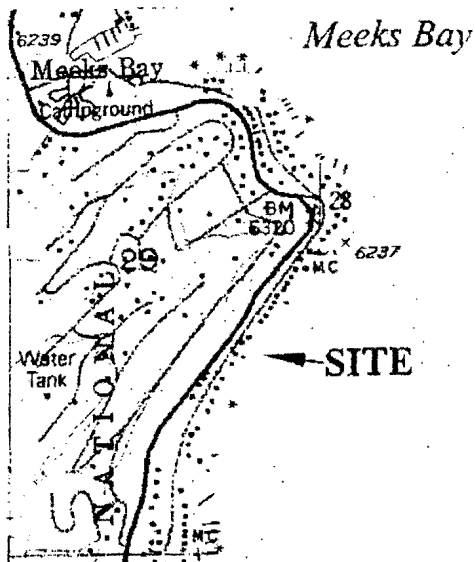
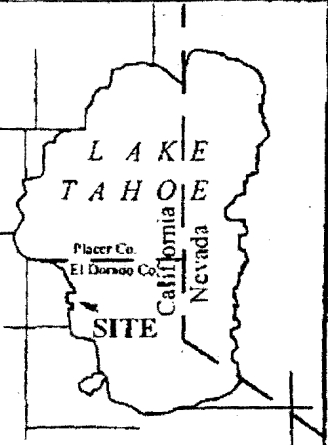


Exhibit A
WP 8368
MOORING BUOYS
LAKE TAHOE
EL DORADO COUNTY



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 of limitation of any state interest in the subject or any other property.

RWB 10/05