

MINUTE ITEM

This Calendar Item No. C23 was approved as Minute Item No. 23 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM  
**C23**

A 4  
S 1

06/26/06  
PRC8683 W 26110  
R. Barham

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANT:**

The Hurricane Bay Estates Owners Association

**AREA, LAND TYPE, AND LOCATION:**

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

**AUTHORIZED USE:**

The retention, use and maintenance of five existing mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning June 1, 2006.

**CONSIDERATION:**

\$117 per year; with the State reserving the right to fix a different rent periodically during the lease term.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

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

Other:

This lease is conditioned on the Applicant 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.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. This Applicant is a newly formed homeowners association consisting of eight member lots whose members will be sharing in the use of the five

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mooring buoys. All but two lots remain to be sold, which are currently held in the name of Hurricane Bay Partners, LLP. Applicant does not qualify for a rent-free Recreational Pier Lease pursuant to Public Resources Code section 6503.1 because a portion of the association member lots are owned as non-natural persons. Applicant is applying for a new General Lease – Recreational Use.

3. The proposed annual rent has been prorated according to the percentage of member lots that do not qualify for rent-free status. 75% of the member lots are owned by natural persons and qualify for the rent-free status while the remaining 25% do not qualify for the rent-free status.
4. 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

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 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.

**APPROVALS REQUIRED:**

Tahoe Regional Planning Agency  
U.S. Army Corps of Engineers

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

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**CEQA FINDING:**

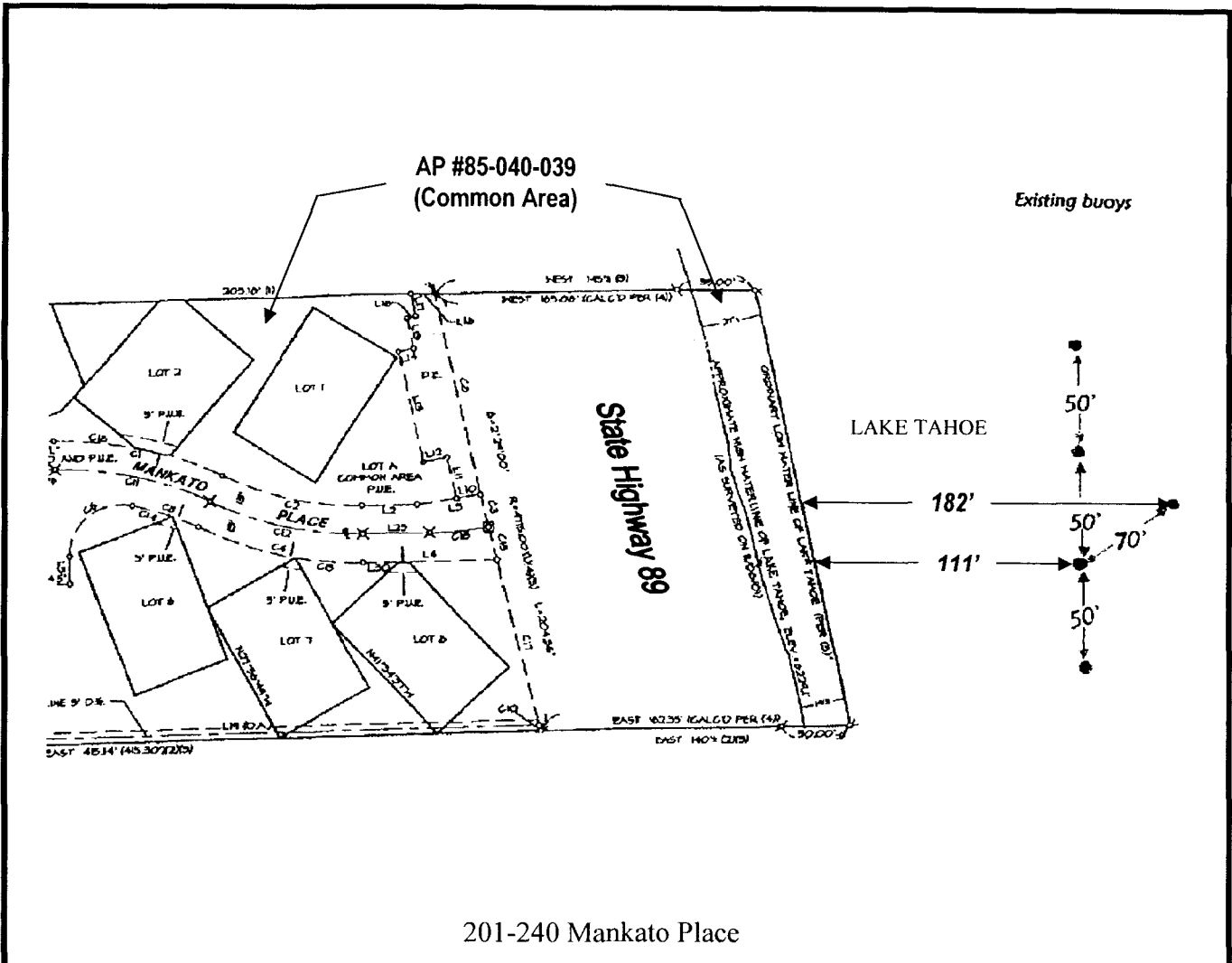
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

**SIGNIFICANT LANDS INVENTORY FINDING:**

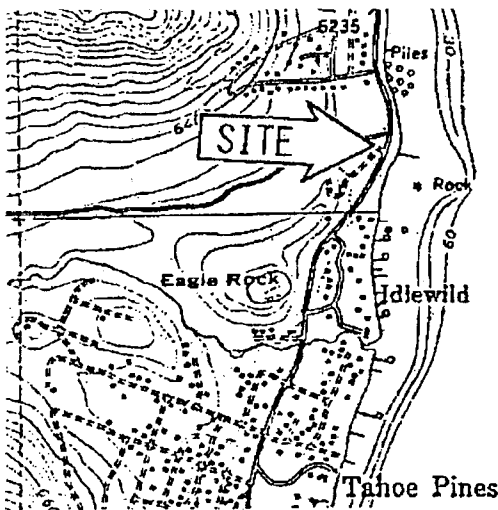
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

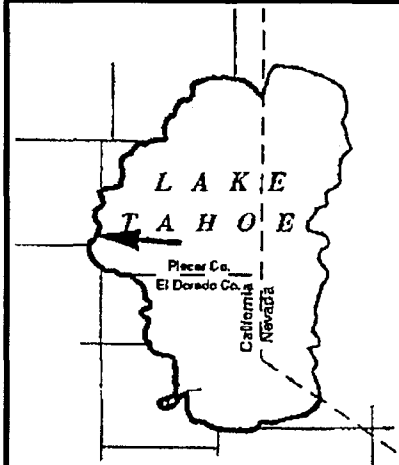
AUTHORIZE ISSUANCE TO THE HURRICANE BAY ESTATES OWNERS ASSOCIATION, OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE, BEGINNING JUNE 1, 2006, FOR THE RETENTION, USE AND MAINTENANCE OF FIVE EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$117, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.



**LOCATION MAP**



**EXHIBIT "A"**  
**Section 3**  
**W 26110**  
 APN 85-040-039  
 Lake Tahoe  
 PLACER 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 or limitation of any State interest in the subject or any other property.