

**MINUTE ITEM**

This Calendar Item No. C31 was approved as Minute Item No. 31 by the California State Lands Commission by a vote of 3 to 0 at its 12-09-03 meeting.

**CALENDAR ITEM  
C31**

A 4

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PRC 8316

12/09/03  
WP 8316.9  
B. Young

**TERMINATION OF RECREATIONAL PIER LEASE  
AND ISSUANCE OF A NEW RECREATIONAL PIER LEASE**

**LESSEES/APPLICANTS:**

Melvin B. Lane and Joan F. Lane, as trustees of the Melvin B. Lane Qualified Personal Residence Trust dated August 20, 1999, and Melvin B. Lane and Joan F. Lane, as trustees of the Joan F. Lane Qualified Personal Residence Trust dated August 20, 1999

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

Sovereign lands in Lake Tahoe, South Lake Tahoe, El Dorado County.

**AUTHORIZED USE:**

Proposed modification of a new pier, placement of a new boat lift and two existing mooring buoys previously authorized by the Commission as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning January 1, 2004.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Lessee 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. **C31** (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. On February 21, 2003, the Commission authorized a Recreational Pier Lease to the Lessees for the proposed construction of a new pier and placement of a new boat lift and two existing mooring buoys. That lease will expire on January 31, 2013. Lessees submitted an application for the modification of the new pier. Lessees qualify for a Recreational Pier Lease because the Lessees are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Lessees are now applying for a new Recreational Pier Lease.
2. The Tahoe Yellow Cress (TYC) is listed under the provisions of the California Endangered Species Act as an endangered plant species subject to special protection. On October 1, 2002, the Commission authorized the Executive Officer on their behalf to sign a Memorandum of Understanding to implement the "Conservation Strategy For Tahoe Yellow Cress (*Rorippa subumbellata*) in conjunction with the Tahoe Regional Planning Agency, the U.S. Fish and Wildlife Service, the U.S. Forest Service, the Nevada Division of Forestry, the Nevada Division of State Lands, the Nevada Division of State Parks, the Nevada Natural Heritage Program, the California Department of Fish and Game, the California Department of Parks and Recreation, the California Tahoe Conservancy, the Tahoe Lakefront Owners' Association and the League To Save Lake Tahoe.
3. The proposed project is located in suitable TYC habitat. The project site was surveyed for the presence of TYC by staff of the Commission on September 18, 2003 and the project site does not presently contain TYC.
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 the 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, sections 15060 (c)(3) and 15378.

CALENDAR ITEM NO. **C31** (CONT'D)

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 3, New Construction of Small Structure; Title 2, California Code of Regulations, section 2905 (c)(1).

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.

**APPROVALS OBTAINED:**

Pier and Boat Lift: Tahoe Regional Planning Agency, California Department of Fish and Game, U.S. Army Corps of Engineers and California Regional Water Quality Board, Lahontan Region

**FURTHER APPROVALS REQUIRED:**

Buoys: Tahoe Regional Planning Agency

**EXHIBIT:**

- A. Location and site map

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**TERMINATION OF EXISTING LEASE:** FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 15378.

CALENDAR ITEM NO. C31 (CONT'D)

**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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

**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.

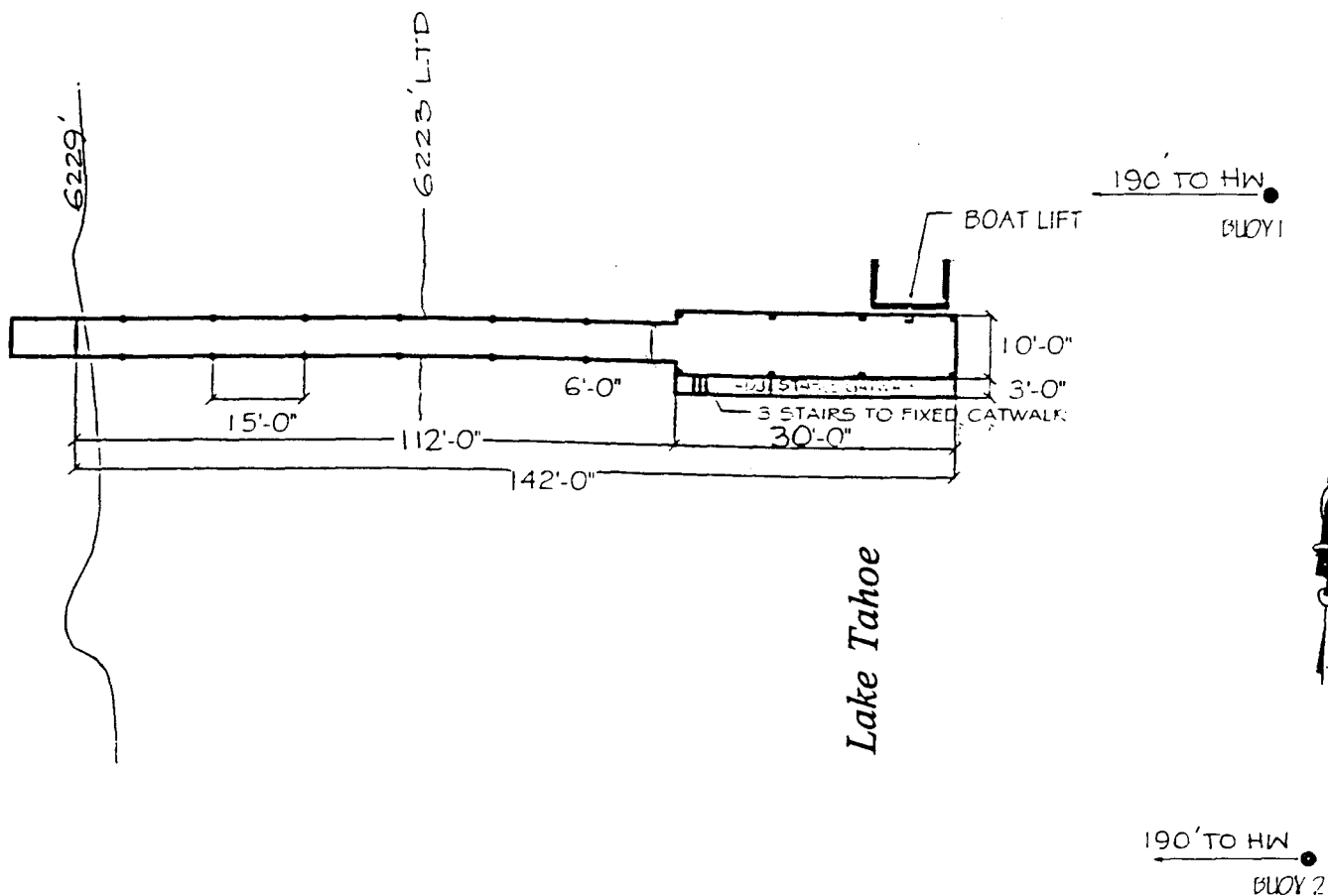
**AUTHORIZATION:**

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8316.9, ISSUED TO MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE MELVIN B. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, AND MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE JOAN F. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, AND APPROVED BY THE COMMISSION ON FEBRUARY 21, 2003.

AUTHORIZE ISSUANCE TO MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE MELVIN B. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, AND MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE JOAN F. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, OF A RECREATIONAL PIER LEASE, BEGINNING JANUARY 1, 2004, FOR A TERM OF TEN YEARS, FOR THE PROPOSED MODIFICATION OF A NEW PIER, PLACEMENT OF A BOAT LIFT AND TWO EXISTING MOORING BUOYS ON THE LAND 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 FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$300,000.

NO SCALE

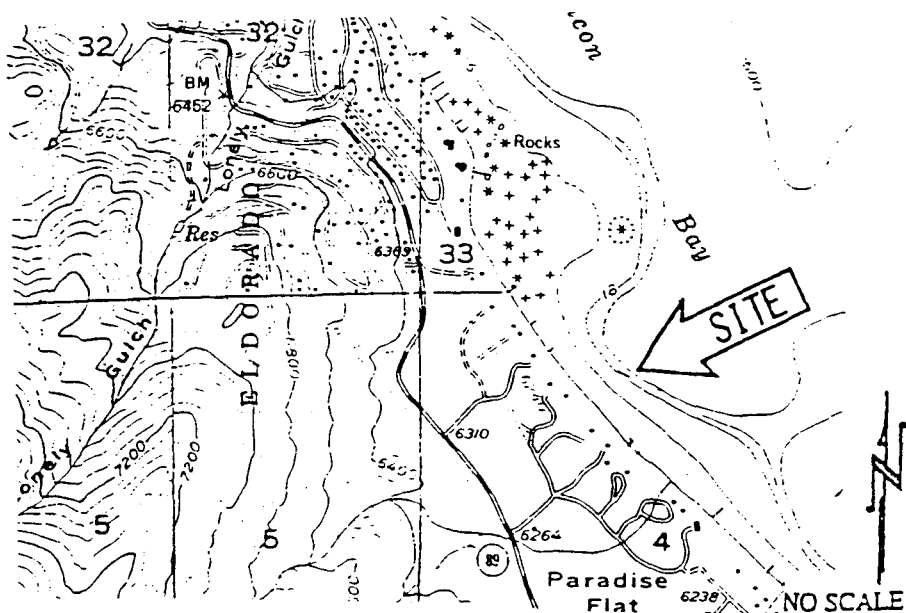
## SITE MAP



181 Paradise Flat Lane

NO SCALE

## LOCATION MAP



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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

PRC 8316.9  
APN 017-021-051  
Lake Tahoe  
El Dorado County

