

**CALENDAR ITEM
C108**

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06/23/11
WP 5101.1
B. Terry

TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEES:

Henry E. Bolton and Julie Bolton

APPLICANT:

Bruce W. Olson

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number (APN) 092-190-010, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boat lift as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning September 27, 2010.

CONSIDERATION:

\$2,976 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 lease contains a provision that the Applicant must obtain and maintain continuous authorization from the littoral property owner, Cedar Flat Improvement Association (Association), to access and maintain the pier and boat lift on the littoral property (APN 092-190-010) which is an intervening strip parcel, adjacent to the lease premises. The lease shall terminate if the Association's consent lapses or is revoked.

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises, which is owned by the Association. The right granted to the Applicant by the Association is limited to the use and maintenance of the Applicant's pier and boat lift. Applicant owns 4250 North Lake Boulevard (APN 092-190-052), which is adjacent to and upland of the littoral parcel (APN 092-190-10).
2. On June 28, 2007, the Commission authorized a General Lease – Recreational Use with Henry E. Bolton and Julie Bolton. That lease will expire on December 20, 2016. On September 27, 2010, the ownership transferred to Bruce W. Olson. Applicant is now applying for a new General Lease – Recreational Use.
3. The Applicant does not qualify for rent-free status because the Applicant does not own the littoral property adjacent to the lease premises.
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 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.

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 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., 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.

CALENDAR ITEM NO. **C108** (CONT'D)

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 not subject to the requirements of 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 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).

AUTHORIZATION:

1. Authorize termination, effective September 26, 2010, of Lease No. PRC 5101.1, a General Lease – Recreational Use, issued to Henry E. Bolton and Julie Bolton
2. Authorize issuance of a General Lease – Recreational Use to Bruce W. Olson, beginning September 27, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier and boat lift as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$2,976 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.