

**CALENDAR ITEM
C25**

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06/23/11
WP 5784.9
B. Terry

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEES:

James Trembath and Joann Trembath; Clarence J. Cravalho and Mary M. Cravalho, Trustees of the Cravalho Family Living Trust, dated August 5, 1993; Dean C. Croft and Arma B. Croft, Trustees of the Croft Family Trust dated May 20, 1993; Steve Foster and Jill Foster; Monte Lee Osborn and Mary Kay Osborn, Trustees of the 1993 Osborn Family Trust dated July 22, 1993; Dean C. Croft and Bernice Croft; James R. Trembath and Joann Olvera Trembath; and William B. Seith and Mary S. Seith

APPLICANTS:

James Trembath and Joann Trembath; Clarence J. Cravalho and Mary M. Cravalho, Trustees of the Cravalho Family Living Trust, dated August 5, 1993; Dean C. Croft and Arma B. Croft, Trustees of the Croft Family Trust, dated May 20, 1993; Steve Foster and Jill Foster; Monte Lee Osborn and Mary Kay Osborn, Trustees of the 1993 Osborn Family Trust, dated July 22, 1993; William B. Seith and Mary S. Seith; and James R. Trembath and Joann Olvera Trembath; and William M. Peterson and Nancy E. Peterson, Trustees of the William M. and Nancy E. Peterson Family Trust, under agreement dated December 11, 2007, as amended

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5768 and 5784 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and four mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning June 23, 2011

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On December 3, 2007, the Commission authorized a Recreational Pier Lease for an existing pier with James Trembath and Joann Trembath; Clarence J. Cravalho and Mary M. Cravalho, Trustees of the Cravalho Family Living Trust, dated August 5, 1993; Dean C. Croft and Arma B. Croft, Trustees of the Croft Family Trust dated May 20, 1993; Steve Foster and Jill Foster; Monte Lee Osborn and Mary Kay Osborn, Trustees of the 1993 Osborn Family Trust dated July 22, 1993; Dean C. Croft and Bernice Croft; James R. Trembath and Joann Olvera Trembath; and William B. Seith and Mary S. Seith (Trembath, et al.). That lease will expire on December 2, 2017.
3. In 2008 Trembath, et al. entered into an Easement and Joint-Use Pier Agreement with William M. Peterson and Nancy E. Peterson, owners of the neighboring littoral parcel 116-080-001. Based on the agreement, the pier is to be equally shared between Trembath, et al. and the Petersons and, as a result, the Petersons have been granted a nonexclusive easement for the right to full use of the pier. Trembath, et al. and the Petersons are now requesting to terminate the existing lease and are applying for a new Recreational Pier Lease for a joint-use pier.
4. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons and own the littoral parcels that are improved with single-family dwellings.
5. **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.

6. **Issuance of a 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.

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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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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.

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 Facility; 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 section 6370, et seq.

AUTHORIZATION:

1. Authorize termination, effective June 22, 2011, of Lease No. PRC 5784.9, a Recreational Pier Lease, issued to James Trembath and Joann Trembath; Clarence J. Cravalho and Mary M. Cravalho, Trustees of the Cravalho Family Living Trust, dated August 5, 1993; Dean C. Croft and Arma B. Croft, Trustees of the Croft Family Trust

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dated May 20, 1993; Steve Foster and Jill Foster; Monte Lee Osborn and Mary Kay Osborn, Trustees of the 1993 Osborn Family Trust dated July 22, 1993; Dean C. Croft and Bernice Croft; James R. Trembath and Joann Olvera Trembath; and William B. Seith and Mary S. Seith, and authorized by the Commission on December 3, 2007.

2. Authorize issuance of a 10-year Recreational Pier Lease to James Trembath and Joann Trembath; Clarence J. Cravalho and Mary M. Cravalho, Trustees of the Cravalho Family Living Trust, dated August 5, 1993; Dean C. Croft and Arma B. Croft, Trustees of the Croft Family Trust, dated May 20, 1993; Steve Foster and Jill Foster; Monte Lee Osborn and Mary Kay Osborn, Trustees of the 1993 Osborn Family Trust, dated July 22, 1993; William B. Seith and Mary S. Seith; James R. Trembath and Joann Olvera Trembath; and William M. Peterson and Nancy E. Peterson, Trustees of the William M. and Nancy E. Peterson Family Trust, under agreement dated December 11, 2007, as amended, beginning June 23, 2011, for the continued use and maintenance of an existing joint-use pier and four 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; and liability insurance in the amount of no less than \$1,000,000.