

MINUTE ITEM

This Calendar Item No. C40 was approved as Minute Item No. 40 by the California State Lands Commission by a vote of 3 to 0 at its 12/9/04 meeting.

**CALENDAR ITEM
C40**

A 3
S 1

12/09/04
PRC 8321 WP 8321.1
B. Young

**TERMINATION OF GENERAL LEASE - RECREATIONAL USE
AND ISSUANCE OF NEW GENERAL LEASE - RECREATIONAL USE**

LESSEES:

Robert E. Melen and Sheila R. Melen

APPLICANTS:

Frederick G. Rose and Barbara Ryan Rose, Trustees of the Frederick G. Rose and Barbara Ryan Rose Revocable Living Trust, dated June 16/97.

AREA, LAND TYPE, AND LOCATION:

0.01 acre, more or less, of sovereign lands in Donner Lake near Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, deck and boathouse as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 4, 2004.

CONSIDERATION:

\$86 per annum; 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 with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. On April 24, 2001, the Commission authorized a General Lease - Recreational Use to the Lessees for a pier, deck and boathouse. That lease will expire on February 28, 2011. The Applicants purchased the upland property from Lessees and have submitted an application for a

CALENDAR ITEM NO. C40 (CONT'D)

new General Lease - Recreational Use. The Applicants are natural persons who have improved the littoral land with and use the upland for a single family dwelling. However, the boathouse does not qualify for a rent-free status because it includes facilities not constructed for the docking or mooring of boats. The pier is exempt from consideration pursuant to Public Resources Code Section 6503.5.

2. **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.

3. **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 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.

4. 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.

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

CALENDAR ITEM NO. C40 (CONT'D)

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.

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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

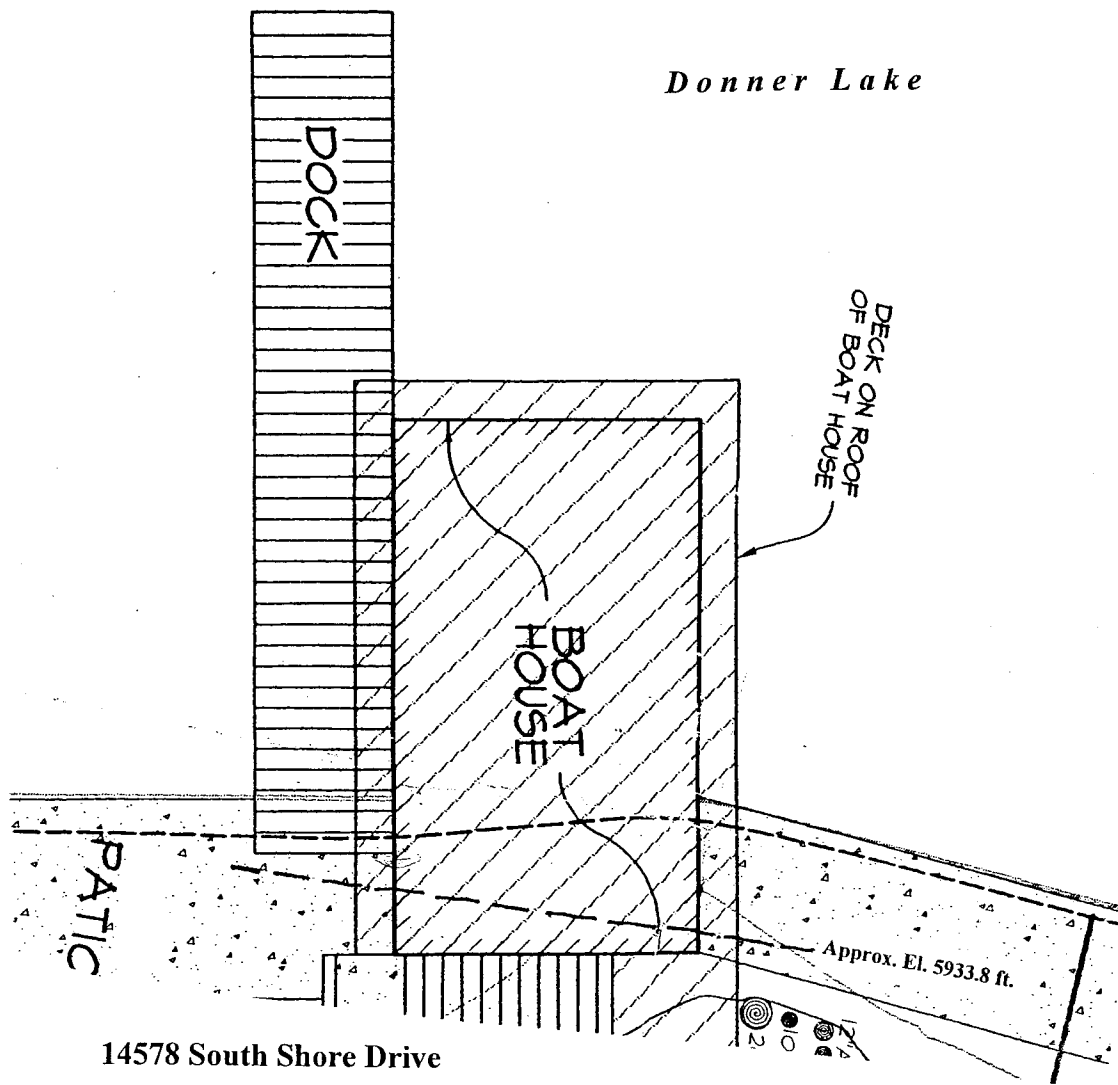
SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE THE TERMINATION OF GENERAL LEASE - RECREATIONAL USE ISSUED TO ROBERT E. MELEN AND SHEILA R. MELEN, AND APPROVED BY THE COMMISSION ON APRIL 21, 2001.

AUTHORIZE ISSUANCE TO FREDERICK G. ROSE AND BARBARA RYAN ROSE, TRUSTEES OF THE FREDERICK G. ROSE AND BARBARA RYAN ROSE REVOCABLE LIVING TRUST, DATED JUNE 16/97, OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING AUGUST 4, 2003, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, DECK, AND BOATHOUSE ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION OF \$86 PER ANNUM FOR THE BOAT HOUSE; NO MONETARY CONSIDERATION FOR THE PIER PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.



LOCATION MAP

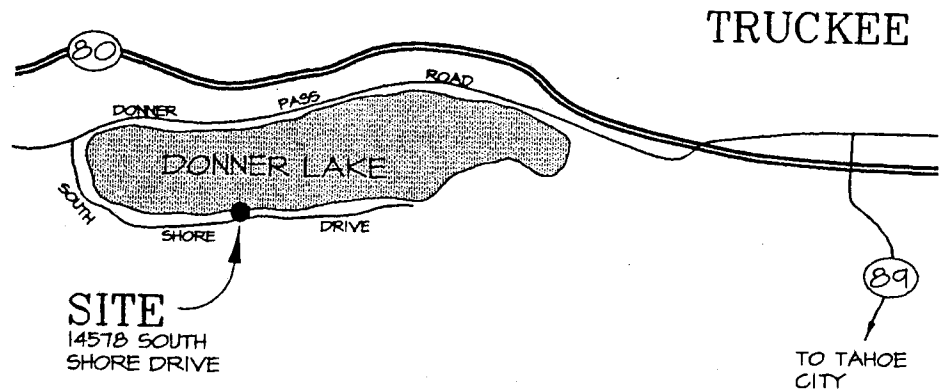


EXHIBIT A
PRC 8321.1
APN 17-371-20
Donner Lake
NEVADA COUNTY



This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.