

This Calendar Item No. C36 was approved as Minute Item No. 36 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM  
**C36**

A 4  
S 1

04/17/06  
PRC 7107 WP 7107.1  
V. Massey

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANTS:**

Ernest E. Pestana and Irene Pestana

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

Sovereign lands in Lake Tahoe, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

The continued use and maintenance of a previously authorized existing pier, two boathouses with a boat lift and a boat hoist, and two decks, as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning August 21, 2005.

**CONSIDERATION:**

**Two Decks:** \$139 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**Pier, Two Boathouses with a Boat Hoist and a Boatlift:** No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On February 22, 1996, the Commission authorized a Recreational Pier Lease to Ernest E. Pestana and Irene Pestana, which expired on August 20, 2005. Applicants are now applying for a new General Lease – Recreational Use.

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3. Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. The two decks located at the top of the boathouses do not qualify for rent-free status because they include facilities not used for the docking or mooring of boats. The existing pier, two boathouses with a boatlift and a boat hoist are exempt from payment of rent pursuant to Public Resources Code 6503.5.
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 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.

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.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**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 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

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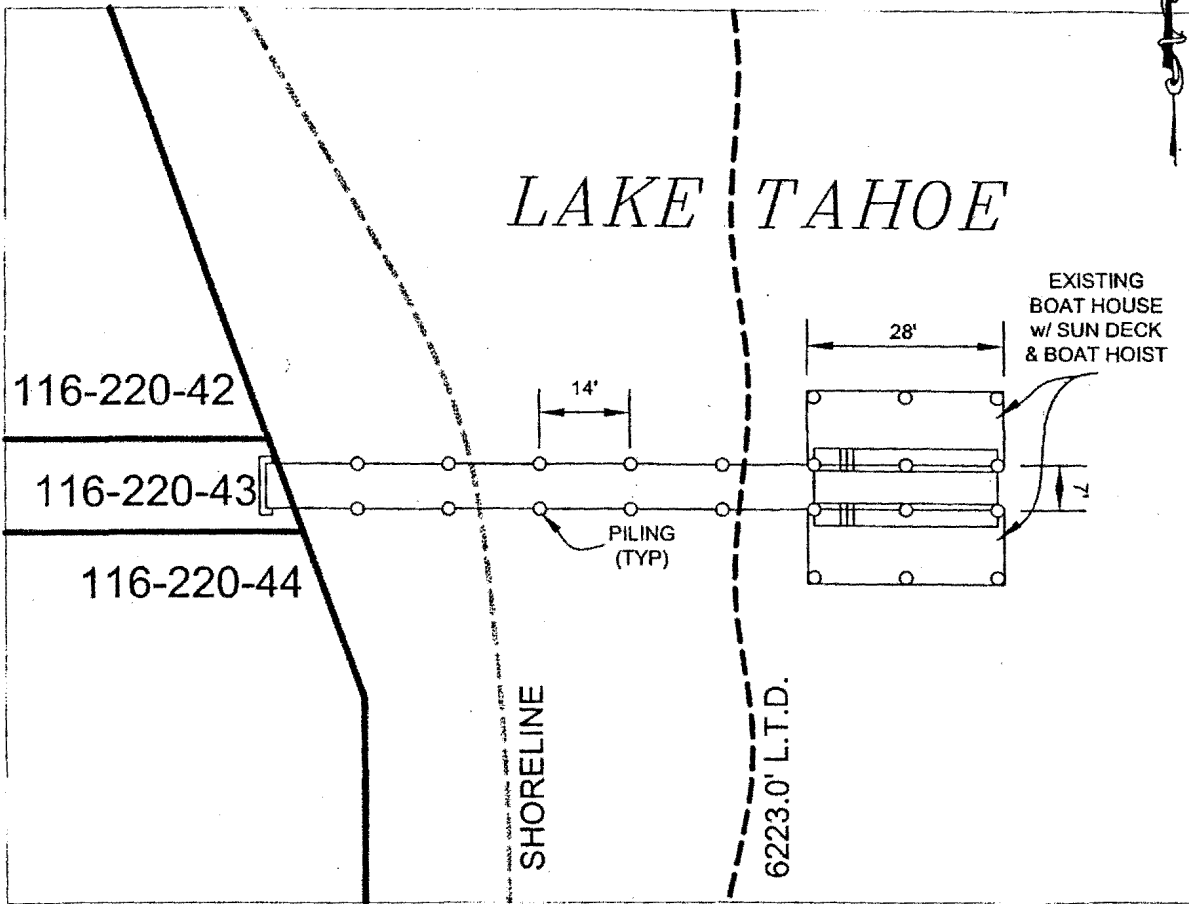
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,  
ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO ERNEST E. PESTANA AND IRENE PESTANA OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING AUGUST 21, 2005, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, TWO BOATHOUSES WITH A BOATLIFT AND A BOAT HOIST AND TWO DECKS, PREVIOUSLY AUTHORIZED BY THE COMMISSION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$139 FOR THE DECKS, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 FOR THE PIER, TWO BOATHOUSES, BOAT HOIST AND BOATLIFT; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

NO SCALE

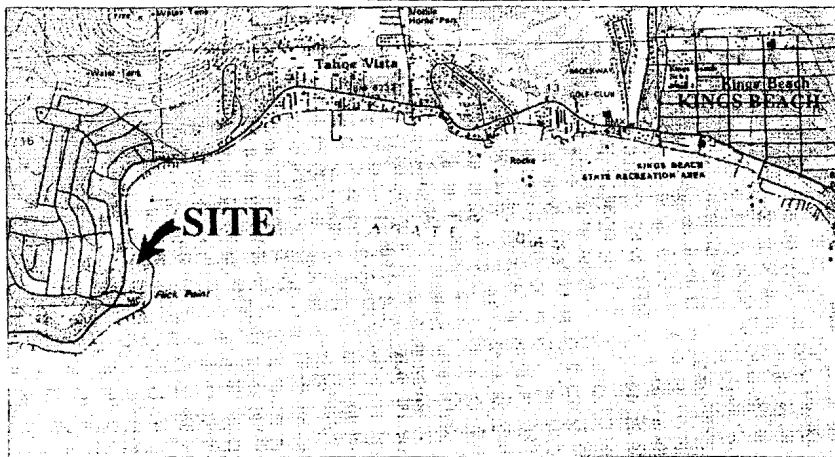
### SITE



5588 NORTH LAKE BLVD, AGATE BAY

NO SCALE

### LOCATION



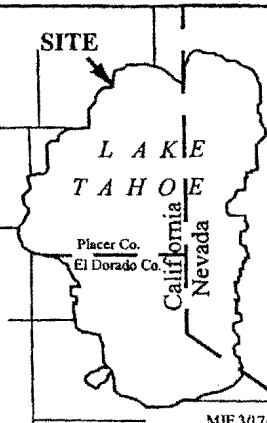
MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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 7107.1  
 ERNEST & IRENE PESTANA  
 APN: 116-220-40,41,42,43,44,45  
 RECREATIONAL PIER LEASE  
 LAKE TAHOE  
 PLACER COUNTY

SITE



MIF 3/7/06

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