

**MINUTE ITEM**  
This Calendar Item No. C07 was approved as  
Minute Item No. 07 by the California State Lands  
Commission by a vote of 3 to 0 at its  
8/24/06 meeting.

**CALENDAR ITEM  
C07**

A	4		08/24/06
S	1	PRC 6609	WP 6609.9 C. Connor

**TERMINATION OF A GENERAL LEASE – RECREATIONAL USE  
AND ISSUANCE OF A RECREATIONAL PIER LEASE**

**LESSEE:**

Lindsey Family Enterprises, LP  
P.O. Box 134  
Tahoe Vista, CA 96148

**APPLICANT:**

Susan E. Baker, Trustee of the Susan E. Baker Trust dated May 30, 2003

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

0.089 acres, more or less, of sovereign lands in Lake Tahoe, near Agate Bay,  
Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, two existing mooring piles,  
and two existing mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning April 7, 2006.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in the amount of no less than \$300,000.

Other:

This lease is conditioned on the Applicant 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. C07 (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. On April 24, 2001, the Commission authorized issuance of a ten-year General Lease - Recreational Use to Lindsey Family Enterprises, LP, a California Limited Partnership. That lease will expire on March 31, 2011. On April 7, 2006, the upland property was deeded to Susan E. Baker, Trustee of the Susan E. Baker Trust dated May 30, 2003.
2. Applicant qualifies for a Recreational Pier Lease because Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. Applicant is now applying for a new recreational pier lease. Staff is recommending termination of the existing lease and issuance of a new lease.
3. **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.

4. **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.

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.

CALENDAR ITEM NO. C07 (CONT'D)

**APPROVALS REQUIRED:**

**Buoys:** Tahoe Regional Planning Agency

**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 THE 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 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:**

1. AUTHORIZE TERMINATION OF GENERAL LEASE – RECREATIONAL USE, LEASE NUMBER PRC 6609.1, EFFECTIVE APRIL 6, 2006, ISSUED TO LINDSEY FAMILY ENTERPRISES, LP.
2. AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE BEGINNING APRIL 7, 2006, TO SUSAN E. BAKER,

CALENDAR ITEM NO. C07 (CONT'D)

TRUSTEE OF THE SUSAN E. BAKER TRUST DATED MAY 30, 2003, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, TWO EXISTING MOORING PILES, AND TWO EXISTING 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 6505.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

