

MINUTE ITEM
This Calendar Item No. C13 was approved as
Minute Item No. 13 by the California State Lands
Commission by a vote of 3 to 0 at its
05/10/07 meeting.

**CALENDAR ITEM
C13**

A 4
S 1

05/10/07
PRC 6388 WP 6388.9
N. Lee

RECREATIONAL PIER LEASE

APPLICANTS:

Oleg Obuhoff and Ruth Obuhoff, Trustees of the Oleg Obuhoff and Ruth Obuhoff Family Trust, dated September 27, 1991 and Nicole Ruth McGee; and Howard M. McEldowney and Jane B. Chartz (also known as Jane Chartz McEldowney), Co-Trustees of the Howard M. McEldowney and Jane B. Chartz Revocable Trust dated October 29, 2002 - Community Property Share

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning May 14, 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:

The lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

CALENDAR ITEM NO. **C13** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the upland properties adjoining the lease premises.
2. On February 12, 1997, the Commission authorized a Recreational Pier Lease with Oleg N. and Ruth Obuhoff and Alan W. and Carol C. Larson. That lease expired on May 13, 2006. The upland properties have since been deeded to Oleg Obuhoff and Ruth Obuhoff, Trustees of the Oleg Obuhoff and Ruth Obuhoff Family Trust, dated September 27, 1991; Nicole Ruth McGee; and Howard M. McEldowney and Jane B. Chartz (also known as Jane Chartz McEldowney), Co-Trustees of the Howard M. McEldowney and Jane B. Chartz Revocable Trust dated October 29, 2002 - Community Property Share. Applicants are now applying for a new Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the uplands for, single-family dwellings.
4. **Joint-Use Pier and Three Mooring Buoys:** 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. **Boat Lift:** 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 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

CALENDAR ITEM NO. C13 (CONT'D)

6. 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.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

JOINT-USE PIER AND THREE MOORING BUOYS: 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).

BOAT LIFT: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

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:

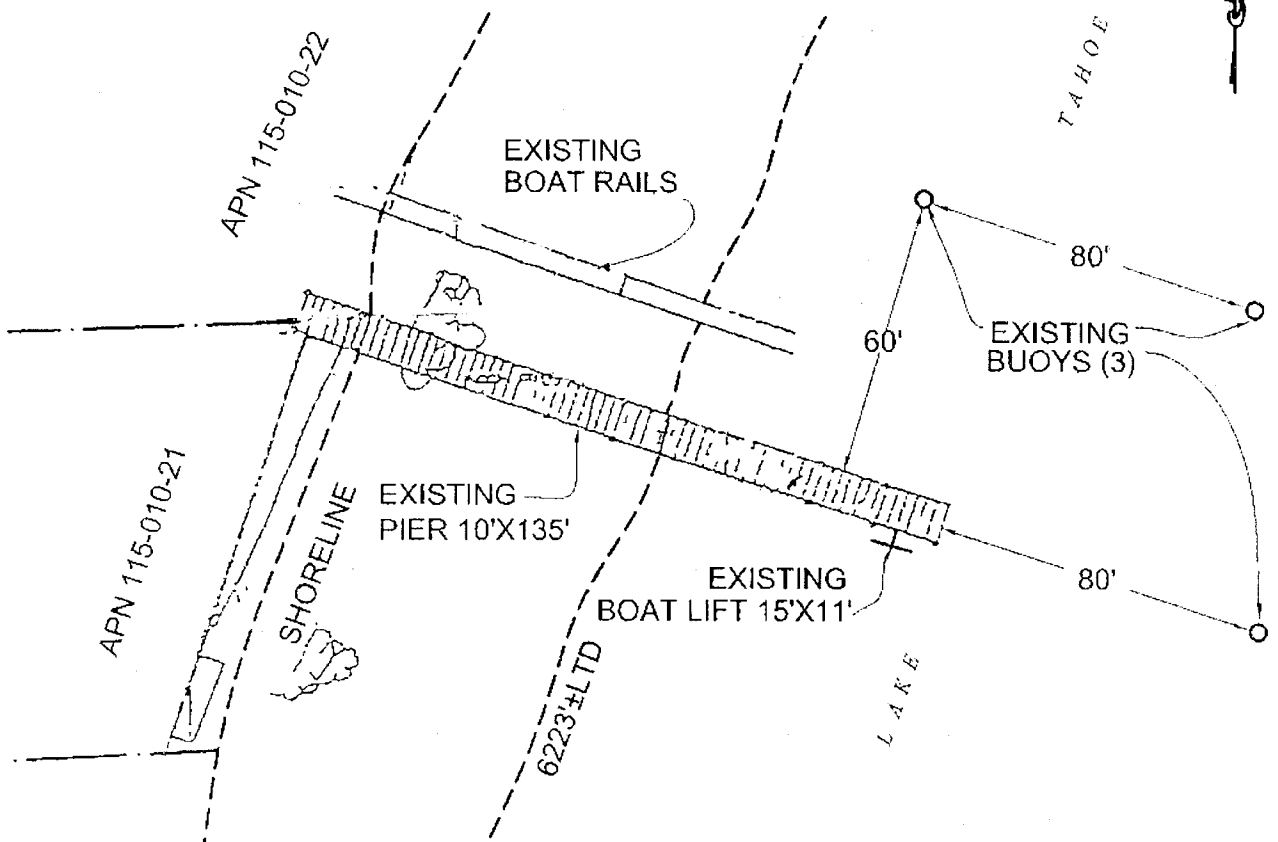
AUTHORIZE ISSUANCE TO OLEG OBUHOFF AND RUTH OBUHOFF, TRUSTEES OF THE OLEG OBUHOFF AND RUTH OBUHOFF FAMILY

CALENDAR ITEM NO. C13 (CONT'D)

TRUST, DATED SEPTEMBER 27, 1991; NICOLE RUTH MCGEE; AND HOWARD M. MCELDFOWNEY AND JANE B. CHARTZ (ALSO KNOWN AS JANE CHARTZ MCELDFOWNEY), CO-TRUSTEES OF THE HOWARD M. MCELDFOWNEY AND JANE B. CHARTZ REVOCABLE TRUST DATED OCTOBER 29, 2002 - COMMUNITY PROPERTY SHARE OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING MAY 14, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER AND THREE MOORING BUOYS AND THE RETENTION OF AN EXISTING BOAT LIFT 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

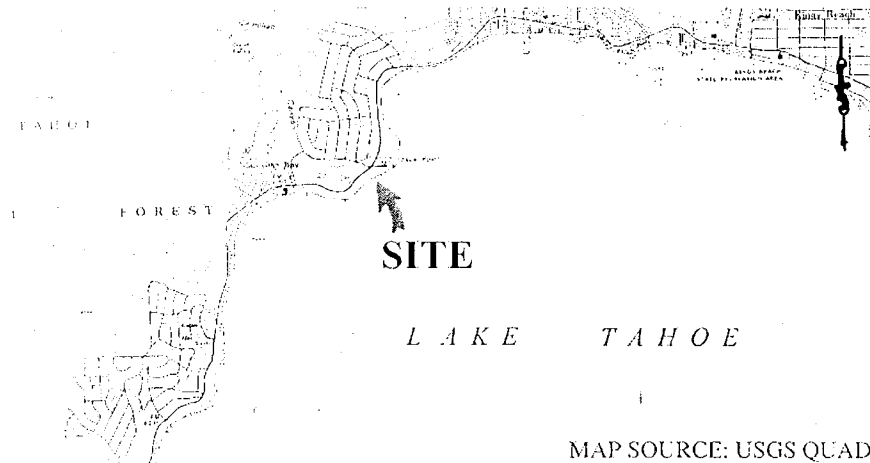
SITE



5468 & 5464 N. LAKE BLVD., CARNELIAN BAY

NO SCALE

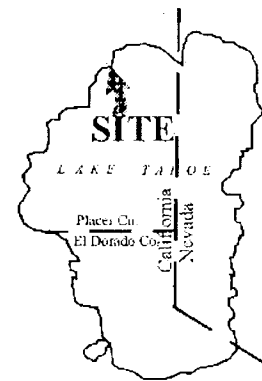
LOCATION



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 6388.9
OBUHOFF &
McELDOWNEY
APN115-010-021&022
RECREATIONAL PIER LEASE
PLACER COUNTY



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CALENDAR PAGE

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MINUTE PAGE