

**CALENDAR ITEM
C07**

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02/01/10
WP 3652.9
B. Terry

**TERMINATION AND ISSUANCE OF A
RECREATIONAL PIER LEASE**

LESSEES:

Samuel Ordway Mills and Mary Dalsin Mills, Trustees of the Mills Family Trust dated August 30, 1990; and Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Trust

APPLICANTS:

Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998; Stanley J. Pura and Jamii Eade Pura, as Trustees of the 2006 Pura Revocable Trust, dated February 28, 2006; and Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Living Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 4170 and 4176 Ferguson Avenue, near Carnelian Bay, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning August 20, 2009.

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 \$1,000,000.

Other:

This lease is conditioned upon the Applicants obtaining authorization from the Tahoe Regional Planning Agency for the mooring buoy(s) by

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October 22, 2010, which is two years after the October 22, 2008 adoption of the Final Environmental Impact Statement (FEIS) and the approval of the Lake Tahoe Shorezone Ordinance Amendments based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On September 17, 2001, the Commission authorized a ten-year Recreational Pier Lease with Samuel Ordway Mills and Mary Dalsin Mills, Trustees of the Mills Family Trust dated August 30, 1990; and Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Trust. That lease will expire on June 21, 2010. On August 20, 2009, the ownership of the upland parcel, Assessor's Parcel Number (APN) 092-200-026, was deeded to Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998, and Stanley J. Pura and Jamii Eade Pura, as Trustees of the 2006 Pura Revocable Trust, dated February 28, 2006. Applicants are now applying for a new Recreational Pier Lease.
3. The upland parcels, APN 092-200-026 and APN 092-200-025 are contiguous parcels and the existing joint-use pier is adjacent to the McCarthy/Pura parcel, APN 092-200-026. An easement runs across their parcel providing access to and from the pier for the adjacent parcel owned by the Pohles. The pier is an equally shared facility; however, the boatlifts and mooring buoys are not. The owners of the upland parcels each have exclusive use of one boatlift and two mooring buoys adjacent to their separate upland parcels. The Pohles have obtained a Tahoe Regional Planning Agency permit for their buoys but a permit is still pending for the McCarthy/Pura buoys.
4. The Applicants qualify for a Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling.
5. **Termination of an Existing Lease:** Pursuant to the Commission's delegation of authority and 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 State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California code of Regulations, sections 15060 (c)(3) and 15378.

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6. **Issuance of a New Lease:** Pursuant to the Commission's delegation of authority and 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. 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 sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

TERMINATION OF AN 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 A 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 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.

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AUTHORIZATION:

1. Authorize termination, effective August 19, 2009, of Lease No. PRC 3652.9, a Recreational Pier Lease, issued to Samuel Ordway Mills and Mary Dalsin Mills, Trustees of the Mills Family Trust dated August 30, 1990; and Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Trust.

2. Authorize issuance of a ten-year Recreational Pier Lease to Joseph A. McCarthy, Trustee of the Joseph A. McCarthy Revocable Trust dated June 22, 1998; Stanley J. Pura and Jamii Eade Pura, as Trustees of the 2006 Pura Revocable Trust, dated February 28, 2006; and Bruce J. Pohle and Sharon Pohle, Trustees of the Bruce J. Pohle and Sharon Pohle 1970 Revocable Living Trust, beginning August 20, 2009, for the continued use and maintenance of an existing joint-use pier, two boatlifts, 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; liability insurance in the amount of no less than \$1,000,000.