

**CALENDAR ITEM
C11**

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09/01/11
W 26358
R. Boggiano

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Procter R. Hug, Jr. and Barbara E. Hug, as Co-Trustees of the Procter R. Hug, Jr. and Barbara E. Hug Family Trust Agreement dated November 21, 1988; Cheryl Hug English; Procter J. Hug; and Elyse Hug Pasha

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8670 Brockway Vista Avenue, near Kings Beach, Placer County.

AUTHORIZED USE:

Use and maintenance of two existing mooring buoys and a breakwater not previously authorized by the Commission as shown on the attached exhibit A.

LEASE TERM:

10 years, beginning September 1, 2011.

CONSIDERATION:

Two Mooring Buoys: No monetary consideration pursuant to Public Resources Code section 6503.5

Breakwater: \$1,206 per year, 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 in the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is

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a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. The Applicants are applying for a General Lease – Recreational and Protective Structure Use for two existing mooring buoys and a breakwater not previously authorized by the Commission.
3. The Applicants' two existing mooring buoys and breakwater have been in Lake Tahoe for many years but have not been previously authorized by the Commission. The two mooring buoys are exempt from rent pursuant to Public Resources Code section 6503.5 because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling. However, the breakwater does not qualify for rent-free status because it is not constructed for the mooring and docking of boats. Staff recommends approval of the existing mooring buoys and breakwater within the lease premises.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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.

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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 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 section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Procter R. Hug, Jr. and Barbara E. Hug, as Co-Trustees of the Procter R. Hug, Jr. and Barbara E. Hug Family Trust Agreement dated November 21, 1988; Cheryl Hug English; Procter J. Hug; and Elyse Hug Pasha, beginning September 1, 2011, for a term of 10 years, for the use and maintenance of two existing mooring buoys and a breakwater not previously authorized by the Commission as shown on the attached Exhibit A and by this reference made a part hereof; annual rent in the amount of \$1,206 for the breakwater, 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 two mooring buoys; and liability insurance in the amount of no less than \$1,000,000.