

**CALENDAR ITEM
C30**

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S 1

09/01/11
WP 4250.1
B. Terry

AMENDMENT OF LEASE

APPLICANTS/LESSEES:

Kevin Douglas and Michelle Douglas, Co-Trustees of the K&M Douglas Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2380 Sunnyside Lane, near Sunnyside, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, two mooring buoys, and one swim float.

LEASE TERM:

10 years, beginning August 15, 2008.

CONSIDERATION:

Pier and two mooring buoys: No monetary consideration pursuant to Public Resources Code section 6503.5

Swim Float: \$340 per year, subject to modification by Lessor as specified in Paragraph 2(b) of Section 4 – General Provisions.

PROPOSED AMENDMENT:

Amend the Lease to:

1. Authorize the installation of a boat lift with two steel pilings; removal of one existing mooring buoy, anchor block, and an existing catwalk and stairs; construction of an adjustable catwalk; and replacement of the existing wood decking;
2. Include additional special lease provisions related to construction;
3. Replace Section 3 (Site and Location Map) of the lease with the attached Exhibit A.

All other terms and conditions of the lease shall remain in effect without amendment.

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OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On April 6, 2010, the Commission approved a 10-year General Lease – Recreational Use for the continued use and maintenance of an existing pier, two mooring buoys, and a swim float. Applicants have now applied to amend the lease for installation of a boat lift and two steel pilings; removal of one existing mooring buoy, anchor block, and the existing catwalk and stairs; construction of an adjustable catwalk; and replacement of the wood decking on the existing pier.
3. The construction activities will take place from the lake via barge between October 1 and May 1.
4. **Installation of a Boat Lift with Two Steel Pilings:** 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 CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion 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.

5. **Removal of One Existing Mooring Buoy and Anchor Block:** 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 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

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

6. **Removal Existing Catwalk and Stairs, Construction of an Adjustable Catwalk, and Replacement of Existing Wood Decking:** 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 2,

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Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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. These activities involve 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.

APPROVALS REQUIRED:

Tahoe Regional Planning Agency; California Department of Fish and Game; California Regional Water Quality Control Board

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Installation of a Boat Lift with Two Steel Pilings: 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 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

Removal of One Existing Mooring Buoy and Anchor Block: 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 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

Removal of Existing Catwalk and Stairs, Construction of an Adjustable Catwalk, and Replacement of Existing Wood Decking: 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 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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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 the Amendment of Lease No. PRC 4250.1, a General Lease – Recreational Use, of sovereign lands effective September 1, 2011, to approve installation of a boat lift with two steel pilings; removal of one existing mooring buoy, anchor block, and the existing catwalk and stairs; construction of an adjustable catwalk; and replacement of the existing wood decking; revise Section 2 (Special Provisions) of the Lease to include lease provisions related to the construction; and replace Section 3 (Site and Location Map) with the attached Exhibit A; all other terms and conditions of the lease will remain in effect without amendment.