MINUTE ITEM
This Calendar Item No. C34 was approved as Minute Item No. 34 by the California State Lands Commission by a vote of 3 to 0 at its 11/07/97 meeting.

CALENDAR ITEM
C34

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11/07/97
PRC 7459.9
J. Ludlow

ACCEPTANCE OF QUITCLAIM DEED AND TERMINATION OF RECREATIONAL PIER PERMIT AND ISSUANCE OF NEW RECREATIONAL PIER LEASE

LESSEES:

David Edward Nelson and Elizabeth D. Nelson
399 Camino Sobrante
Orinda, California 94563

APPLICANTS:

Herbert L. Damner and Arville Damner
P.O. Box 84
Ross, California 94957

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning September 6, 1996.

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 is conditioned on lessee obtaining authorization from the Tahoe Regional Planning Agency for the two mooring buoys within two years from the effective date of the authorization of the buoys by the Commission.

OTHER PERTINENT INFORMATION:

1. On March 8, 1994, the Commission authorized the issuance of a Recreational Pier Permit, No. PRC 7459.9 to David Edward and Elizabeth D. Nelson for the use and maintenance of a recreational pier and two mooring buoys. The property was sold, and on September 6, 1996, the property's title was transferred to Herbert L. and Arville Damner.

2. David and Elizabeth Nelson have executed a quitclaim deed which transfers all right, title and interest in the leasehold back to the State of California.

3. As to the termination of the existing Recreational Pier Permit: 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 because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

4. As to the issuance of the new Recreational Pier 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.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency, California State Lands Commission

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO THE TERMINATION OF THE EXISTING RECREATIONAL PIER PERMIT: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE 21065, AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AS TO THE ISSUANCE OF THE NEW RECREATIONAL PIER 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.

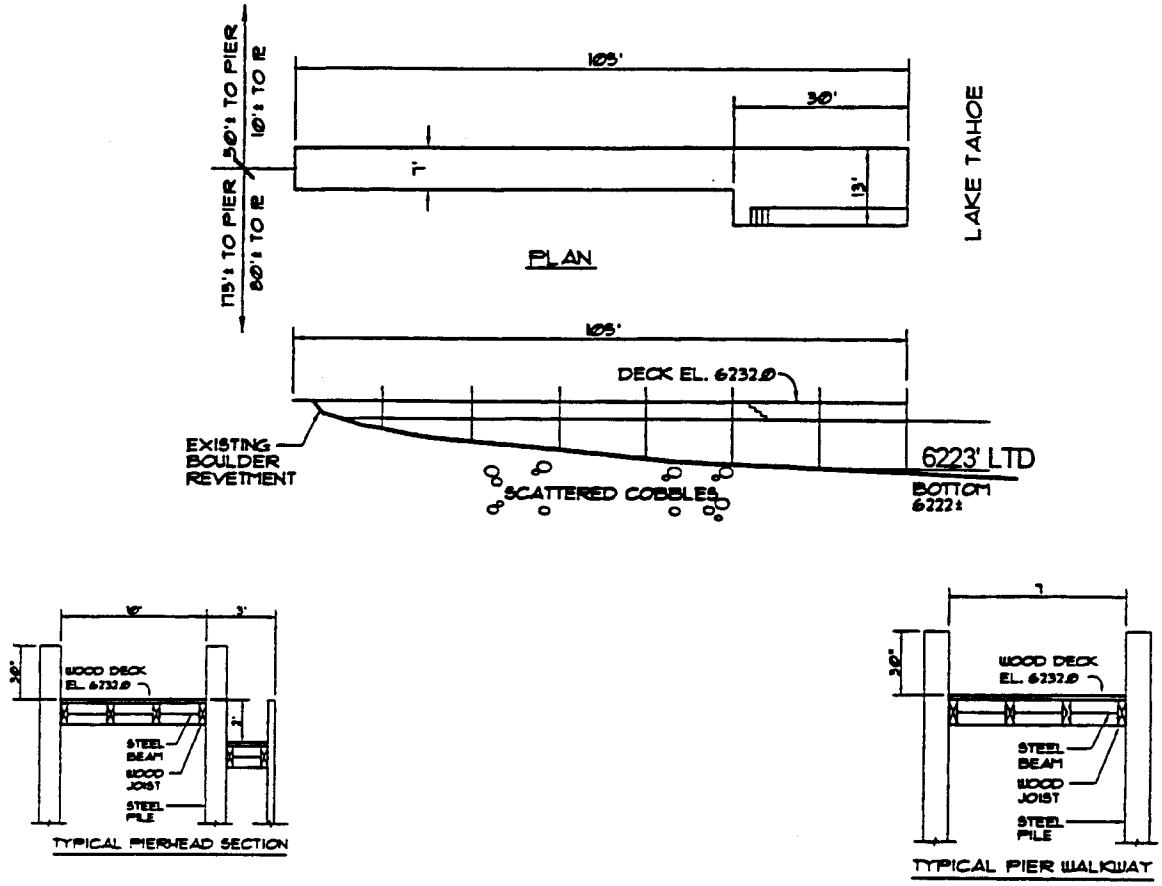
AUTHORIZATION:

ACCEPT A QUITCLAIM DEED TRANSFERRING ALL RIGHT, TITLE AND INTEREST IN THE LEASEHOLD FROM DAVID EDWARD NELSON AND ELIZABETH D. NELSON BACK TO THE STATE OF CALIFORNIA AND TERMINATE RECREATIONAL PIER PERMIT NO. PRC 7459.9, ISSUED TO DAVID EDWARD NELSON AND ELIZABETH D. NELSON AND APPROVED BY THE COMMISSION ON MARCH 8, 1994, MINUTE ITEM NO. C36.

AUTHORIZE ISSUANCE TO HERBERT L. DAMNER AND ARVILLE DAMNER OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 6, 1996, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND TWO MOORING BUOYS ON THE LAND 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 MAP

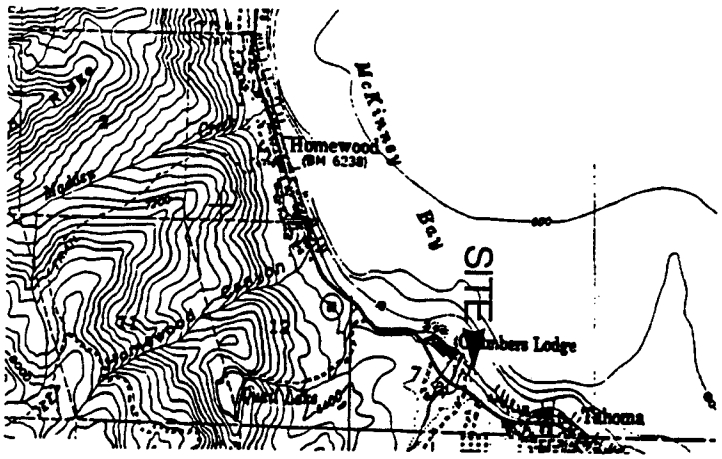


36 Moana Circle

NO SCALE

LOCATION MAP

Lake Tahoe



This Exhibit is solely for purposes of generally defining the lease premises, 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

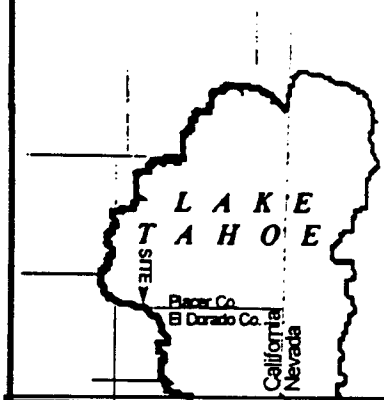
PRC 7459.9

APN 098-191-017

Lake Tahoe

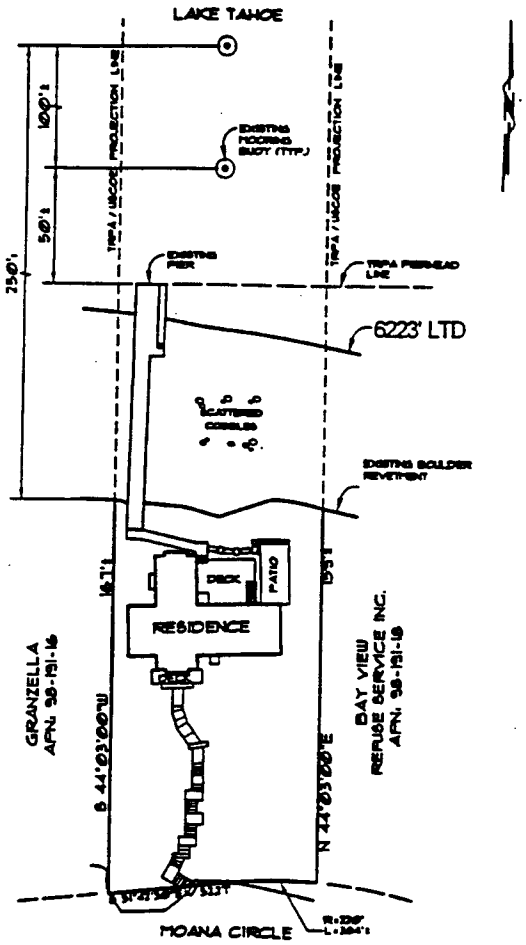
PLACER COUNTY

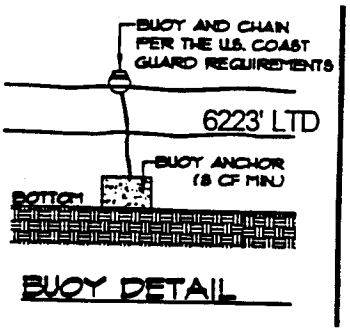
Sheet 1 of 2



NO SCALE

SITE MAP





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NO SCALE

LOCATION MAP

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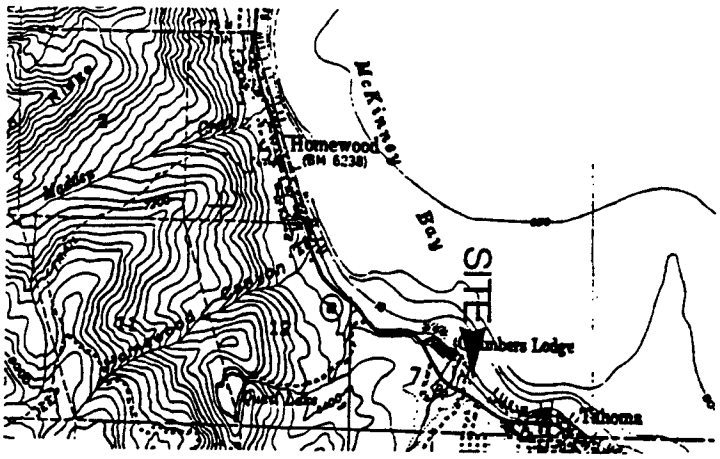
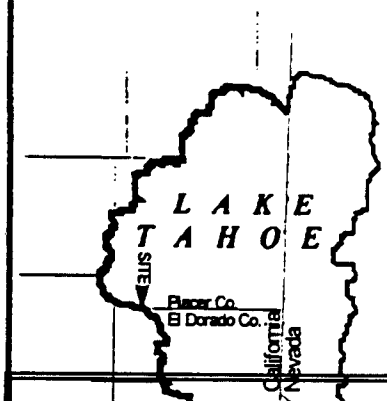


Exhibit A
PRC 7459.9
APN 098-191-017
Lake Tahoe
PLACER COUNTY
Sheet 2 of 2



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