

CALENDAR ITEM
C35

MINUTE ITEM
This Calendar Item No. C35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 3
to 0 at its 11-26-01
meeting.

A 4
S 1

11/26/01
PRC 2366 WP 2366
N. Lee

**TERMINATION OF RECREATIONAL PIER LEASE AND
ISSUANCE OF GENERAL LEASE - RECREATIONAL USE**

LESSEE:

Tharsing Family Limited Partnership, A California Limited Partnership
c/o Patricia Tharsing Hardebeck
4478 N. Ila Avenue
Fresno, CA 93705

AREA, LAND TYPE, AND LOCATION:

0.08 acres, more or less, of sovereign lands in Lake Tahoe, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning September 1, 2001.

CONSIDERATION:

\$406 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: Combined single limit coverage of \$300,000.

Other:

This lease is conditioned on Lessee obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

CALENDAR ITEM NO. **C35** (CONT'D)

OTHER PERTINENT INFORMATION:

1. On June 19, 1998, the Commission authorized a Recreational Pier Lease with Howard C. Tharsing and Winifred M. Tharsing, Trustees of the Tharsing Family Trust U/A Dated June 28, 1983. That lease will expire on November 28, 2007. The littoral land was subsequently deeded to Tharsing Family Limited Partnership, A California Limited Partnership. Applicant does not qualify for a rent-free Recreational Pier Lease because the applicant is not a natural person and, therefore, does not meet the qualifications pursuant to Public Resources Code section 6503.5. Tharsing Family Limited Partnership, A California Limited Partnership, is now applying for a new General Lease - Recreational Use. This Calendar Item will terminate a Recreational Pier Lease that was issued to Howard C. Tharsing and Winifred M. Tharsing, Trustees of the Tharsing Family Trust U/A Dated June 28, 1983, for a pier and issue a new General Lease - Recreational Use to Tharsing Family Limited Partnership, A California Limited Partnership, for a pier and retention of two mooring buoys.

2. **Termination of existing lease:** Pursuant to the Commission's delegation of authority and the 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 the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

3. **Issuance of new lease - Pier:** 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.

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

CALENDAR ITEM NO. C35 (CONT'D)

requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. 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. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE 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 NEW LEASE - PIER: 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).

CALENDAR ITEM NO. C35 (CONT'D)

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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

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.

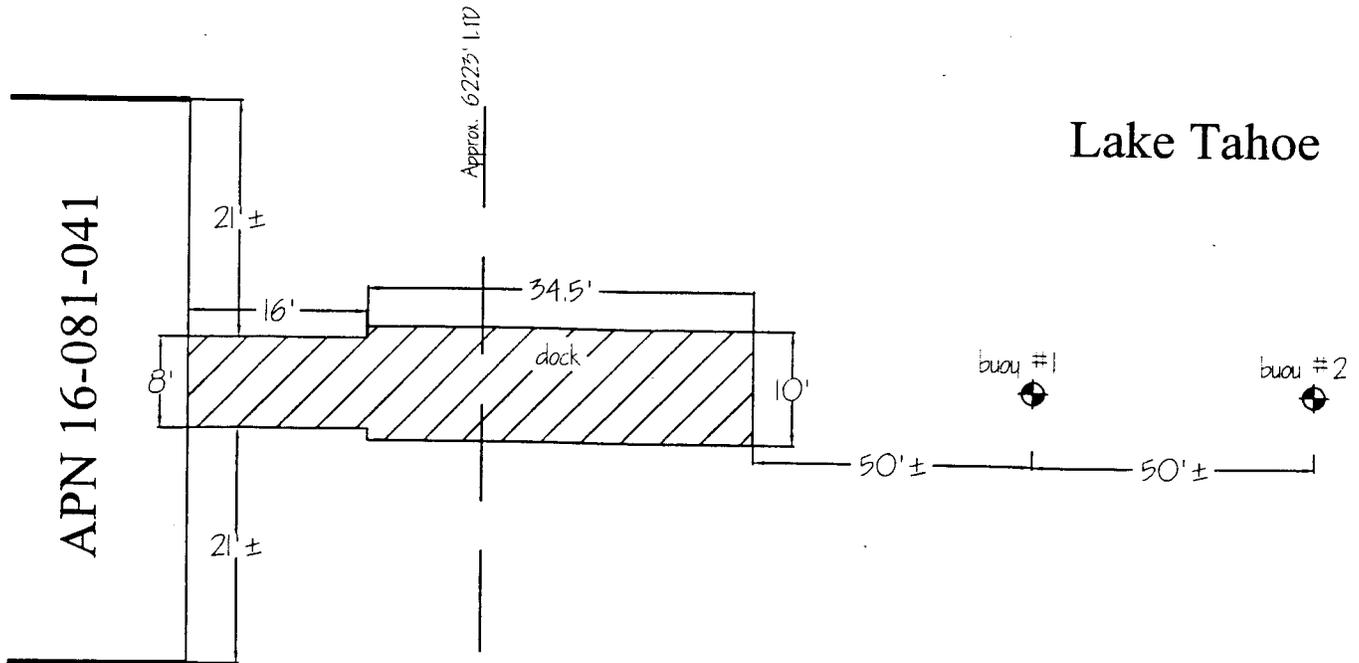
AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE PRC 2366.9, EFFECTIVE NOVEMBER 29, 1997, ISSUED TO HOWARD C. THARSING AND WINIFRED M. THARSING, TRUSTEES OF THE THARSING FAMILY TRUST U/A DATED JUNE 28, 1983 AND APPROVED BY THE COMMISSION ON JUNE 19, 1998.

AUTHORIZE ISSUANCE TO THARSING FAMILY LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING SEPTEMBER 1, 2001, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND RETENTION OF TWO MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING ANNUAL RENT IN THE AMOUNT OF \$406 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000.

NO SCALE

SITE MAP



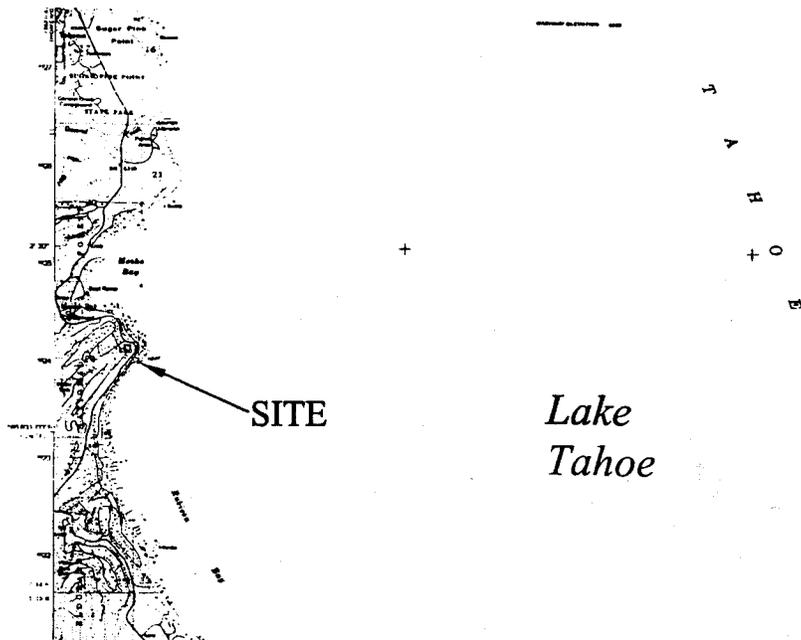
APN 16-081-041

Lake Tahoe

8341 Meeks Bay Ave

NO SCALE

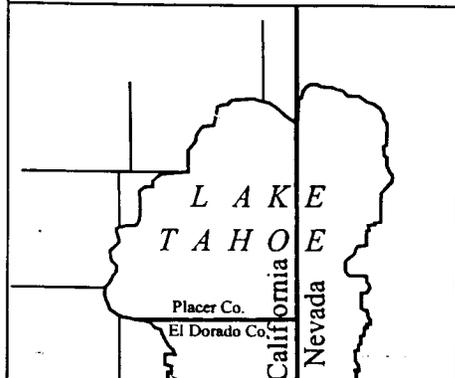
LOCATION MAP



SITE

Lake
Tahoe

Exhibit A
 WP 2366
 APN 16-081-041
 Lake Tahoe
 EL DORADO COUNTY



CALENDAR PAGE
 MINUTE PAGE

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.