MINUTE ITEM
This Calendar Item No. C43 was approved as Minute Item No. 43 by the California State Lands Commission by a vote of 3 to 0 at its 2-21-03 meeting.

CALENDAR ITEM
C43

A 3 | 02/21/03
PRC 7241 | WP 7241.9
S 1 | B. Young

TERMINATION OF RECREATIONAL PIER LEASE AND ISSUANCE OF GENERAL LEASE – RECREATIONAL USE

LESSEES:
John P. Kassis and James R. Loen

APPLICANT:
123096 Holdings LLC, a California limited Liability Company
13800 South Shore Drive
Truckee, CA 96161

AREA, LAND TYPE, AND LOCATION:
0.03 acres, more or less, of sovereign lands in Donner Lake, Truckee, Nevada County.

AUTHORIZED USE:
Continued use and maintenance of an existing pier as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning August 14, 2002

CONSIDERATION:
$247 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 with coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:
1. On June 18, 2002, the Commission authorized a Recreational Pier Lease to John P. Kassis and James R. Loen. The lease will expire on

June 17, 2012. The Applicant purchased the upland property on August 14, 2002, and is now applying for a new General Lease - Recreational Use.

2. Applicant is the littoral owner who is a limited liability company and does not qualify for a rent-free lease.

3. **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.

4. **Issuance of New 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.

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 THE PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW 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).

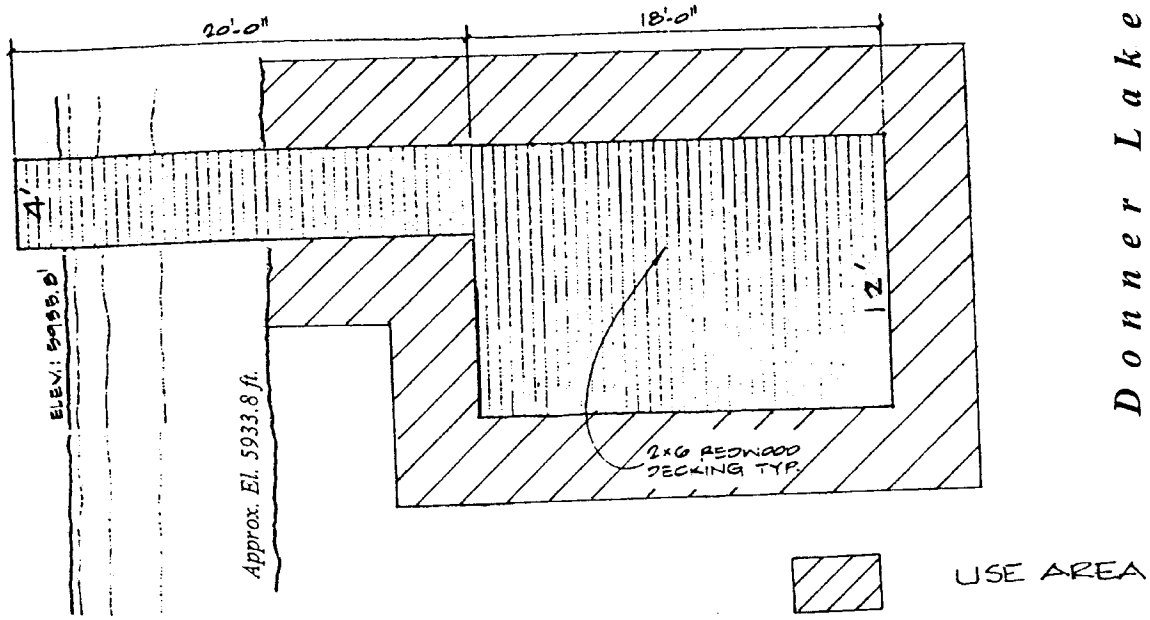
SIGNIFICANT LANDS INVENTORY FINDING:

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:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE PRC 7241.9 ISSUED TO JOHN P. KASSIS AND JAMES R. LOEN AND APPROVED BY THE COMMISSION ON JUNE 18, 2002.

AUTHORIZE ISSUANCE TO 123096 HOLDINGS LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING AUGUST 14, 2002, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $247 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 NO LESS THAN $1,000,000



13800 South Shore Drive

LOCATION MAP

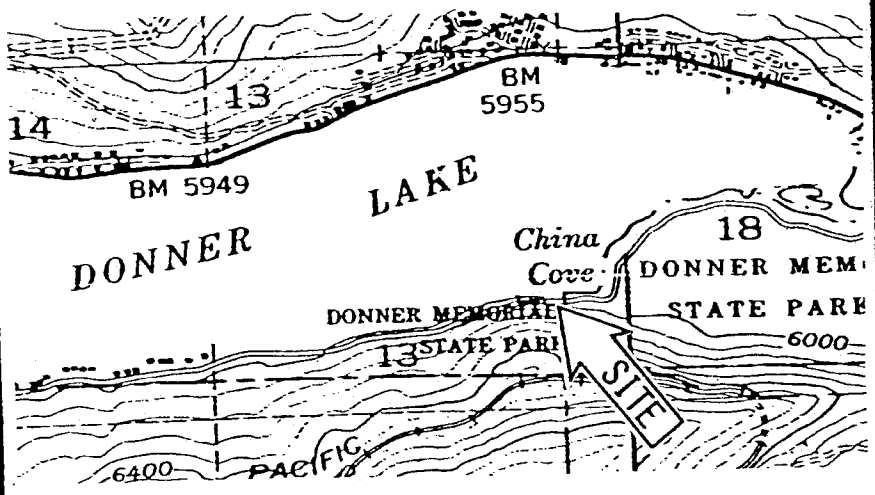


EXHIBIT A

PRC 7241.1
APN 17-360-05
Donner Lake
Nevada County

BY 3/02

This Exhibit is solely for purposes of generally defining the lease premises, *is based on unverified information provided by 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.