MINUTE ITEM
This Calendar Item No. C52 was approved as Minute Item No. 52 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C52

A 4

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PRC 5120

08/17/04
WP 5120.9
B. Young

TERMINATION OF RECREATIONAL PIER LEASE AND ISSUANCE OF NEW RECREATIONAL PIER LEASE

LESSEES:

Charlotte H. and Cyrus A. Johnson, Carol J. Gray, Julie H. Landis, Stephen Stevick and Sheilagh Stevick

APPLICANTS:

Gerald E. Johnston and Cynthia M. Johnston, Trustees of the Gerald E. Johnston and Cynthia M. Johnston Trust, under the Declaration of Trust dated April 26, 2002; Cyrus A. Johnson and Charlotte H. Johnson, co-trustees under revocable trust dated January 10, 1989; Stephen N. Gray and Carol J. Gray, co-trustees of the Gray Family Revocable Trust dated August 7, 1999, and William E. Landis and Julie H. Landis, co-trustees of the Landis Family Revocable Trust of 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, McKinney Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and four mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 23, 2003.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than $300,000.

Other:

This lease is conditioned on Applicant's 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.

OTHER PERTINENT INFORMATION:

1. On February 27, 1996, the Commission authorized a Recreational Pier Lease to the Lessees for an existing joint-use pier and four mooring buoys. That lease will expire on August 21, 2005. The Johnstons purchased the property from Stephen Stevick and Sheilagh Stevick and have submitted an application for a new Recreational Pier Lease. The Applicants qualify for a rent-free Recreational Pier Lease because the Applicants are natural persons who have improved the littoral land with and use the upland for a single family dwelling.

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:** 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.

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.

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 PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 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.

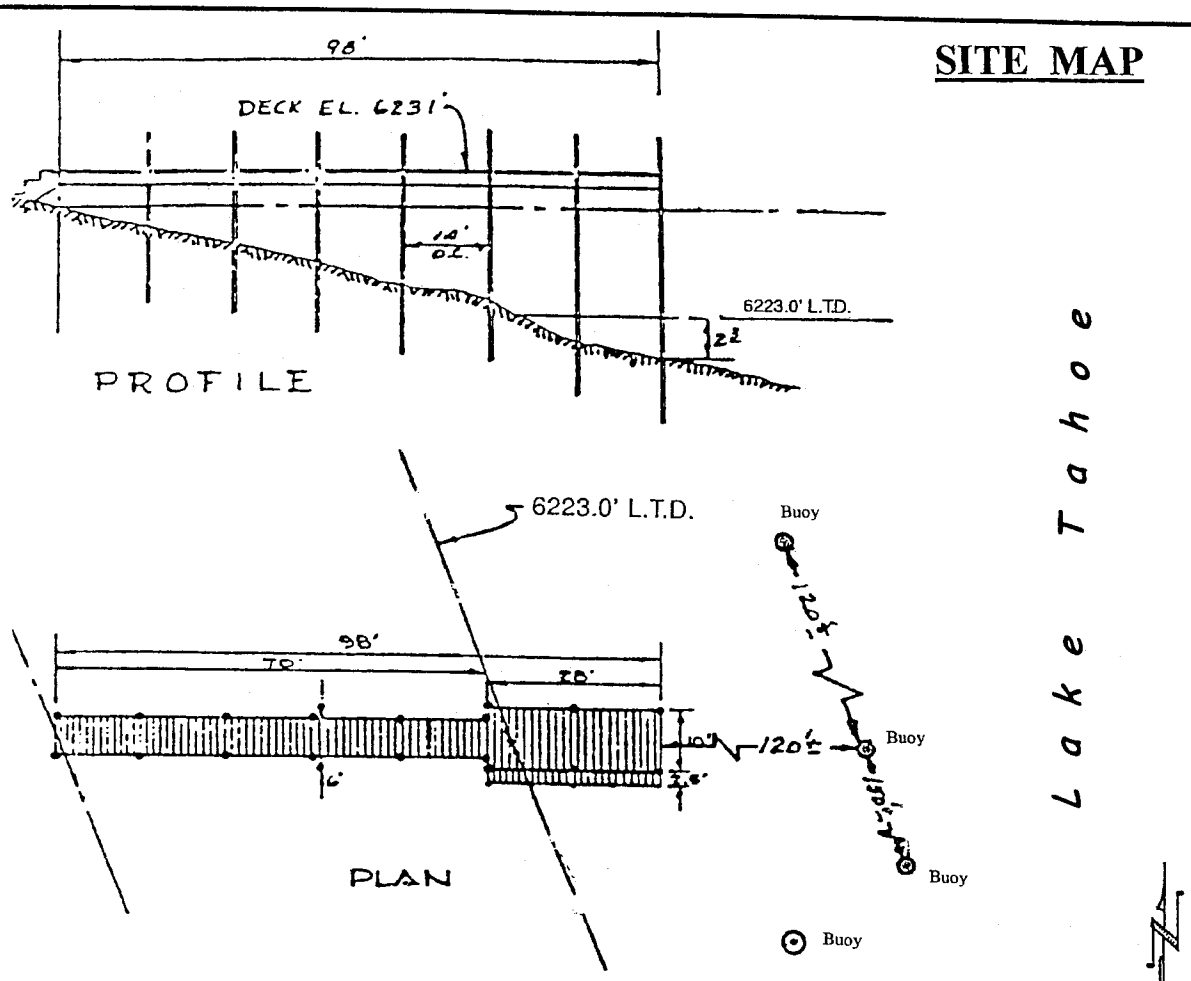
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE ISSUED TO CHARLOTTE H. AND CYRUS A. JOHNSON, CAROL J.

GRAY, JULIE H. LANDIS, STEPHEN STEVICK AND SHEILAGH STEVICK, AND APPROVED BY THE COMMISSION ON FEBRUARY 27, 1996.

AUTHORIZE ISSUANCE TO GERALD E. JOHNSTON AND CYNTHIA M. JOHNSTON, TRUSTEES OF THE GERALD E. JOHNSTON AND CYNTHIA M. JOHNSTON TRUST, UNDER THE DECLARATION OF TRUST DATED APRIL 26, 2002; CYRUS A. JOHNSON AND CHARLOTTE H. JOHNSON, CO-TRUSTEES UNDER REVOCABLE TRUST DATED JANUARY 10, 1989; STEPHEN N. GRAY AND CAROL J. GRAY, CO-TRUSTEES OF THE GRAY FAMILY REVOCABLE TRUST DATED AUGUST 7, 1999, AND WILLIAM E. LANDIS AND JULIE H. LANDIS, CO-TRUSTEES OF THE LANDIS FAMILY REVOCABLE TRUST OF 1999, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING NOVEMBER 23, 2003, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING JOINT-USE PIER AND FOUR 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 WITH COMBINED SINGLE LIMIT COVERAGE OF $300,000.

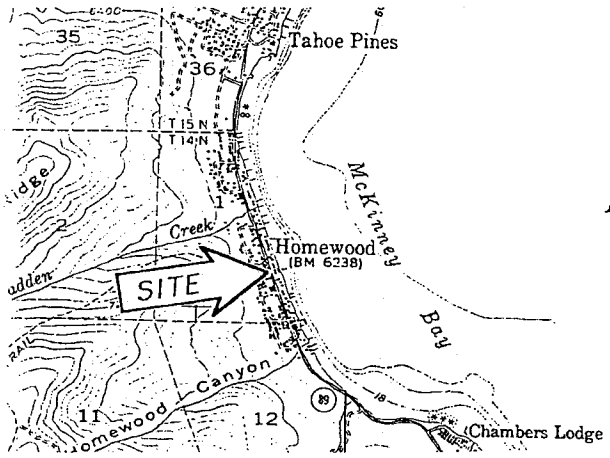
SITE MAP



5030 & 5040 West Lake Lake Blvd.

NO SCALE

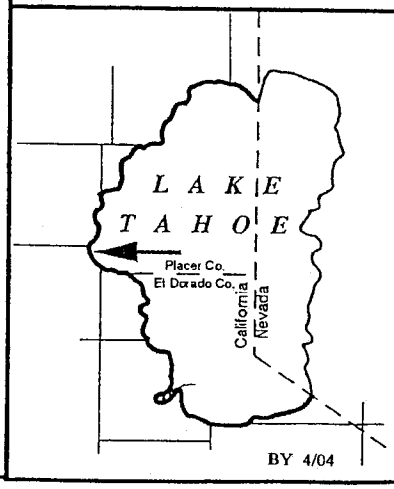
LOCATION MAP



Lake Tahoe

NO SCALE

EXHIBIT A
PRC 5120.9
APN 097-122-015 & 016
Lake Tahoe
PLACER COUNTY



BY 4/04

This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.