MINUTE ITEM
This Calendar Item No. C53 was approved as Minute Item No. 53 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C53

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PRC7401

08/17/04
WP 7401.9
B. Young

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

LESSEES:
Joan Y. Fiddyment Life Estate, John Clauss III, Michael Clauss, James Clauss and Jo Costanzo

APPLICANTS:
Robert H. Zerbst and Anne K. Zerbst, Trustees of the Zerbst 2003 Family Trust dated March 28, 2003

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, Sunnyside, Placer County.

AUTHORIZED USE:
Continued use and maintenance of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning January 28, 2004.

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 5, 2001, the Commission authorized a Recreational Pier Lease to the Lessees for two existing mooring buoys. That lease will expire on December 31, 2010. Applicants purchased the upland property 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.

   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, sections 15300 and Title 2, California Code of Regulations, section 2905.

3. 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.

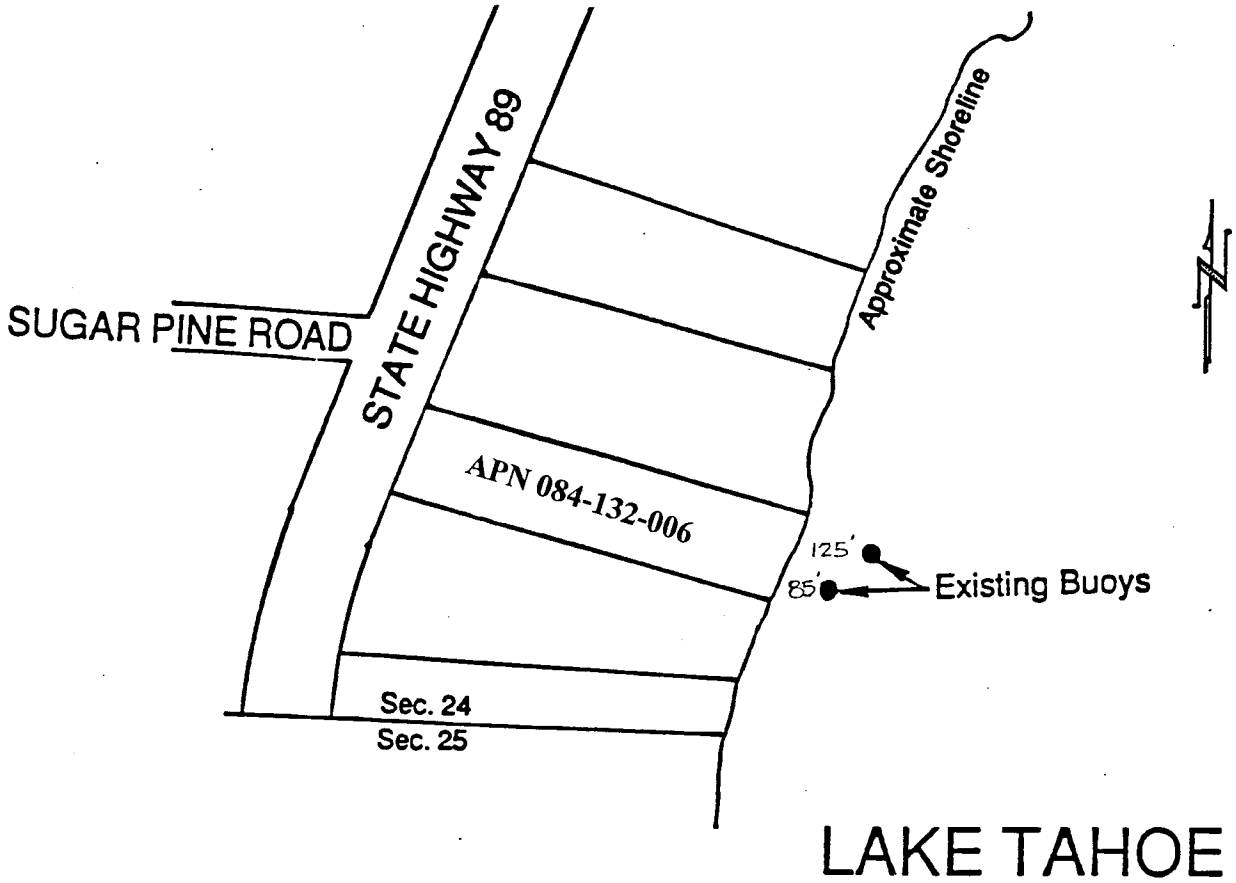
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE, EFFECTIVE JANUARY 28, 2004, ISSUED TO JOAN Y. FIDDYMENT LIFE ESTATE, JOHN CLAUSS III, MICHAEL CLAUSS, JAMES CLAUSS AND JO COSTANZO, AND APPROVED BY THE COMMISSION ON FEBRUARY 5, 2001.

AUTHORIZE ISSUANCE TO ROBERT H. ZERBST AND ANNE K. ZERBST, TRUSTEES OF THE ZERBST 2003 FAMILY TRUST DATED MARCH 28, 2003, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JANUARY 28, 2004, FOR THE CONTINUED USE AND

MAINTENANCE OF TWO EXISTING 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.

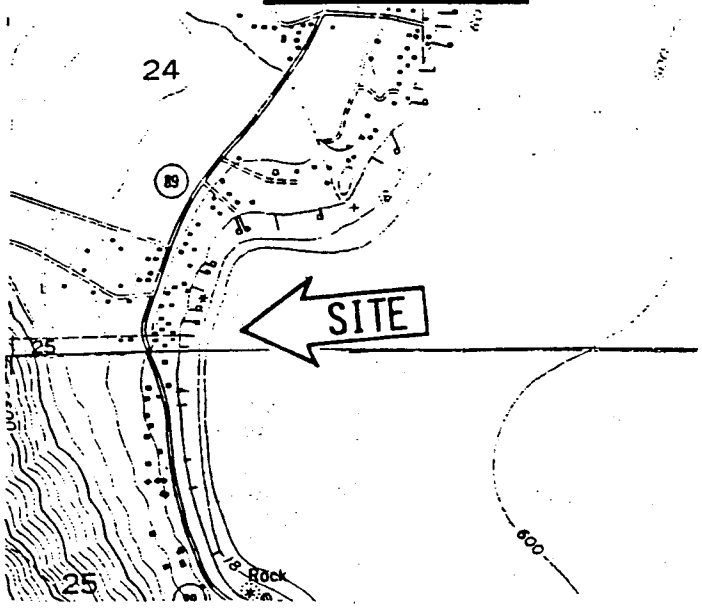
SITE MAP



2600 West Lake Blvd.

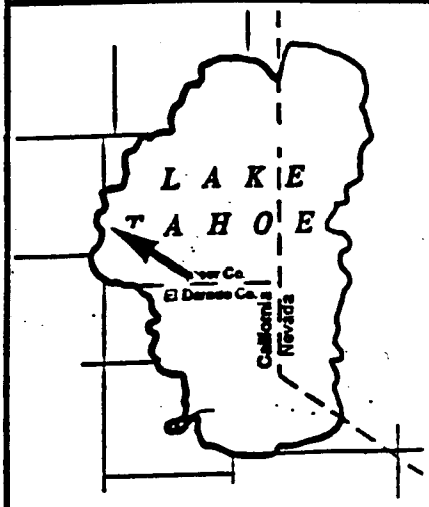
NO SCALE

LOCATION MAP



NO SCALE

EXHIBIT A
PRC 7401.9
APN 084-132-006
Lake Tahoe
PLACER COUNTY



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.