MINUTE ITEM
This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 0 at its 8-8-05 meeting.

CALENDAR ITEM
C04

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08/08/05
PRC 8599 WP 8599.9
R. Barham

TERMINATION AND ISSUANCE OF RECREATIONAL PIER LEASE

LESSEES:

K. Randall Burt and Julia E. Burt, Co-Trustees of the Burt Family Trust Name U.D.T. dated March 25, 2003

APPLICANT:

Gregory E. Abel

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Carnelian Bay, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning April 14, 2005

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:

This lease is conditioned on the Applicant 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. Applicant owns the upland property adjoining the lease premises.

2. On April 26, 2005, the Commission authorized a ten-year Recreational Pier Lease to K. Randall Burt and Julia E. Burt, Co-trustees of the Burt Family Trust Name, U.D.T. dated March 25, 2003. That lease will expire on March 31, 2015.

3. On April 14, 2005, the Lessees transferred ownership of the upland to Gregory E. Abel. Staff is recommending termination of the existing lease and approval of a new lease, effective as of the date of the property transfer.

4. Applicant qualifies for a Recreational Pier Lease because he is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. Applicant is now applying for a new lease for the existing pier and the retention of two mooring buoys, previously authorized by the Commission.

5. **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 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, section 15060(c)(3) and 15378.

6. **Issuance of new lease (pier and two mooring 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 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.

7. 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. Site and Location 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 EXEMPT FROM 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 AND TWO 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 2905 (a)(2).

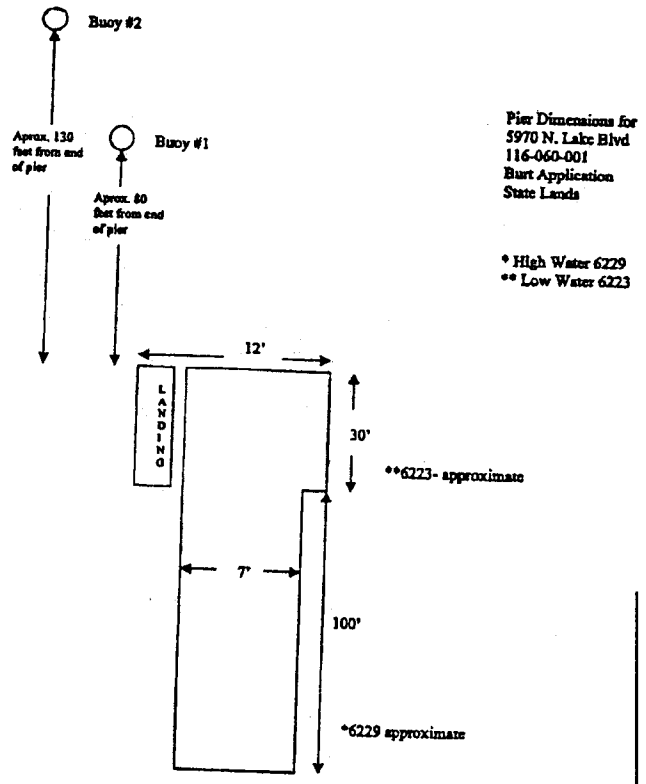
SIGNIFICANT LANDS INVENTORY FINDING:

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:

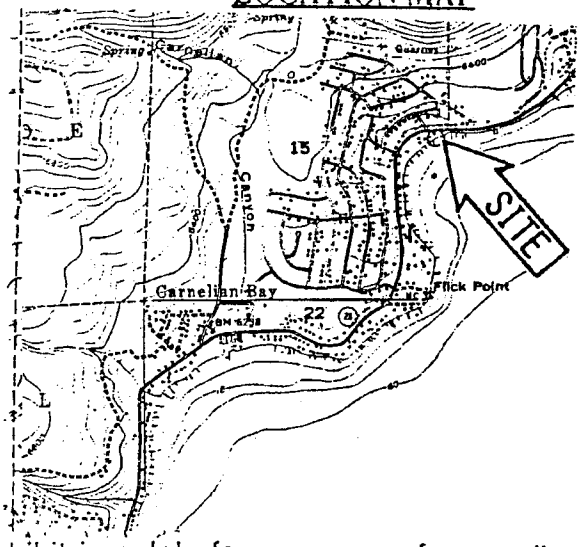
AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8599.9, EFFECTIVE APRIL 14, 2005, ISSUED TO K. RANDALL BURT AND JULIA E. BURT, CO-TRUSTEES OF THE BURT FAMILY TRUST NAME, U.D.T. DATED MARCH 25, 2003.

AUTHORIZE ISSUANCE TO GREGORY E. ABEL OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING APRIL 14, 2005, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND THE RETENTION 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 IN THE AMOUNT OF NO LESS THAN $300,000.



APN 116-060-001

LOCATION MAP



NO SCALE

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.

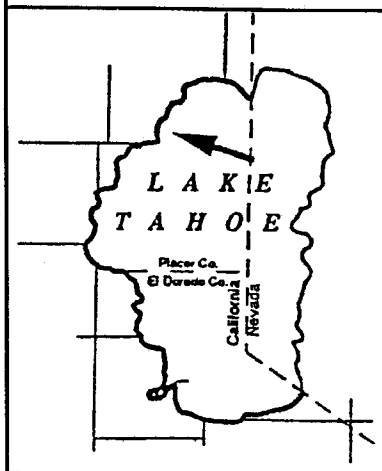



EXHIBIT A
PRC 8599.9
APN 116-060-001
Lake Tahoe
PLACER COUNTY