MINUTE ITEM

This Calendar Item No. C22 was approved as Minute Item No. 22 by the California State Lands Commission by a vote of 2 to Ø at its 12-08-05 meeting.

CALENDAR ITEM
C22

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PRC 8368

12/08/05
WP 8368.1
R. Barham

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

LESSEES:

James A. and Dona J. Affleck, Co-Trustees of the Affleck 1980 Trust, Dated 10/9/80

APPLICANTS:

Antony C. Evans and Carol Ross-Evans, Trustees of the Tony and Carol Evans 2000 Revocable Trust and Reverse Exchange Properties, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoma, El Dorado County.

AUTHORIZED USE:

The retention of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 1, 2005

CONSIDERATION:

$50 per year for the two mooring buoys; with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $500,000.

Other:

This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy 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 January 30, 2002, the Commission authorized a ten-year Recreational Pier Lease to James A. and Dona J. Affleck, Co-Trustees of the Affleck 1980 Trust, Dated 10/9/80. That lease will expire on December 31, 2011. On August 1, 2005, the Lessees transferred ownership of the uplands to Antony C. Evans and Carol Ross-Evans, Trustees of the Tony and Carol Evans 2000 Revocable Trust and Reverse Exchange Properties, Inc.

2. The Applicants do not qualify for a rent-free lease because one of Applicants, Reverse Exchange Properties, Inc., is not a natural person. Applicants are now applying for a new General Lease-Recreational Use. Staff is recommending termination of the existing lease and approval of a new lease, effective as of the date of the upland property transfer.

3. **Termination of an existing Recreational Pier 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.

4. **Issuance of a new General Lease - Recreational Use:** 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.

APPROVALS REQUIRED:
Tahoe Regional Planning Agency

EXHIBIT:
A. Site and Location Map

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 A NEW GENERAL LEASE - RECREATIONAL USE: 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).

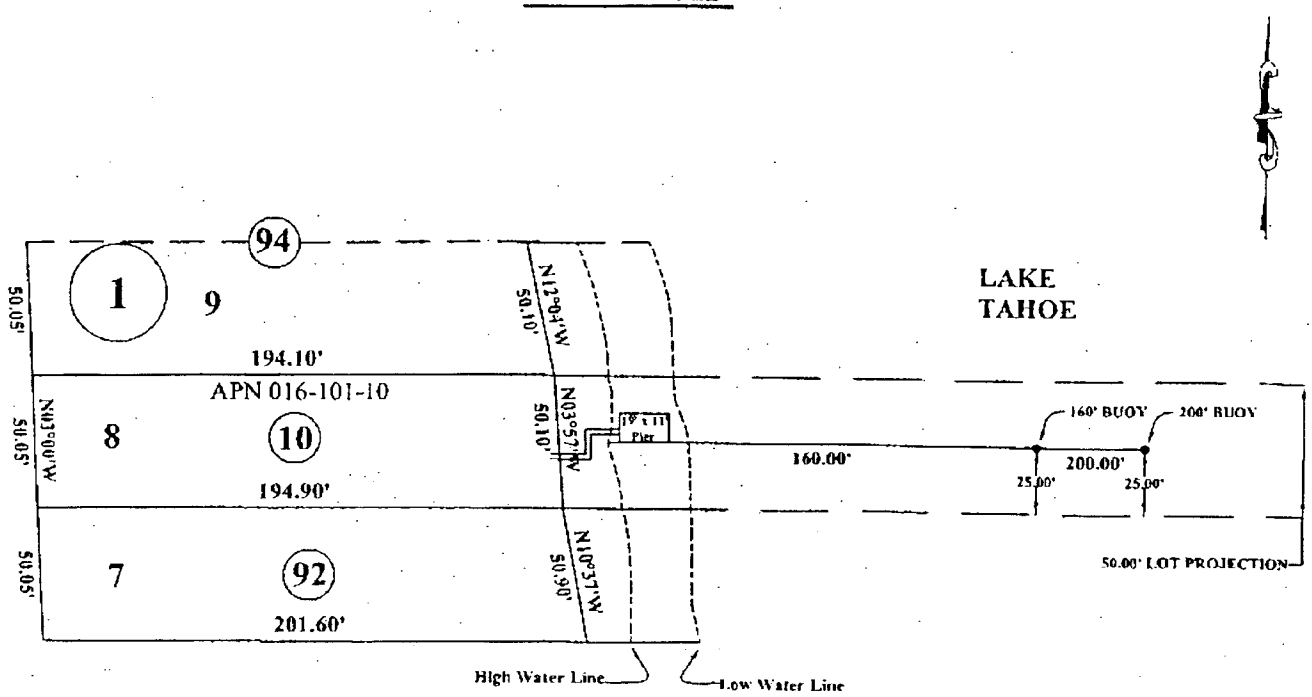
SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
1) AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8368.9, EFFECTIVE AUGUST 1, 2005, ISSUED TO JAMES A AND DONA J. AFFLECK 1980 TRUST, DATED 10/8/80, APPROVED BY THE COMMISSION ON JANUARY 30, 2002.

2) AUTHORIZE ISSUANCE TO ANTONY C. EVANS AND CAROL ROSS-EVANS, TRUSTEES OF THE TONY AND CAROL EVANS 2000 REVOCABLE TRUST AND REVERSE EXCHANGE PROPERTIES, INC., OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE, BEGINNING AUGUST 1, 2005, FOR THE RETENTION OF TWO EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $50, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $500,000.

NO SCALE

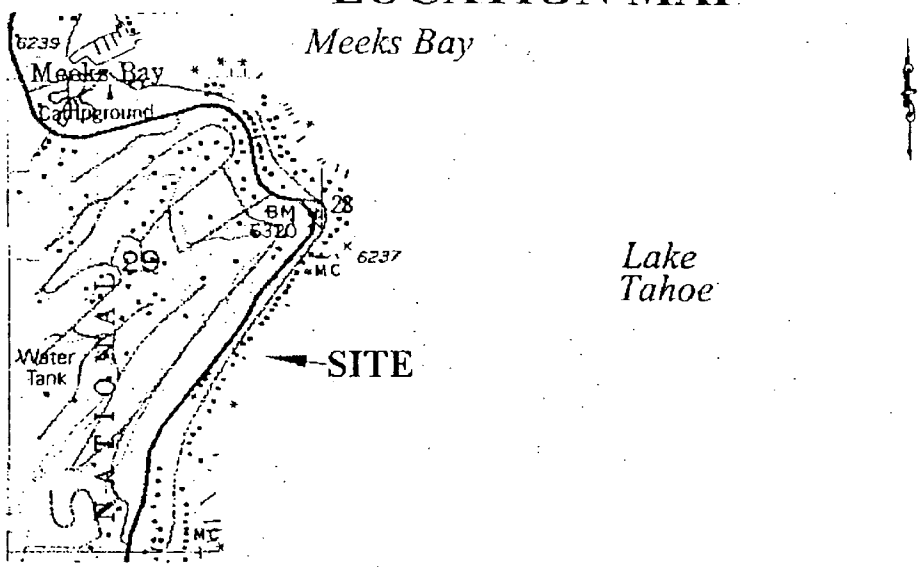
SITE MAP



APN 016-101-10
8547 MEEKS BAY AVENUE, TAHOMA, CA

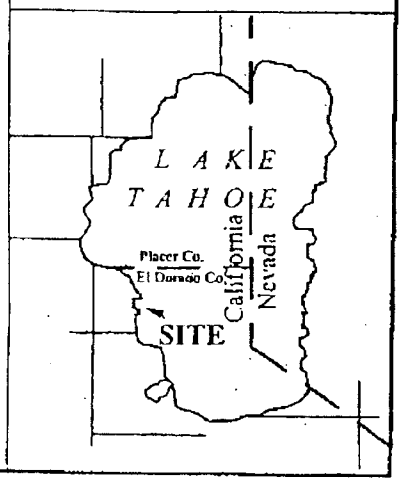
NO SCALE

LOCATION MAP



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 of limitation of any state interest in the subject or any other property.

Exhibit A
WP 8368.1
MOORING BUOYS
Section 3
LAKE TAHOE
EL DORADO COUNTY



RWB 10/05