CALENDAR ITEM

C09

A 4 10/16/08

WP 4185.9

S 1 B. Terry

TERMINATION AND ISSUANCE OF A NEW RECREATIONAL PIER LEASE

LESSEES:

Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989; James R. Long and D. Russell Symon

APPLICANTS:

D. Russell Symon and Helen O. Symon, as Trustees under Declaration of Trust dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust Dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, located adjacent to 3735 Idlewild Way, near Homewood, Placer County.

AUTHORIZED USE:

Use and maintenance of an existing pier and the retention of one existing mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 16, 2008.

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 $500,000.

Other:

1. This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoy within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

2. The public will be allowed to pass and re-pass around the landward end of the pier to provide continuous shoreline access to the Public Trust Easement below elevation 6228.75 feet, Lake Tahoe Datum.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On September 3, 1999, the Commission authorized a ten-year Recreational Pier Lease to Vera M. Long, Trustee Under Declaration of Trust dated December 30, 1989 and James R. Long and D. Russell Symon. That lease will expire on December 27, 2008. The upland property has since been deeded to D. Russell Symon and Helen O. Symon, as Trustees Under Declaration of Trust Dated March 26, 1984; James R. Long and Diana B. Long, Trustees of the James R. Long and Diana B. Long Trust dated July 27, 1988; and Vera M. Long, Trustee under Declaration of Trust dated December 30, 1989. Applicants are now applying for a new Recreational Pier Lease for an existing pier and the retention of an existing mooring buoy, not previously authorized by the Commission. The Applicants have provided evidence that the mooring buoy has existed in Lake Tahoe since 1966 and staff recommends issuing the lease to include the mooring buoy.

3. Applicants qualify for a Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling.

4. Applicants are proposing to replace the existing decking and girders on the pier. There will not be any increase in the size or configuration of the pier and no pile driving or lake bottom disturbance is expected.

5. **Termination of an 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.

6. **Issuance of a New Lease:**
   Pier: 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 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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. **Mooring Buoy:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. 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.

APPROVAL REQUIRED:

Buoy: Tahoe Regional Planning Agency

EXHIBIT:

A**.** Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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

ISSUANCE OF A NEW LEASE:

PIER: 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 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (b).

MOORING BUOY: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

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.

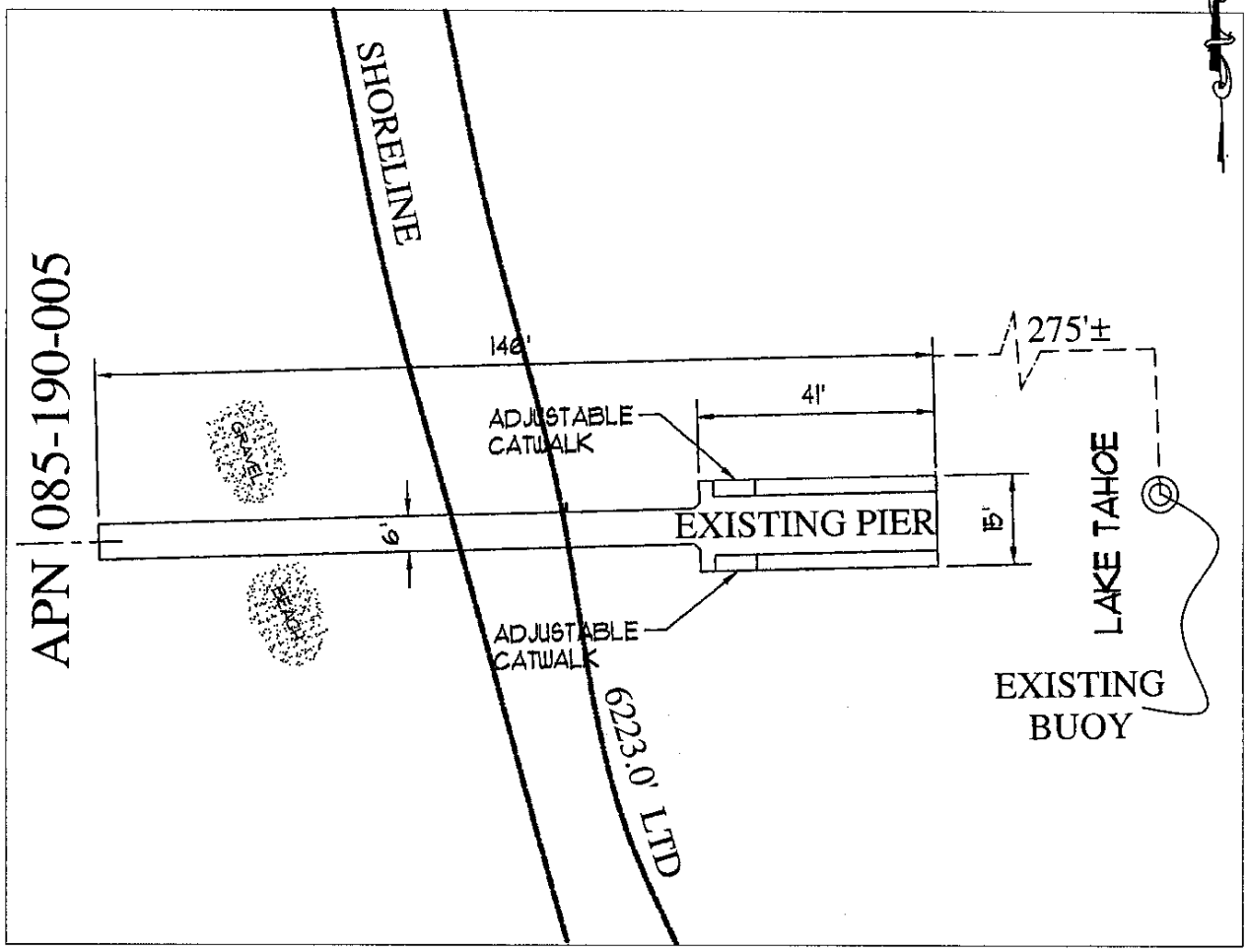
AUTHORIZATION:

AUTHORIZE TERMINATION OF LEASE NO. PRC 4185.9, A RECREATIONAL PIER LEASE, EFFECTIVE OCTOBER 15, 2008, ISSUED TO VERA M. LONG, TRUSTEE UNDER DECLARATION OF TRUST DATED DECEMBER 30, 1989, JAMES R. LONG AND D. RUSSELL SYMON.

AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO D. RUSSELL SYMON AND HELEN O. SYMON, AS TRUSTEES UNDER DECLARATION OF TRUST DATED MARCH 26, 1984; JAMES R. LONG AND DIANA B. LONG TRUSTEES OF THE JAMES R. LONG AND DIANA B. LONG, TRUST DATED JULY 27, 1988; AND VERA M. LONG, TRUSTEE UNDER DECLARATION OF TRUST DATED DECEMBER 30, 1989, BEGINNING OCTOBER 16, 2008, FOR THE USE AND MAINTENANCE OF AN EXISTING PIER AND THE RETENTION OF ONE EXISTING MOORING BUOY AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $500,000.

NO SCALE

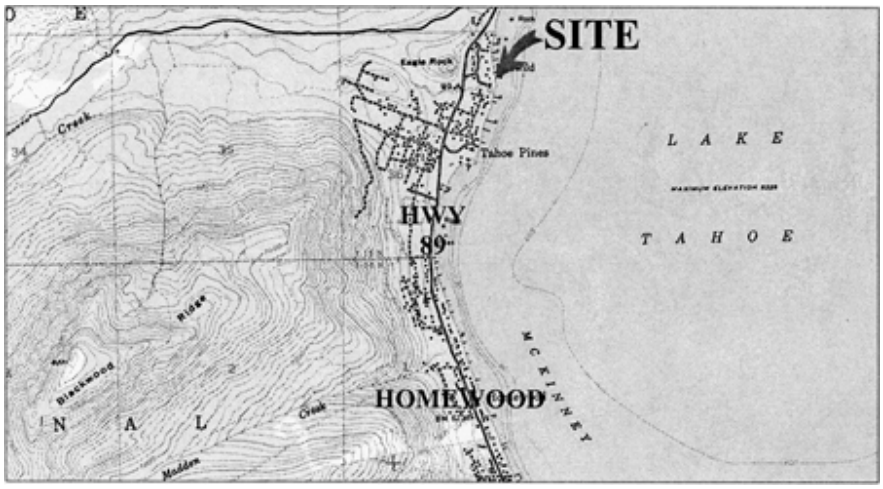
SITE



3735 Idlewild Way, near Homewood

NO SCALE

LOCATION

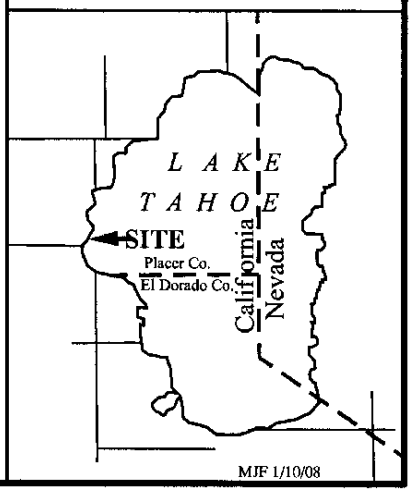


MAP SOURCE: USGS QUAD

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

Exhibit A

PRC 4185.9
LONG, ET AL
APN 085-190-005
RECREATIONAL PIER LEASE
PLACER COUNTY



MJF 1/10/08