

EXHIBIT H
1998 COMMISSION STAFF LETTER
SHEET 1 OF 2

8364

STATE OF CALIFORNIA

PETE WILSON, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202



ROBERT C. HIGHT, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1856
Contact FAX: (916) 574-1835

April 21, 1998

File Ref: 9922 Lake Street ✓

Mr. Mark Desautels
125 Lakeview Drive
Woodside, California 94062-1124

Tahoe Fence

Dear Mr. Desautels:

SUBJECT: Fence in Lake Tahoe Adjacent to 9922 Lake Street, Brockway, Placer County
Assessor's Parcel No. 090-324-001

This office has received information relative to the existence of a fence between your property and Harbor Avenue which appears to be located waterward of the high water mark of Lake Tahoe, elevation 6228.75 feet, Lake Tahoe Datum. It also has been brought to our attention that this fence is prohibiting the public access along the shoreline of the lake adjacent to the upland parcel.

As general background, the State Lands commission has jurisdiction and authority over all ungranted tidelands, submerged lands and the beds of navigable rivers, sloughs, lakes, etc. California holds a fee ownership in the bed of Lake Tahoe between the low water marks. In addition, the area between the lake's low and high water marks is subject to the Common Law Public Trust Easement.

The California Supreme Court in State of California v. Superior Court (Lyon) (1981) 29 Cal. 3d 210 and State of California v. Superior Court (Fogerty) 29 Cal. 3d 240 held that the area lying between the high and low water marks of non-tidal navigable waters is subject to a public trust easement for commerce, navigation, fishing, recreation and preservation. The high and low water marks of Lake Tahoe have been established as elevations 6228.75 feet and 6223 feet Lake Tahoe Datum. The fence has been constructed so as to interfere with the public's use of the area. It is inconsistent with the public trust easement. This office, therefore, respectfully requests that the portion of the fence located waterward of elevation 6228.75 be removed.

It is also our understanding that the property is currently for sale. By copy of this letter, your real estate representative is also being advised of this situation so that any and all prospective purchasers of the property can be informed of the prohibition of the existence of that portion of the fence below the high water datum. Thank you very much for your cooperation in this matter.

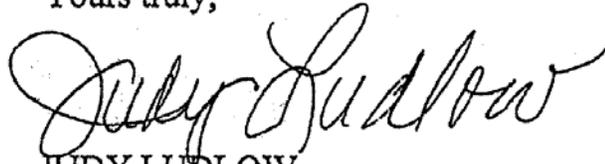
EXHIBIT H

SHEET 2 OF 2

2

If you have any questions, please contact me at (916) 574-1856.

Yours truly,

A handwritten signature in cursive script that reads "Judy Ludlow". The signature is written in black ink and is positioned above the printed name.

JUDY LUDLOW

Public Land Management Specialist

cc: Mr. Dave Marriner
P.O. Box 4123
Incline Village, Nevada 89450

J. Frey, Staff Counsel
J. Rump, Chief Counsel