

**CALENDAR ITEM
C08**

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10/29/10
WP 8498.9
B. Terry

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEE:

Hiroko Nakazato Trust

APPLICANTS:

Arnold Nakazato; and Brian D. Walsh and Laura N. Walsh, Trustees, The Walsh Family Trust dated March 20, 2001

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4798 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning October 4, 2007

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:

The proposed lease contains a provision that requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District

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Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On December 9, 2003, the Commission authorized a Recreational Pier Lease with Hiroko Nakazato Trust, for a pier modification, installation of a boat lift, and two mooring buoys. That lease will expire on December 31, 2013. The pier modification and the proposed boat lift were not constructed. The existing pier does not encroach onto State-owned sovereign land and is therefore not a part of the lease.
3. On November 21, 2005, the ownership of the upland parcel was transferred to Laura Walsh and Arnold Nakazato. On October 4, 2007, Laura Walsh transferred ownership interest to Brian D. Walsh and Laura N. Walsh, Trustees, the Walsh Family Trust dated March 20, 2001. Applicants are now applying for termination of the existing lease and issuance of a new Recreational Pier Lease.
4. Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
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)], staff has determined this activity is not subject to the provisions of CEQA because it is not a "project" as defined by 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 New Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of 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).

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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. but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

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 not subject to the requirements of 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: Find that the activity is exempt from the requirements of 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, effective October 3, 2007, of Lease No. PRC 8498.9, a Recreational Pier Lease, issued to Hiroko Nakazato Trust.
2. Authorize issuance of a 10-year Recreational Pier Lease to Arnold Nakazato; and Brian D. Walsh and Laura N. Walsh, Trustees, The Walsh Family Trust dated March 20, 2001, beginning

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October 4, 2007, for the continued use and maintenance of two existing mooring buoys 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.