

MINUTE ITEM
This Calendar Item No. C61
was approved as Minute Item
No. 61 by the State Lands
Commission by a vote of 3
to 0 at its 02-05-01
meeting

CALENDAR ITEM
C61

A 4
S 1

02/05/01
PRC 4172.9
B. Young

**TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE**

APPLICANTS:

James R. Barrow and Marjorie A. Barrow
P. O. Box 7129
Menlo Park, CA 94026

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse, boat hoist, and one mooring buoy and the retention of one existing mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 1, 2000

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Lessee 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.

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OTHER PERTINENT INFORMATION:

1. On May 9, 1996, the Commission authorized a Recreational Pier Lease to Elsie M. Fabian and Michael H. Fabian. That lease will expire on April 30, 2006. On October 14, 1999, Elsie M. Fabian and Michael H. Fabian deeded the littoral land to James R. Barrow and Marjorie A Barrow. The Applicants qualify for a rent-free Recreational Pier Lease because the Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. James R. Barrow and Marjorie A. Barrow are now applying for a new Recreational Pier Lease. This Calendar Item will terminate a Recreational Pier Lease that was issued to Elsie M. Fabian and Michael H. Fabian, for a pier and boathouse and one mooring buoy and issue a new Recreational Pier Lease to James R. Barrow and Marjorie A. Barrow for a pier, boathouse, boat hoist, one mooring buoy and the retention of one existing mooring buoy, effective December 1, 2000.

2. **Termination of existing lease:** 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 because the activity 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 15378.

3. **Issuance of new lease (pier, boathouse, boat hoist, and 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 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.

Second 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

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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.

4. 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.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Location and site 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 15061 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, BOATHOUSE, BOAT HOIST, AND 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 1, EXISTING

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FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SECOND 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:

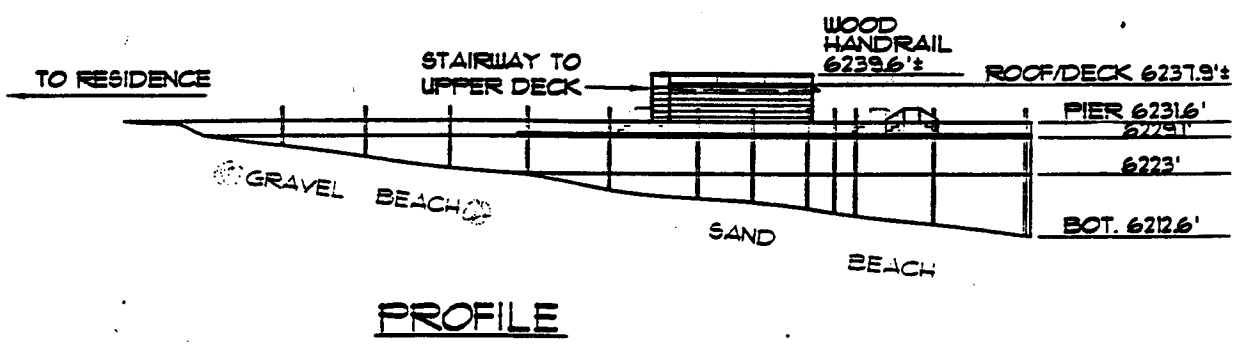
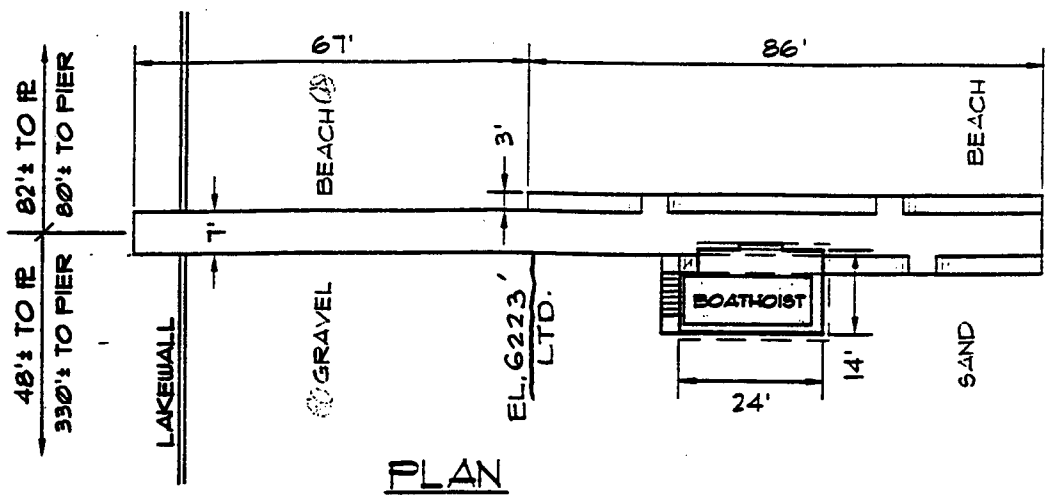
AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 4172.9, EFFECTIVE MAY 1, 1996, ISSUED TO ELSIE M. FABIAN AND MICHAEL H. FABIAN AND APPROVED BY THE COMMISSION ON MAY 9, 1996.

AUTHORIZE ISSUANCE TO JAMES R. BARROW AND MARJORIE A. BARROW OF A TEN-YEAR RECREATIONAL PIER LEASE, PRC 4172.9, BEGINNING DECEMBER 1, 2000, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOATHOUSE, BOAT HOIST AND A MOORING BUOY AND THE RETENTION OF AN EXISTING MOORING BUOY 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 WITH COVERAGE OF NO LESS THAN \$300,000.

○ BUOY

LAKE TAHOE

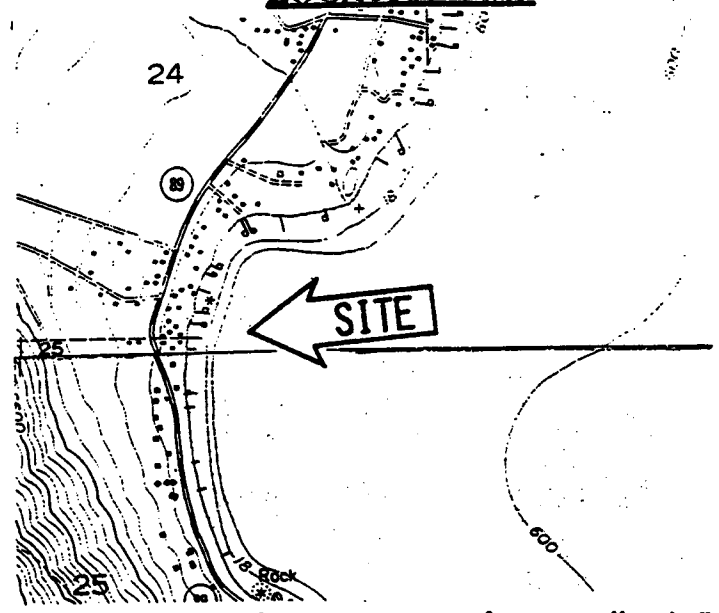
○ BUOY



2720 West Lake Blvd.

NO SCALE

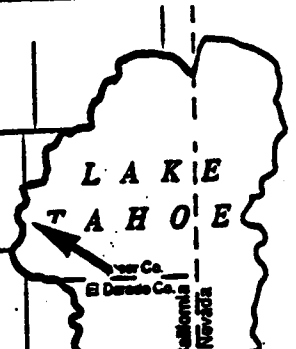
LOCATION MAP



NO SCALE

EXHIBIT A

PRC 4172.9
 APN 085-030-004
 Lake Tahoe
 Placer County
 (Sheet 1 of 2)



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.

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