

MINUTE ITEM
This Calendar Item No. C05 was approved as
Minute Item No. 05 by the California State Lands
Commission by a vote of 3 to 0 at its
05/10/07 meeting.

CALENDAR ITEM

C05

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05/10/07

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PRC 4169.9

R. Barham

**TERMINATION AND ISSUANCE OF A
RECREATIONAL PIER LEASE**

LESSEES:

John K. Withers and Patricia J. Withers as trustees of the John K. Withers and Patricia J. Withers Trust dated September 24, 1992, and Carolyn Maxwell Hinton

APPLICANT:

Michelle Joy Schwartz

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 19, 2006.

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 \$300,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease with John K. Withers and Patricia J. Withers as Trustees of the John K. Withers and Patricia J. Withers Trust dated September 24, 1998, and Carolyn Maxwell Hinton. That lease will expire on

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September 26, 2008. On October 19, 2006, the Lessees deeded the upland property to Michelle Joy Schwartz.

3. Applicant qualifies for a Recreational Pier Lease because she is a natural person who owns the littoral land, which is use for a single-family dwelling. Applicant is now applying for a new Recreational Pier Lease.

4. **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)], 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.

5. **Issuance of New Lease for the 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 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 (a)(2).

6. 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.

EXHIBIT:

- A. Site and Location Map

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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 NEW LEASE FOR THE 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 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.

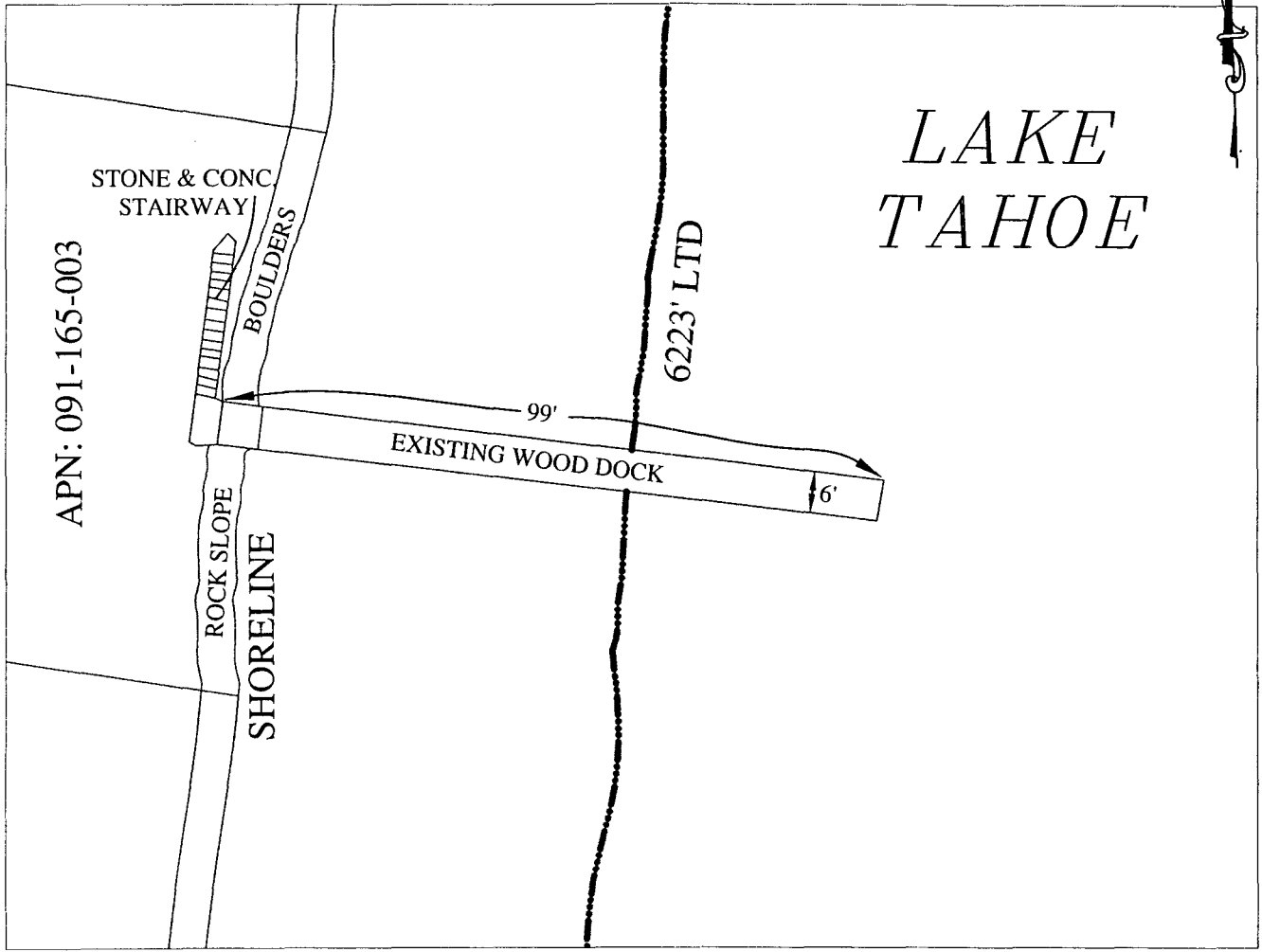
AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 4169.9, EFFECTIVE OCTOBER 18, 2006, ISSUED TO JOHN K. WITHERS AND PATRICIA J. WITHERS AS TRUSTEES OF THE JOHN K. WITHERS AND PATRICIA J. WITHERS TRUST DATED SEPTEMBER 24, 1992, AND CAROLYN MAXWELL HINTON.

AUTHORIZE ISSUANCE TO MICHELLE JOY SCHWARTZ, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING OCTOBER 19, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEROF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

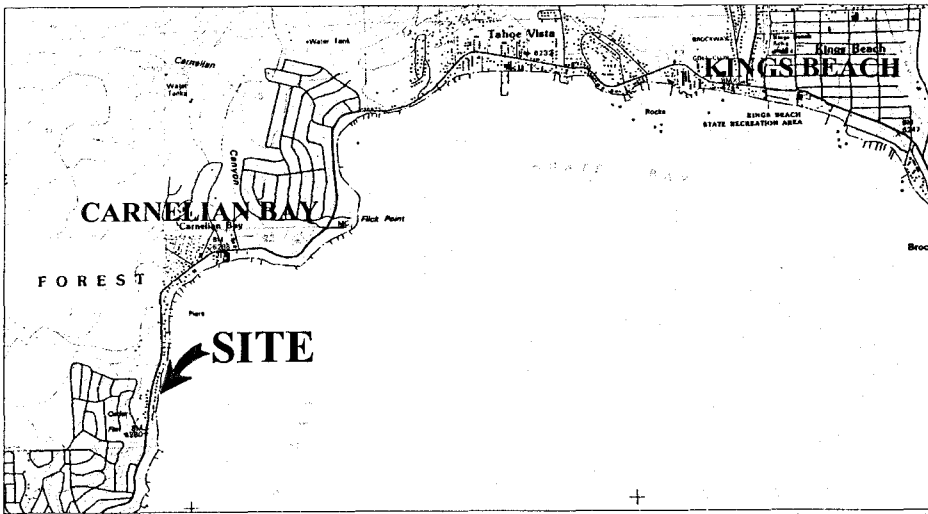
SITE



4540 N. LAKE BLVD., CARNELIAN BAY

NO SCALE

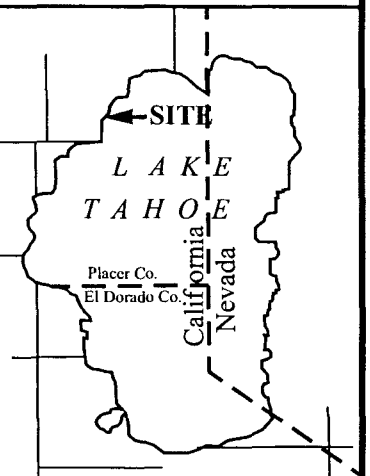
LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 4169.9
 SCHWARTZ
 APN: 091-165-003
 RECREATIONAL PIER LEASE
 PLACER COUNTY



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.

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MJF 4/10/07