

MINUTE ITEM
This Calendar Item No. C02 was approved as
Minute Item No. 02 by the California State Lands
Commission by a vote of 2 to 0 at its
10-30-07 meeting.

**CALENDAR ITEM
C02**

A 4
S 1

10/30/07
PRC 8644.9
R. Barham

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

LESSEE:

Constance Morris, Trustee of the Constance Morris Trust One under an agreement dated February 11, 1988, and Constance Morris, Trustee of the Harold F. Keenan Trust Two under an agreement dated February 11, 1988

APPLICANTS:

Elias D. Bardis and Jane Ball-Bardis

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning September 13, 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 \$300,000.

Other:

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

CALENDAR ITEM NO. **C02** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.
2. On December 8, 2005, the Commission authorized a Recreational Pier Lease with Constance Morris, Trustee of the Constance Morris Trust One under agreement dated February 11, 1988, and Constance Morris, Trustee of the Harold F. Keenan Trust Two under an agreement dated February 11, 1988. That lease will expire on November 30, 2015. The Lessee has since deeded the upland property to the Applicants. Applicants are now applying for a new Recreational Pier Lease.
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. **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 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, section 15060(c)(3) and 15378.

5. **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), 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.

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.

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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 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: 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 EFFECTIVE SEPTEMBER 12, 2007, OF LEASE NO. PRC 8644.9, A RECREATIONAL PIER LEASE, ISSUED TO CONSTANCE MORRIS, TRUSTEE OF THE CONSTANCE MORRIS TRUST ONE UNDER AN AGREEMENT DATED FEBRUARY 11, 1988, AND CONSTANCE MORRIS, TRUSTEE OF THE HAROLD F. KEENAN TRUST TWO UNDER AN AGREEMENT DATED FEBRUARY 11, 1988.

AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO ELIAS D. BARDIS AND JANE BALL-BARDIS BEGINNING SEPTEMBER 13, 2007, FOR THE CONTINUED USE AND MAINTENANCE OF A PIER AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART

CALENDAR ITEM NO. C02 (CONT'D)

HEROF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

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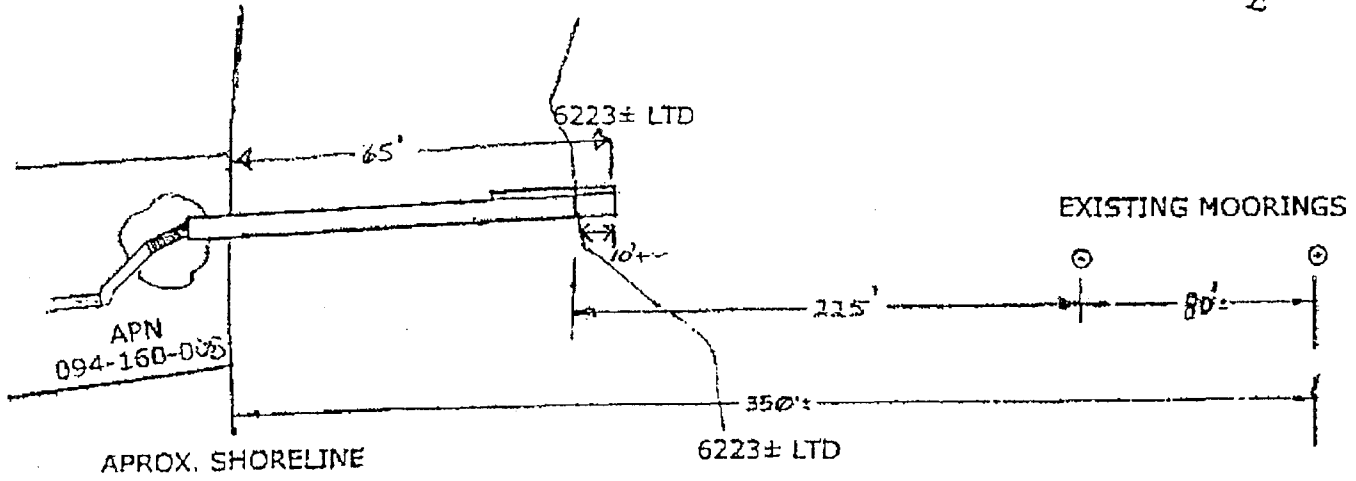
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MINUTE PAGE

NO SCALE

SITE

L A K E
T A H O E

APROX. SHORELINE



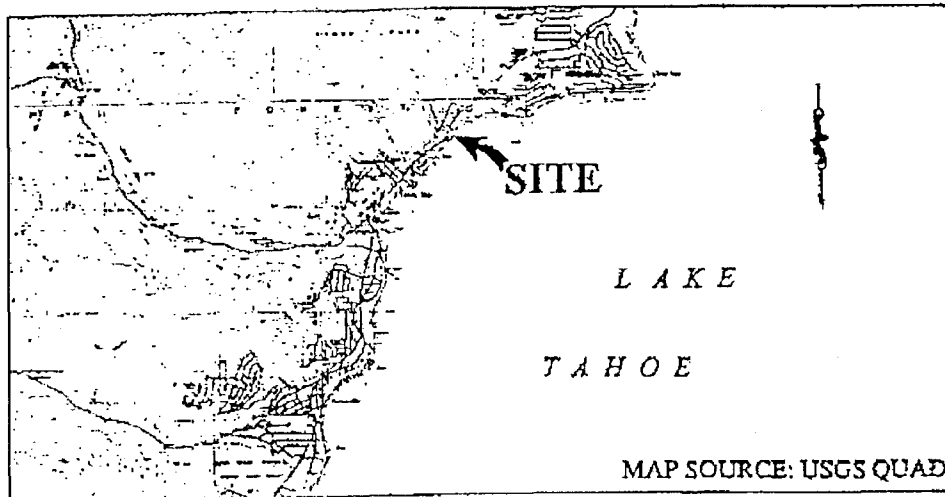
APROX. SHORELINE

6223± LTD

1590 NORTH LAKE BLVD, TAHOE CITY

NO SCALE

LOCATION



SITE

L A K E

T A H O E

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 8644.9
APN 094-160-008
LAKE TAHOE
PLACER COUNTY

