

MINUTE ITEM

This Calendar Item No. C19 was approved as Minute Item No. 19 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

**CALENDAR ITEM
C19**

A 4
S 1

06/26/06
PRC 7449.9
B. Terry

RECREATIONAL PIER LEASE

APPLICANTS:

Thomas R. Harry, Trustee of the Thomas R. Harry and Carolyn D. Harry Family Decedent's Trust, Thomas R. Harry, Trustee of the Thomas R. Harry and Carolyn D. Harry Family Survivor's Trust and Don Stuart Mashbir

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and two mooring buoys, as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning September 27, 2005.

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:

This lease is conditioned on the Applicants 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.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcels adjoining the lease premises. The lease premise is improved with a joint-use pier located adjacent to the two upland parcels.

CALENDAR ITEM NO. C19 (CONT'D)

2. On February 12, 1997, the Commission authorized a ten-year Recreational Pier Lease to the Thomas R. Harry and Carolyn D. Harry Family Trust, Thomas R. Harry and Carolyn D. Harry Trustees and Don S. Mashbir and Rosa M. Mashbir. That lease expired on September 26, 2005. One upland property has transferred to Thomas R. Harry, Trustee of the Thomas R. Harry and Carolyn D. Harry Family Decedent's Trust, with a 75% interest and Thomas R. Harry, Trustee of the Thomas R. Harry and Carolyn D. Harry Family Survivor's Trust, with a 25% interest. The adjacent upland property has transferred to Don Stuart Mashbir. Applicants are now applying for a new Recreational Pier Lease.

3. 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.

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
U. S. Army corps of Engineers

APPROVALS OBTAINED:

Pier: Tahoe Regional Planning Agency
U.S. Army Corps of Engineers

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. C19 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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:

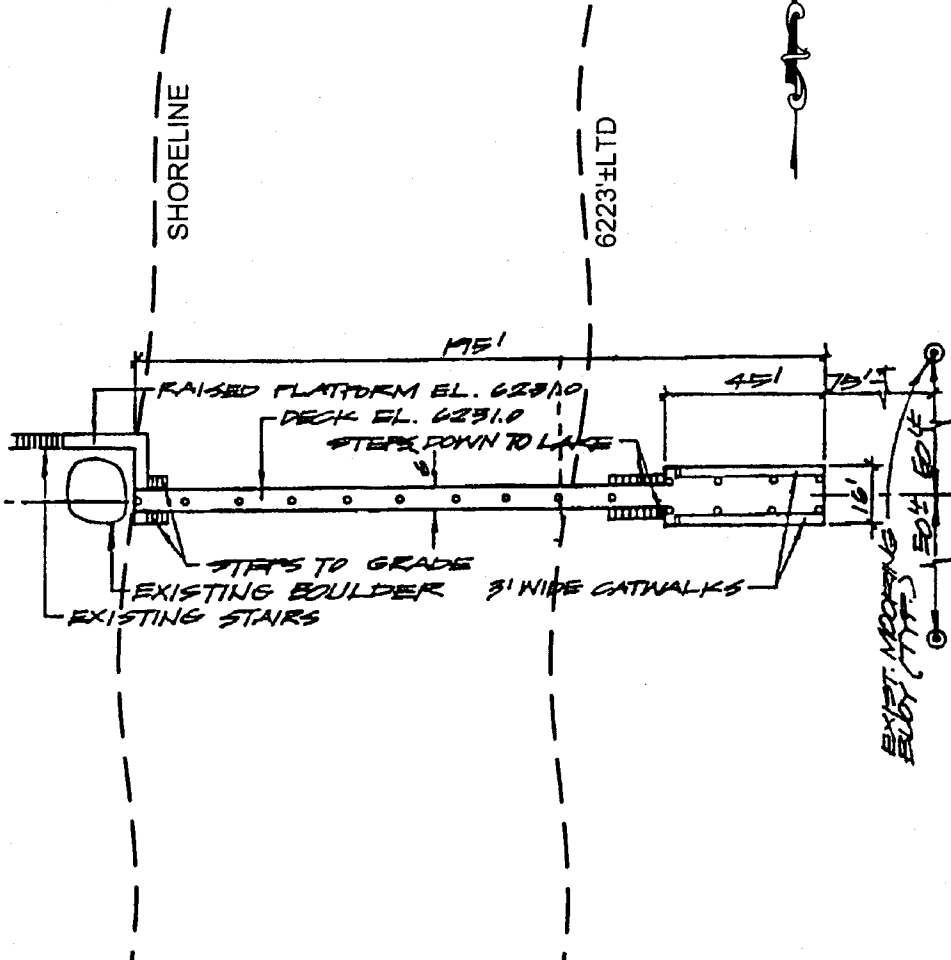
AUTHORIZE ISSUANCE TO THOMAS R. HARRY, TRUSTEE OF THE THOMAS R. HARRY AND CAROLYN D. HARRY FAMILY DECEDENT'S TRUST, THOMAS R. HARRY, TRUSTEE OF THE THOMAS R. HARRY AND CAROLYN D. HARRY FAMILY SURVIVOR'S TRUST AND DON STUART MASHBIR OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 27, 2005, FOR THE USE AND MAINTENANCE OF AN EXISTING PIER AND TWO 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

SITE

APN 016-101-521 &

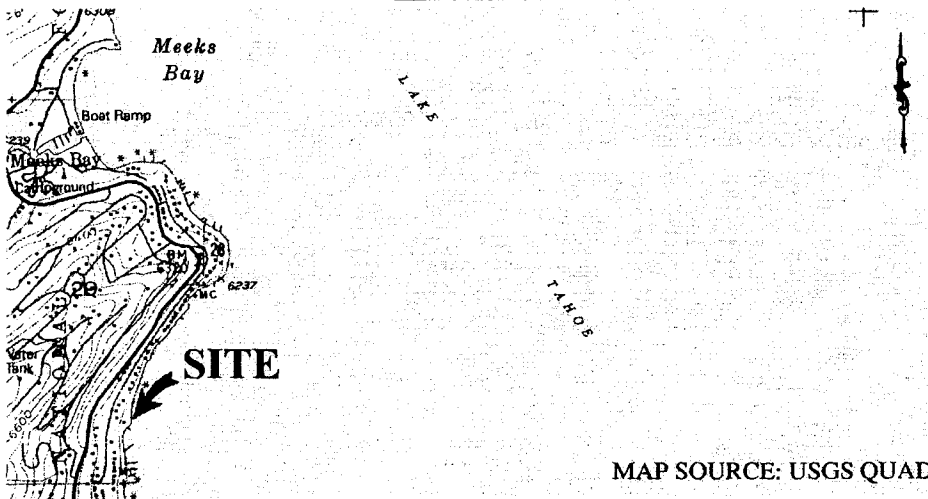
APN 016-142-091 *220' E TO PIERS 110' E TO PIER 100' E TO R*



8579 MEEKS BAY AVE., & 8581 NORTH LANE

NO SCALE

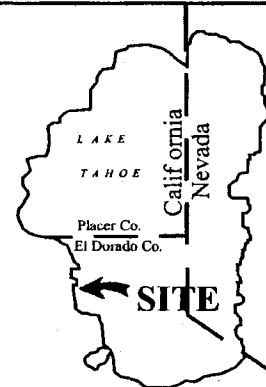
LOCATION



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 7449.9
HARRY/MASHBIR
RECREATIONAL PIER LEASE
APN 016-101-141,
APN 016-101-521 &
APN 016-142-091
RUBICON BAY
EL DORADO COUNTY



MJ/05/06

000003

CALENDAR PAGE

001351

MINUTE PAGE