

CALENDAR ITEM

C05

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12/14/06
PRC 7449 WP 7449.9
B. Terry

**RESCISSION OF PRIOR RECREATIONAL PIER LEASE
AND ISSUANCE OF A RECREATIONAL PIER LEASE**

APPLICANTS:

Don Stuart Mashbir; Thomas R. Harry, Trustee of the Thomas R. Harry and Carolyn D. Harry Family Decedent's Trust, established October 23, 1997, Michael R. Harry and Anne L. Harry, Thomas J. Harry and Cynthia A. Harry Debora D. Goehring and Arden Goehring

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.

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OTHER PERTINENT INFORMATION:

1. Applicants own two contiguous upland parcels that adjoin the lease premises which are improved with a joint-use pier and two mooring buoys, previously authorized by the Commission. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single family dwelling.

2. On June 26, 2006, the Commission authorized a ten-year Recreational Pier Lease to Thomas R. Harry, Trustee of the Thomas R. Harry and Carolyn D. Harry Family Decedent's Trust and Thomas R. Harry, Trustee of the Thomas R. Harry and Carolyn D. Harry Family Survivor's Trust; and Don Stuart Mashbir.

After the Commission's June authorization, staff became aware of a gift deed, which dissolved the Survivor's Trust and deeded the trust's interest to Michael R. Harry and Anne L. Harry, Thomas J. Harry and Cynthia A. Harry, and Debora D. Goehring and Arden Goehring. Since the lease was never fully executed, staff is requesting that the authorization made by the Commission at its June 26, 2006, meeting for Minute Item 19 be rescinded, and a new Recreational Pier Lease be issued

3. **Rescission of a Recreational Pier 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.

4. **Issuance of a New Recreational Pier 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).

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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.

5. 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.

APPROVALS OBTAINED:

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

APPROVALS REQUIRED:

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

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RESCISSION OF A RECREATIONAL PIER LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15050 (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 A NEW RECREATIONAL PIER 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).

CALENDAR ITEM NO. C05 (CONT'D)

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 RESCISSION OF LEASE NO. PRC 7449.9, A RECREATIONAL PIER LEASE AUTHORIZED BY THE COMMISSION ON JUNE 26, 2006, 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.

AUTHORIZE ISSUANCE TO DON STUART MASHBIR; THOMAS R. HARRY, TRUSTEE OF THE THOMAS R. HARRY AND CAROLYN D. HARRY FAMILY DECEDENT'S TRUST AS TO AN UNDIVIDED 75% INTEREST AND MICHAEL R. HARRY AND ANNE L. HARRY, AS TO AN UNDIVIDED 8 1/3 INTEREST AND THOMAS J. HARRY AND CYNTHIA HARRY AS TO AN UNDIVIDED 8 1/3 INTEREST AND DEBORA D. GOEHRING AND ARDEN GOEHRING AS TO AN UNDIVIDED 8 1/3 INTEREST OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 27, 2005, FOR THE USE AND MAINTENANCE OF AN EXISTING JOINT-USE 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.

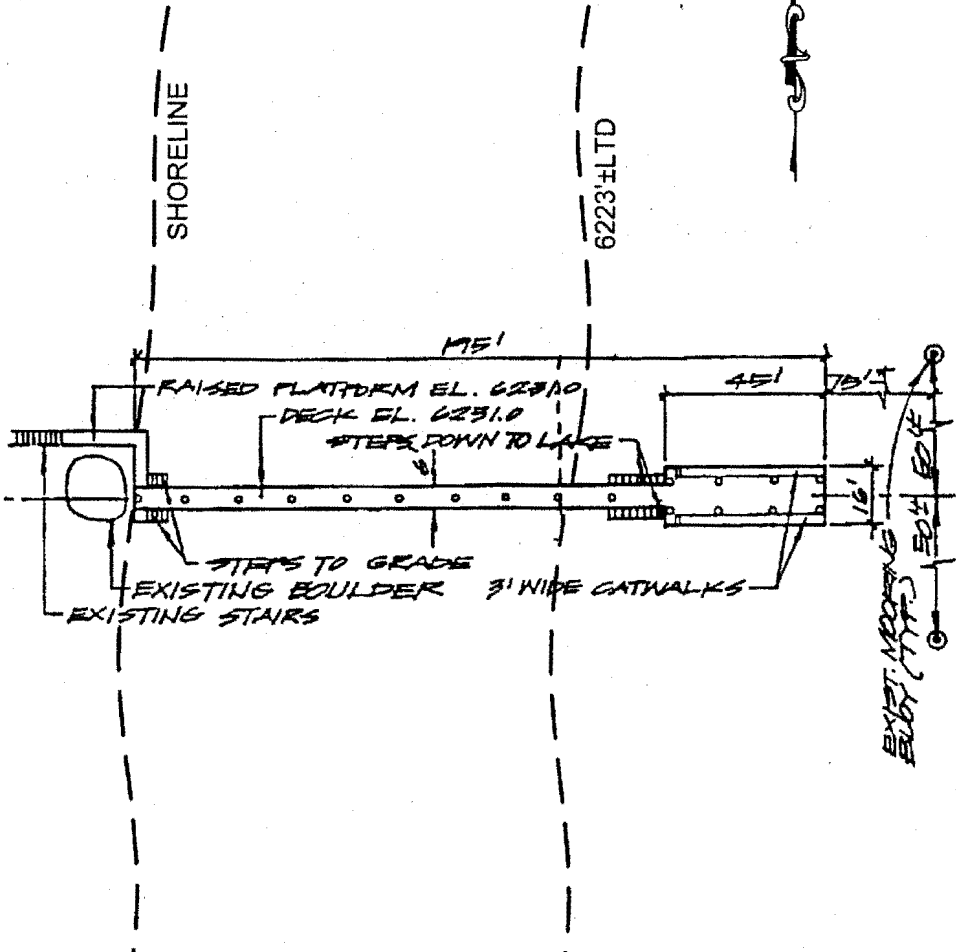
NO SCALE

SITE

APN 016-101-521 &

APN 016-142-091

220'± TO PIER 110'± TO PIER
100'± TO R 70'± TO R



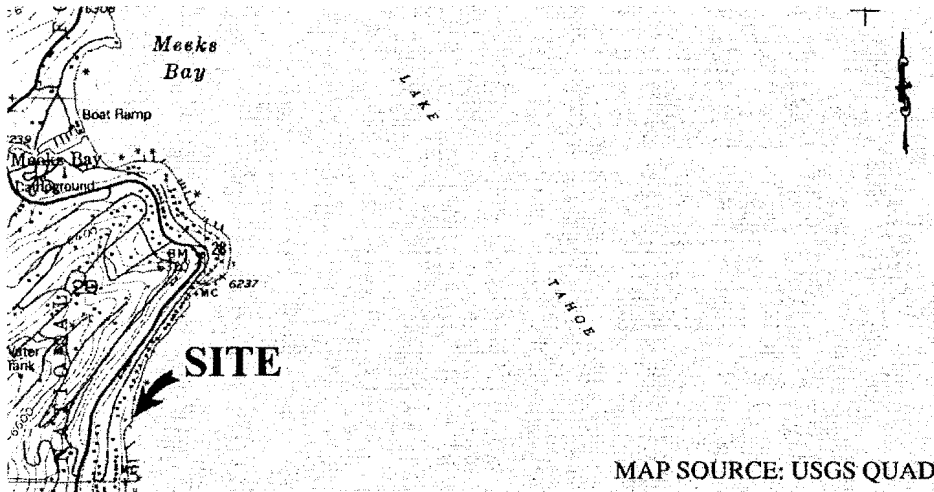
TAHOE

L A K E

8579 MEEKS BAY AVE., & 8581 NORTH LANE

NO SCALE

LOCATION

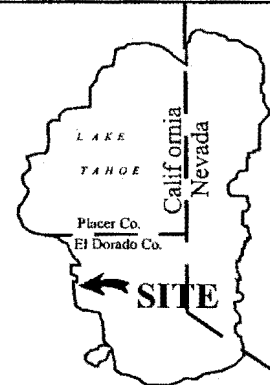


MAP SOURCE: USGS QUAD

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



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