

**CALENDAR ITEM
C06**

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01/29/09

S 3

D. Jones
WP 5138.9

RESCISSION AND ISSUANCE OF A RECREATIONAL PIER LEASE

RESCINDING APPLICANT:

Robert M. Nave, Trustee of the Robert M. Nave Trust Created by Trust Declaration Dated February 2, 2006

APPLICANTS:

Robert M. Nave, Trustee of the Robert M. Nave Trust Created by Trust Declaration Dated February 2, 2006 and Robert M. Nave, Jr., Trustee of the Trust under the Will of Doris Marie Nave, Deceased

AREA, LAND TYPE, AND LOCATION:

0.07 acres, more or less, of sovereign lands in Tomales Bay, adjacent to 22055 Highway 1, near Marshall, Marin County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning August 29, 2006.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On June 28, 2007, the Commission authorized a ten-year Recreational Pier Lease to Robert M. Nave, Trustee of the Robert M. Nave Trust Created by Trust Declaration Dated February 2, 2006. However, staff later became aware that one-half of the ownership of the adjacent

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patented property is also owned by Robert M. Nave, Jr., Trustee of the Trust Under the Will of Doris Marie Nave, Deceased.

3. Staff is requesting that the authorization made by the Commission at its June 28, 2007 meeting be rescinded and that a new Recreational Pier Lease be issued to both adjacent patented property owners with the same terms.
4. 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.
5. **Rescind Issuance 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 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, sections 15060 (c)(3) and 15378.

6. **Issuance 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 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 14, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

7. 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:

RESCIND ISSUANCE OF A RECREATIONAL PIER LEASE:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO 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 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 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:

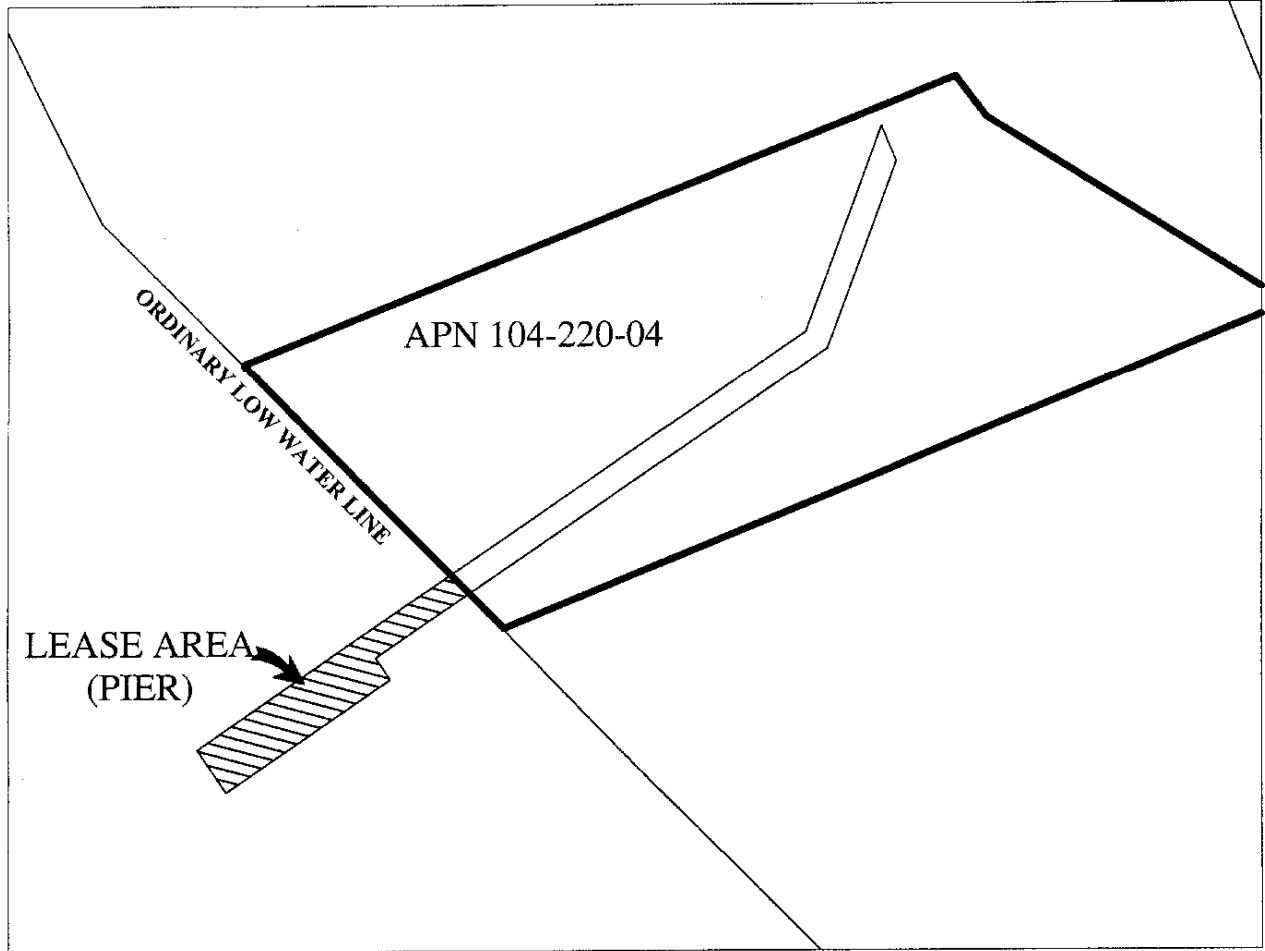
1. AUTHORIZE THE RESCISSION, EFFECTIVE JANUARY 29, 2009, OF LEASE NO. PRC 5138.9, A RECREATIONAL PIER LEASE TO ROBERT M. NAVE, TRUSTEE OF THE ROBERT M. NAVE TRUST CREATED BY TRUST DECLARATION DATED FEBRUARY 2, 2006.
2. AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO ROBERT M. NAVE, TRUSTEE OF THE ROBERT M. NAVE TRUST CREATED BY TRUST DECLARATION DATED FEBRUARY 2, 2006 AND ROBERT M. NAVE, JR., TRUSTEE OF THE TRUST UNDER THE WILL OF DORIS MARIE NAVE, DECEASED, BEGINNING AUGUST 29, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND RAMP AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE

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SECTION 6503.5; AND LIABILITY INSURANCE IN THE AMOUNT
OF NO LESS THAN \$500,000.

NO SCALE

SITE



22055 HIGHWAY 1 MARSHALL, CA
MARIN COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A
 NAVE
 WP5138
 APN 104-220-04
 RECREATIONAL PIER
 LEASE
 TOMALES BAY
 MARIN COUNTY



HUSTEAD 5/7/2007

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.