

MINUTE ITEM

This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 4 at its 2/2/04 meeting.

**CALENDAR ITEM
C04**

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02/02/04
PRC 7329 WP 7329.9
M. Hays

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

LESSEE:

Barbara Hefner, Trustee of the Hefner Revocable Trust

APPLICANTS:

James E. Duffy and Vicki L. Duffy, Trustees of the Duffy Revocable Trust, dated 09/14/01

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Dollar Point, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift and two mooring buoys, as shown on Exhibit A.

LEASE TERM:

Ten years, beginning January 20, 2002.

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. On October 15, 1995, the Commission authorized a ten year Recreational Pier Lease with Barbara Hefner, Trustee (Lessee). That lease expires on August 31, 2005.
2. On January 20, 2002, Lessee deeded the littoral land to James E. Duffy and Vicki L. Duffy, Trustees of the Duffy Revocable Trust, dated 09/14/01. Applicants are now applying for a new Recreational Pier Lease for the previously authorized existing pier, boatlift and two mooring buoys. Staff is recommending termination of the existing lease and approval of the new lease, effective as of the date of the transfer of the littoral property.
3. 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.
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, sections 15060 (c)(3) and 15378.

5. **Issuance of a 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

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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 REQUIRED:

Buoys: Tahoe Regional Planning Agency

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 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.

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:

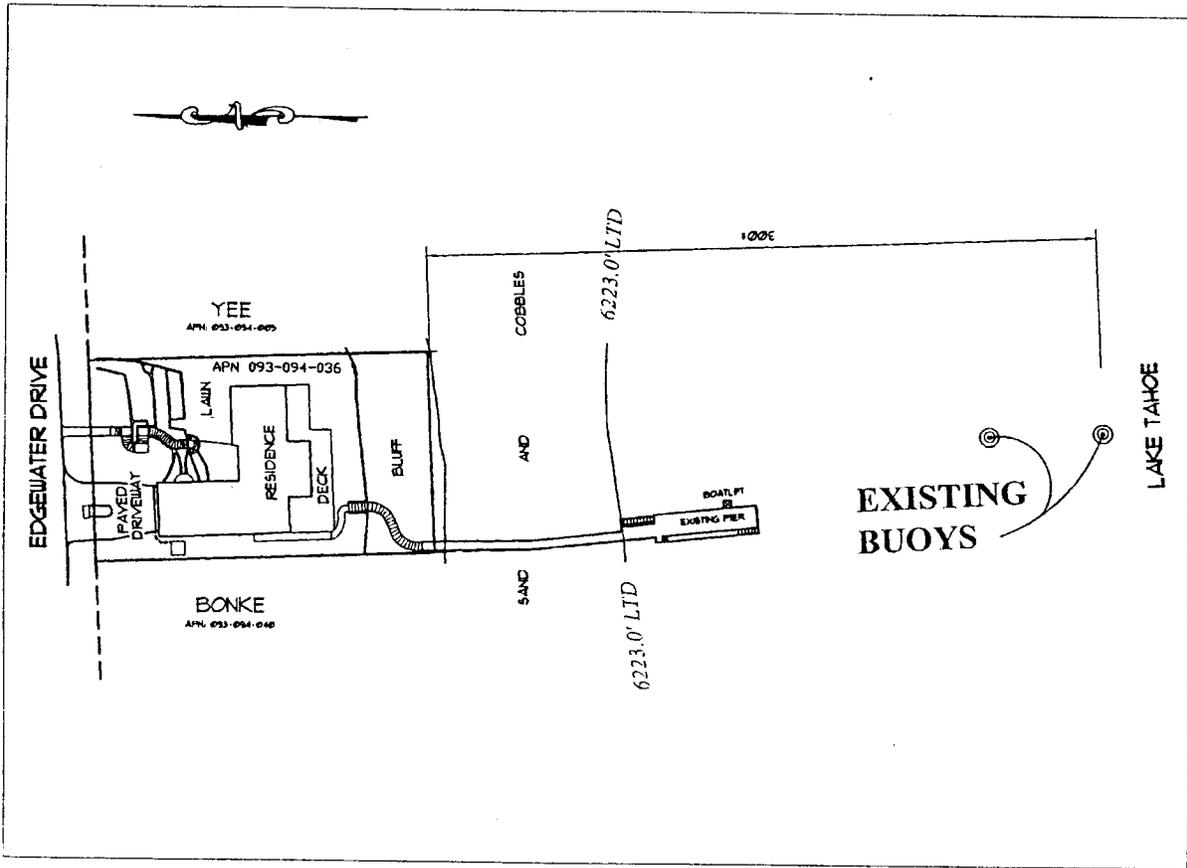
AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 7329.9 ISSUED TO BARBARA HEFNER, TRUSTEE OF THE HEFNER REVOCABLE TRUST; AND AUTHORIZE ISSUANCE TO JAMES E. DUFFY AND VICKI L. DUFFY, TRUSTEES OF THE DUFFY REVOCABLE TRUST DATED 09/14/01 OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JANUARY 20, 2002, FOR

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THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOATLIFT AND TWO MOORING BUOYS ON THE LAND 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 MAP



3272 Edgewater Drive, Dollar Point, CA

NO SCALE

LOCATION MAP

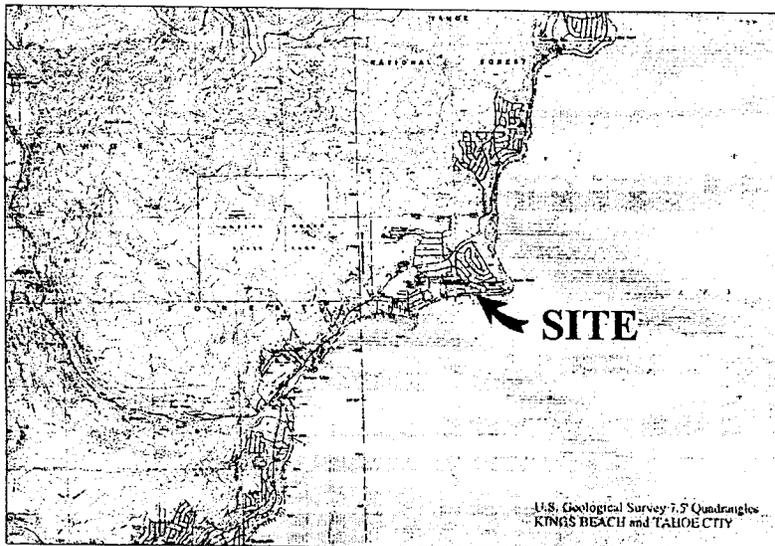
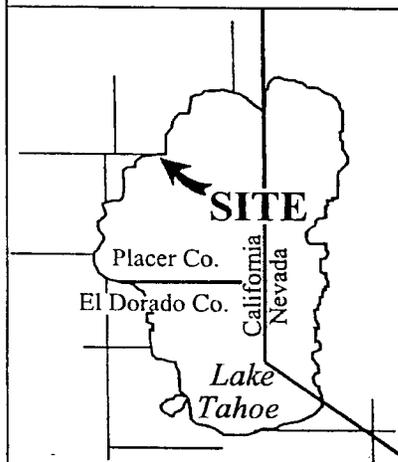


EXHIBIT A

WP 7329
 RPL - Duffy
 APN 093-094-036
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.

DWC 01-05-04

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