MINUTE ITEM
This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to 0 at its 12/9/04 meeting.

CALENDAR ITEM
C38

A 3

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PRC 8389

12/09/04
WP 8398.9
B. Young

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

LESSEES:
Arthur K. Chapman and Colleen Carlsted Chapman

APPLICANTS:
Arthur K. Chapman and Colleen Carlsted Chapman, as Trustees of the Chapman Family Trust dated October 6.

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Donner Lake, Truckee, Nevada County.

AUTHORIZED USE:
Extension of an existing recreational pier as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning December 1, 2004.

CONSIDERATION:
No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:
Liability insurance with coverage of no less than $300,000.

OTHER PERTINENT INFORMATION:

1. On June 18, 2002, the Commission authorized a Recreational Pier Lease to Lessees for the construction of a pier. That lease will expire on March 31, 2012. Arthur K. Chapman and Colleen Carlsted Chapman, as Trustees of the Chapman Family Trust dated October 6, wish to extend the existing pier and are applying for a new Recreational Pier Lease. Applicants are natural persons who have improved the littoral land with and use the upland for a single family dwelling. Applicants qualify for a rent-free lease.

2. **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

3. **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 extension of the existing pier is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

   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.

APPROVAL OBTAINED:
California Department of Fish and Game

APPROVAL REQUIRED:
Town of Truckee

EXHIBIT:
A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:
January 7, 2005

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 15378.

ISSUANCE OF NEW LEASE: FIND THAT CONSTRUCTION OF THE NEW PIER IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

SIGNIFICANT LANDS INVENTORY FINDING:

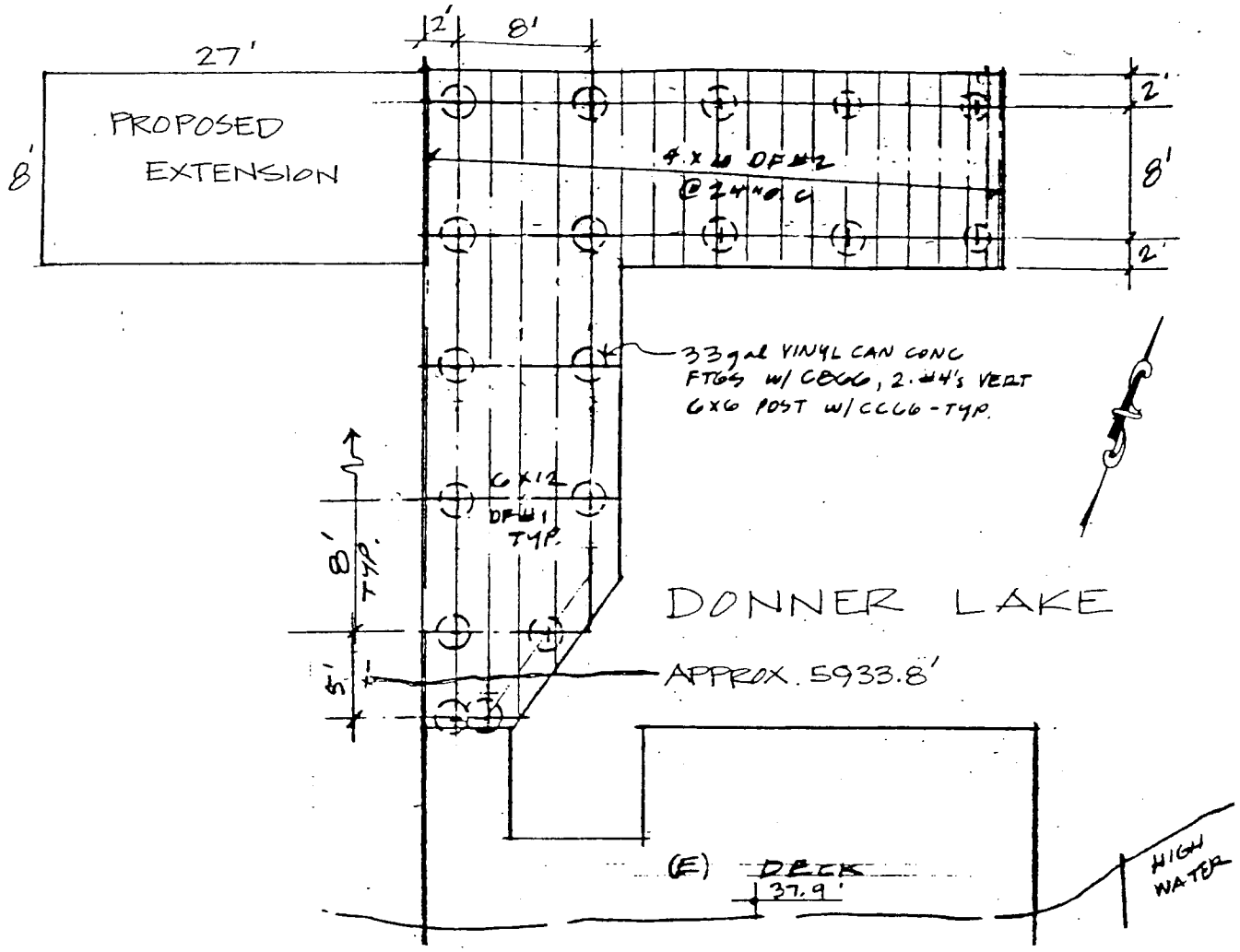
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE ISSUED TO ARTHUR K. CHAPMAN AND COLLEEN CARLSTED CHAPMAN, AND APPROVED BY THE COMMISSION ON JUNE 18, 2002.

AUTHORIZE ISSUANCE TO ARTHUR K. CHAPMAN AND COLLEEN CARLSTED CHAPMAN, AS TRUSTEES OF THE CHAPMAN FAMILY TRUST DATED OCTOBER 6, OF A RECREATIONAL PIER LEASE, BEGINNING DECEMBER 1, 2004, FOR A TERM OF TEN YEARS, FOR THE EXTENSION OF AN EXISTING PIER 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 WITH COMBINED SINGLE LIMIT COVERAGE OF $300,000.

SITE MAP



14732 South Shore Drive

LOCATION MAP

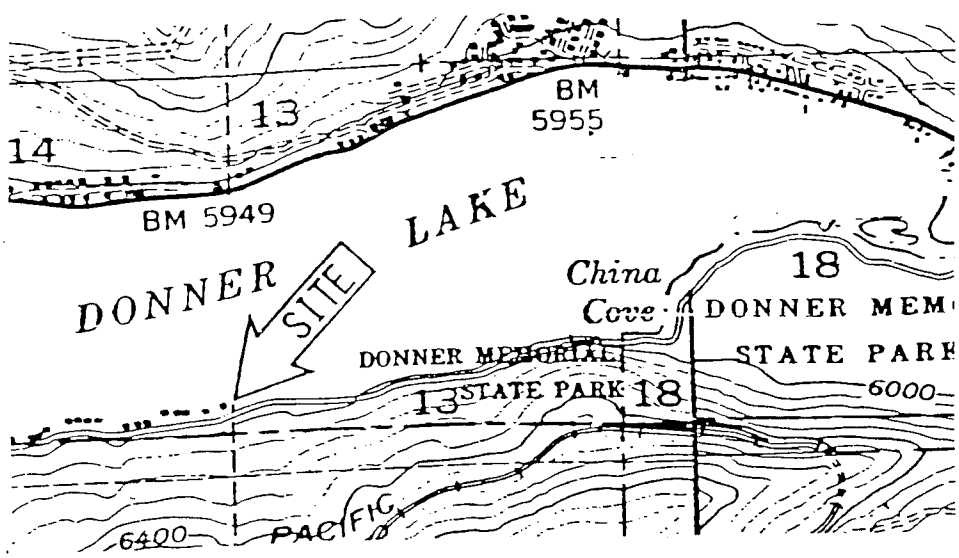
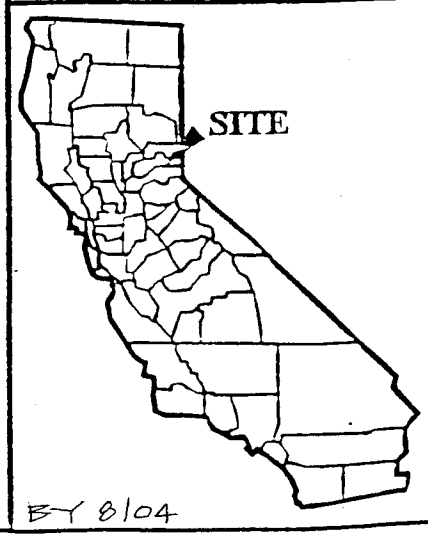


EXHIBIT A
PRC 8398.9
APN 17-371-03
Donner Lake
NEVADA COUNTY



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.

BY 8/04