MINUTE ITEM

This Calendar Item No. C05 was approved as Minute Item No. 05 by the California State Lands Commission by a vote of 3 to ϕ at its 02/05/07 meeting.

CALENDAR ITEM
C05

A 4 — 02/05/07
B. Terry

S 1 — PRC 5556 — WP 5556.9

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEES:
Elmer Lee Fox and Dorothy Z. Fox

APPLICANTS:
Ray Dolby and Dagmar Dolby, as trustees of the Dolby Family Trust dated May 7, 1999

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Lake Tahoe, near Tahoe City, Placer County.

AUTHORIZED USE:
Continued use and maintenance of an existing pier and one mooring buoy as shown on Exhibit A.

LEASE TERM:
Ten years, beginning February 1, 2007.

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:
The lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy 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. On December 16, 1998, the Commission authorized a Recreational Pier Lease with Elmer Lee Fox and Dorothy Z. Fox. That Lease is scheduled to expire on September 26, 2008. In 2000, the Lessees deeded the upland property to Ray Dolby and Dagmar Dolby, Trustees. Since the Foxes are no longer the upland owners, pursuant to section B2 of the lease, the lease may be terminated.

2. 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. Applicants are now applying for a new lease. Staff is recommending termination of the existing lease and issuance of a new lease.

3. **Termination of an 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.

4. **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.

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.

APPROVAL REQUIRED:
Buoy: Tahoe Regional Planning Agency

EXHIBIT:
A. Site and Location Map

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:
TERMINATION OF AN 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.

ISSUANCE OF A 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.

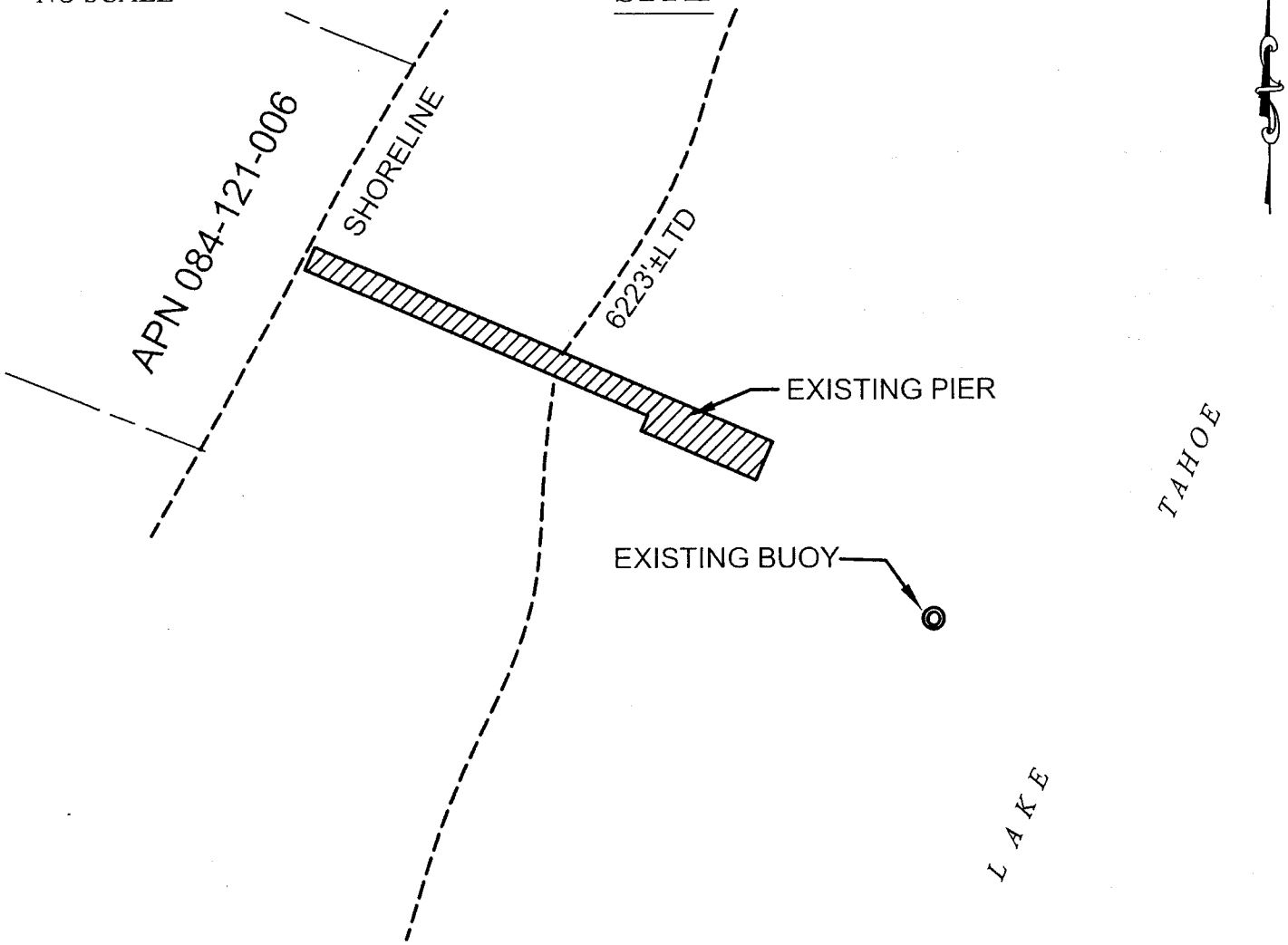
AUTHORIZATION:
AUTHORIZE TERMINATION EFFECTIVE JANUARY 31, 2007, OF LEASE NO. PRC 5556.9, A RECREATIONAL PIER LEASE ISSUED TO ELMER LEE FOX AND DOROTHY Z. FOX.

AUTHORIZE ISSUANCE TO RAY DOLBY AND DAGMAR DOLBY, AS TRUSTEES OF THE DOLBY FAMILY TRUST DATED MAY 7, 1999, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING FEBRUARY 1, 2007, FOR THE USE AND MAINTENANCE OF AN EXISTING PIER AND ONE MOORING BUOY 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

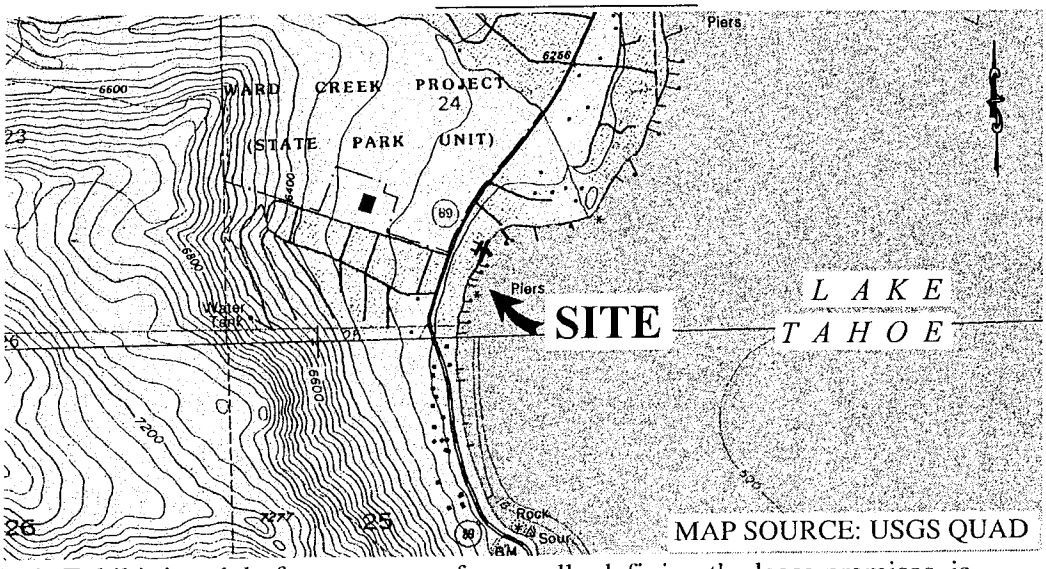
SITE



2530 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

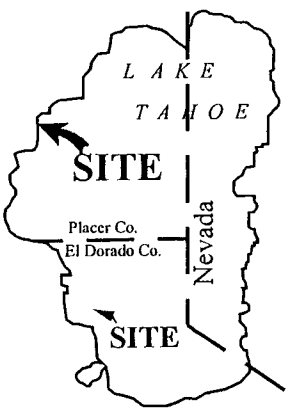
LOCATION



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 5556.9
DOLBY
APN 084- 121-006
RECREATIONAL PIER LEASE
PLACER COUNTY



MJ 12/06