MINUTE ITEM
This Calendar Item No. C07 was approved as Minute Item No. 07 by the California State Lands Commission by a vote of 3 to 0 at its 05/10/07 meeting.

CALENDAR ITEM
C07

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05/10/07
PRC 8383.9
R. Barham

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEES:
Ryan P. Heafey, Mathew W. Heafey, and Alison M. Heafey

APPLICANTS:
Carolyn S. Pomerantz, as Trustee of the Pomerantz Revocable Trust dated June 24, 2002, and Virginia Schwab Davis, as trustee of the Murray and Virginia Davis 2000 Trust dated June 14, 2000

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

AUTHORIZED USE:
Continued use and maintenance of two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:
Ten years, beginning May 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 buoys within two years after the adoption of the Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.

2. On April 9, 2002, the Commission authorized a Recreational Pier Lease with Ryan P. Heafey, Mathey W. Heafey, and Alison M. Heafey. That lease will expire on October 31, 2011. On January 9, 2007, the Lessees deeded the upland property to the Applicants.

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. Applicants are now applying for a new Recreational Pier Lease.

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, section 15060(c)(3) and 15378.

5. **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 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 (a)(2).

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 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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM 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 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:

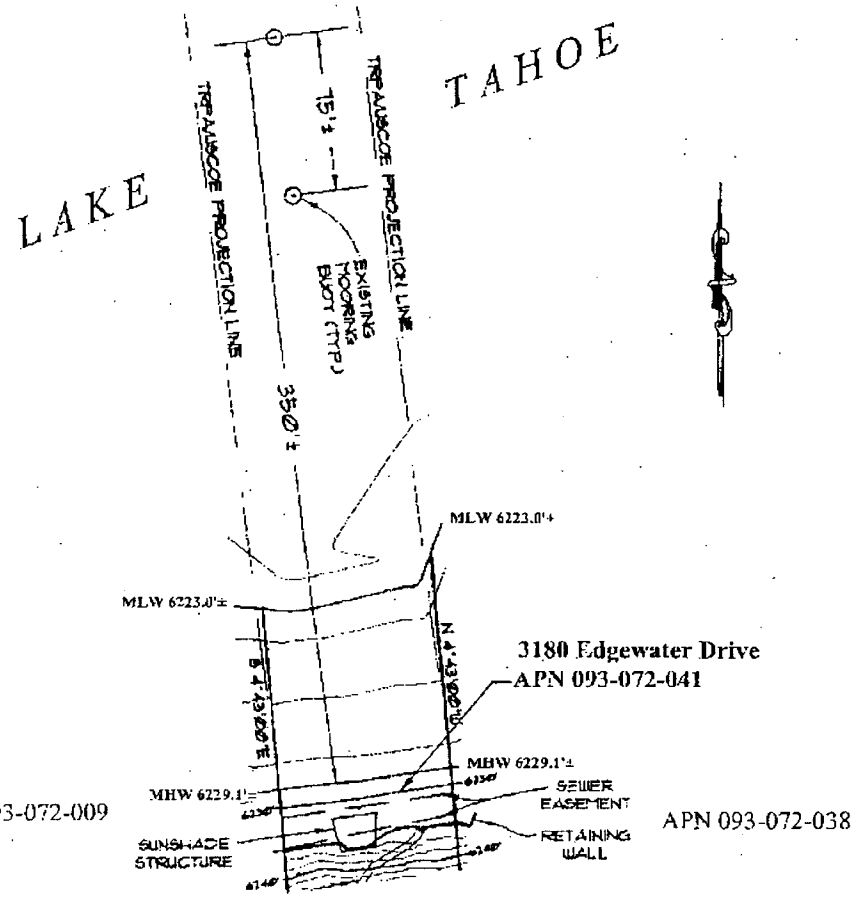
AUTHORIZE TERMINATION OF LEASE NO. PRC 8383.9, A RECREATIONAL PIER LEASE, EFFECTIVE APRIL 30, 2007, ISSUED TO RYAN P. HEAFY, MATHEW W. HEAFEY, AND ALISON M. HEAFEY.

AUTHORIZE ISSUANCE TO CAROLYN S. POMERANTZ, AS TRUSTEE OF THE POMERANTZ REVOCABLE TRUST DATED JUNE 24, 2002, AND VIRGINIA SCHWAB DAVIS, AS TRUSTEE OF THE MURRAY AND VIRGINIA DAVIS 2000 TRUST DATED JUNE 14, 2000, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING MAY 1, 2007, FOR THE CONTINUED USE AND MAINTENANCE OF TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEROF; NO MONETARY CONSIDERATION PURSUANT

TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $300,000.

NO SCALE

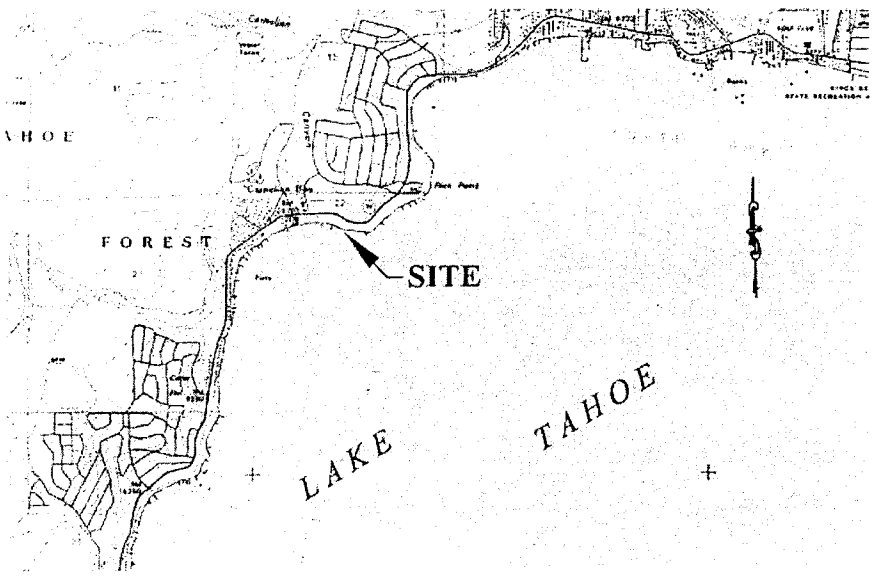
SITE MAP



3180 Edgewater Drive, Dollar Point, Lake Tahoe

NO SCALE

LOCATION MAP



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.

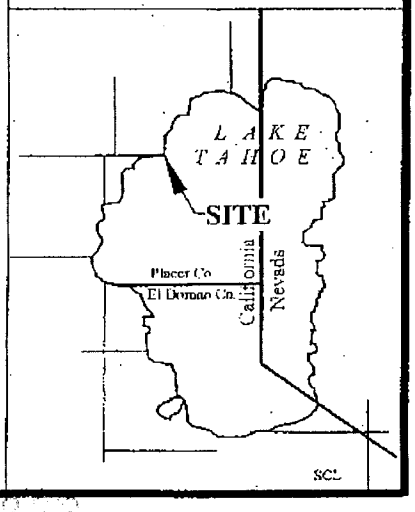



Exhibit A
WP 8383.9
APN 093-072-041
Lake Tahoe
PLACER COUNTY