

MINUTE ITEM

This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

**CALENDAR ITEM
C03**

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02/09/06
PRC 8405 WP 8405.9
R. Barham

**TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE**

LESSEES:

James E. Betts and Janis A. Betts

APPLICANTS:

C. Fred Toney and Joan F. Toney, Trustees of The Toney Trust, dated December 28, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoe City, Placer County.

AUTHORIZED USE:

The retention of two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning February 1, 2006.

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.

OTHER PERTINENT INFORMATION:

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

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2. On June 18, 2002, the Commission authorized a ten-year Recreational Pier Lease to James E. Betts and Janis A. Betts. That lease will expire on June 1, 2012. The property ownership has since transferred to C. Fred Toney and Joan F. Toney, Trustees of the Toney Trust, dated December 28, 1998 (Applicants). Staff is recommending termination of the existing lease and approval of a new lease.
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 lease for the retention of two existing mooring buoys, previously authorized by the Commission.
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 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.

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 person 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.

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APPROVAL REQUIRED:

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 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:

1) AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8405.9, EFFECTIVE FEBRUARY 1, 2006, ISSUED TO JAMES E. BETTS AND JANIS A. BETTS, APPROVED BY THE COMMISSION ON JUNE 18, 2002, AND

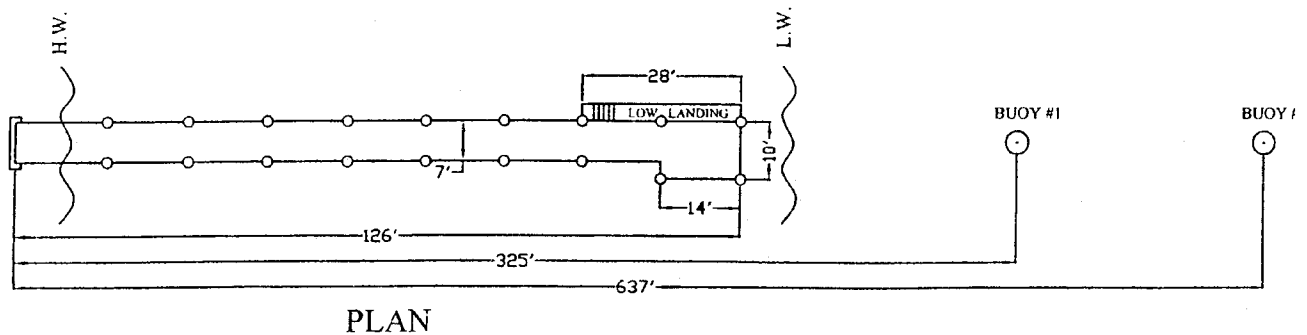
2) AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE BEGINNING FEBRUARY 1, 2006, TO C. FRED TONEY AND JOAN F. TONEY, TRUSTEES OF THE TONEY TRUST, DATED DECEMBER 28, 1998, FOR THE USE AND MAINTENANCE OF TWO

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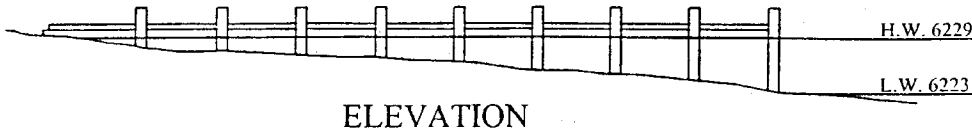
EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

SITE MAP



PLAN



100 SIERRA TERRACE ROAD, TAHOE CITY
APN 094-150-023

NO SCALE

LOCATION MAP

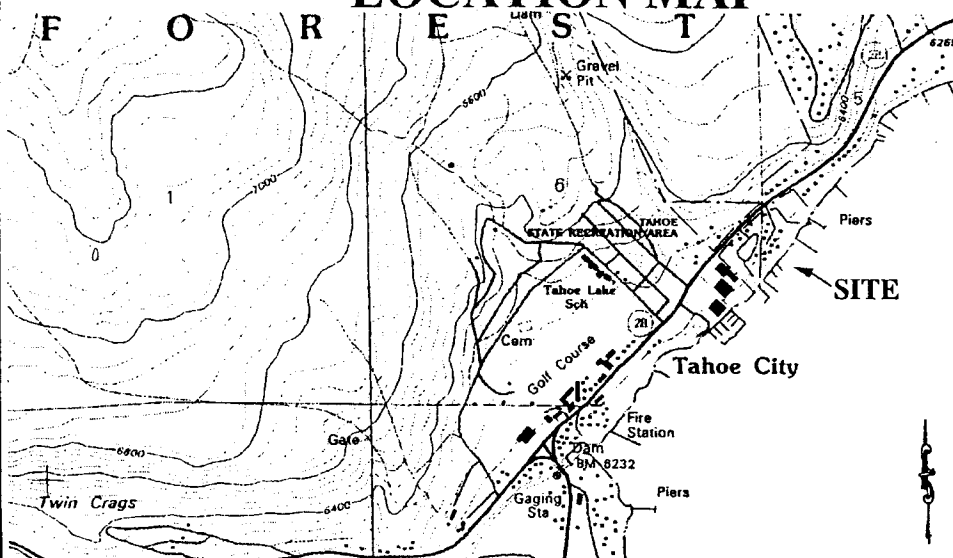
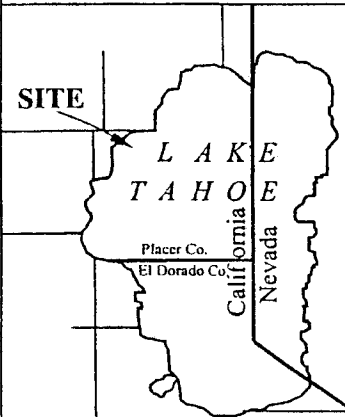


Exhibit A

WP 8405.9
FRED AND JOAN TONEY
RPL COVERING
TWO MOORING BUOYS
PLACER COUNTY



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.

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