

MINUTE ITEM
This Calendar Item No. C37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 3
to 0 at its 11-26-01
meeting.

CALENDAR ITEM
C37

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11/26/01
PRC4409 WP 4409
N. Lee

**TERMINATION OF GENERAL LEASE - RECREATIONAL USE AND
ISSUANCE OF RECREATIONAL PIER LEASE**

APPLICANTS:

Louis D. Ohlson; Kathleen M. Ohlson; Barbara Woods Heard, Trustee of the
Barbara Woods Heard Revocable Trust, U/T/D Dated December 2, 1993; and
Dwight B. Heard Investment Company
667 Crossridge Place
Orinda, CA 94563

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing pier, two boathouses and one
existing mooring buoy and retention of two additional existing mooring buoys as
shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning January 1, 1998.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$300,000.

Other:

This lease is conditioned on Lessee 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 February 27, 1996, the Commission authorized a General Lease - Recreational Use with Louis D. Ohlson and Kathleen M. Ohlson, Dwight B. Heard Investment Co. and Barbara Heard. That lease will expire on December 31, 2005. The Lessees did not qualify for a rent-free Recreational Pier Lease because their improvements included a swim float, which does not meet the qualifications pursuant to Public Resources Code section 6503.5. On November 24, 1997, Mr. Ohlson advised that the swim float had been destroyed in a storm. He also advised that he had no intentions to replace the swim float. 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. Louis D. Ohlson; Kathleen M. Ohlson; Barbara Woods Heard, Trustee of the Barbara Woods Heard Revocable Trust, U/T/D Dated December 2, 1993; and Dwight B. Heard Investment Company are now applying for a new Recreational Pier 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 - Pier, boathouses and buoy:** 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.

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Additional buoys: 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

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.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency.

EXHIBIT:

- A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

April 21, 2001

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.

ISSUANCE OF NEW LEASE - PIER, BOATHOUSES AND BUOY: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF

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REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

ADDITIONAL BUOYS: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

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 GENERAL LEASE - RECREATIONAL USE NO. PRC 4409.1, EFFECTIVE JANUARY 1, 1996, ISSUED TO LOUIS D. OHLSON AND KATHLEEN M. OHLSON, DWIGHT B. HEARD INVESTMENT COMPANY AND BARBARA HEARD AND APPROVED BY THE COMMISSION ON FEBRUARY 27, 1996.

AUTHORIZE ISSUANCE TO LOUIS D. OHLSON; KATHLEEN M. OHLSON; BARBARA WOODS HEARD, TRUSTEE OF THE BARBARA WOODS HEARD REVOCABLE TRUST, U/T/D DATED DECEMBER 2, 1993; AND DWIGHT B. HEARD INVESTMENT COMPANY OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JANUARY 1, 1998, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, TWO BOATHOUSES AND ONE EXISTING MOORING BUOY AND RETENTION OF TWO ADDITIONAL 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 WITH COVERAGE OF NO LESS THAN \$300,000.

SITE MAP

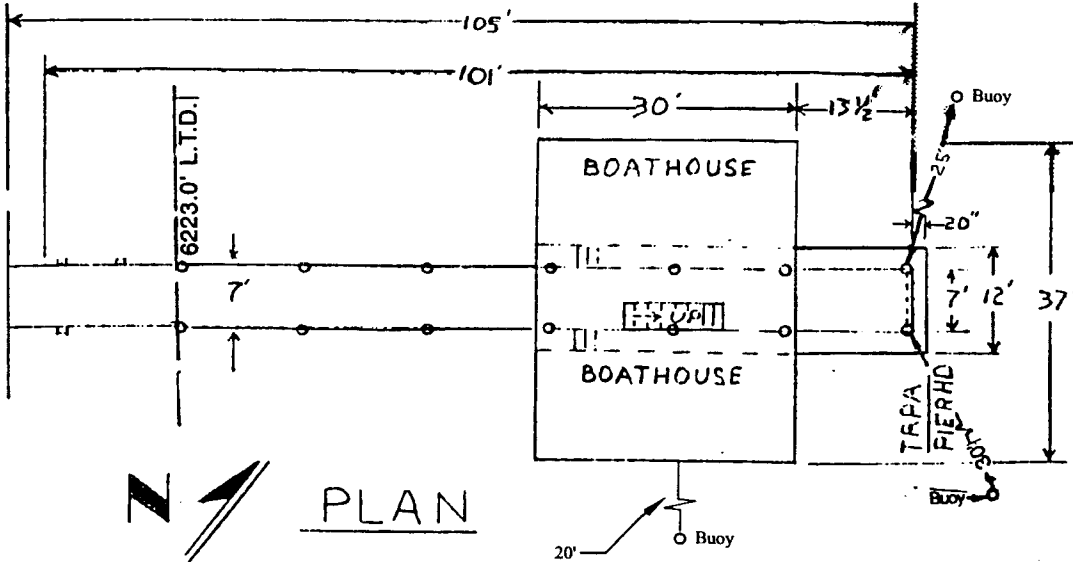
ENGINEERS - PLANNERS - SURVEYORS

SACRAMENTO, CA. 95825

SUBJECT SITE PLAN

HEARD
97-182-03

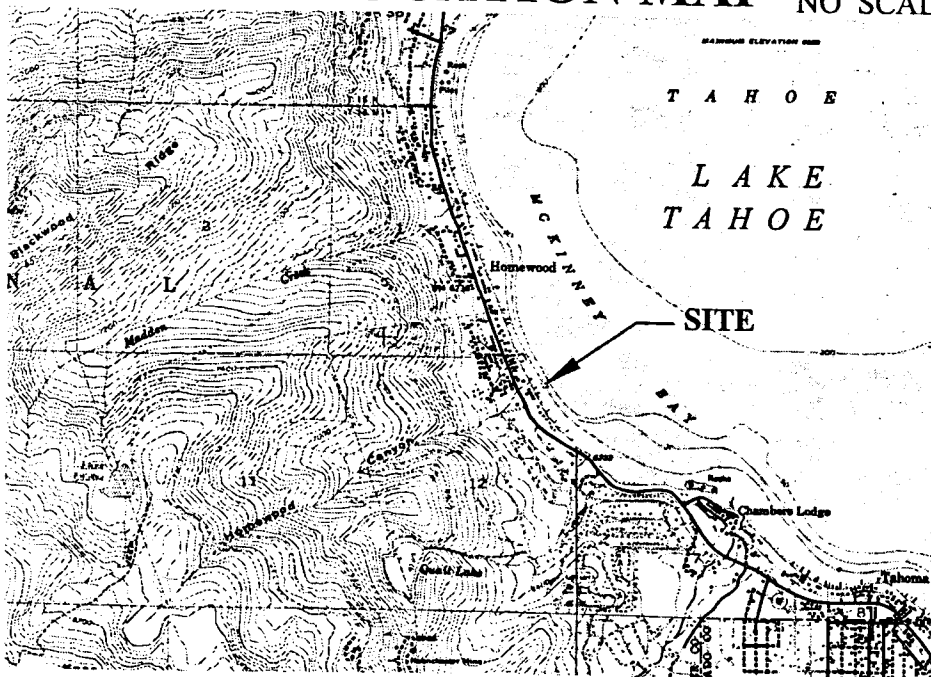
CONC: WALK



Lake Tahoe

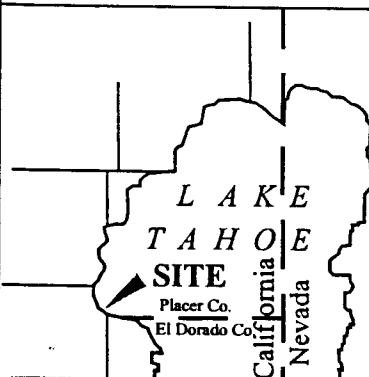
5520 & 5540 WEST LAKE BLVD.

LOCATION MAP NO SCALE



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

Exhibit A
WP4409.1
APN 097-182-02 & -03
Lake Tahoe
PLACER COUNTY



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