

CALENDAR ITEM  
**C11**

A	4		10/20/05
S	1	PRC 4148	WP 4148 B. Dugal

**TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE**

**LESSEE:**

Nancy Eccles Hayward, Trustee Under Trust Agreement Dated June 20, 1990

**APPLICANTS:**

William Eccles Hayward, Christina Hope Hayward, and Wendy Ann Hayward

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, located near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat hoist, and one mooring buoy previously authorized by the Commission, and the retention of one existing mooring buoy not previously authorized by the Commission.

**LEASE TERM:**

Ten years, beginning October 20, 2005.

**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 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.

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**OTHER PERTINENT INFORMATION:**

1. On June 14, 1999, the Commission authorized the issuance of a ten-year Recreational Pier Lease to Nancy Eccles Hayward, Trustee Under Trust Agreement dated June 20, 1990. That lease expires January 14, 2009.
2. Subsequent to the Lease being issued by the Commission, the Lessee's interest in the upland property was transferred to the Applicants and the Applicants are now applying for a new Recreational Pier Lease.
3. Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who have improved the littoral land with and use the upland for a single-family dwelling.
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, sections 15060 (c)(3) and 15378.

5. **Existing Pier, Boat Hoist and One Mooring 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.

6. **Retention of One Existing 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 3, New Construction of

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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.

7. 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.

**APPROVALS REQUIRED:**

Buoys – Tahoe Regional Planning Agency

**EXHIBIT:**

- A. Site/Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**TERMINATION OF GENERAL LEASE RECREATIONAL USE - 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.**

**EXISTING PIER, BOAT HOIST AND ONE MOORING BUOY - 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).**

**RETENTION OF ONE EXISTING MOORING BUOY - FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA**

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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 1) THE TERMINATION, EFFECTIVE OCTOBER 20, 2005, OF A RECREATIONAL PIER LEASE ISSUED TO NANCY ECCLES HAYWARD, TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 20, 1990; AND 2) THE ISSUANCE TO WILLIAM ECCLES HAYWARD, CHRISTINA HOPE HAYWARD, AND WENDY ANN HAYWARD OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING OCTOBER 20, 2005, FOR AN EXISTING PIER, BOAT HOIST, AND ONE MOORING BUOY PREVIOUSLY AUTHORIZED BY THE COMMISSION AND THE RETENTION OF ONE EXISTING MOORING BUOY NOT PREVIOUSLY AUTHORIZED BY THE COMMISSION 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.

