

MINUTE ITEM

This Calendar Item No. C08 was approved as Minute Item No. 08 by the California State Lands Commission by a vote of 3 to 9 at its 06-26-06 meeting.

**CALENDAR ITEM
C08**

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06/26/06
PRC 3976.9
R. Barham

**TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE**

LESSEES:

John D. Graham and Mary J. Graham

APPLICANT:

Philip R. Dunn, Trustee of The Philip R. Dunn Separate Property Trust dated 11-7-90

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of a pier and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 18, 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 PERTINENT INFORMATION:

1. Applicant owns the upland property adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease with John D. Graham and Mary J. Graham. That lease will expire on September 22, 2006. On August 18, 2005, the Lessees deeded the

CALENDAR ITEM NO. C08 (CONT'D)

upland property to Philip R. Dunn, Trustee of the Philip R. Dunn Separate Property Trust dated 11-7-90.

3. Applicant qualifies for a Recreational Pier Lease because he is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. Applicant is 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 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:

CALENDAR ITEM NO. C08 (CONT'D)

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.

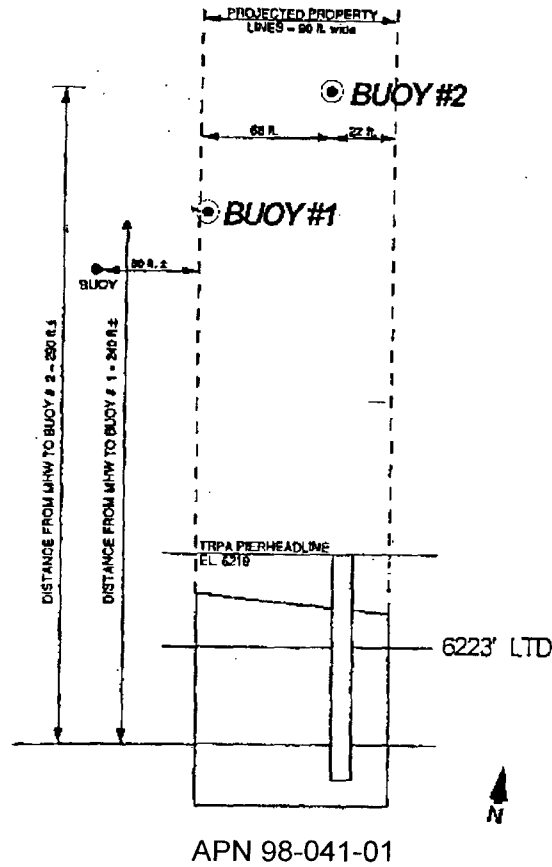
AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 3976.9, EFFECTIVE AUGUST 18, 2005, ISSUED TO JOHN D. GRAHAM AND MARY J. GRAHAM AND APPROVED BY THE COMMISSION ON DECEMBER 16, 1998.

AUTHORIZE ISSUANCE TO PHILIP R. DUNN, TRUSTEE OF THE PHILIP R. DUNN SEPARATE PROPERTY TRUST DATED 11-7-90, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING AUGUST 18, 2005, FOR THE CONTINUED USE AND MAINTENANCE OF A PIER AND 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



6200 W. Lake Blvd, McKinney Shores

NO SCALE

LOCATION MAP

Lake Tahoe

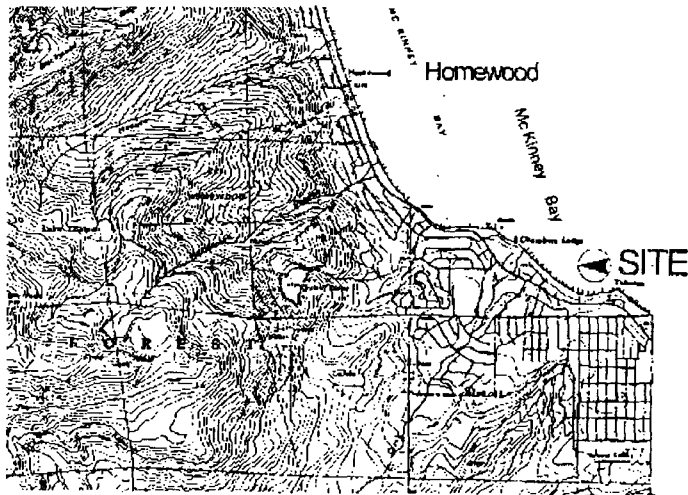
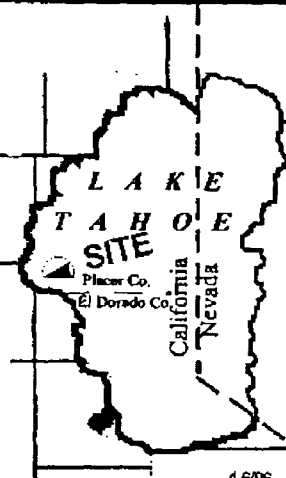


Exhibit A
 PRC 3976
 APN 98-041-01
 Lake Tahoe
 PLACER COUNTY



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 or limitation of any State interest in the subject or any other property.