

# Staff Report 07

## **LESSEE:**

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Christian P. Erdman; and Carol Franc Buck, as Trustee under the Carol Franc Buck Family Trust Agreement (As Restated) dated August 25, 2004

## **PROPOSED ACTION:**

Acceptance of a Lease Quitclaim Deed and Termination of a General Lease – Recreational Use

## **AREA, LAND TYPE, AND LOCATION**

Sovereign land in Lake Tahoe, Placer County, adjacent to and offshore of an upland property located within the State of Nevada known as 53 Somers Loop, Crystal Bay, Washoe County and immediately adjacent to the State line.

## **AUTHORIZED USE:**

Use and maintenance of one existing mooring buoy.

## **TERM:**

10 years, beginning February 22, 2013.

## **CONSIDERATION:**

\$377 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5;  
California Code of Regulations, title 2, sections 2000 and 2003.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On February 22, 2013, the Commission authorized a General Lease – Recreational Use, Lease No. PRC 9047, for the use and maintenance of one existing mooring

buoy to Christian P. Erdman; and Carol Franc Buck, as Trustee under the Carol Franc Buck Family Trust Agreement (As Restated) dated August 25, 2004 ([Item C45, February 22, 2013](#)). That lease will expire on February 21, 2023. The Lessee is applying for acceptance of a lease quitclaim deed and termination of Lease No. PRC 9047.

In November 2019, the Lessee applied to the U.S. Army Corps of Engineers to relocate the existing mooring buoy in Lake Tahoe from the California side of the stateline to the Nevada side. On January 9, 2020, the U.S. Army Corps of Engineers, authorized the relocation and, on January 8, 2020, the U.S. Fish and Wildlife Service provided a consultation letter to the U.S. Army Corps of Engineers, concurring with the project to relocate the mooring buoy to the Nevada side. The Tahoe Regional Planning Agency approved the mooring buoy under Mooring Registration #10636. On June 11, 2020, the State of Nevada, acting through the Division of State Lands, permitted one mooring buoy. On June 15, 2020, the existing mooring buoy was removed from California State sovereign land.

Staff became aware of the proposed project to relocate the mooring buoy on June 29, 2020, when the Lessee applied to terminate Lease No. 9047. Subsequently, staff was notified that the Lessee had removed the existing mooring buoy and restored the lease premises. Removal of the mooring buoy has improved navigability at this location in Lake Tahoe, thus enhancing Public Trust uses and values. As required in the lease for termination, the Lessee fulfilled the obligation to remove the mooring buoy with anchor and tackle from State sovereign land and restored the lease premises. The Lessee has executed a quitclaim deed releasing their interest in the General Lease – Recreational Use. Staff recommends acceptance of the lease quitclaim deed and termination of the lease effective October 22, 2020.

The Lessee removed all improvements from State land and restored the lease premises to their original condition. Staff believes the acceptance of a lease quitclaim deed and termination of this lease will not substantially interfere with Public Trust needs at this location; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

## **OTHER PERTINENT INFORMATION:**

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1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. Acceptance of a lease quitclaim deed and termination of the lease are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

## **EXHIBIT:**

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A. Site and Location Map

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed termination of the lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location and at this time; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

1. Authorize acceptance of a lease quitclaim deed, effective October 22, 2020, for Lease No. PRC 9047, a General Lease – Recreational Use, issued to the Lessee.
2. Authorize termination of Lease No. PRC 9047, a General Lease – Recreational Use, issued to the Lessee; effective October 22, 2020, as described in Exhibit A (for reference purposes only) attached and by this reference made a part hereof.

NO SCALE

SITE

CALIFORNIA  
NEVADA

APN 123-021-02

6223'± LTD

LAKE

TAHOE

BUOY  
PREVIOUS  
LOCATION

EXISTING  
BUOY

53 SOMERS LOOP, CRYSTAL BAY, STATE OF NEVADA

NO SCALE

LOCATION



SITE

MAP SOURCE: USGS QUAD

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

LEASE 9047

BUCK, TRUSTEE ET AL

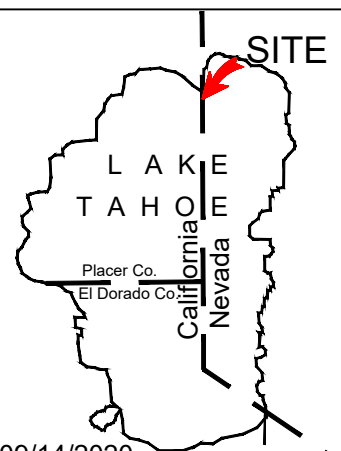
APN 123-021-02

TERMINATION

GENERAL LEASE -

RECREATIONAL USE

PLACER & WASHOE COUNTIES



TS 09/14/2020