

# Staff Report 22

## **APPLICANT:**

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Lauren R. Strachan and Adam Strachan, as Co-Trustees of the Gordon C. Strachan Family Trust Under Declaration of Trust dated December 28, 2001; and Aaron T. Strachan and Justin D. Strachan, as Co-Trustees of the Alan F. Strachan Family Trust Under Declaration of Trust dated December 28, 2001

## **PROPOSED ACTION:**

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Issuance of a General Lease – Recreational Use

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

Sovereign land in Lake Tahoe, adjacent to 6760 West Lake Boulevard, near Tahoma, Placer County.

## **AUTHORIZED USE:**

Continued use and maintenance of an existing pier and two mooring buoys.

## **TERM:**

10 years, beginning May 10, 2021.

## **CONSIDERATION:**

\$1,083 per year, with an annual Consumer Price Index adjustment.

## **SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee expressly acknowledges that a permit from the Tahoe Regional Planning Agency (TRPA) is required for the Authorized Improvements and failure to obtain a permit from TRPA and maintain compliance with that permit may result in TRPA imposing civil penalties and will constitute a breach of this lease.
- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public uses of access, navigation, fishing, and lake-related recreation.

- The public will be allowed to pass and re-pass over the landward end of the pier via steps with signs posted on each side of the pier to provide continuous shoreline access to the Public Trust easement below elevation 6228.75 feet, Lake Tahoe Datum.

## **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 June 23, 2011, the Commission authorized a Recreational Pier Lease for the continued use and maintenance of an existing pier and two mooring buoys to Gordon C. Strachan, Trustee of the Gordon C. Strachan Qualified Personal Residence Trust of 2001 U.D.T. dated December 28, 2001; and Alan F. Strachan, Trustee of the Alan F. Strachan Qualified Personal Residence Trust of 2001 U.D.T. dated December 28, 2001 ([Item C03, June 23, 2011](#)). On December 30, 2011, the upland property was deeded to Lauren R. Strachan and Adam Strachan, as Co-Trustees of the Gordon C. Strachan Family Trust Under Declaration of Trust dated December 28, 2001; and Aaron T. Strachan and Justin D. Strachan, as Co-Trustees of the Alan F. Strachan Family Trust Under Declaration of Trust dated December 28, 2001.

Because the deed transfers occurred within the Strachan Family, the Lessee did not notify the Commission of changes in ownership or seek an assignment of the lease. Instead, the Lessee's family trusts continued to fulfill the obligations of the lease, which was rent-free pursuant to Public Resources Code section 6503.5(b). The lease expires on May 9, 2021. For the purposes of consistency and ease of record-keeping and accounting, staff recommends retaining the original lease anniversary date and starting the new lease on May 10, 2021.

The Applicant is now applying for a General Lease – Recreational Use for the continued use and maintenance of the existing pier and two mooring buoys. On August 16, 2019, TRPA registered the two mooring buoys (Permit No. 10721).

The Applicant owns the uplands adjoining the lease premises. The subject facilities are privately owned and maintained, used for the docking and mooring of boats, and facilitate recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The

California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

The subject facilities have existed for many years at this location. The immediate area of the pier is sloped with pebbles and sand. Lessee acknowledges that a portion of the pier exists within the Public Trust Easement. Access to the Public Trust Easement will be provided by steps located on the landward end of the pier where the public will be allowed to pass and re-pass over the pier. Signs are required to be posted on each side of the pier identifying the designated public passageway. The mooring buoys are located directly lakeward of the upland property and occupy a relatively small area of the lake.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from state land and restore the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

## **OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant, as owner of the improvements on state land, may be required to remove the pier and two mooring buoys and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.

3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

## **EXHIBITS:**

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- A. Land Description
- B. Site and Location Map

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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

Find that the proposed 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, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning May 10, 2021, for a term of 10 years, for the continued use and maintenance of an existing pier and two mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,083 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## EXHIBIT A

LEASE 4278

### LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 7, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, more particularly described as follows:

#### PARCEL 1 – PIER

All those lands underlying an existing rock-crib pier lying adjacent to that parcel described in Grant Deed recorded as Document Number 2011-0105030-00 on December 30, 2011 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

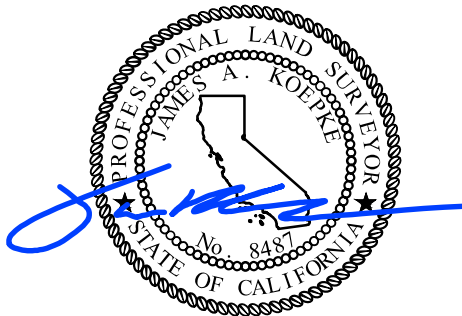
#### PARCELS 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded as Document Number 2011-0105030-00 on December 30, 2011 in Official Records of said County.

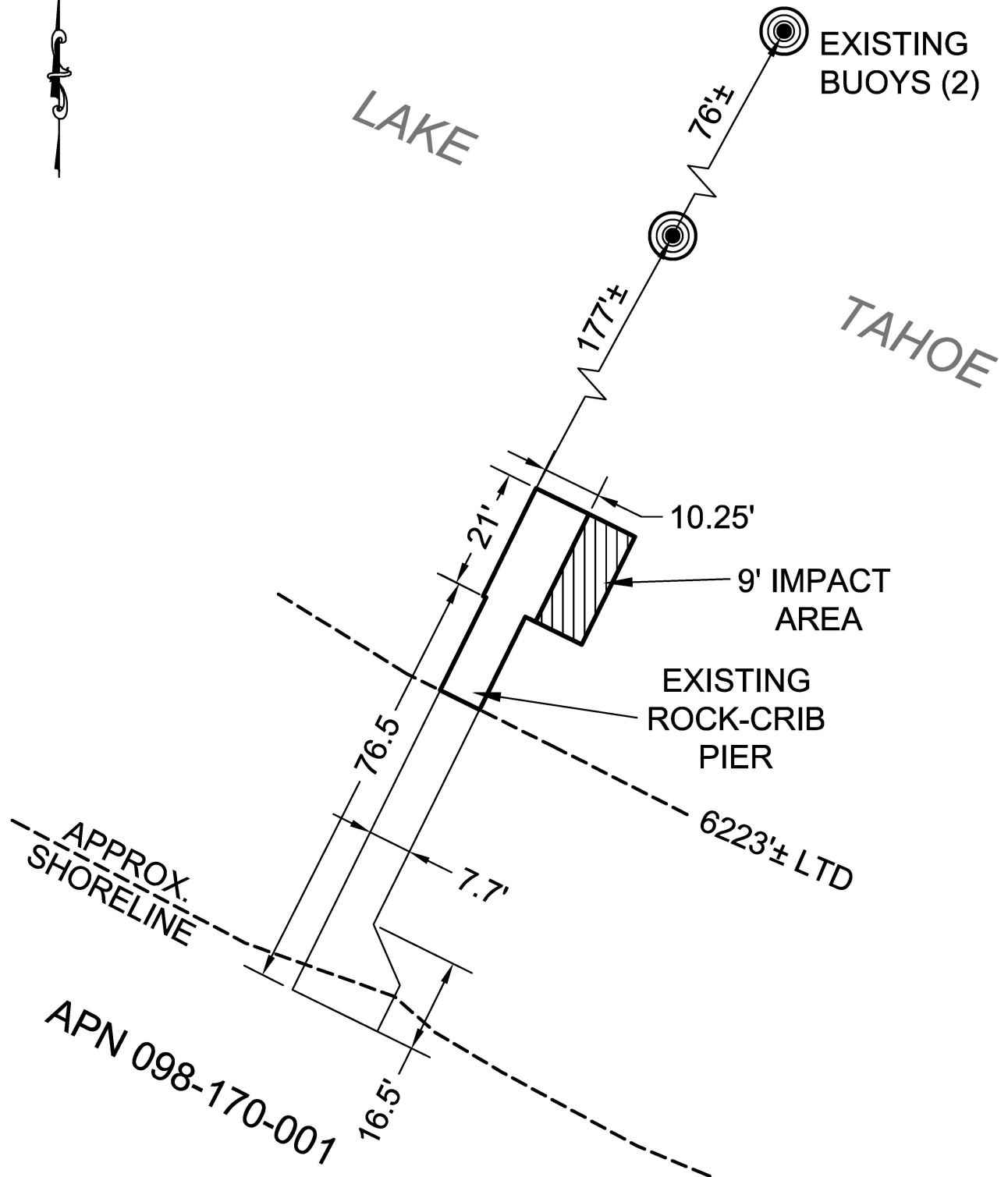
Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Prepared 01/06/2021 by the California State Lands Commission Boundary Unit.



NO SCALE



## EXHIBIT A

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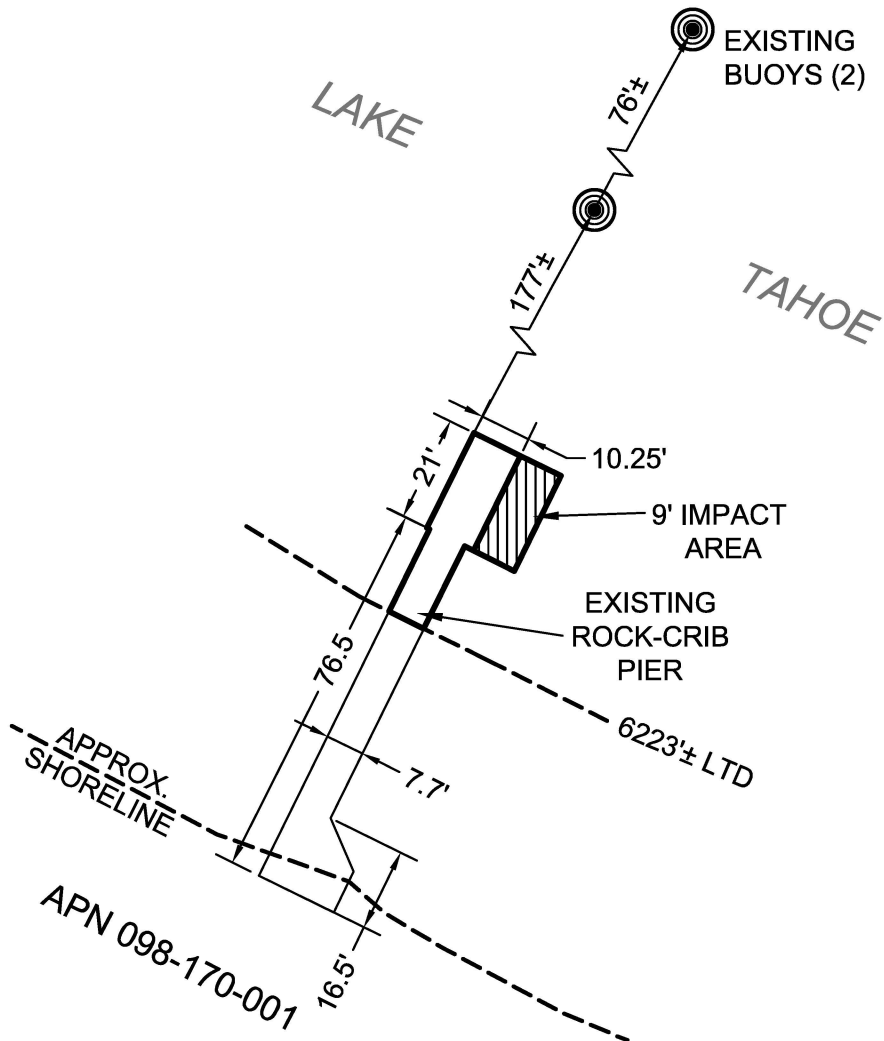
LAND DESCRIPTION PLAT  
LEASE 4278, STRACHAN FAMILY TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

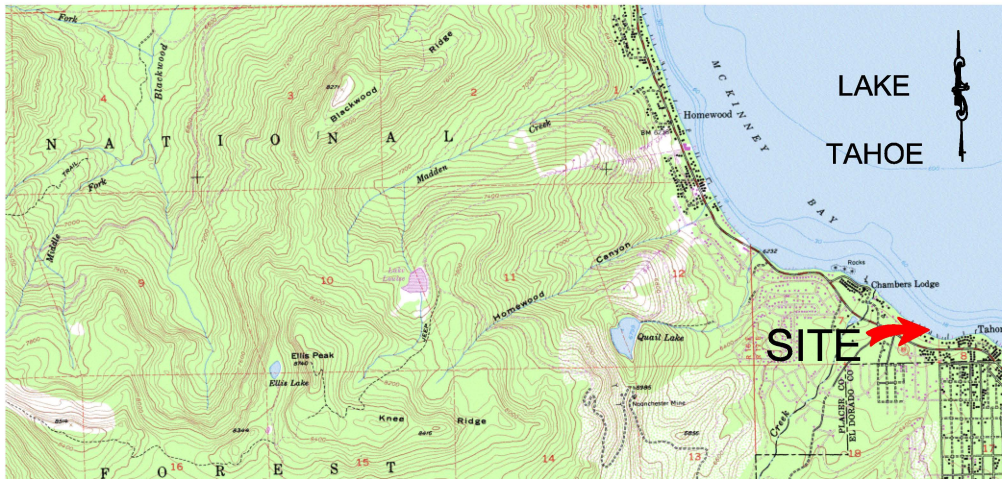
## SITE



6760 WEST LAKE BLVD., NEAR TAHOMA

NO SCALE

## LOCATION

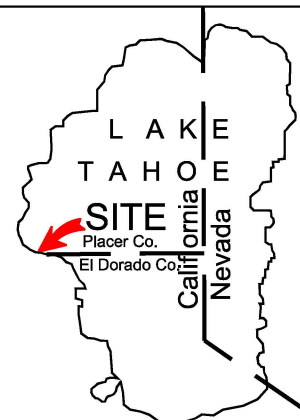


MAP SOURCE: USGS QUAD

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 B**

LEASE 4278  
STRACHAN FAMILY TRUST  
APN 098-170-001  
GENERAL LEASE-  
RECREATIONAL USE  
PLACER COUNTY



TS 01/06/2021