

Staff Report 04

APPLICANT:

Terry R. Chrisman and Lisa J. P. Chrisman, Trustees of the Terry and Lisa Chrisman Family Trust, dated September 24, 2001; Juliet M. Parker, Trustee of Parker Tahoe Trust *Tahoe Trust is FBO Donald A. Parker's two sons until oldest son attains age 30 dated 4/20/2012; Summer Ann Chrisman, Trustee of the Summer Ann Chrisman Revocable Trust dated March 10, 2021; Daniel Raymond Chrisman, Trustee of the Daniel Raymond Chrisman Revocable Trust dated March 3, 2021; and Lisa Noël Chrisman, Trustee of the Lisa Noël Chrisman Revocable Trust dated May 13, 2021

PROPOSED ACTION:

Issuance of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8275 Meeks Bay Avenue, Meeks Bay, El Dorado County.

AUTHORIZED USE:

Use and maintenance of one existing mooring buoy.

TERM:

10 years, beginning February 1, 2021.

CONSIDERATION:

\$377 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 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 the 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.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On April 6, 2011, the Commission authorized a Recreational Pier Lease for the continued use and maintenance of an existing mooring buoy to Donald Alan Parker and Lisa J. P. Chrisman ([Item C01, April 6, 2011](#)).

Since that time, fee interest in the subject upland parcel transferred to various trusts within the prior lessee's family. On August 30, 2012, interest in the upland parcel transferred from individuals to family trusts; and in 2018, fee interest in the subject parcel transferred to more family trusts.

Because the deed transfers occurred within the Chrisman/Parker family, the prior lessee did not notify the Commission of changes in ownership or seek an assignment of the lease. Although this was an unauthorized assignment under the terms of the lease, the prior lessee's family trusts continued to fulfill the obligations of the lease. The lease expired on January 31, 2021.

The Applicant is applying for a General Lease – Recreational Use, for use and maintenance of one existing mooring buoy. Through the beginning of 2021, fee interest in the upland parcel transferred from various family trusts to five new family trusts. 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 February 1, 2021.

Staff further recommends a provision in the lease applying the indemnity provision to the entire period of unauthorized occupation, beginning August 30, 2012, when fee interest in the subject parcel first transferred, through June 28, 2021, the day before the proposed lease is authorized.

The buoy has existed for many years at this location, and TRPA registered the buoy on August 22, 2019 (Registration No. 10760).

The subject buoy is privately owned and maintained, used for the docking and mooring of boats, and facilitates 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 buoy is located directly lakeward of the upland property and occupies 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 common law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

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 may be required to remove the mooring buoy 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:

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

RECOMMENDED ACTION:

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 Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law 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 February 1, 2021, for a term of 10 years, for the continued use and maintenance of one existing mooring buoy, 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 \$377, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

LEASE 8333

LAND DESCRIPTION

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 29, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of El Dorado, State of California, more particularly described as follows:

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to those parcels described in Grant Deed recorded November 18, 2005 in Document Number 2005-0096825-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/30/2020 by the California State Lands Commission Boundary Unit.



NO SCALE

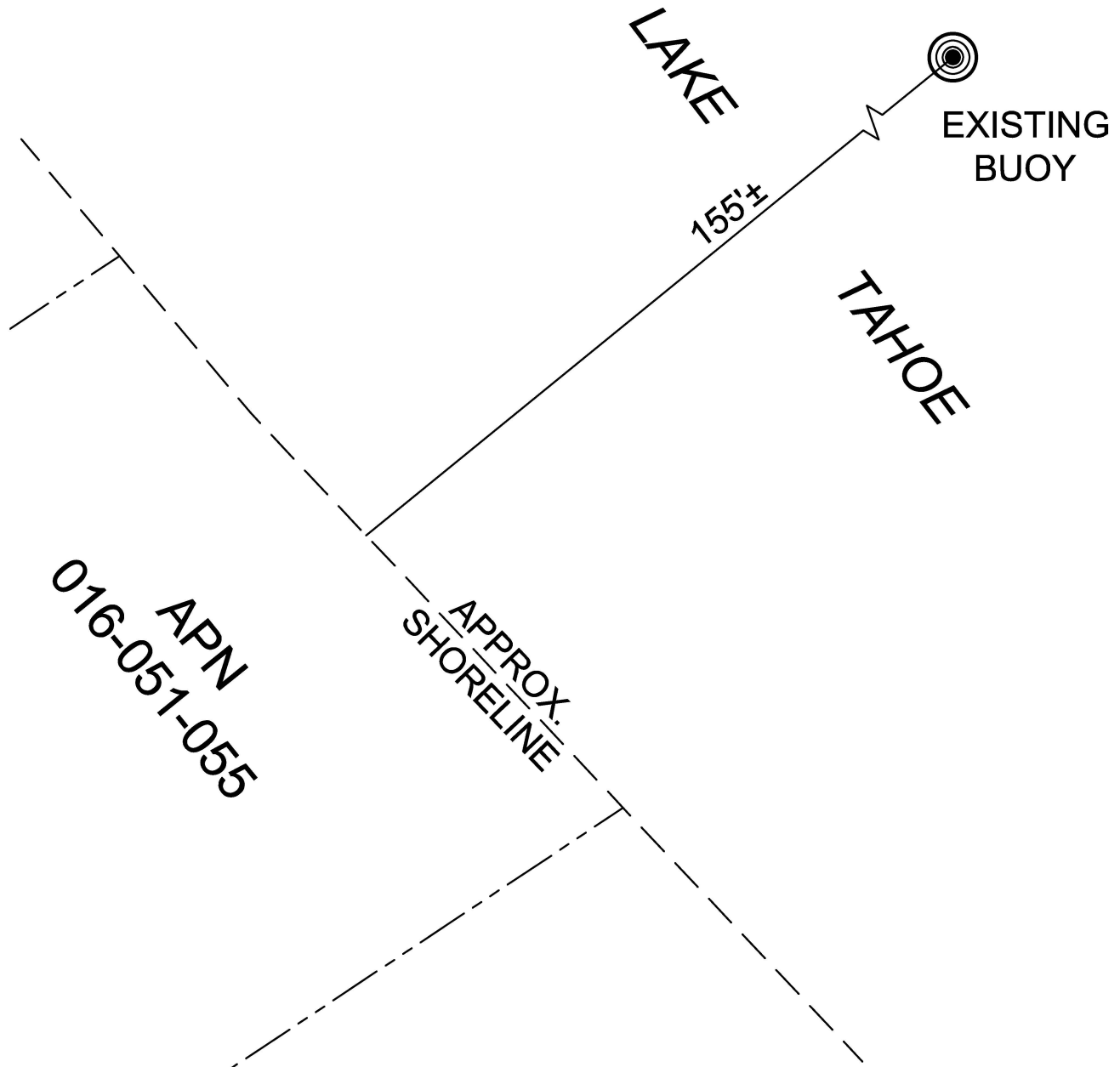


EXHIBIT A

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LAND DESCRIPTION PLAT
LEASE 8333, PARKER & CHRISMAN
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



SITE



LOCATION



Exhibit B

A map of Lake Tahoe showing the location of the study site. The map includes labels for 'LAKE TAHOE', 'Placer Co.', 'El Dorado Co.', 'California', and 'Nevada'. A red arrow points to a location on the western shore of the lake, labeled 'SITE'.

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