

Staff Report 38

LESSEE:

Quiet Walk LLC, a California limited liability company

PROPOSED ACTION:

Correction to Prior Authorization

AREA, LAND TYPE, AND LOCATION

Sovereign land in Lake Tahoe, adjacent to 135 Quiet Walk Road, near Tahoma, El Dorado County.

AUTHORIZED USE:

Use and maintenance of an existing pier, boat hoist, sundeck with stairs, two mooring buoys, and a water intake line.

TERM:

10 years, beginning April 27, 2021.

CONSIDERATION:

\$3,008 per year, with an annual Consumer Price Index adjustment; and \$10,728 to compensate for the unauthorized occupation of state sovereign land for the period beginning October 1, 2017 through April 26, 2021.

PROPOSED CORRECTION:

Authorize \$4,971 instead of \$10,728 in compensation for the unauthorized occupation of state land for the revised period beginning August 29, 2019 through April 26, 2021. All other terms and conditions of the lease shall remain in effect without change.

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.

CORRECTION:

On April 27, 2021, the Commission authorized a termination and issuance of a General Lease – Recreational Use to Quiet Walk LLC, a California limited liability company, for a term of 10 years, beginning April 27, 2021, for the use and maintenance of an existing pier, boat hoist, sundeck with stairs, two mooring buoys, and a water intake line, located adjacent to the Lessee's upland parcel at 135 Quiet Walk Road, with \$10,728 in compensation for the unauthorized occupation of state land for the period beginning October 1, 2017, through April 26, 2021 ([Item 07, April 27, 2021](#)).

Unbeknownst to staff, in 2017, the prior Lessee, Barbara B. Corneille, Trustee of the Corneille Living Trust dated March 19, 1990, sold the upland parcel to 135 Quiet Walk, LLC, a limited liability company not affiliated with Quiet Walk LLC. 135 Quiet Walk, LLC did not notify staff of the sale, and on August 29, 2019, the current Lessee purchased the upland parcel. Based on this new information regarding the time of the Lessee's acquisition of the upland parcel, and the interim ownership by an unrelated third party, it is inappropriate to charge Lessee for the unauthorized occupation of state land beginning October 1, 2017, as originally authorized, because Lessee did not acquire the upland parcel and occupy state land until August 29, 2019. Instead, the appropriate compensation for the Lessee's unauthorized occupation of State land is \$4,971, for the revised period beginning August 29, 2019 through April 26, 2021. Staff recommends the Commission authorize the correction to reflect the correct amount owed.

OTHER PERTINENT INFORMATION:

1. Lessee also maintains another existing pier, catwalk, stairs, and ladder adjacent to the same upland parcel at 135 Quiet Walk Road, authorized under Lease 9056. Both leases are being corrected for compensation at this Commission meeting.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.

3. Correction of the prior lease authorization to correct the amount of the compensation owed for the unauthorized occupation of state land is not a project as defined by the California Environmental Quality Act because it is an administrative action 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).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

Authorize correction of the Commission's April 27, 2021, authorization of a General Lease – Recreational Use to Quiet Walk LLC, a California limited liability company, to change the compensation for the unauthorized occupation of state land to \$4,971, for the revised period beginning August 29, 2019 through April 26, 2021.

EXHIBIT A

LEASE 3654

LAND DESCRIPTION

Four parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 17, 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:

PARCEL 1 – PIER WITH SUNDECK

All those lands underlying an existing pier, catwalk, boat hoist and sundeck with stairs lying adjacent to those parcels described in Grant Deed recorded August 29, 2019 in Document 2019-0035722-00 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 those parcels described in Grant Deed recorded August 29, 2019 in Document 2019-0035722-00 in Official Records of said County.

PARCEL 4 – WATER LINE

All those lands underlying an existing two inch water line lying adjacent to those parcels described in Grant Deed recorded August 29, 2019 in Document 2019-0035722-00 in Official Records of said County.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/16/2021 by the California
State Lands Commission Boundary Unit



NO SCALE



LAKE
TAHOE

EXISTING
SUNDECK
3' X 72'
WITH STAIRS &
BOAT HOIST

EXISTING
BUOYS (2)

EXISTING
CATWALK
3' X 72'

EXISTING
PIER
7' x 230'

9' IMPACT
AREA

EXISTING
WATER LINE
(199' ± to 6223' LTD)

6223'± LTD

APPROX.
SHORELINE

APN
015-370-011

EXHIBIT A

Page 2 of 2

TS 02/16/2021

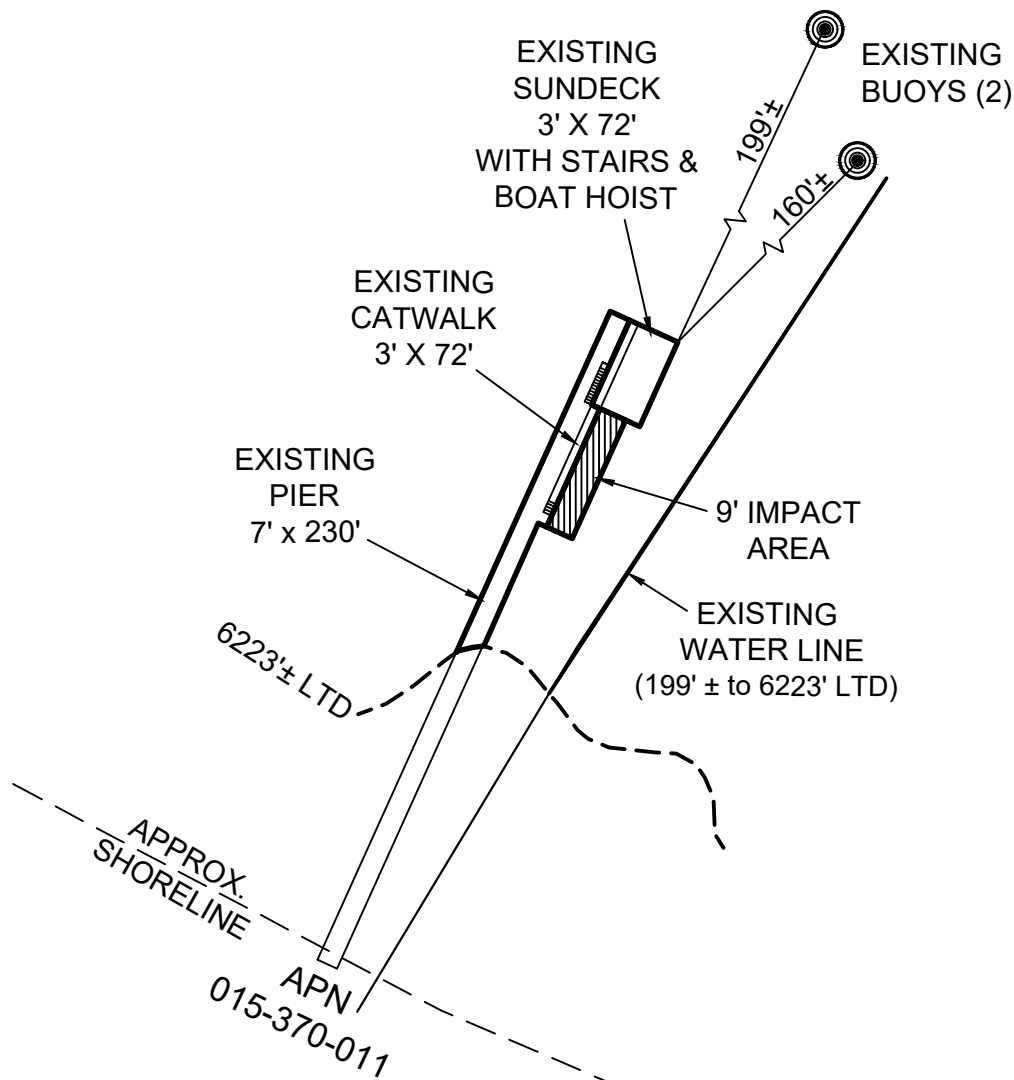
LAND DESCRIPTION PLAT
LEASE 3654, QUIET WALK LLC
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



LAKE
TAHOE

135 QUIET WALK ROAD, TAHOMA

NO SCALE

LOCATION

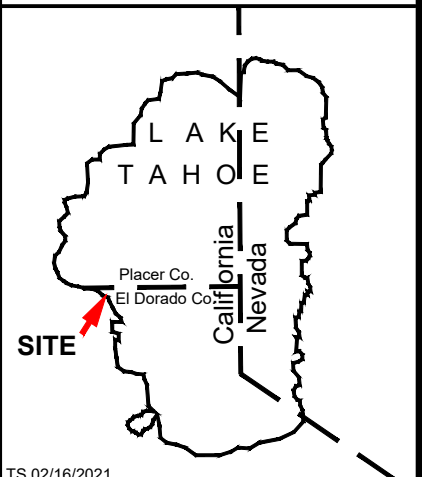


MAP SOURCE: USGS QUAD

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 3654
QUIET WALK LLC
APN 015-370-011
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



TS 02/16/2021