

Staff Report 39

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, catwalk, stairs, and ladder.

TERM:

10 years, beginning April 27, 2021.

CONSIDERATION:

\$277 per year, with an annual Consumer Price Index adjustment; and \$834 to compensate for the unauthorized occupation of state sovereign land for the period beginning April 26, 2018 through April 26, 2021.

PROPOSED CORRECTION:

Authorize \$461 instead of \$834 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, catwalk, stairs, and ladder, located adjacent to the Lessee's upland parcel at 135 Quiet Walk Road, with \$834 in compensation for the unauthorized occupation of State land for the period beginning April 26, 2018, through April 26, 2021 ([Item 06, 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 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 April 26, 2018, as originally authorized, because the Lessee did not acquire the upland parcel and occupy state land until August 29, 2019. Instead, the appropriate compensation for Lessee's unauthorized occupation of state land is \$461, 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, boat hoist, sundeck with stairs, two mooring buoys, and water intake line adjacent to the same upland parcel at 135 Quiet Walk Road, authorized under Lease 3654.
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 \$461, for the period beginning August 29, 2019 through April 26, 2021.

EXHIBIT A

LEASE 9056

LAND DESCRIPTION

A parcel 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:

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

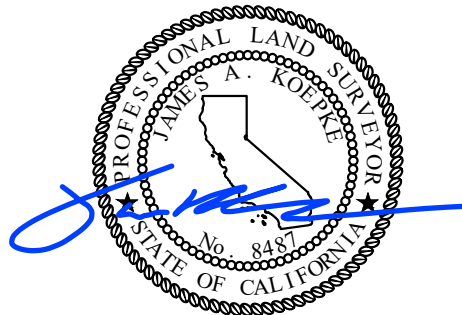
TOGETHER WITH any applicable Impact Area(s).

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/17/2021 by the California State Lands Commission Boundary Unit



NO SCALE



LAKE TAHOE

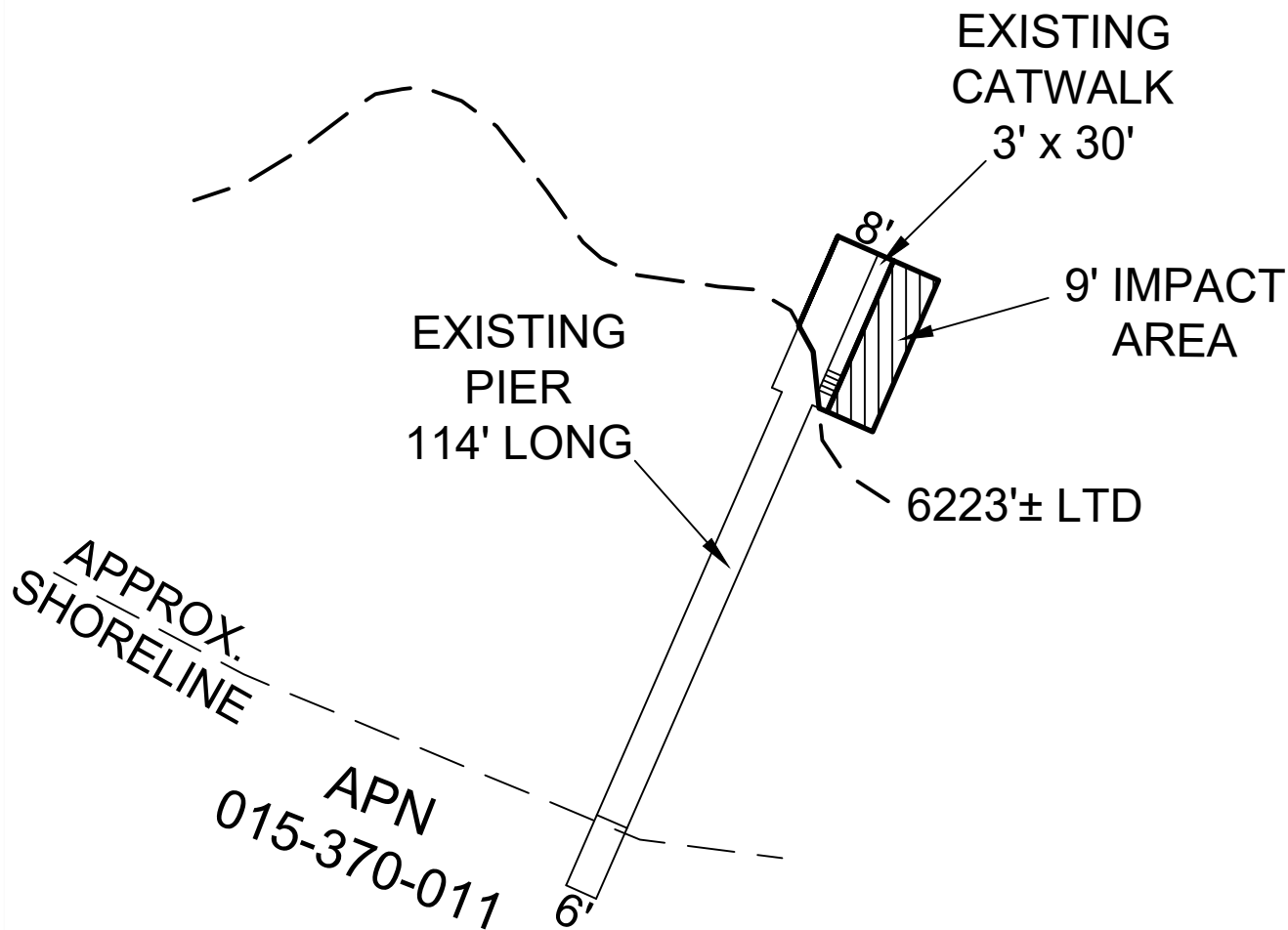


EXHIBIT A

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LAND DESCRIPTION PLAT
LEASE 9056, QUIET WALK LLC
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

LAKE
TAHOE

EXISTING
CATWALK
3' x 30'

9' IMPACT
AREA

EXISTING
PIER
114' LONG

6223'± LTD

APPROX.
SHORELINE

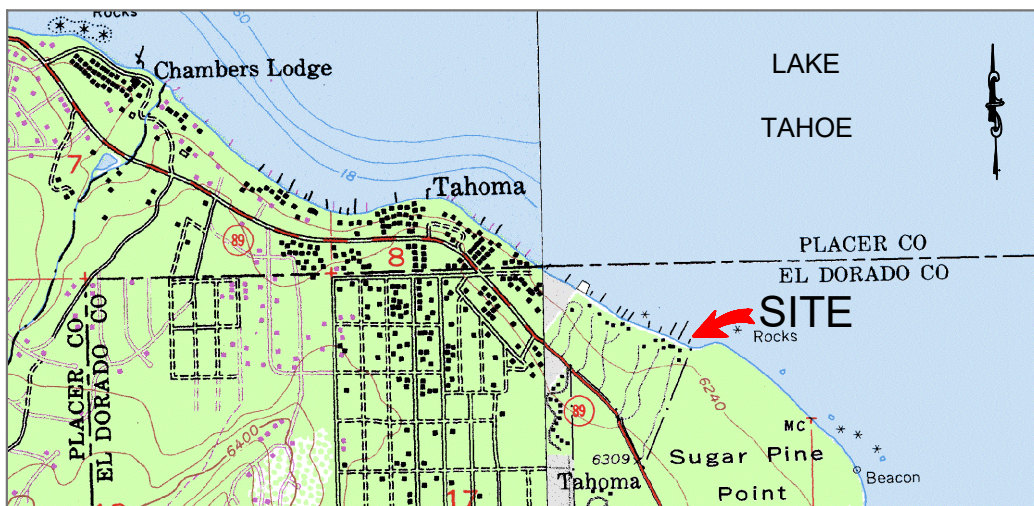
APN
015-370-011

6'

135 QUIET WALK ROAD, TAHOMA

NO SCALE

LOCATION

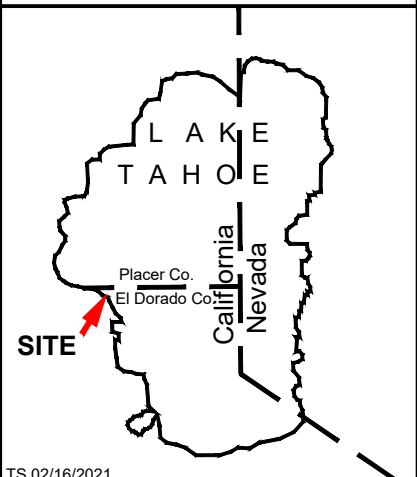


MAP SOURCE: USGS QUAD

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 9056
QUIET WALK LLC
APN 015-370-011
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



TS 02/16/2021