

**CALENDAR ITEM
C61**

A 1
S 1

04/26/13
PRC 2336.1
B. Terry

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEES:

Lorraine J. Briggs, Trustee, Briggs Family Trust; Bonnie Lynn Anderson; and Coleen A. Nelson, as Co-Trustee for the James and Coleen Nelson Trust dated March 19, 2004.

APPLICANTS:

Ray Mayer and Robin Mayer

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6730 Powder Horn Lane, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission; and use and maintenance of one existing mooring buoy not previously authorized by the Commission.

LEASE TERM:

10 years beginning April 26, 2013.

CONSIDERATION:

\$943 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance

CALENDAR ITEM NO. **C61** (CONT'D)

Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On December 3, 2007, the Commission approved a 10-year Recreational Pier Lease with Lorraine J. Briggs, Trustee, Briggs Family Trust; Bonnie Lynn Anderson; and Coleen A. Nelson, as Co-Trustee for the James and Coleen Nelson Trust dated March 19, 2004. That lease will expire on February 28, 2017. On November 4, 2009, the upland was deeded to Ray Mayer and Robin Mayer. The Applicants are now applying for a General Lease – Recreational Use.
3. Staff recommends termination of the existing lease because the Lessee abandoned the lease by selling the property and facility without executing a quitclaim deed.
4. The existing mooring buoy has been in Lake Tahoe for many years, but was not previously authorized by the Commission. Staff is recommending authorization of the existing buoy, subject to the Applicants obtaining TRPA permit authorization.
5. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1,

CALENDAR ITEM NO. **C61** (CONT'D)

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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of a New Lease: 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).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination effective April 25, 2013, of Lease No. PRC 2336.9, a Recreational Pier Lease, issued to Lorraine J. Briggs, Trustee, of the Briggs Family Trust; Bonnie Lynn Anderson; and

CALENDAR ITEM NO. **C61** (CONT'D)

Coleen A. Nelson, as Co-Trustee for the James and Coleen Nelson Trust dated March 19, 2004.

2. Authorize issuance of a General Lease – Recreational Use to Ray Mayer and Robin Mayer, beginning April 26, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier previously authorized by the Commission and use and maintenance of an existing mooring buoy not previously authorized by the Commission 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 \$943 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 2336.1

LAND DESCRIPTION

Two (2) parcels of submerged lands, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 7, Township 14 North, Range 17 East, MDM, as shown on the Official Township Plat, approved July 29th, 1880, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk adjacent to those parcels as described in that Grant Deed recorded November 4th, 2009 in Document Number DOC-2009-0094297-00 in Official Records of said County.

TOGETHER WITH a ten (10) foot impact area.

PARCEL 2 – BUOY

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy, adjacent to those parcels as described in that Grant Deed recorded November 4th, 2009 in Document number DOC-2009-0094297-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

PREPARED 3/14/13 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





BUOY



LAKE
TAHOE

APPROX. 6223' LTD

10' IMPACT AREA
CATWALK

174±'

PIER

APPROX. SHORELINE

APN 098-180-008

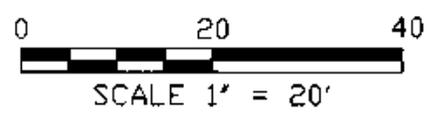


EXHIBIT A

Page 2 of 2

MJF 3/14/13

LAND DESCRIPTION PLAT
PRC 2336.1, MAYER
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



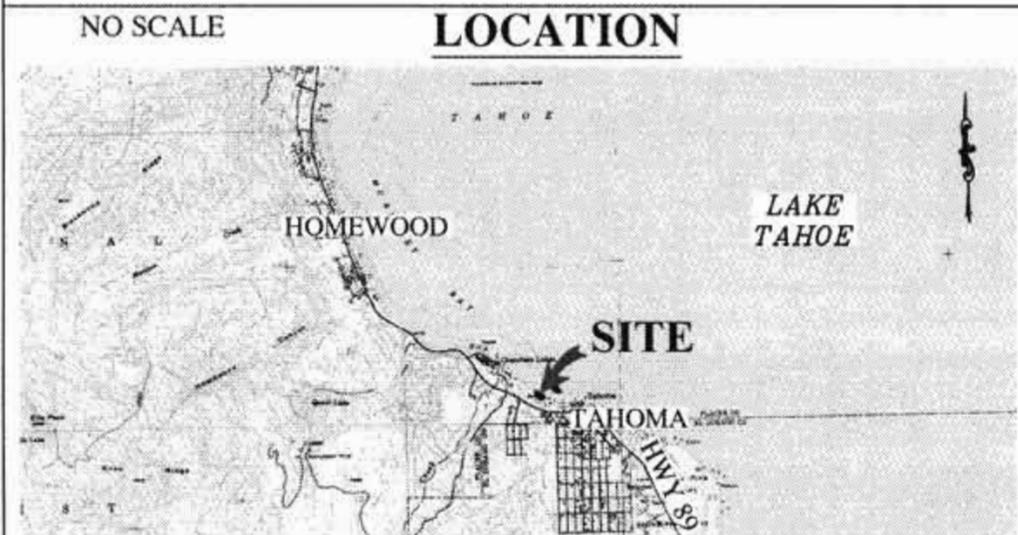
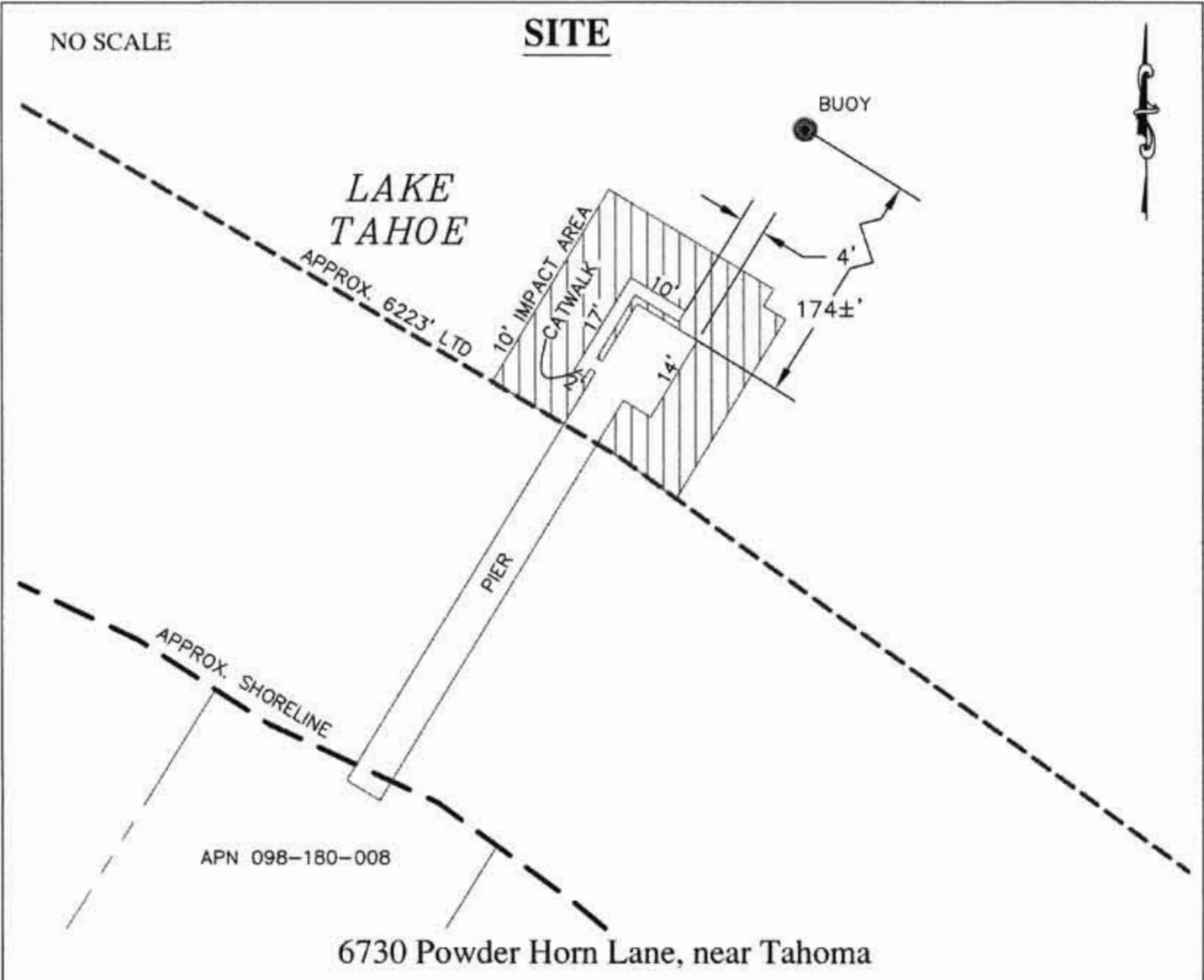


Exhibit B
 PRC 2336.1
 MAYER
 APN 098-180-008
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.