

**CALENDAR ITEM  
C14**

A 1  
S 1

06/21/13  
W 22543  
M.J. Columbus

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANTS:**

Louis Stervinou and Mary Stervinou

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

Sovereign land located in Lake Tahoe, adjacent to 5306 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Use and maintenance of two existing mooring buoys and a freshwater intake pipeline not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning June 21, 2013.

**CONSIDERATION:**

\$754 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 an amount no less than \$1,000,000 per occurrence.

Other:

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

CALENDAR ITEM NO. **C14** (CONT'D)

suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

2. The proposed lease contains a provision that the Applicants acknowledge a portion of an existing raised sundeck and foundation exists within the State-administered Public Trust easement between the locations of the ordinary high water mark and the low water mark of Lake Tahoe as those locations existed prior to construction. Applicants agree not to block or otherwise prohibit the public from passing and re-passing landward of the sundeck to access adjacent property subject to the Public Trust easement.
3. The lease contains a provision acknowledging that an existing freshwater intake pipeline, dating to 1925, is located from the upland to below the low water mark of Lake Tahoe and that, if it becomes unserviceable or in disrepair at any time during the lease term, the Applicants shall submit a work plan to the Lessor for removal of the pipeline.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. The Applicants' two existing mooring buoys and freshwater intake pipeline have been in Lake Tahoe for many years, but were not previously authorized by the Commission. Applicants are now applying for a General Lease – Recreational Use for the use and maintenance of the two existing mooring buoys and freshwater intake pipeline. Staff recommends bringing the existing mooring buoys and freshwater intake pipeline under lease, subject to the Applicants obtaining TRPA permit authorization for the buoys.
3. The 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.

CALENDAR ITEM NO. C14 (CONT'D)

4. 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:**

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:**

Authorize issuance of a General Lease - Recreational Use to Louis Stervinou and Mary Stervinou, beginning June 21, 2013, for a term of 10 years, for the use and maintenance of two existing mooring buoys and a freshwater intake pipeline 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 \$754 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

W 22543

**LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 22, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1- PIPELINE**

All of the lands underlying an existing freshwater intake pipeline lying adjacent to that Lot as described in Exhibit "A" of that Grant Deed recorded March 28, 2011 as Document Number 2011-0024070 in Official Records of said County.

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

**PARCEL 2 & 3- BUOYS**

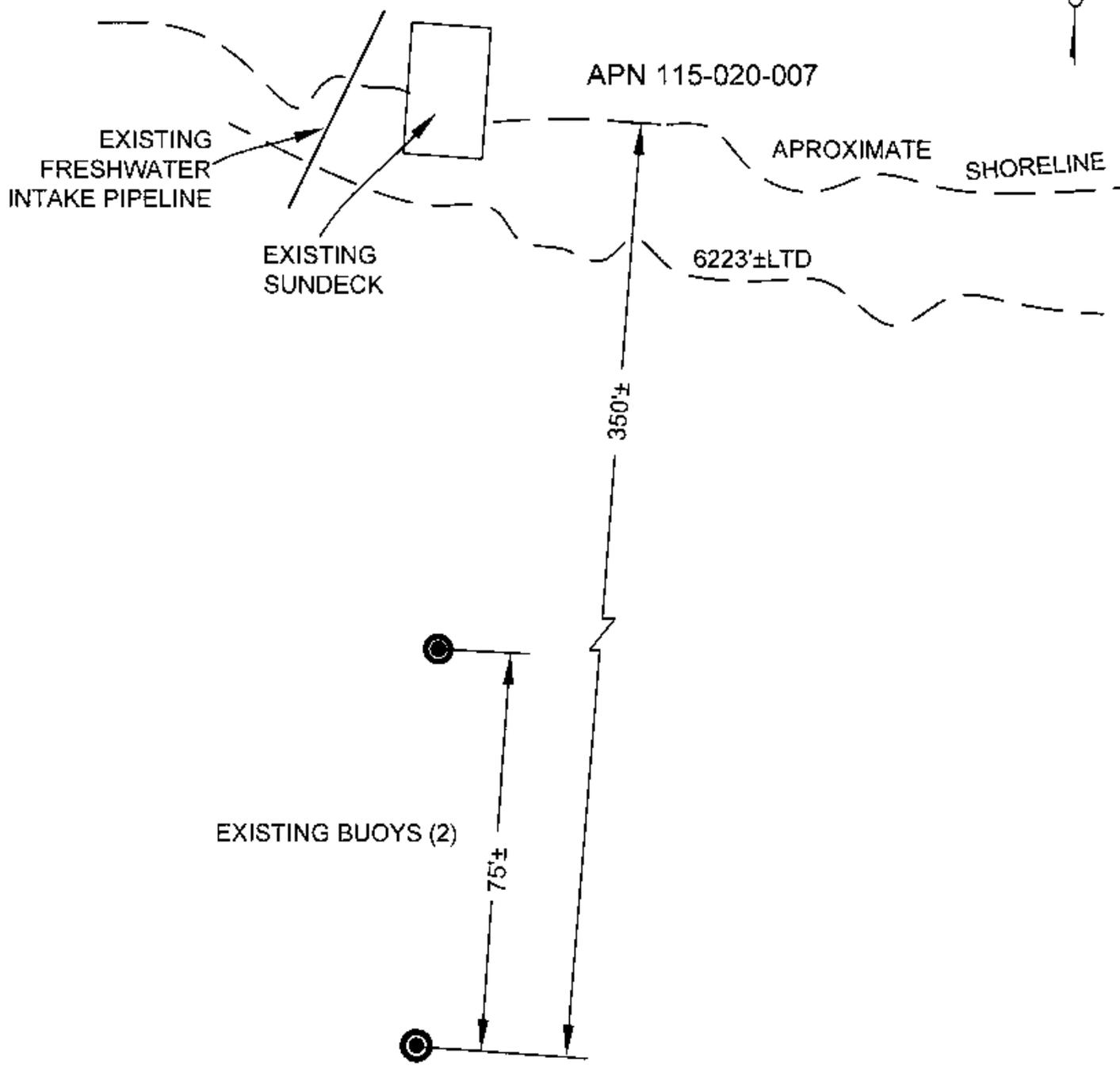
Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Lot, as described in Exhibit "A" of that Grant Deed recorded March 28, 2011 as Document Number 2011-0024070 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared April 18, 2013 by the California State Lands Commission Boundary Unit.





### EXHIBIT A

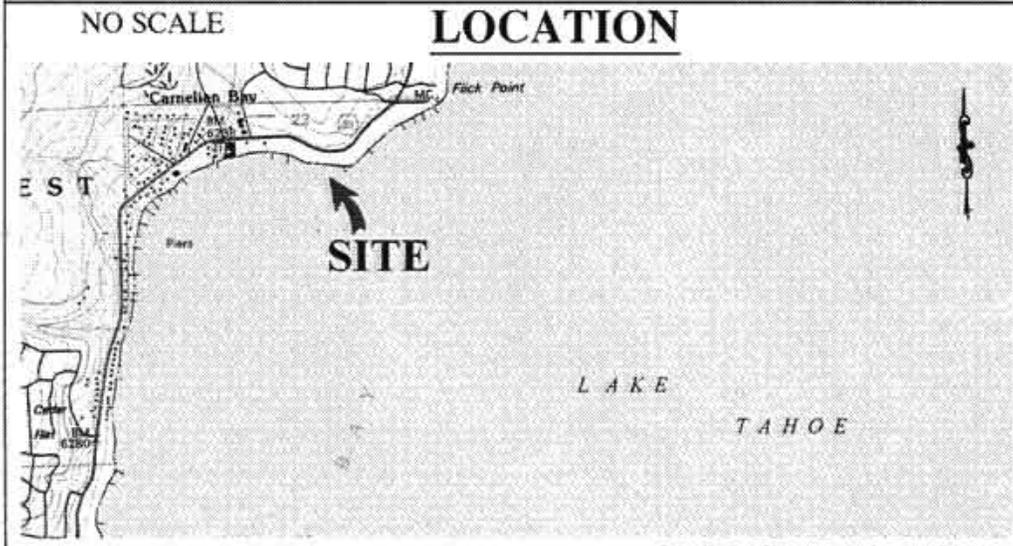
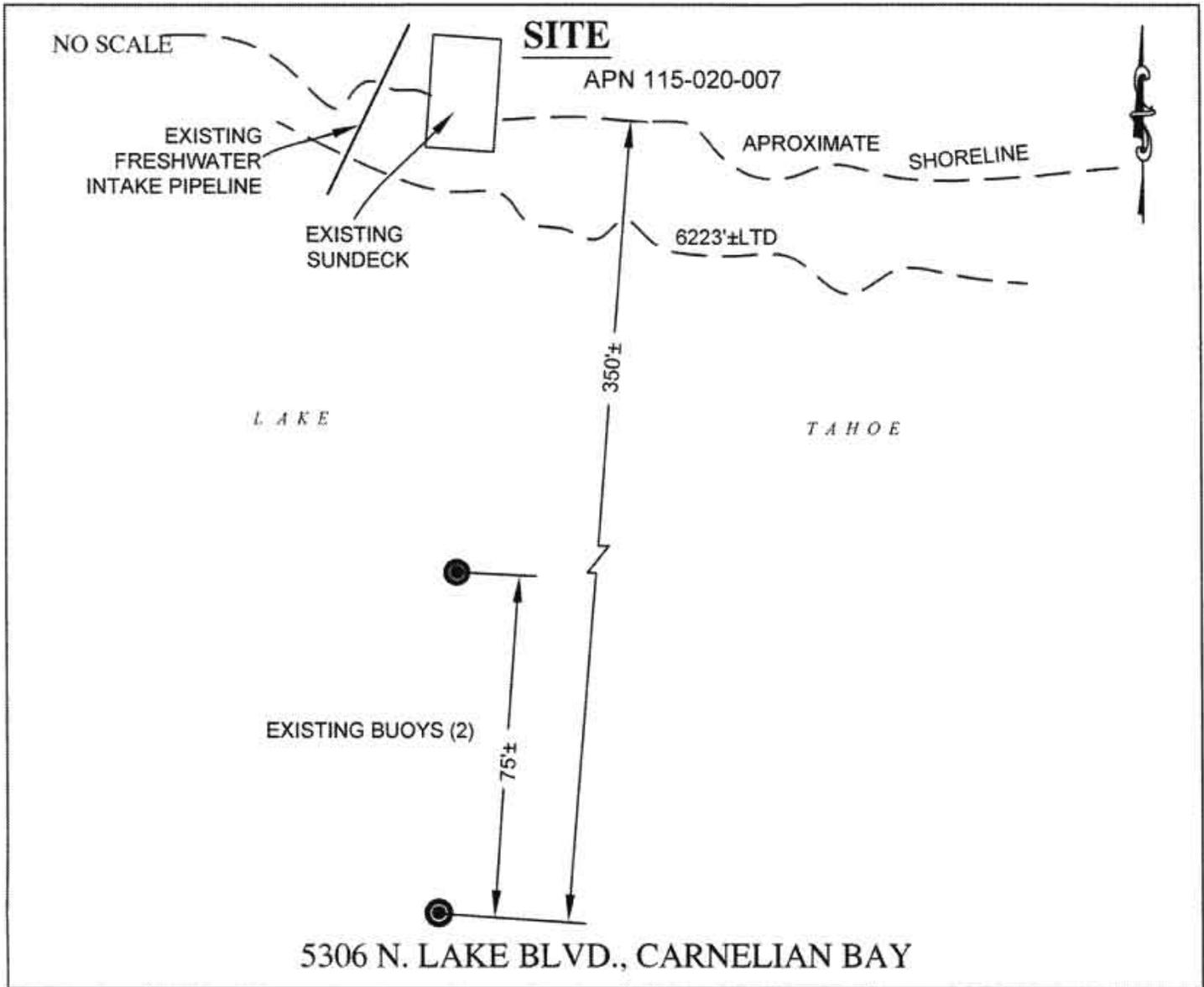
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MJJ 03/15/13

LAND DESCRIPTION PLAT  
W 22543, STERVINO  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION





**Exhibit B**

W 22543

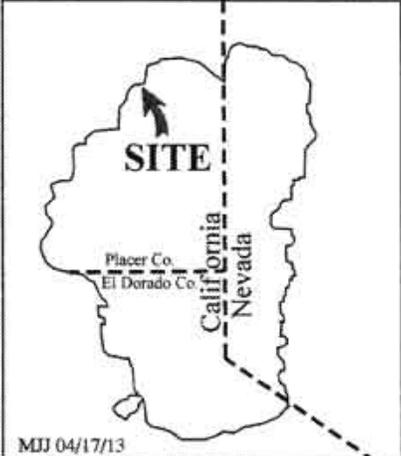
STERVINO

APN 115-020-007

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.