

**STAFF REPORT
C14**

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04/05/19
PRC 3884.1
J. Toy

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Thomas E. Meakin, as Trustee of the Thomas E. Meakin Qualified Personal Residence Trust dated May 5, 2009; James W. Meakin, Trustee of the North Lane Qualified Personal Residence Trust; and Paul Seipp

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8599 and 8605 North Lane, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, boathouse, and four mooring buoys.

LEASE TERM:

10 years, beginning April 6, 2019.

CONSIDERATION:

\$2,668 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 shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses of access, navigation, fishing and lake-related recreational uses.
- Lessee shall provide proof of a Tahoe Regional Planning Agency (TRPA) buoy permit or proof that unpermitted buoys have been removed by October 23, 2020.
- Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining

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authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

Public Trust and State's Best Interests Analysis:

On February 1, 2010, the Commission authorized a Recreational Pier Lease for an existing joint-use pier, boathouse, and four mooring buoys to Lilian H. Roberts, as Trustee of the Lilian H. Roberts 1989 Trust; James W. Meakin, Trustee of the North Lane Qualified Personal Residence Trust; and Thomas E. Meakin, as Trustee of the Thomas E. Meakin Qualified Personal Residence Trust dated May 5, 2009 ([Item C06, February 1, 2010](#)). The lease authorized a pier shared between the two upland parcels adjoining the lease premises, Assessor's Parcel Number (APN) 016-142-006 owned by James W. Meakin, Trustee of the North Lane Qualified Personal Residence Trust; and Thomas E. Meakin, as Trustee of the Thomas E. Meakin Qualified Personal Residence Trust dated May 5, 2009, and APN 016-142-007 owned by Lilian H. Roberts, as Trustee of the Lilian H. Roberts 1989 Trust. On October 17, 2017, upland ownership of APN 016-142-007 transferred to Paul Seipp. The lease expires on April 5, 2019.

The Applicant owns and maintains the subject facilities and is now applying for a General Lease – Recreational Use for the continued use and maintenance of those facilities. The facilities have existed for many years at this location and are used for the docking and mooring of boats, which facilitate 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 pier is built on pilings, providing public access for pedestrians and lake-related activities at varying water levels underneath the pier. The immediate area of the existing pier is sandy and gently sloped. The four buoys are located directly lakeward of the upland properties and occupy 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,

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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.

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 is consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. On October 24, 2018, the TRPA Governing Board certified a Final Environmental Impact Statement and adopted Lake Tahoe Shorezone Ordinance Amendments.
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

STAFF REPORT NO. **C14** (CONT'D)

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 April 6, 2019, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, boathouse, and four mooring buoys, 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 \$2,668, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3884.1

LAND DESCRIPTION

Five parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 32, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – JOINT-USE PIER

All those lands underlying an existing joint-use pier, boathouse and stairwell lying adjacent to that parcel as described in that Grant Deed recorded May 14, 2009 as Document 2009-0022321 and to that parcel as described in that Grant Deed recorded October 17, 2017 as Document 2017-0046498 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

PARCELS 2, 3, 4 & 5 – 4 BUOYS

Four existing circular parcels of land, being 50 feet in diameter, underlying four existing buoys, lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared February 1, 2019 by The California State Lands Commission Boundary Unit.



NO SCALE

L A K E
T A H O E

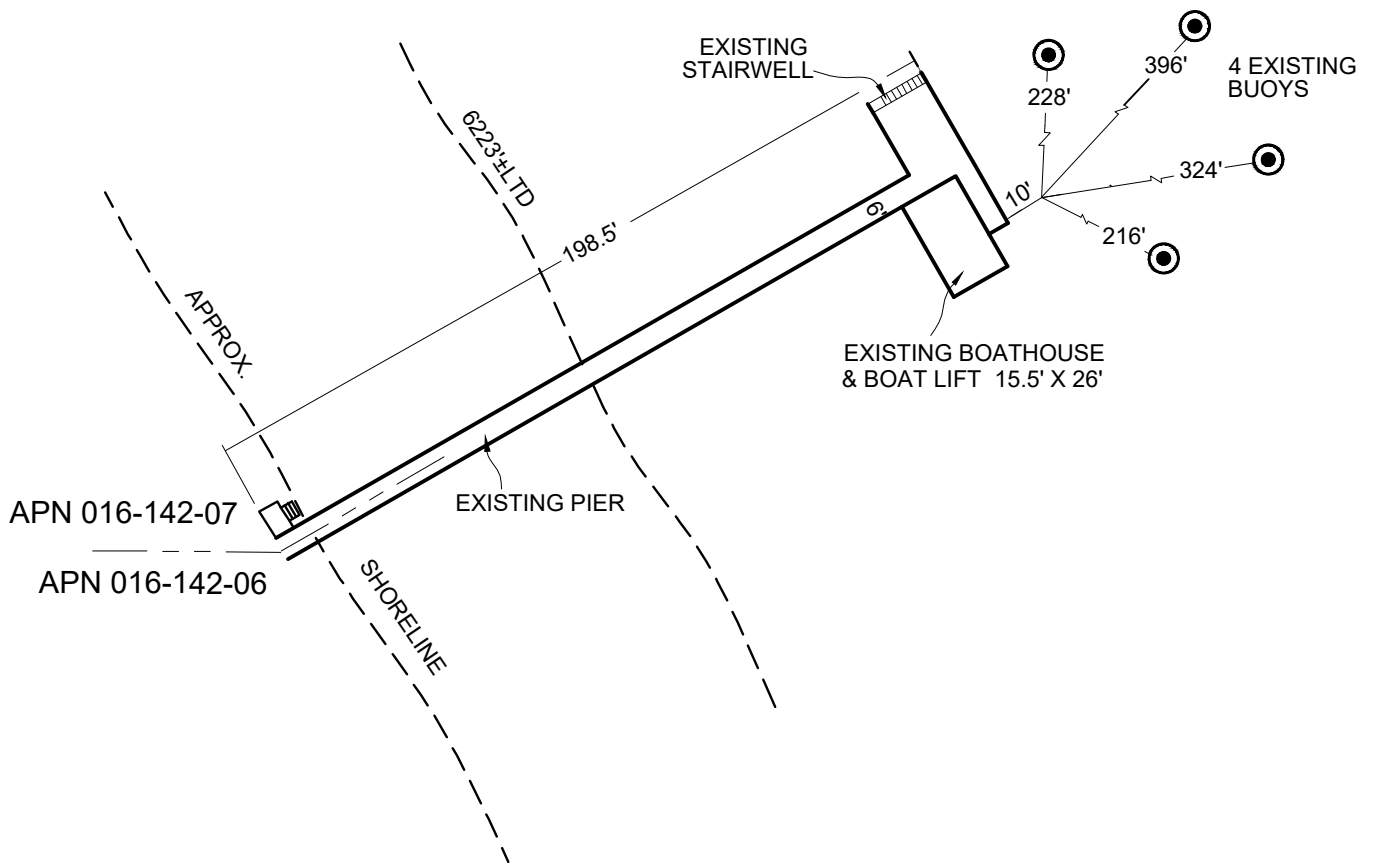


EXHIBIT A

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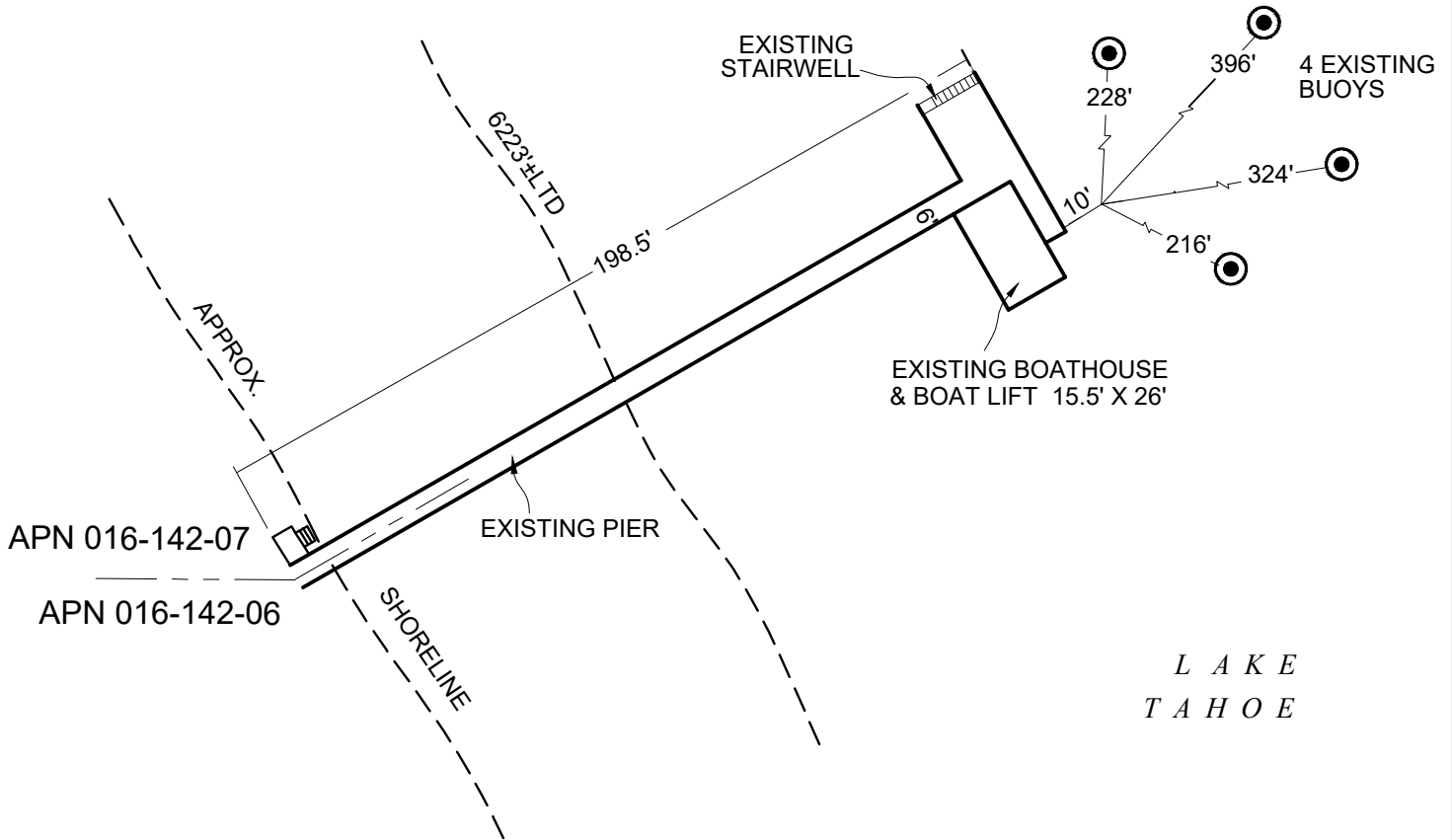
LAND DESCRIPTION PLAT
PRC 3884.1, MEAKINS TRUST ET AL.
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

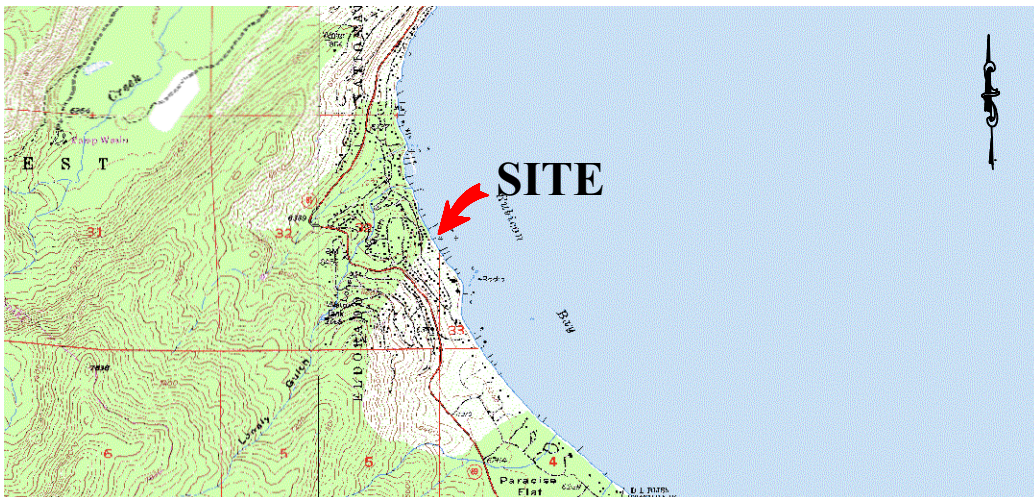


L A K E
T A H O E

8599 & 8605 NORTH LANE, NEAR RUBICON BAY

NO SCALE

LOCATION

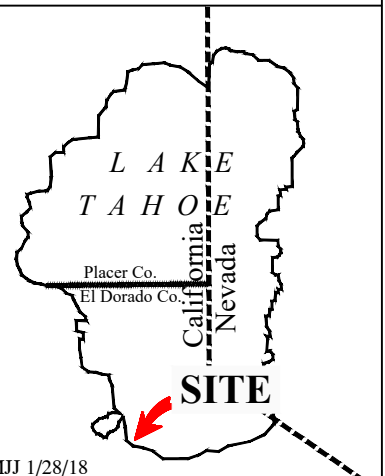


MAP SOURCE: USGS QUAD

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

PRC 3884.1
MEAKIN TRUST, ET AL.
APN 016-142-006 & 007
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MIJ 1/28/18