

MINUTE ITEM

This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 2
to 0 at its 7/24/86
meeting.

CALENDAR ITEM

C10

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07/24/86
WP 4015 PRC 4015
Gordon

TERMINATION OF NONCOMMERCIAL LEASE NO. 4015, P.R.C. SERIES;
AND ISSUANCE OF A GENERAL PERMIT - RECREATIONAL USE

APPLICANT: The Tavern Shores Association
P. O. Box 6836
Tahoe City, California 95730

CURRENT LESSEE: Sierra Pacific Power Company
P. O. Box 10100
100 East Moana Lane
Reno, Nevada 89510

AREA, TYPE LAND AND LOCATION:

A 0.232-acre parcel; 44 circular parcels, each
40 feet in diameter, totalling 1.269 acres; and
two circular parcels, each five feet in
diameter, totalling 0.001 acre for both, which
together compose an aggregate of 1.502 acres of
submerged land located in Lake Tahoe near
Tahoe City, Placer County.

LAND USE:

Maintenance of a pier, 44 mooring buoys and
two speed-limit buoys, respectively, all
existing and utilized for multiple-use
recreational purposes.

TERMS OF ORIGINAL LEASE:

Initial period: 49 years beginning June 1,
1968.

Surety bond: \$2,000.

Current Consideration: \$911.25 per annum, as to
the pier only; five-year rent
review.

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TERMS OF PROPOSED PERMIT:

Initial period: Ten years beginning June 1, 1986.

Public liability insurance: Combined single limit coverage of \$1,000,000.

Special: 1. The permit is conditioned on Permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.

2. The permit conforms to the Lyon/Fogerty decision.

CONSIDERATION: P.R.C. 6503.5 and \$135.62 per annum, as to the pier; \$208.25 per annum, as to the mooring buoys; AND \$106 per annum, as to the speed-limit buoys, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

08/27/86.

OTHER PERTINENT INFORMATION:

1. At its meeting on August 28, 1968, the State Lands Commission, in Minute Item 15, approved the issuance of Noncommercial Lease No. 1015, P.R.C. Series, to Sierra Pacific Power Company (SPPC) for construction of the subject pier. SPPC subsequently developed the upland with a condominium project known as The Tavern

(ADDED 07/16/86)

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Shores. The recreational benefits of the pier were planned as an integral part of the development project. The buoys were placed at later dates without the Commission's prior authorization.

SPPC later assigned the pier and subsequently conveyed the littoral upland to entities other than applicant without first receiving the Commission's approval of the assignments of said lease to the respective parties with interest. The format of the subject lease is not consistent with the Commission's current rules and regulations. SPPC has failed to execute a quitclaim deed. Termination of the original lease is recommended.

Applicant is a non-profit homeowners association. Because its membership currently includes 8.93 percent of non-natural person members, applicant does not fully meet the criteria of P.R.C. 6503.5 for rent-free status. The rental required by the permit is the sum of a proration according to this percentage, excepting that rental required for the speed-limit buoys, which are not utilized for boat mooring purposes pursuant to P.R.C. 6503.5.

In the interest of bringing the long term existing buoy field under permit, the rental provisions stated herein are considered by staff to be in the best interest of the State and approval is recommended.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

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3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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 activity is consistent with its use classification.

APPROVALS OBTAINED:

None.

APPROVALS REQUIRED:

Tahoe Regional Planning Agency, United States Army Corps of Engineers, United States Coast Guard, California Department of Fish and Game, Lahontan Regional Water Quality Control Board and County of Placer.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE TERMINATION OF NONCOMMERCIAL LEASE NO. 4015, P.R.C. SERIES DATED OCTOBER 28, 1968, EFFECTIVE JUNE 1, 1986; AND THE ISSUANCE TO THE TAVERN SHORES ASSOCIATION OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING JUNE 1, 1986; IN CONSIDERATION OF THE RENT-FREE PROVISIONS OF P.R.C. 6503.5 AND TOGETHER WITH ANNUAL RENT IN THE AMOUNT OF \$135.52, AS TO THE PIER, \$208.25, AS TO THE MOORING BUOYS, AND \$106 PER ANNUM, AS TO THE SPEED-LIMIT BUOYS; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF A PIER, 44 MOORING BUOYS AND TWO SPEED-LIMIT BUOYS, ALL EXISTING AND UTILIZED FOR MULTIPLE-USE RECREATIONAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

HP 4015

Forty Seven parcels of submerged land in the bed of Lake Tahoe, Placer County, California, described as follows:

PARCEL 1 - Pier

All that portion of the N 1/2 of fractional Section 7, T15N, R17E, MDM, described as follows:

COMMENCING at a 3/4" iron pin at the northeasterly corner of "Tavern Shores", a condominium subdivision filed for record in Book I of Maps at page 22, Placer County Records, from which the North 1/4 corner of said Section 7 bears N 24° 03' 42" W, 1733.92 feet; thence along the East line of said "Tavern Shores", S 03° 00' E, 230 feet, more or less, thence leaving said East line N 87° 00' E, 170 feet, more or less, to the ordinary low water mark of Lake Tahoe and the TRUE POINT OF BEGINNING of the herein described parcel of State land; thence continuing N 87° 00' E, 150 feet, more or less; thence S 03° 00' E, 47.5 feet; thence N 87° 00' E, 37.5 feet; thence N 03° 00' W, 130.00 feet; thence S 87° 00' W, 37.5 feet; thence S 03° 00' E, 47.5 feet; thence S 87° 00' W, 150 feet, more or less, to the ordinary low water mark of Lake Tahoe; thence S 03° 00' E, 35 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark.

PARCELS 2 THRU 47 - Buoys

Forty-four circular parcels of submerged land 40 feet in diameter lying immediately beneath existing mooring buoys and two circular parcels of submerged land 5 feet in diameter lying immediately beneath existing speed limit buoys, all said buoys being located adjacent to and southeasterly of above described Parcel 1.

END OF DESCRIPTION

REVISED June 20, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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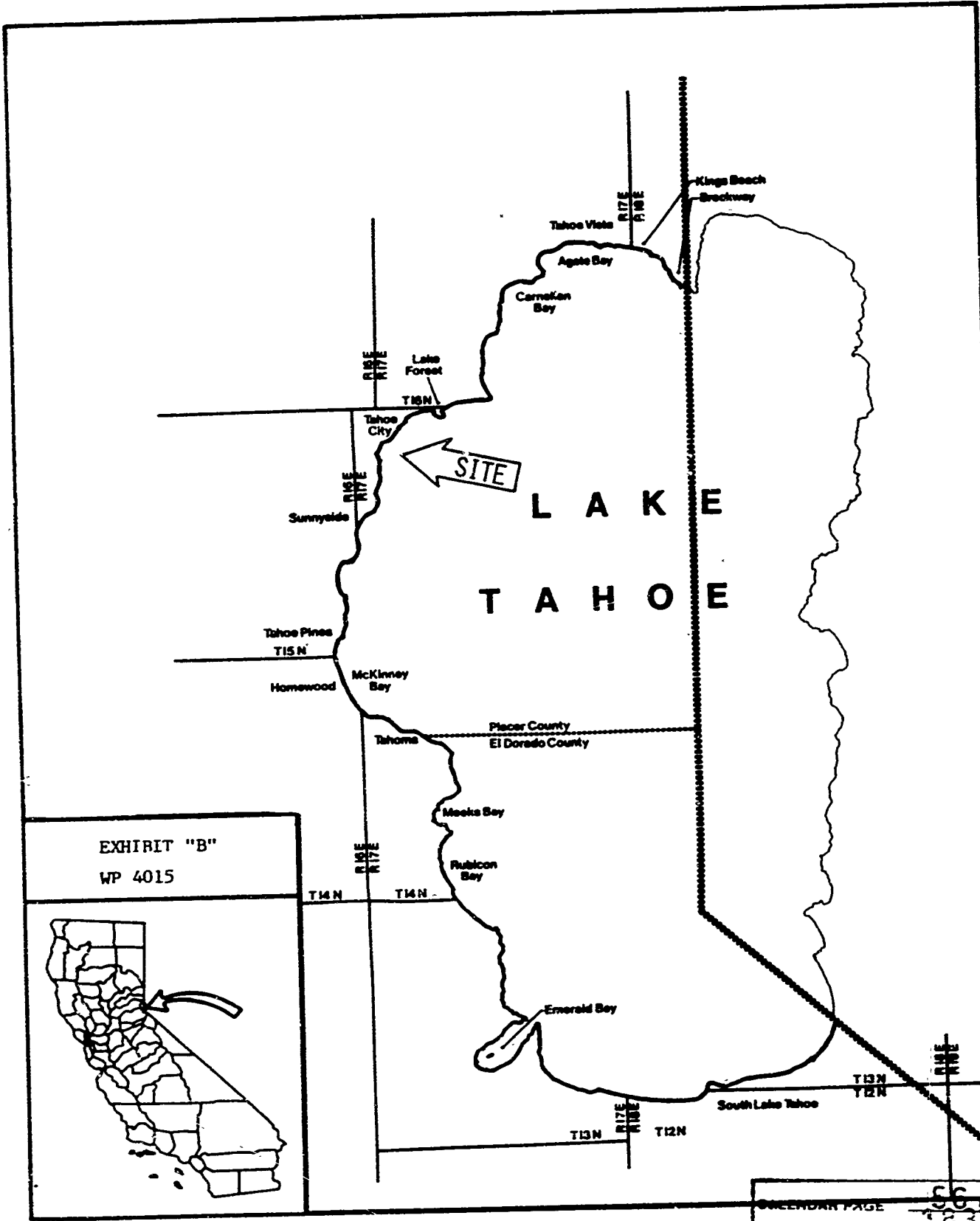


EXHIBIT "B"
WP 4015