

**CALENDAR ITEM  
C51**

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06/01/09  
WP 7939.1  
B. Terry

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Brockway Springs of Tahoe Property Owners Association I and II, Inc.

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

Sovereign lands in Lake Tahoe, adjacent to 9200 Brockway Springs Drive, near Kings Beach, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of 26 existing mooring buoys and two marker buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning February 12, 2007.

**CONSIDERATION:**

\$8,890 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:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicant has a right to use the uplands adjoining the lease premises.
2. On February 12, 1997, the Commission authorized a ten-year General Lease - Recreational Use with Brockway Springs of Tahoe Property Owners Association. That lease expired on February 11, 2007. Applicant is now applying for a new General Lease – Recreational Use.
3. Applicant is a property owners association and has been granted an easement for the exclusive use of the upland parcel. However, an easement holder is not considered to be a littoral owner. Therefore, the

CALENDAR ITEM NO. **C51** (CONT'D)

Applicant does not qualify for rent-free status pursuant to Public Resources Code 6503.5 and is subject to full rent.

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

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 project, as proposed, is consistent with its use classification.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (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 SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO BROCKWAY SPRINGS OF TAHOE PROPERTY OWNERS

CALENDAR ITEM NO. **C51** (CONT'D)

ASSOCIATION I AND II, INC., BEGINNING FEBRUARY 12, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF 26 EXISTING MOORING BUOYS AND TWO MARKER BUOYS AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$8,890, 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.