

**CALENDAR ITEM
C25**

A 4
S 1

01/26/12
WP 8842.9
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Ronald M. Naess and Ann J. Naess, Trustees of the Ronald M. Naess and Ann J. Naess Revocable Trust dated January 15, 1999; Randall C. Naess and Susan E. Naess, Trustees of the Randall and Susan Naess Trust dated November 30, 1998; Chris L. Stevens and Kristin N. Stevens, Trustees of the Chris and Kristin Stevens Trust dated June 13, 2007; Jeffrey R. Naess and Adriane Naess, Trustees of the Jeff and Adriane Naess Trust dated January 5, 1995; David L. Richmond; Robert E. Richmond and Karen L. Richmond, Trustees of the RKR Trust, dated June 29, 2000; I. Elizabeth Richmond, Trustee of the Robert L. Richmond Exemption Trust of August 11, 2004; De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust under the EHR QPRT Trust dated March 26, 2003; Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust under the EHR QPRT Trust dated March 26, 2003; De Ette R. Sipos, Trustee of the De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust under the ENR II QPRT Trust dated March 26, 2003; and Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust under the ENR II QPRT Trust dated March 26, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4812 and 4826 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with boat lift and a boat house with two boat lifts previously authorized by the Commission, and use and maintenance of four existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 11, 2011.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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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 buoys within two years after 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 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 August 11, 2009, the Commission authorized a two-year Recreational Pier Lease with the Applicants. That lease expired on February 10, 2011. Applicants are now applying for a new General Lease – Recreational Use.
3. Upon submission of the current application, staff became aware that one owner was not included as a Lessee in the expired lease, Evelyn H. Richmond Trustee of the EHR QPRT Trust U/A/D 3/26/03. On May 13, 2010, the above trust transferred its interest in the upland property to De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust under the EHR QPRT Trust dated March 26, 2003 and to Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust under the EHR QPRT Trust dated March 26, 2003. On the same date, Evelyn H. Richmond Trustee of the ENR II QPRT Trust U/A/D 3/26/03 transferred its interest in the upland property to De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust under the ENR II QPRT Trust dated March 26, 2003, and to Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust under the ENR II QPRT Trust dated March 26, 2003. All other previous Lessees are current owners with no upland ownership change.
4. Applicants have provided copies of permits which were required as a lease provision in the prior lease.

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5. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application and fees were submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code for the term of the lease.

6. The Applicants’ four existing mooring buoys have been in Lake Tahoe for many years but have not been previously authorized by the Commission. Staff recommends approval of the existing mooring buoys within the lease premises.
7. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061) the staff has determined that this activity is exempt from the requirements of 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

8. 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

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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 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 Ronald M. Naess and Ann J. Naess, Trustees of the Ronald M. Naess and Ann J. Naess Revocable Trust dated January 15, 1999; Randall C. Naess and Susan E. Naess, Trustees of the Randall and Susan Naess Trust dated November 30, 1998; Chris L. Stevens and Kristin N. Stevens, Trustees of the Chris and Kristin Stevens Trust dated June 13, 2007; Jeffrey R. Naess and Adriane Naess, Trustees of the Jeff and Adriane Naess Trust dated January 5, 1995; David L. Richmond; Robert E. Richmond and Karen L. Richmond, Trustees of the RKR Trust, dated June 29, 2000; I. Elizabeth Richmond, Trustee of the Robert L. Richmond Exemption Trust of August 11, 2004; De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust Under the EHR QPRT Trust dated March 26, 2003; Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust Under the EHR QPRT Trust dated March 26, 2003; De Ette R. Sipos, Trustee of the De Ette R. Sipos Trust under the ENR II QPRT Trust dated March 26, 2003; and Gregory B. Richmond, Trustee of the Gregory B. Richmond Trust under the ENR II QPRT Trust dated March 26, 2003, beginning February 11, 2011, for a term of 10 years, for the continued use and maintenance of an existing pier with boat lift and a boat house with two boat lifts previously authorized by the Commission and the use and maintenance of four existing mooring buoys not previously authorized by the Commission as described in

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Exhibit A and shown on Exhibit B (for reference purposes only) and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 8842.9

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 22, Township 16 North, Range 17 East, MDM., County of Placer, State of California, and more particularly described as follows:

PARCEL 1 (PIER)

All those lands underlying an existing pier, three (3) boatlifts, and boat house lying adjacent those two (2) Lots as described in that Grant Deed recorded May 13, 2010 as Document Number 2010-0036055-00 of Official Records of said County.

TOGETHER WITH a ten (10) foot use area.

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

PARCEL 2, 3, 4 & 5 (BUOYS)

Four (4) circular parcels of land, being 50 feet in diameter, underlying existing buoys lying adjacent to said Lots as described in said Grant Deed of Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 9, 2012 by the California State Lands Commission Boundary Unit.



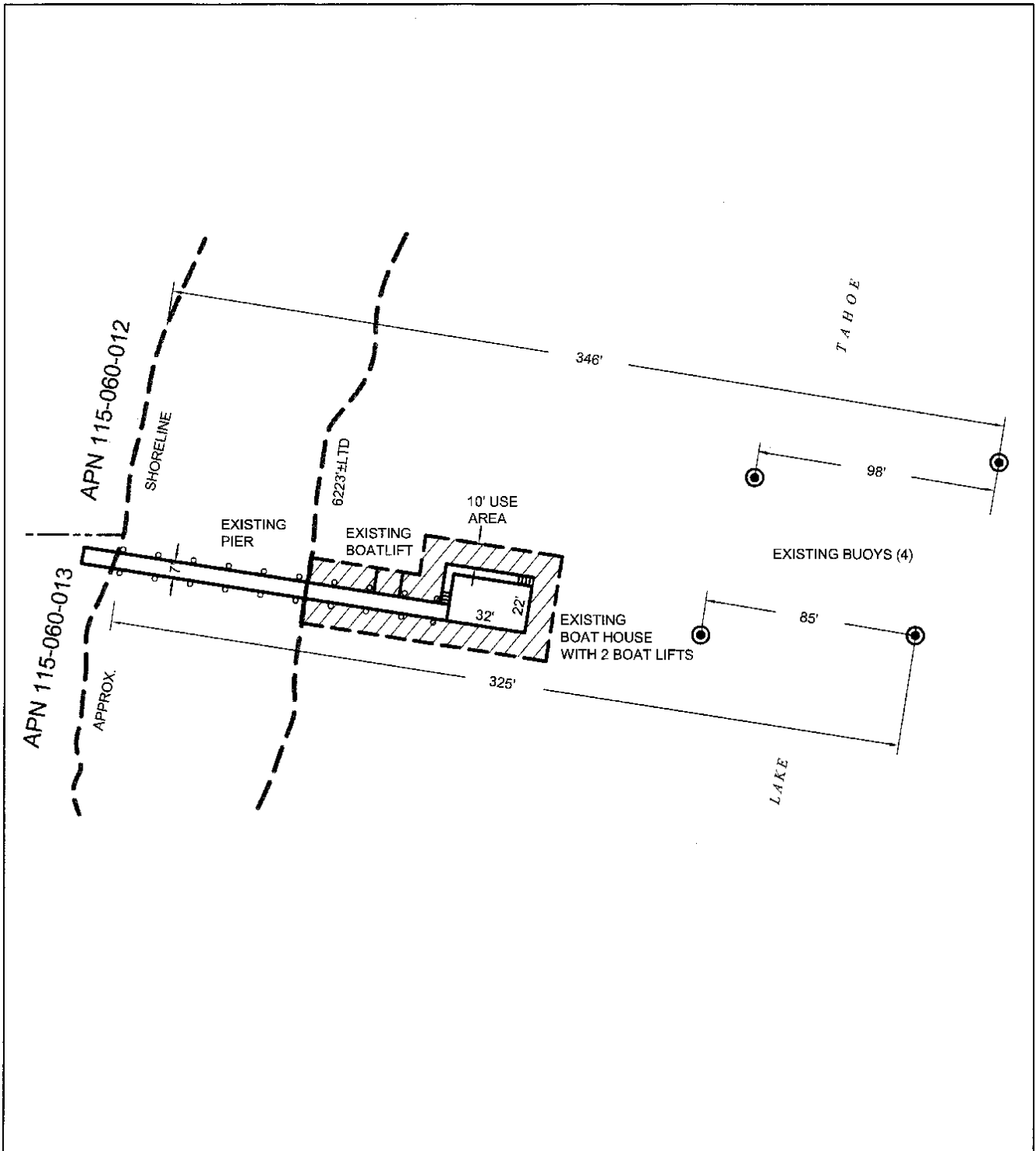


EXHIBIT A

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LAND DESCRIPTION PLAT

PRC 8842.9

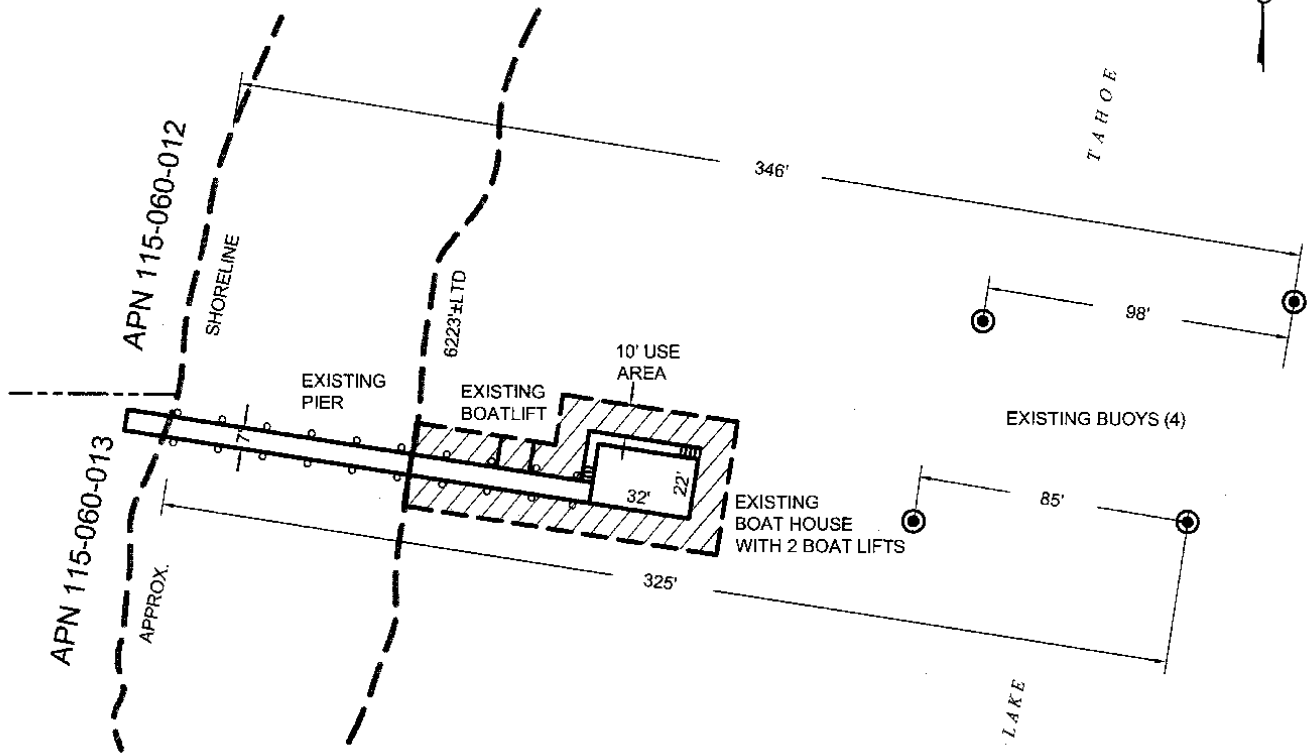
NAESS, RICHMOND, STEVENS & SIPOS
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



4812 AND 4826 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION

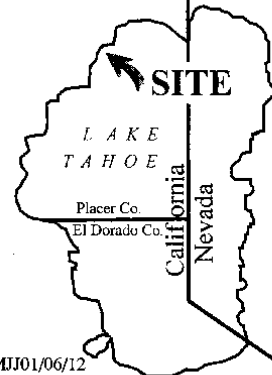


MAP SOURCE: USGS QUAD

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 8842.9
 NAESS, RICHMOND, STEVENS
 & SIPOS
 APN 115-060-012 & 013
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJ01/06/12