

**CALENDAR ITEM
C07**

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S 1

08/14/12
PRC 7394.9
R. Barham

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Richard Leon Wyche and Sharon Joyce Wyche, Trustees of The Wyche Family Trust dated May 16, 2007

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Eagle Lake, adjacent to 509-110 Stone Road, near the city of Susanville, Lassen County.

AUTHORIZED USE:

Installation, use, and maintenance of a portable dock on wheels.

LEASE TERM:

10 years, beginning August 14, 2012.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcel adjoining the lease premises.
2. On June 11, 1990, the Commission authorized a Recreational Pier Permit with Linton F. Stebbins and Adelaide Stebbins. That permit expired on June 10, 2000. On June 15, 2007, the upland property was deeded to Richard Leon Wyche and Sharon Joyce Wyche, Trustees of The Wyche Family Trust dated May 16, 2007. Applicants are now applying for a new General Lease - Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became 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:

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- 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 this lease.

- 4. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined 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.

- 5. 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).

CALENDAR ITEM NO. **C07** (CONT'D)

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 Richard Leon Wyche and Sharon Joyce Wyche, Trustees of The Wyche Family Trust dated May 16, 2007, beginning August 14, 2012, for a term of 10 years, for the installation, use, and maintenance of a portable dock on wheels described in Exhibit A and shown on Exhibit B (for reference purposes only) attached 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 7394.9

LAND DESCRIPTION

A parcels of submerged lands situated in the bed of Eagle Lake, lying adjacent to Lot 2 of fractional Section 22, Township 33 North, Range 11 East, M.D.B.&M., as shown on Official Government Township Plat approved January 6, 1872, County of Lassen, State of California, more particularly described as follows:

All those lands underlying a seasonal gangway, ramp and portable boat dock on wheels lying adjacent to that parcel described in Grant Deed recorded April 11, 2001 as Document Number 2001-02180 in Official Records of said County.

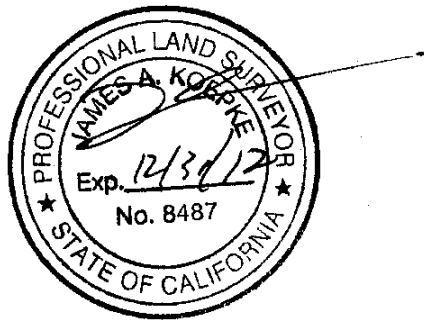
TOGETHER WITH a ten foot use area.

EXCEPTING THEREFROM any portion lying landward of the low water mark of said Eagle Lake.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/13/2012 by the California State Lands Commission Boundary Unit.



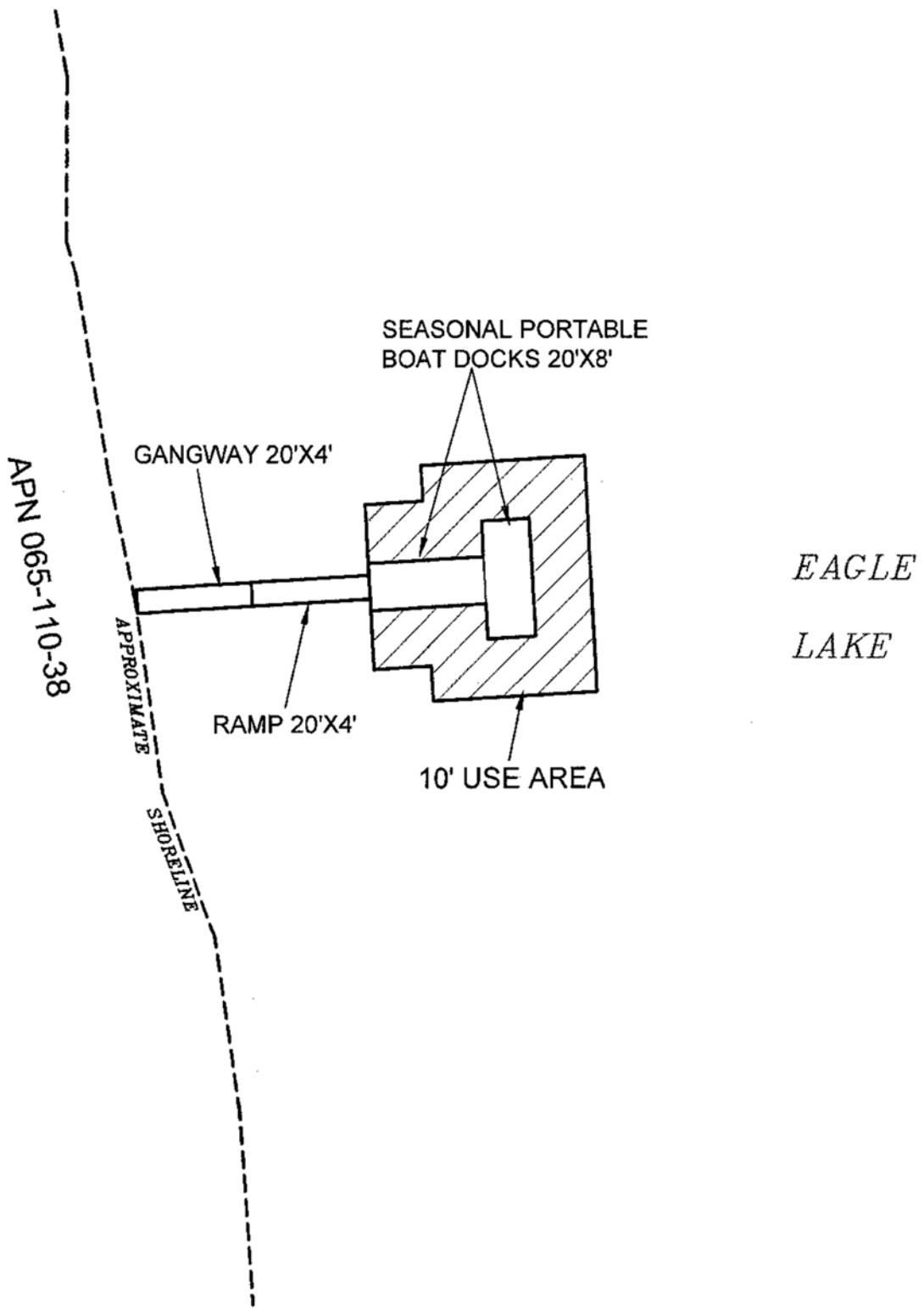


EXHIBIT A

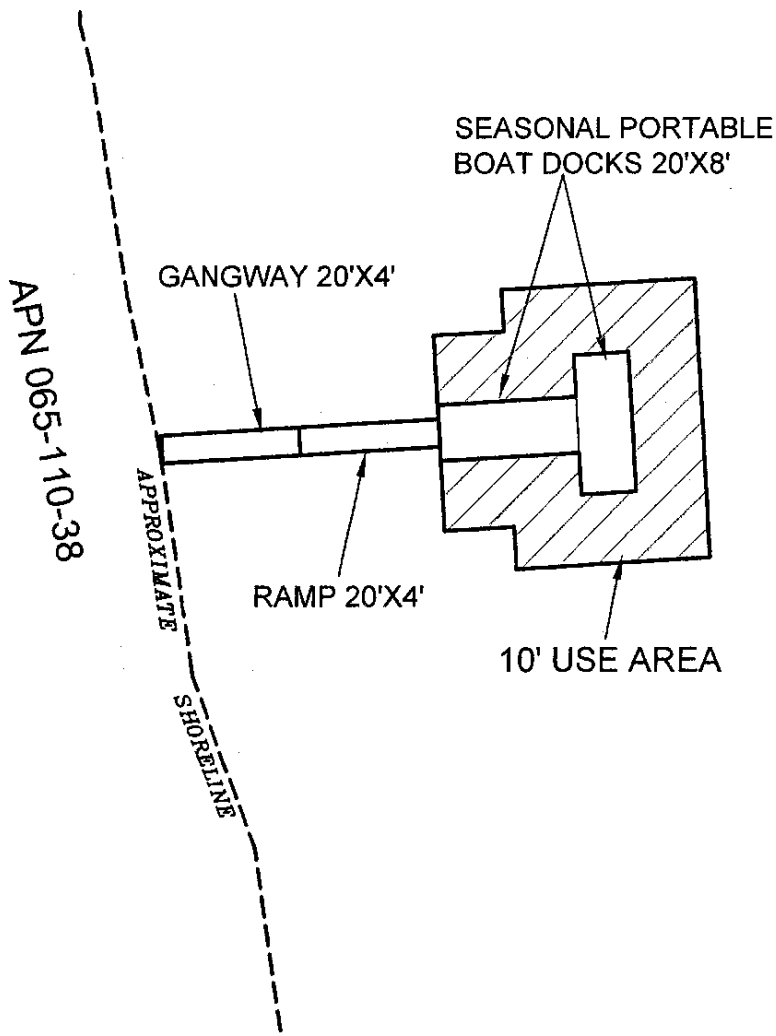
LAND DESCRIPTION PLAT
PRC 7394.9, WYCHE
LASSEN COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

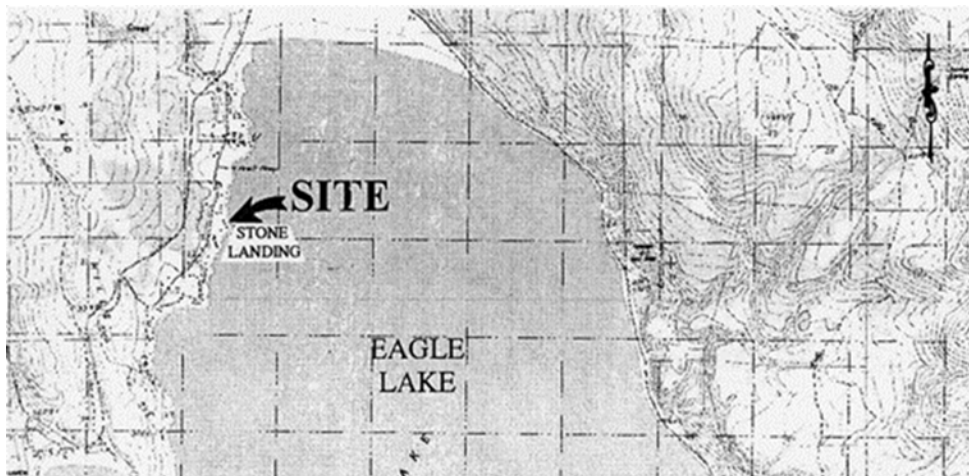


EAGLE LAKE

509-110 STONE ROAD, NEAR SUSANVILLE

NO SCALE

LOCATION

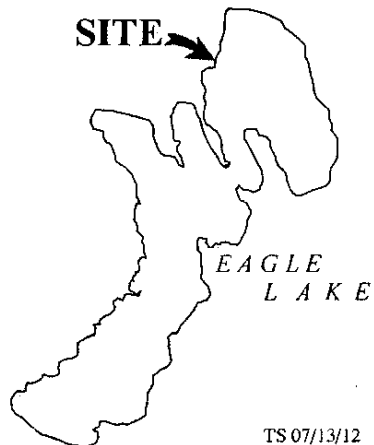


MAP SOURCE: USGS QUAD

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 7394.9
WYCHE
APN 065-110-38
GENERAL LEASE-
RECREATIONAL USE
LASSEN COUNTY



TS 07/13/12