

**CALENDAR ITEM  
C11**

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S 1

08/14/12  
PRC 8952.1  
R. Boggiano

**RESCISSION OF APPROVAL OF A RECREATIONAL PIER LEASE AND ISSUANCE  
OF A NEW GENERAL LEASE - RECREATIONAL USE**

**APPLICANT:**

Richard E. Stowell

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

Sovereign land in Lake Tahoe, adjacent to 8253 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

**AUTHORIZED USE:**

Use and maintenance of an existing pier and one mooring buoy not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning August 14, 2012.

**CONSIDERATION:**

\$415 per year; with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

**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 Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years of 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

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suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On October 27, 2011, the Commission authorized a 10-year Recreational Pier Lease to David M. Solomon and Daniel J. Solomon, as Successor Co-Trustees of The Karin L. Solomon Revocable Trust, 2003; Tanya Lazar; and Tanya Lazar, Successor Co-Trustee of The Lisa Maria Lazar Testamentary Trust. The lease was never executed and the upland property was transferred to Richard E. Stowell on October 3, 2011. Staff is now requesting that the authorization made by the Commission at the October 27, 2011 meeting be rescinded. The Applicant is 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:
  - 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 was submitted to the Commission after March 31, 2011, the lease does not qualify for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code and is subject to rent.

4. The Applicant’s pier and one mooring buoy have been in Lake Tahoe for many years, but were not previously authorized by the Commission. The pier has existed since 1968 and was grandfathered by the U.S. Army Corps of Engineers. Staff recommends bringing the existing pier and mooring buoy under lease, with the buoy subject to the Applicant obtaining TRPA permit authorization.

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5. **Rescind Authorization of a Recreational Pier Lease:** The staff recommends that the Commission find that the subject rescission of approval does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of a General Lease – Recreational Use:** 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.

7. 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:**

**Rescind Authorization of a Recreational Pier Lease:** Find that the subject Rescission of Approval is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

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**Issuance of a General Lease – Recreational Use:** 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).

**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:**

1. Authorize rescission of Recreational Pier Lease No. PRC 8952.9 approved by the Commission on October 27, 2011, issued to David M. Solomon and Daniel J. Solomon, as Successor Co-Trustees of The Karin L. Solomon Revocable Trust, 2003; Tanya Lazar; and Tanya Lazar, Successor Co-Trustee of The Lisa Maria Lazar Testamentary Trust.
  
2. Authorize issuance of a General Lease – Recreational Use to Richard E. Stowell, for a term of 10 years, beginning August 14, 2012, for the use and maintenance of an existing pier and one mooring buoy not previously authorized by the Commission, 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 \$415, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8952.1**

**LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 29, 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 – PIER**

All those lands underlying an existing pier, lying adjacent to Parcel Two as described in that Grant Deed recorded October 3, 2011 in Document Number 2011-0045945-00 in Official Records of said County.

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

**PARCEL 2 – BUOY**

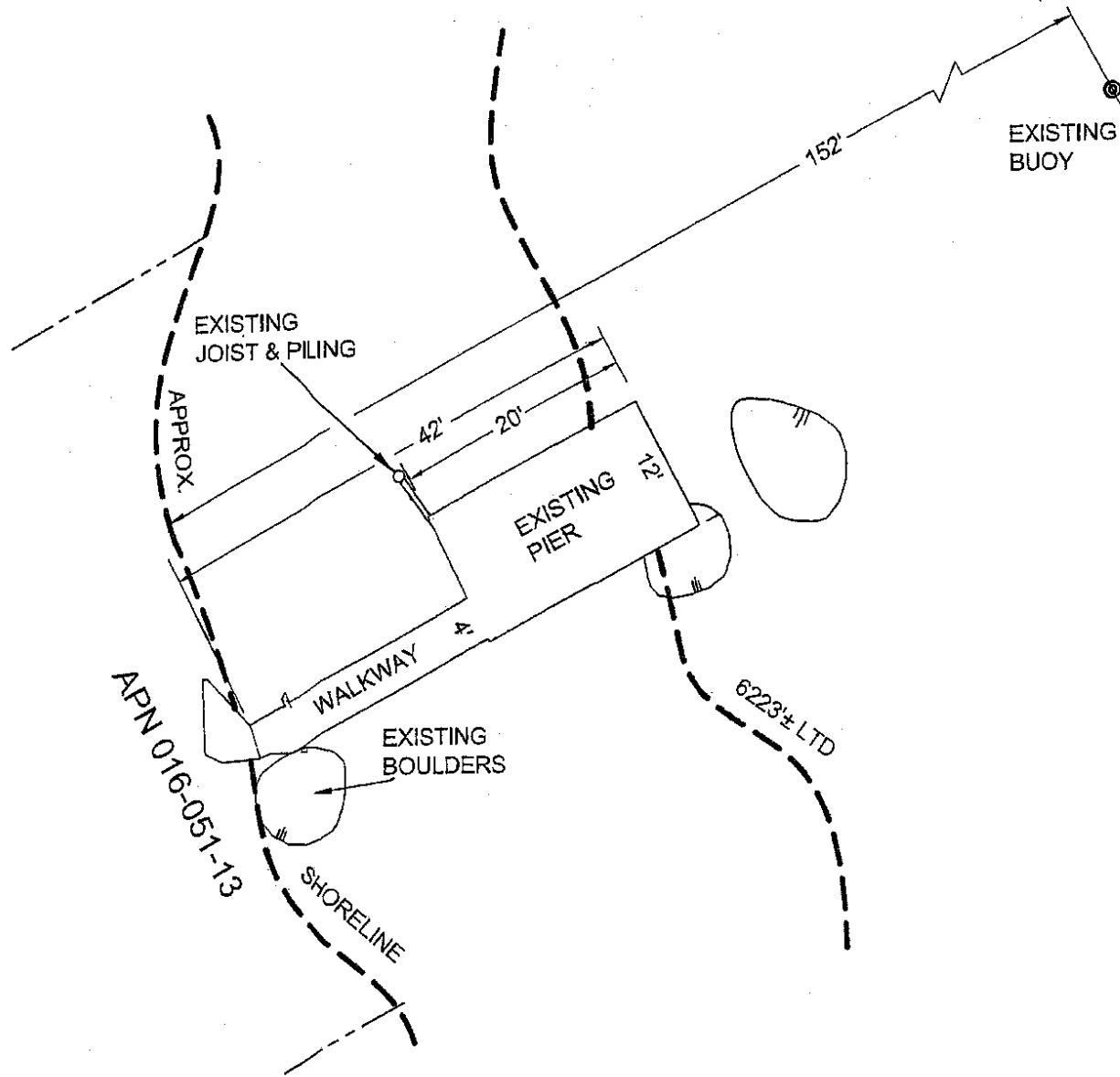
One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to that Parcel as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared May 25, 2012 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

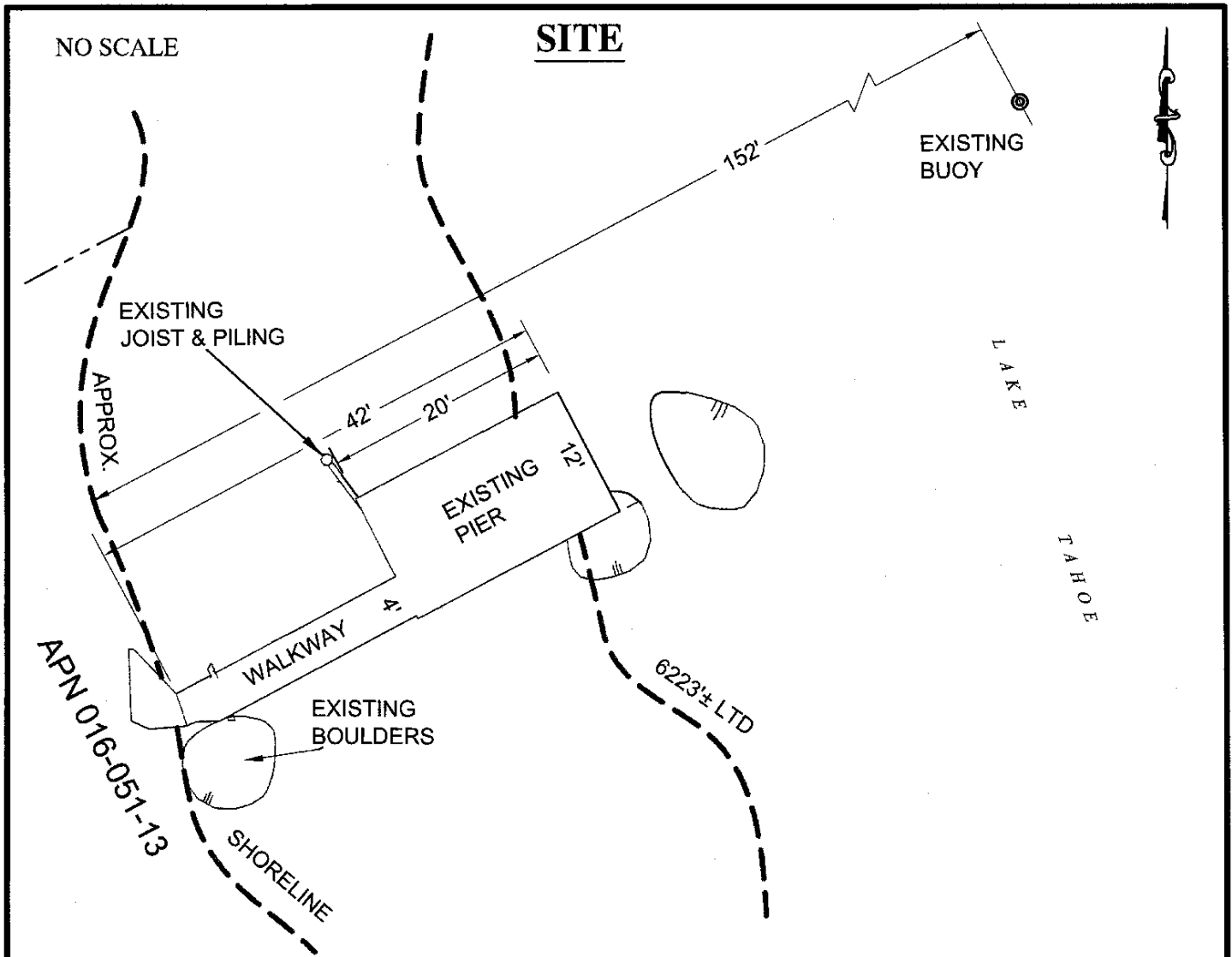
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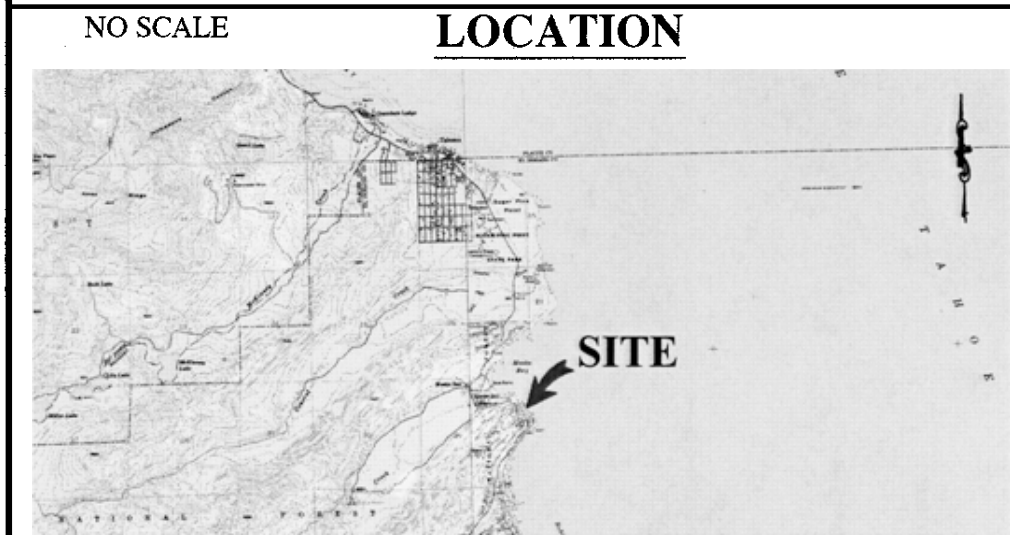
LAND DESCRIPTION PLAT  
 PRC 8952.1, STOWELL  
 EL DORADO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



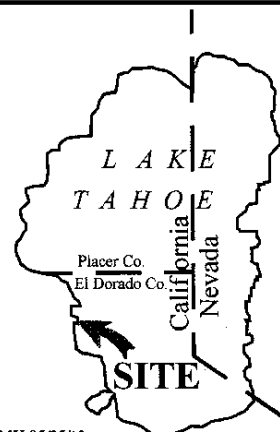


8253 MEEKS BAY AVENUE, MEEKS BAY



MAP SOURCE: USGS QUAD

**Exhibit B**  
 PRC 8952.1  
 STOWELL  
 APN 016-051-13  
 GENERAL LEASE -  
 RECREATIONAL USE  
 EL DORADO COUNTY



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.