

**CALENDAR ITEM
C08**

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02/22/13
PRC 3310.9
R. Barham

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Scott Edmondson, Mark Edmondson, and Gregg Edmondson, Trustees of The Edmondson Heritage Trust; and George Edmondson, Trustee of The Janet Louise Edmondson Irrevocable Trust; and Kevin R. Ray and Lee E. Sevison

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5390 and 5394 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier previously authorized by the Commission, and use and maintenance of two existing open-sided boathouses, two boat lifts, and two mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicants to agree 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 a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District

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Court invalidated the FEIS and nullified the ordinances. 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 ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On April 1, 1966, the Commission authorized a Recreational Pier Permit with Wilbur R. Smith and George H. Edmondson and Janet L. Edmondson for a joint-use pier. That permit expired on March 23, 1975. In the ensuing years, staff had no contact with the owners. Ownership of the littoral lands has transferred through the years, and is now held by the Applicants. Applicants share use of the existing pier, two open-sided boathouses with boat lifts, and two mooring buoys. 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 took effect 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 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. The Applicants’ two open-sided boathouses, two boat lifts, and two mooring buoys have been in Lake Tahoe for many years but were not previously authorized by the Commission. Staff recommends bringing the

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placement of the Applicants' existing boathouses, boat lifts, and mooring buoys under lease, subject to the Applicants obtaining TRPA permit authorization as required in the lease.

5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

6. 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 this 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.

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AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Scott Edmondson, Mark Edmondson, and Gregg Edmondson, Trustees of The Edmondson Heritage Trust; and George Edmondson, Trustee of the Janet Louise Edmondson Irrevocable Trust; and Kevin R. Ray and Lee E. Sevison, beginning February 22, 2013, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier previously authorized by the Commission, and use and maintenance of two existing open-sided boathouses, two boat lifts, and two mooring buoys 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; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 3310.9

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing joint-use pier, two boat houses, each with a boat lift and two catwalks lying adjacent to those parcels described in Grant Deed recorded July 9, 2010 as Document Number 2010-0052004-00 and Grant Deed recorded December 12, 2012 as Document Number 2012-0119226-00 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

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

PARCELS 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded December 12, 2012 as Document Number 2012-0119226-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/21/2012 by the California State Lands Commission Boundary Unit.



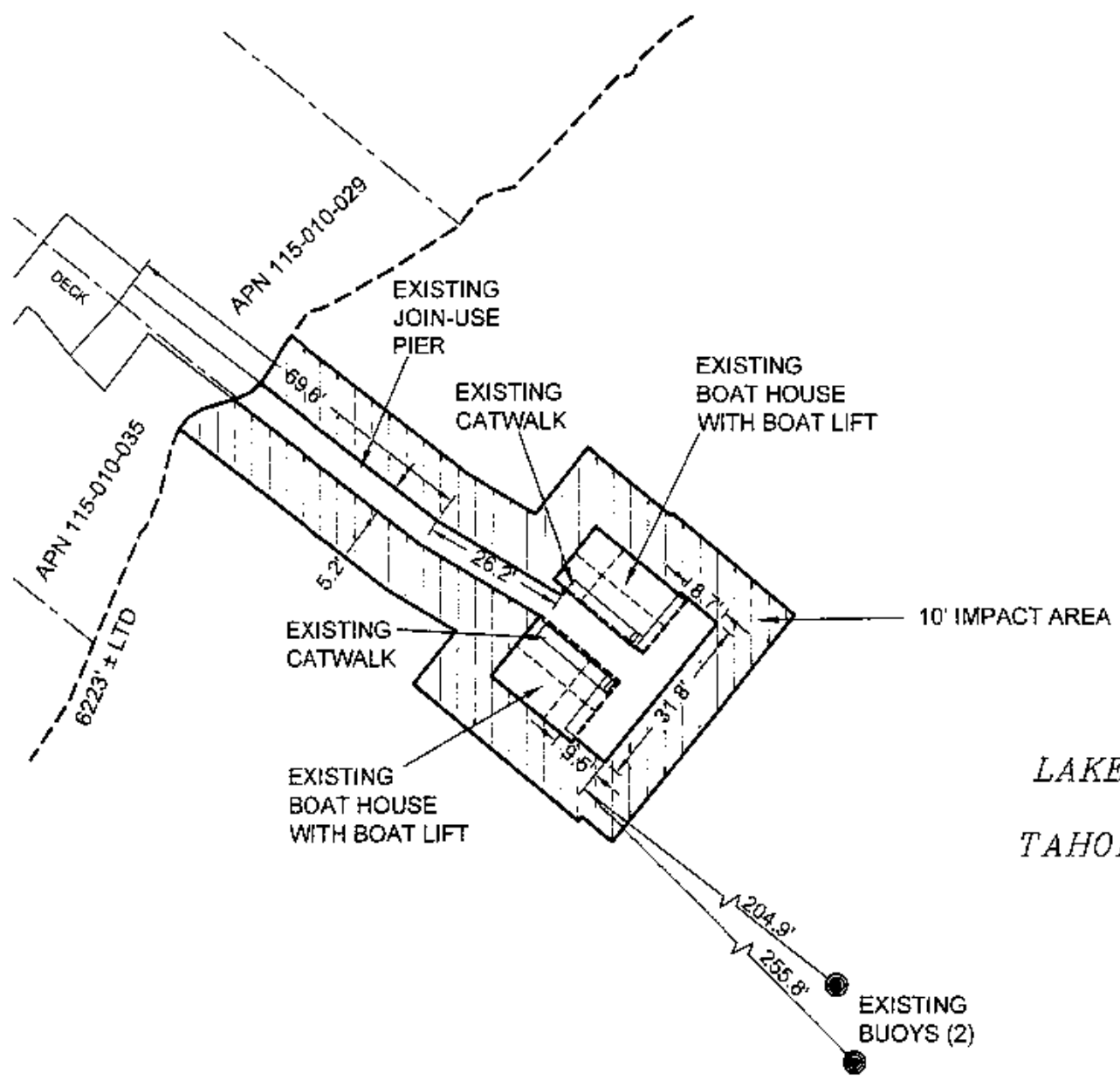
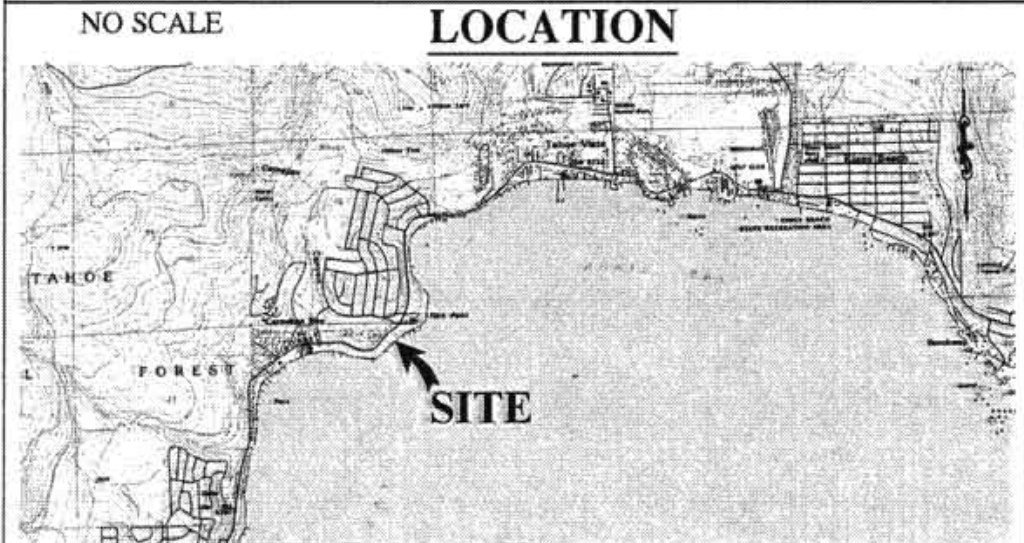
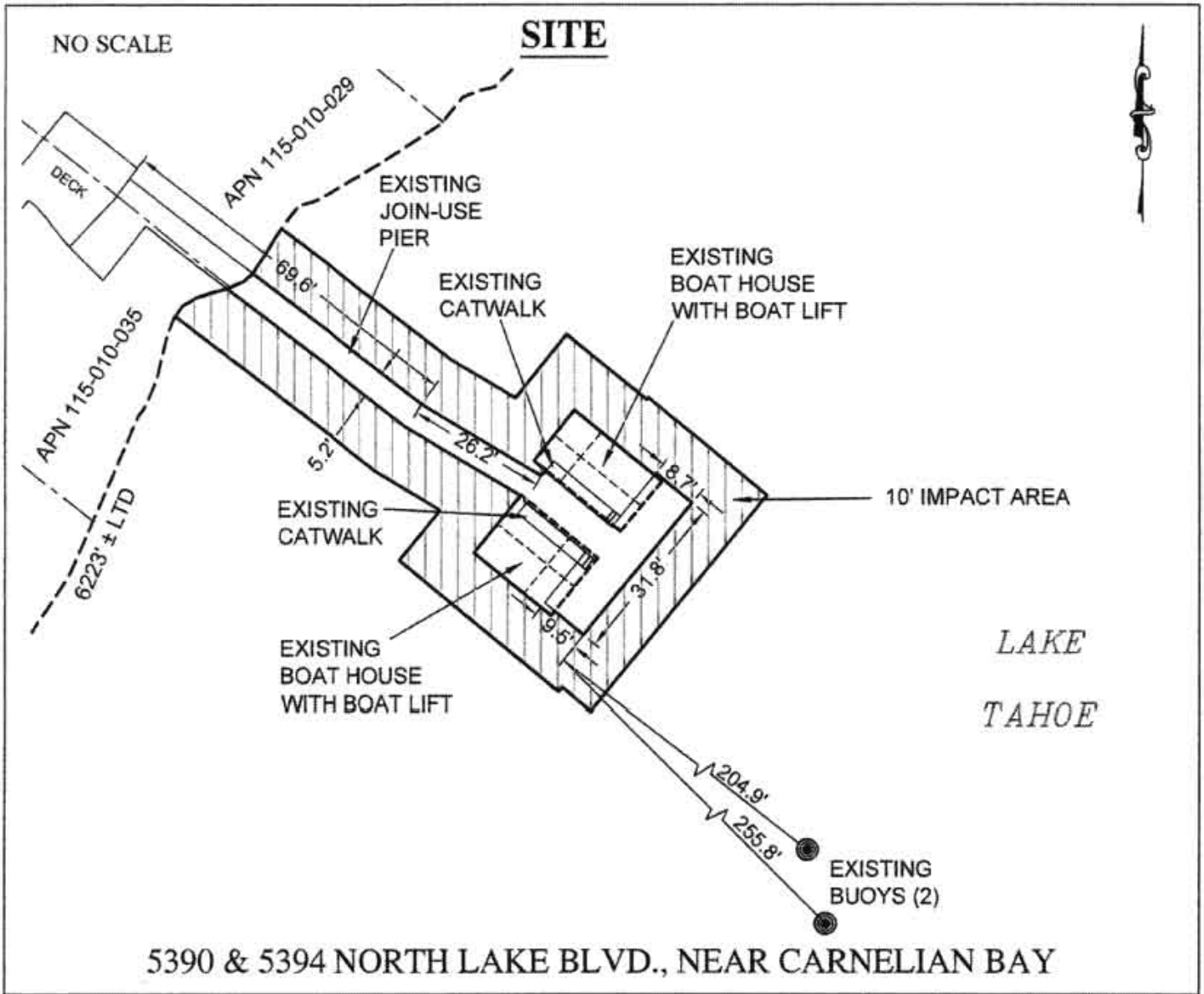


EXHIBIT A

LAND DESCRIPTION PLAT
 PRC 3310.9, EDMONDSON & SEVISON
 PLACER COUNTY

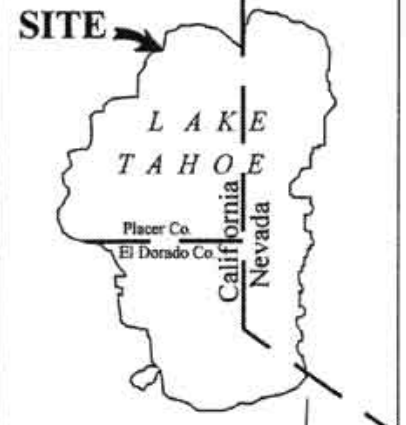
CALIFORNIA STATE
 LANDS COMMISSION





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 3310.9
 EDMONDSON & SEVISON
 APN 115-010-029 & 035
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



TS 12/21/12

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.