

**CALENDAR ITEM
C47**

A 4
S 1

02/22/13
PRC 4994.1
B. Terry

TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

LESSEE:

S. Larson Family Limited Partnership, a Nevada Limited Partnership

APPLICANTS:

Jon W. Ball and Paula K. Ball, Trustees of the Jon W. Ball and Paula K. Ball Family Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4850 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, marine railway, and one mooring buoy.

LEASE TERM:

10 years, beginning December 16, 2012.

CONSIDERATION:

\$1,904 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:

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 buoy 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

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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 22, 2008, the Commission authorized a General Lease – Recreational Use, with S. Larson Family Limited Partnership, a Nevada Limited Partnership for an existing pier, boat lift, marine railway, and one mooring buoy. That lease will expire on December 15, 2017. On March 19, 2012, ownership was deeded to Jon W. Ball and Paula K. Ball, Trustees of the Jon W. Ball and Paula K. Ball Family Trust. However, the S. Larson Family Limited Partnership paid rent through December 15, 2012. Applicants are now applying for a new General Lease – Recreational Use. Staff is recommending termination of the existing lease because the Lessee cannot be located for execution of a lease quitclaim deed.
3. **Termination of Existing Lease:** The staff recommends that the Commission find that the subject acceptance of a lease termination 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, section 15060, subdivision (c)(3), and 15378.

4. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. For the existing facilities, 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.

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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:

Termination of Existing Lease: Find that the subject acceptance of a lease termination 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.

Issuance of a New Lease: 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 termination effective December 15, 2012, of Lease No. PRC 4994.1, a General Lease – Recreational Use, issued to S. Larson Family Limited Partnership, a Nevada Limited Partnership.
2. Authorize issuance of a General Lease – Recreational Use to Jon W. Ball and Paula K. Ball, Trustees of the Jon W. Ball and Paula K.

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Ball Family Trust, beginning December 16, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, marine railway, and one mooring buoy 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 \$1,904, 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.

EXHIBIT A

PRC 4994.1

LAND DESCRIPTION

Three (3) 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., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCEL 1-PIER

All those lands underlying an existing pier, catwalk, and boatlift lying adjacent to that Lot as described in Exhibit "A" of that Grant Deed recorded March 19, 2012 as Document Number 2012-0023775 in Official Records of said County.

PARCEL 2-MARINE RAIL

All those lands underlying an existing Marine Rail lying adjacent to said Lot.

TOGETHER WITH a ten (10) foot impact area.

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 said Lot.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

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



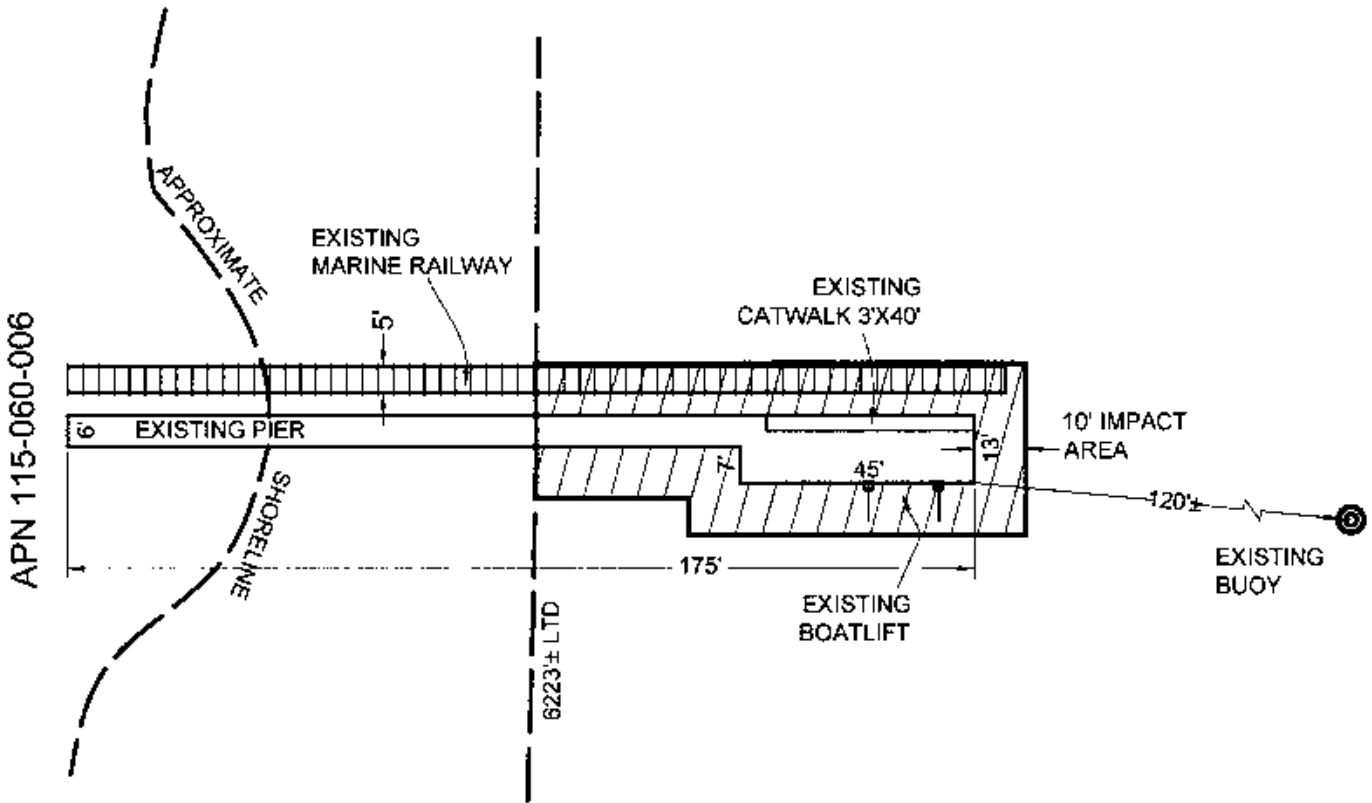


EXHIBIT A

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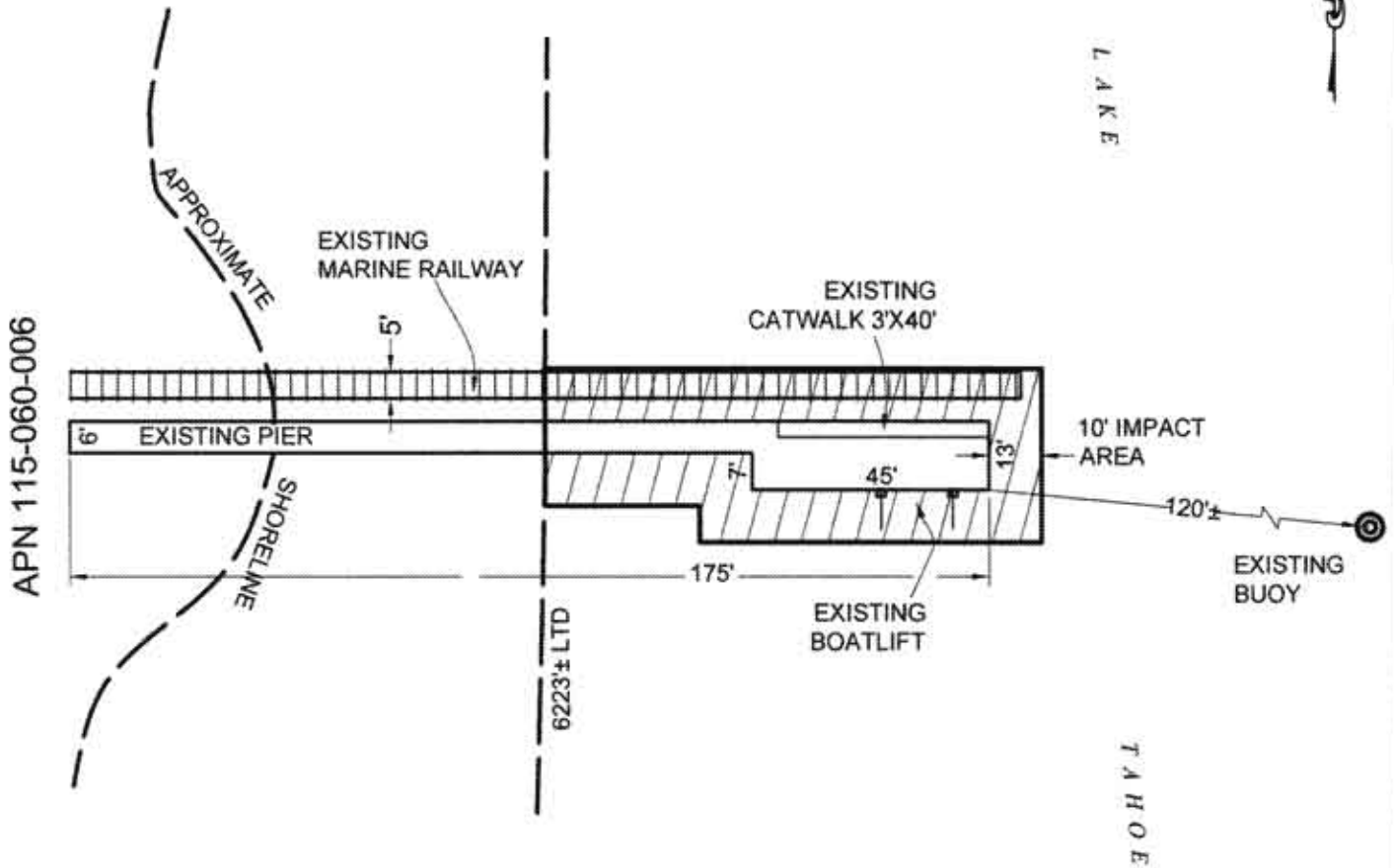
LAND DESCRIPTION PLAT
PRC 4994.1, BALL
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

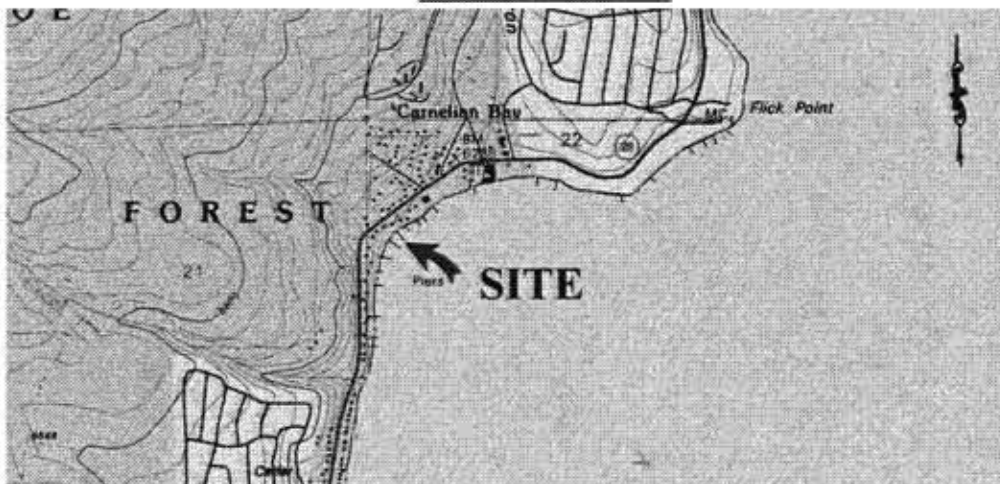
SITE



4850 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.

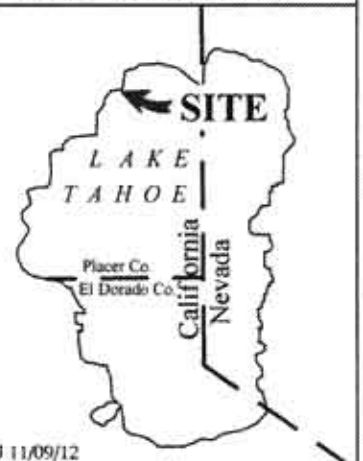
Exhibit B

PRC 4994.1

BALL

APN 115-060-006

GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJJ 11/09/12