

**CALENDAR ITEM
C49**

A 1
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02/22/13
PRC 5352.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Jerome J. Bernal, Trustee of the Jerome J. Bernal Trust dated May 13, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7097 State Highway 89, near
Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys
previously authorized by the Commission and a boat lift and boat hoist not
previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 25, 2012.

CONSIDERATION:

\$2,817 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 Applicant 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

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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. Applicant owns the upland adjoining the lease premises.
2. On September 17, 2001, the Commission authorized a Recreational Pier Lease No. PRC 5352.9 with John A. Wickland, III, covering a pier, boathouse with an overhead hoist, and two mooring buoys. That lease expired on October 9, 2010. Since the issuance of that lease, the boathouse and hoist were removed and replaced with a boat lift and boat hoist. On May 25, 2012, the upland ownership was deeded to Jerome J. Bernal and, on June 25, 2012, Mr. Bernal transferred ownership to the upland to Jerome Bernal, Trustee of the Jerome J. Bernal Trust dated May 13, 1998. Applicant is now applying for a new General Lease – Recreational Use.
3. 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.

4. 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

CALENDAR ITEM NO. **C49** (CONT'D)

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).

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 Jerome J. Bernal, Trustee of the Jerome J. Bernal Trust, dated May 13, 1998, beginning June 25, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier and two mooring buoys previously authorized by the Commission and a boat lift and boat hoist not previously authorized by the Commission as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$2,817, 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 5352.1

LAND DESCRIPTION

Three parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 17, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1856, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boatlift, boat hoist, catwalk and concrete jetty lying adjacent to that parcel described in Exhibit A of Grant Deed recorded June 25, 2012 as Document Number 2012-0030753 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.

PARCEL 2&3 – BUOYS

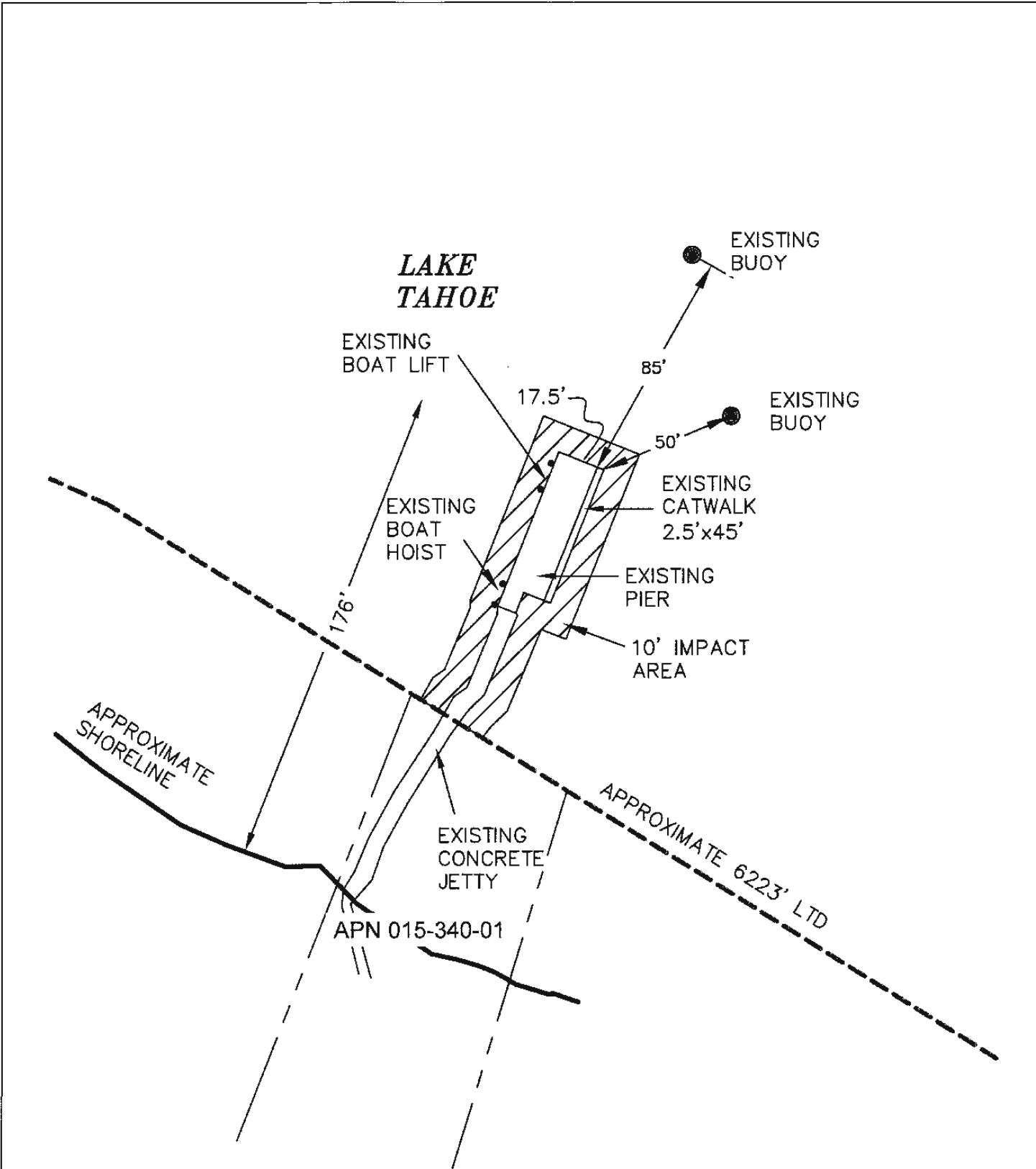
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Exhibit A of Grant Deed recorded June 25, 2012 as Document Number 2012-0030753 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/11/2012 by the California State Lands Commission Boundary Unit.





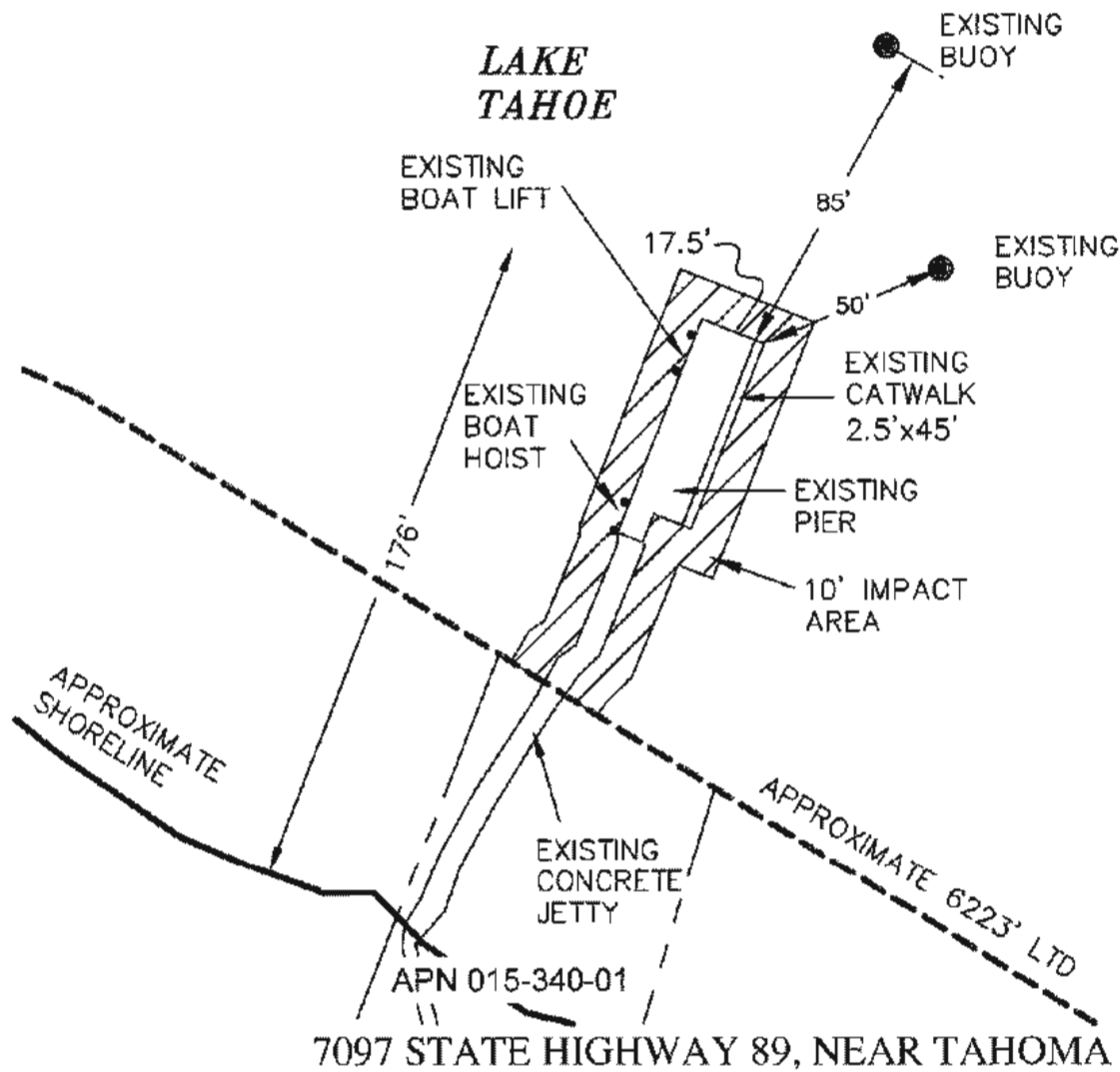
**LAKE
TAHOE**

EXHIBIT A



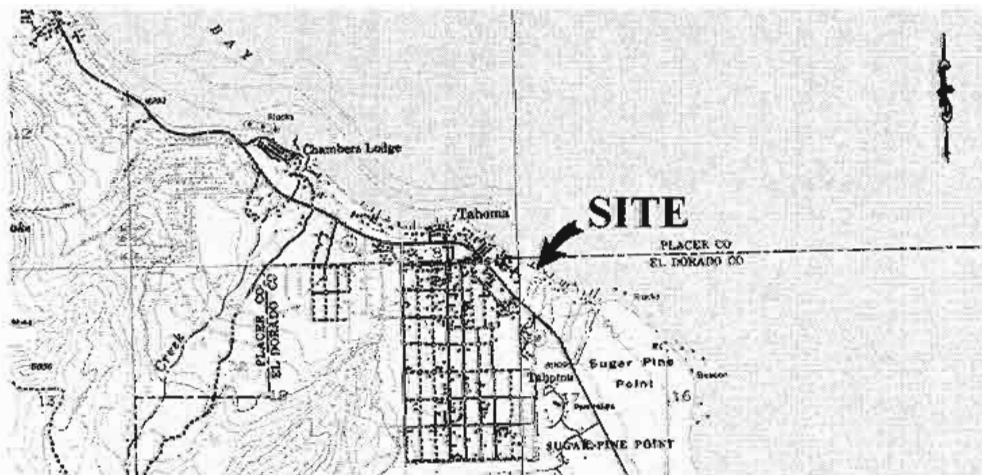
NO SCALE

SITE



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.

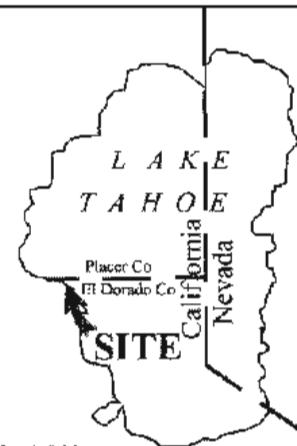
Exhibit B

PRC 5352.1

BERNAL

APN 015-340-01

GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



DJP 1/15/2013