

**CALENDAR ITEM
C53**

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02/22/13
PRC 4067.1
B. Terry

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEES:

William R. Parker and Susan D. Parker, Trustees of the Parker Family Trust,
dated January 21, 1997.

APPLICANT:

Tahoe Mountain Properties, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land, adjacent to 6900 West Lake Boulevard, near Tahoma, Placer
County.

AUTHORIZED USE:

Continued use and maintenance of two mooring buoys, reconstruction of the pier
and boathouse, and replacement of a boat lift in the boathouse.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

\$2,387 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:

1. 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

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

2. The proposed project is located in an area identified as Tahoe Yellow Cress (TYC) habitat. The TYC is an endangered plant species statutorily protected by the California Endangered Species Act. Because the proposed reconstruction of the boathouse will occur in the lake via barge and the proposed installation of the ladder will be attached to the pier between the high and low water marks, elevations 6228.75 feet and 6223 feet Lake Tahoe Datum (LTD) and will not have contact with the ground, a TYC site inspection was not required. However, in the event construction plans change that would involve ground disturbance, Lessee agrees to contact Lessor to determine if a TYC site inspection is necessary before construction can begin or continue.
3. The lease provides that the Lessee agrees to allow the public to pass and repass over the pier between high water (elevation 6228.75 feet, LTD) and low water (elevation 6223 feet, LTD) and will provide a ladder on either side of the pier to provide continuous shoreline access to the Public Trust easement below elevation 6228.75 feet, LTD.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland parcel adjoining the lease premises.
2. On June 23, 2011, the Commission authorized a 10-year Recreational Pier Lease with William R. Parker and Susan D. Parker, Trustees of the Parker Family Trust dated January 21, 1997. That lease will expire on June 22, 2021. On December 29, 2011, the upland parcel was transferred by the Lessees to Tahoe Mountain Properties, LLC, a California Limited Liability Company. The Lessees have requested to terminate the existing lease and the Applicant is now applying for a new General Lease – Recreational Use.

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3. On December 29, 2011, when ownership of the upland parcel was transferred to Tahoe Mountain Properties, LLC, the Lessees no longer qualified for rent-free status pursuant to the original definition of Public Resources Code section 6503.5 in effect at that time. Staff is recommending the Commission accept rent in the amount of \$2,646 for the period beginning December 29, 2011 through February 21, 2013.

4. Applicant has applied for the proposed reconstruction of the existing boathouse with two overhead boat hoists. The proposed project consists of the removal of 14 existing wood pilings and installation of six new steel pilings; removal of a catwalk located on the east side of the pier; removal and reconstruction of the catwalk located on the west side of the pier which wraps around the edge of the boathouse; removal and reconstruction of the boathouse siding and roof; and replacement of the two boat hoists with a boat lift. The proposed project also includes the removal of nine remnant pilings and installation of an additional boat lift located landward of elevation 6223 feet, LTD, which therefore, does not encroach onto State-owned land and is not required to be part of the Lease Premises. The entire project will be constructed from the lake via barge or amphibious vehicle. Construction is to be completed no later than October 19, 2015.

5. **Lease Termination:** The staff recommends that the Commission find that the subject 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, sections 15060, subdivision (c)(3), and 15378.

6. **Two Mooring Buoys:** The staff recommends that the Commission find 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.

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7. **Pier and Boathouse Reconstructin/Modification:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

8. 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

APPROVALS OBTAINED:

Tahoe Regional Planning Agency
California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

California Regional Water Quality Control Board
U.S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject 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.

Two Mooring Buoys: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title

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14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Pier and Boathouse Reconstruction/Modification: 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 2, Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

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 February 21, 2013, of Lease No. PRC 4067.9, a Recreational Pier Lease, issued to William R. Parker and Susan D. Parker, Trustees of the Parker Family Trust dated January 21, 1997.
2. Authorize acceptance of rent in the amount of \$2,646 for the period of December 29, 2011 through February 21, 2013.
3. Authorize issuance of a General Lease – Recreational Use to Tahoe Mountain Properties, LLC, a California Limited Liability Company, beginning February 22, 2013, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys, reconstruction of the pier and boathouse, and replacement of the boat lift in the boathouse, 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 \$2,387 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 4067.1

LAND DESCRIPTION

One parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 17, Township 14 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, an existing boathouse, two existing ladders, two proposed boat lifts, a proposed wrap around catwalk, and two proposed stairs adjacent to that Parcel described in Exhibit “A” of that Grant Deed recorded December 29, 2011 as Document Number 2011-0104361 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 (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Parcel.

Accompanying plat is hereby made part of this description.

This description is based on Applicant provided design plans found in the Application for Lease of State Lands for a proposed wrap around catwalk, stairs and boat lifts, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

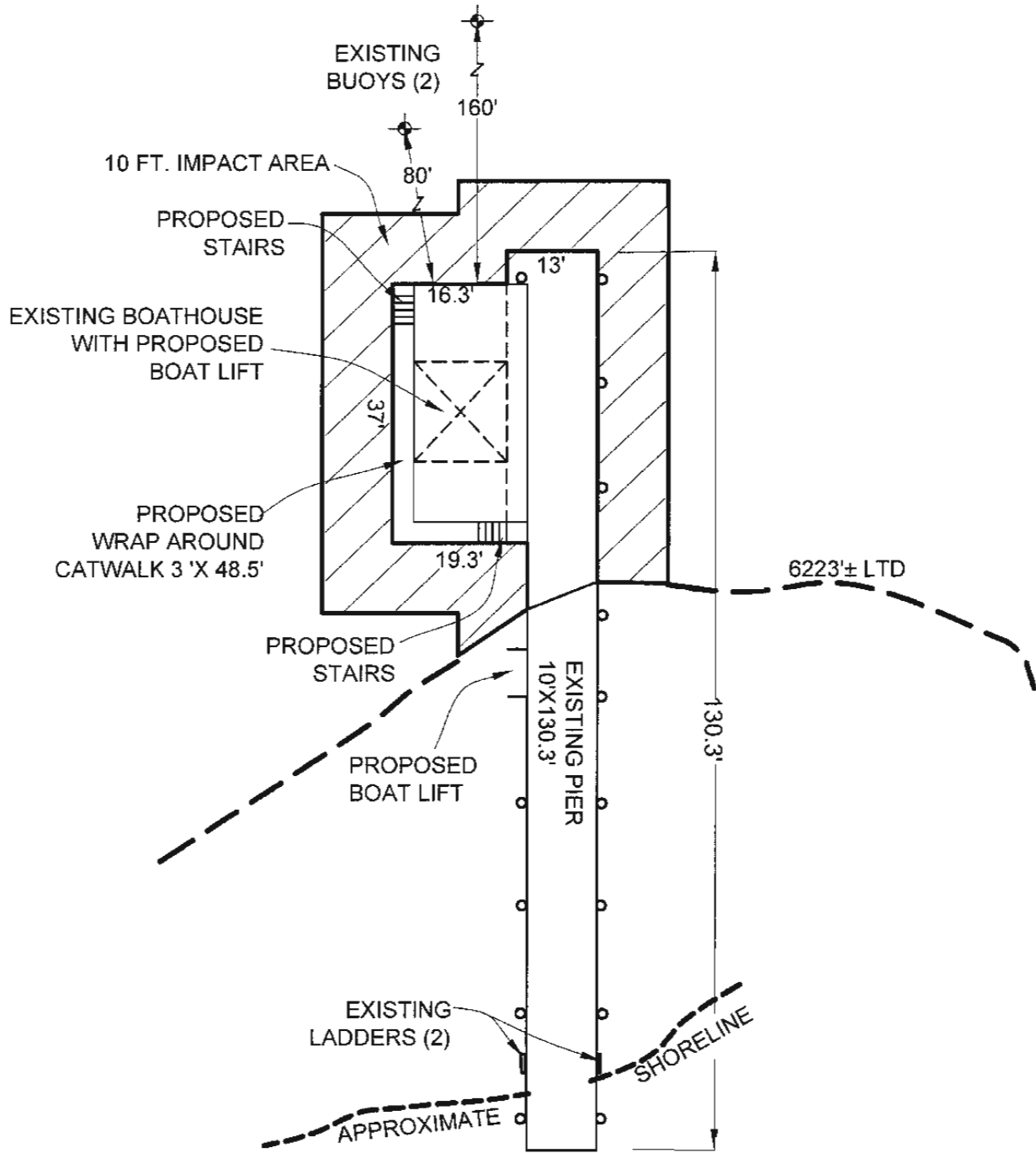
END OF DESCRIPTION

Prepared January 27, 2013 by the California State Lands Commission Boundary Unit.



L A K E

T A H O E



APN 098-200-009

EXHIBIT A

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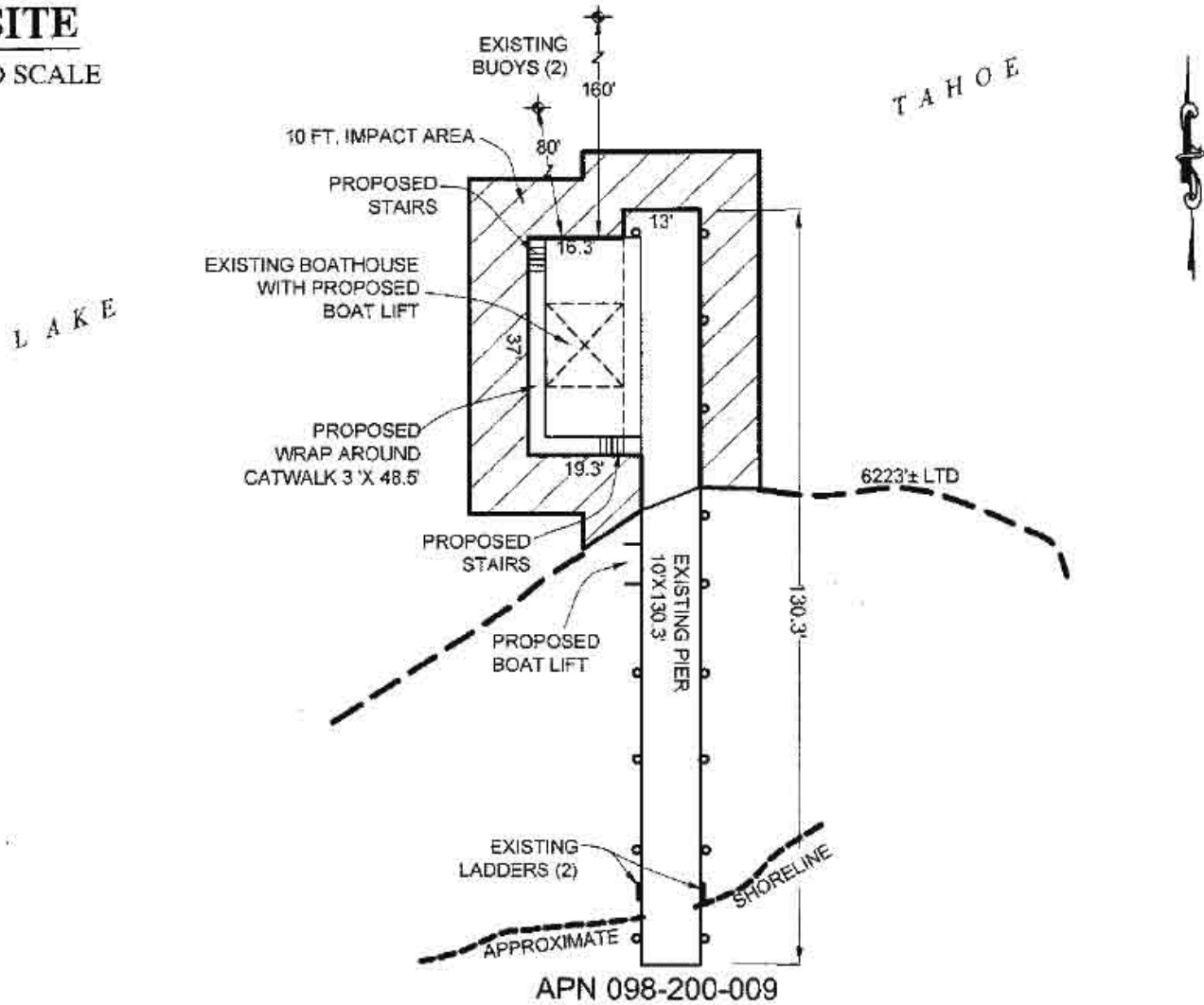
LAND DESCRIPTION PLAT
 PRC 4067.1, TAHOE MOUNTAIN PROP.
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



SITE

NO SCALE



6900 WEST LAKE BLVD., NEAR TAHOMA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4067.1
TAHOE MOUNTAIN PROPERTIES
APN 098-200-009
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MM 2/12/15

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.