

**CALENDAR ITEM  
C50**

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S 1

04/26/13  
PRC 5125.1  
S. Paschall

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Jon K. Folan and Gail L. Folan, Co-Trustees or Successor Trustees of The Folan 1991 Revocable Trust, Dated May 7, 1991.

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

Sovereign land located in Lake Tahoe, adjacent to 2570 West Lake Boulevard, near Tahoe City, Placer County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning September 1, 2012.

**CONSIDERATION:**

Annual rent of \$1,787, with the State reserving the right to fix a different rent periodically during the lease term.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

The proposed lease contains a provision requiring the Applicants 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

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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 October 1, 2002, the Commission authorized a Recreational Pier Lease with Jon K. Folan and Gail L. Folan, Co-Trustees or Successor Trustees of the Folan Family 1991 Revocable Trust, Dated May 7, 1991. That lease expired August 31, 2012. The Applicants are now applying for a new General Lease – Recreational Use.
3. The additional mooring buoy has been in Lake Tahoe for many years but was not previously authorized by the Commission. Staff recommends bringing the placement of the additional mooring buoy under lease, subject to the Applicants obtaining TRPA permit authorization.
4. 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.

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:

CALENDAR ITEM NO. **C50** (CONT'D)

**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 Jon K. Folan and Gail L. Folan, Co-Trustees or Successor Trustees of The Folan 1991 Revocable Trust, Dated May 7, 1991, beginning September 1, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy previously authorized by the Commission, and use and maintenance of one existing 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 \$1,787, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 5125.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 24, Township 15 North, Range 16 East, MDM., as shown on Official Government Township Plat approved August 3, 1927, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, one metal landing and stairs and two (2) catwalks lying adjacent to that parcel as described in that Grant Deed recorded May 6, 1999 as Document Number 99-0040465 in Official Records of said County.

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

TOGETHER WITH a ten (10) foot impact area.

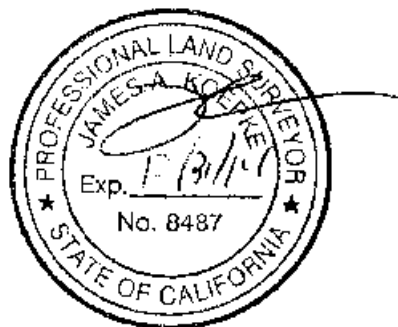
**PARCEL 2 & 3 – BUOYS**

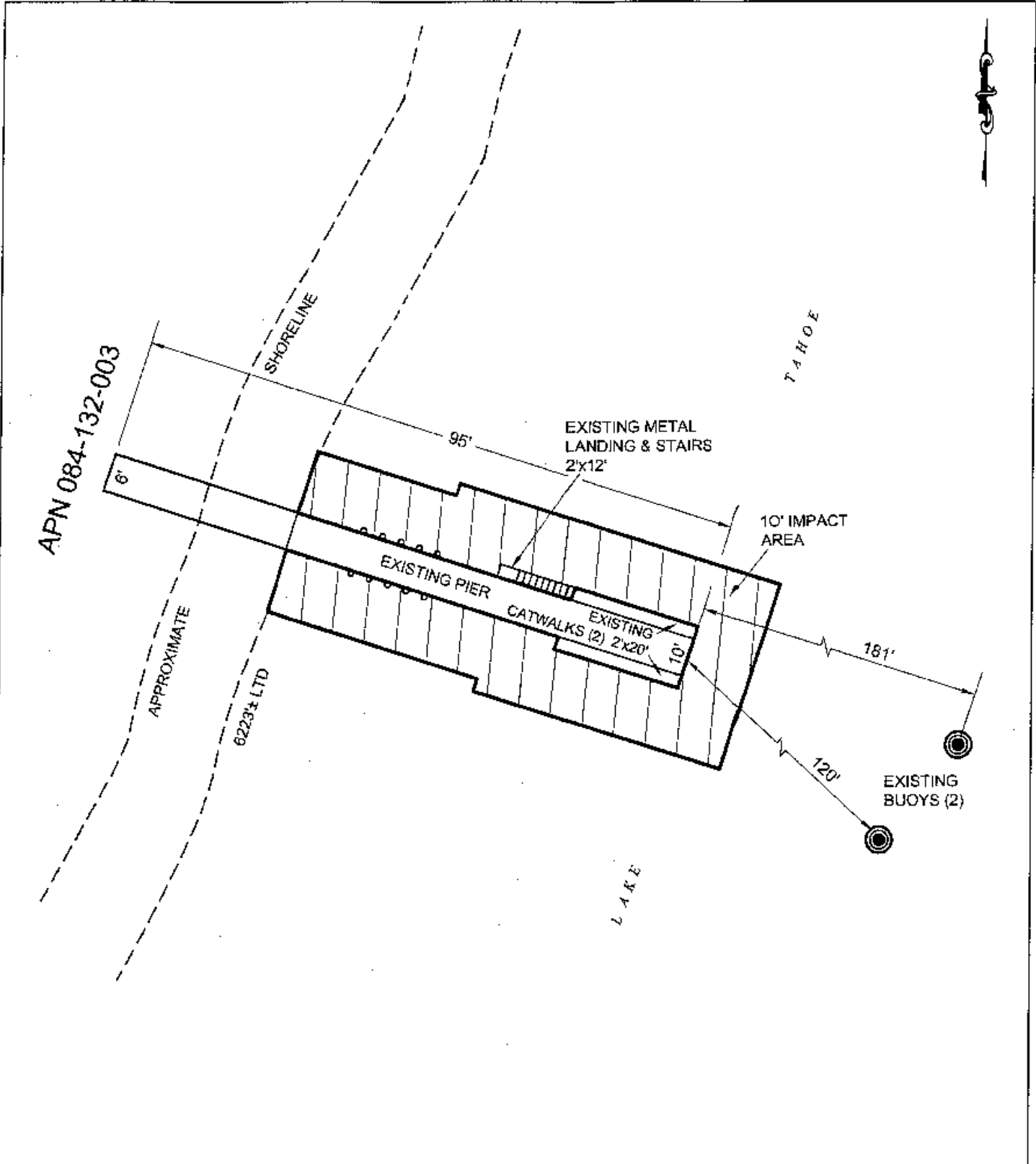
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Parcel.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared March 18, 2013 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

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LAND DESCRIPTION PLAT  
 PRC 5125.1, FOLAN TRUST  
 PLACER COUNTY

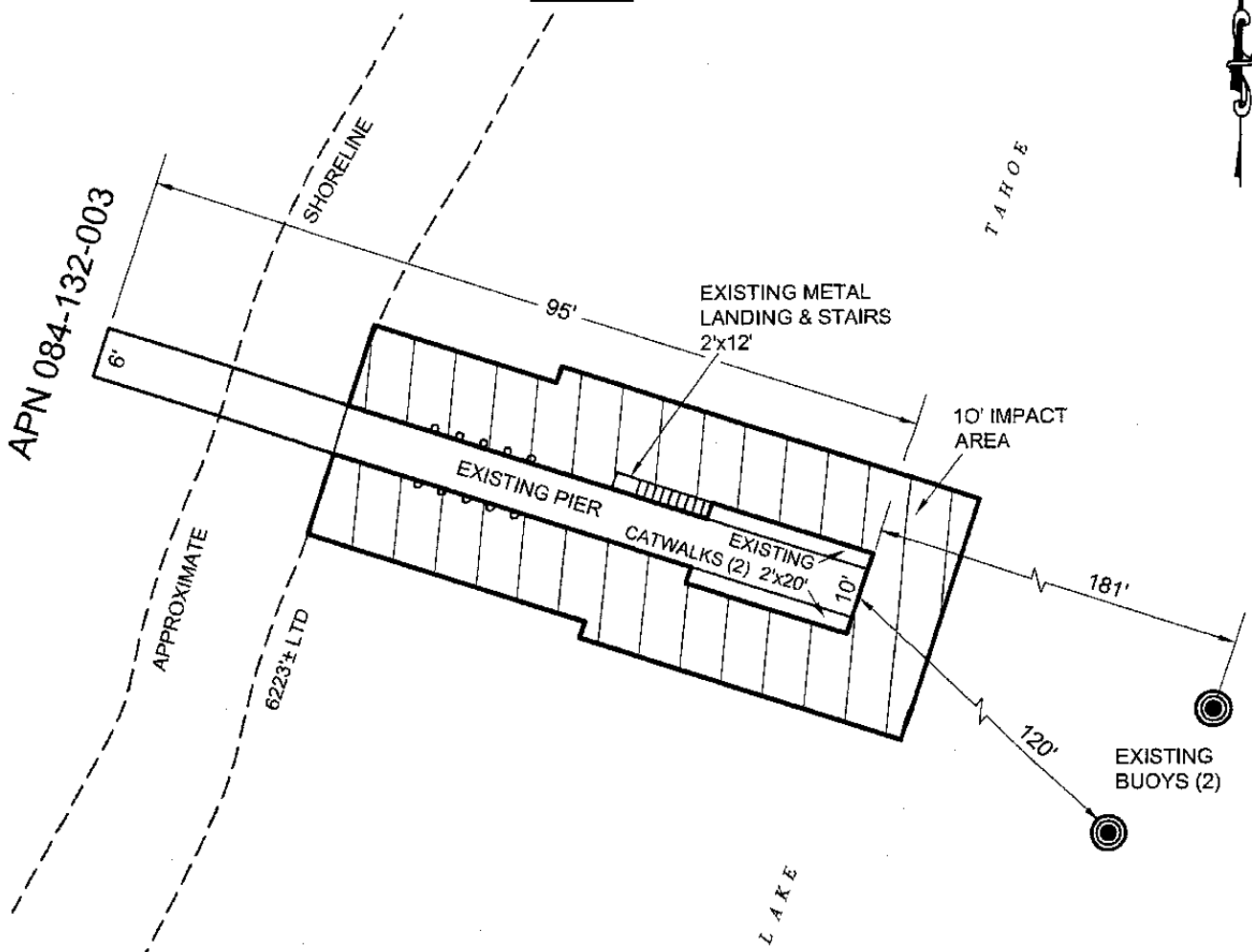
CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

### SITE

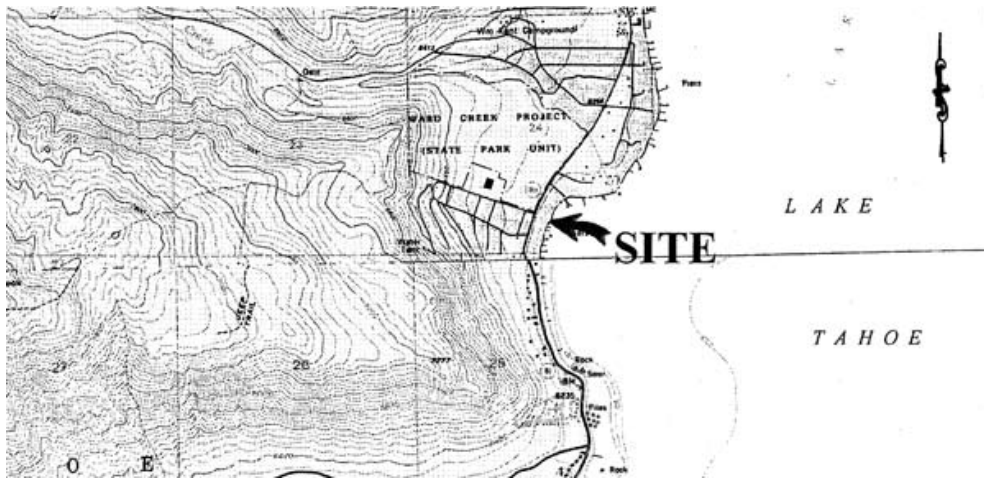
APN 084-132-003



2570 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

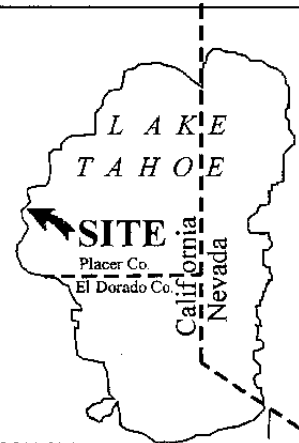
### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 5125.1  
 FOLAN TRUST  
 APN 084-132-003  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MIJ 03/18/13

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.