

**CALENDAR ITEM**

**C39**

A 1

09/20/13

W 26702

S 1

S. Paschall

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Colleen Kimball, Trustee of the Survivor's Trust of the Kimball Family Trust dated January 2, 2003, and Colleen Kimball, Trustee of the Decedent's Trust of the Kimball Family Trust dated January 2, 2003.

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

Sovereign land located in Lake Tahoe, adjacent to 6918 Pomin Avenue, near Tahoma, Placer County.

**AUTHORIZED USE:**

Use and maintenance of two existing mooring buoys not previously authorized by the Commission.

**LEASE TERM:**

3 years, 6 months, 11 days, beginning September 20, 2013 and ending March 31, 2017.

**CONSIDERATION:**

\$754 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 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

CALENDAR ITEM NO. **C39** (CONT'D)

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 parcel adjoining the lease premises.
2. The two mooring buoys have existed in Lake Tahoe for many years but were not previously authorized by the Commission. Staff recommends bringing the placement of the Applicant's existing mooring buoys under lease, subject to the Applicant obtaining TRPA permit authorization as required in the lease.
3. At the request of the Applicants, the expiration of this lease will coincide with the expiration of Lease No. PRC 5277.9, a Recreational Pier Lease authorized by the Commission on April 9, 2009. That lease, which authorized use and maintenance of a pier, continues to be rent free pursuant to Public Resources Code section 6503.5. Upon expiration, the leases will be combined under one lease.
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.

CALENDAR ITEM NO. **C39** (CONT'D)

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**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 Colleen Kimball, Trustee of the Survivor's Trust of the Kimball Family Trust dated January 2, 2003, and Colleen Kimball, Trustee of the Decedent's Trust of the Kimball Family Trust dated January 2, 2003, for a term of 3 years, 6 months, and 11 days, beginning September 20, 2013, and expiring March 31, 2017, for the use and maintenance of two existing 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; annual rent in the amount of \$754, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount of no less than \$1,000,000.

## EXHIBIT A

W 26702

### LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 8, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of Placer, State of California, and more particularly described as follows:

#### PARCELS 1 & 2 – BUOYS

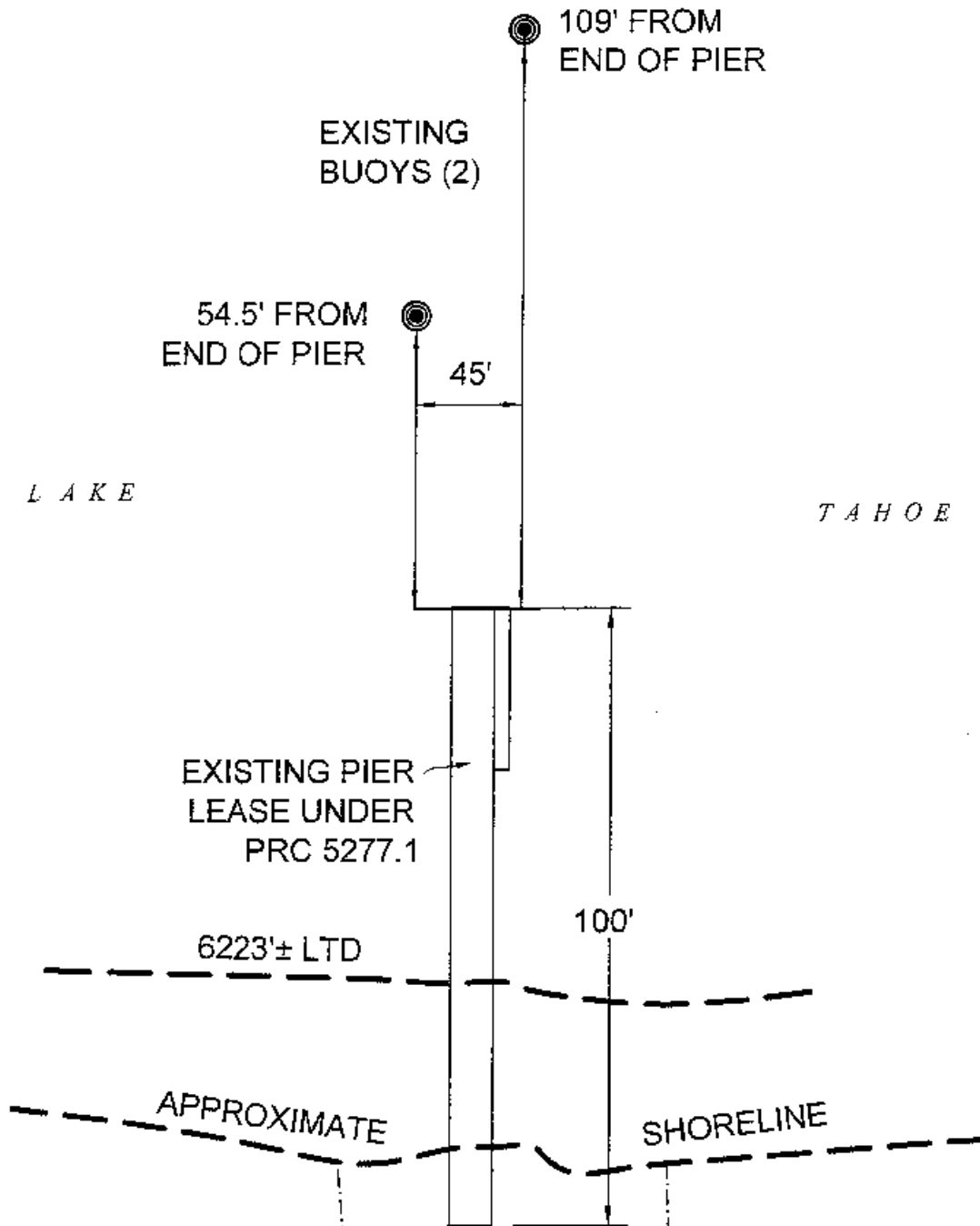
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in Exhibit "A" of that Trust Transfer Deed recorded September 30, 2005 as Document 2005-0131581 of Official Records of said County.

Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Prepared August 2, 2013 by the California State Lands Commission Boundary Unit.





APN 098-200-032

EXHIBIT A

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LAND DESCRIPTION PLAT  
W 26702, KIMBALL TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



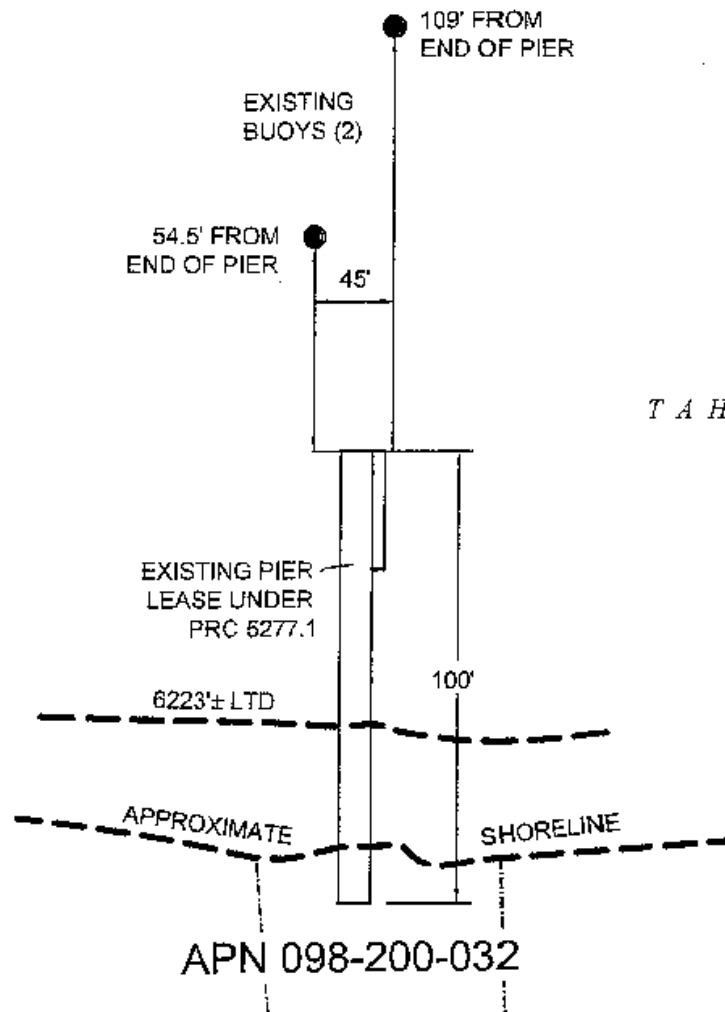
NO SCALE

## SITE



L A K E

T A H O E



6918 POMIN AVENUE, NEAR TAHOMA

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.

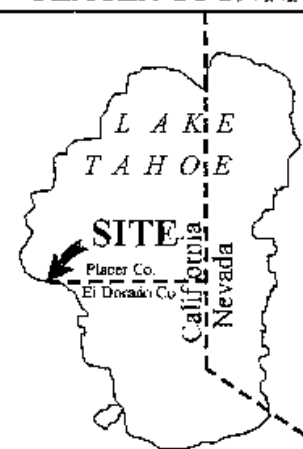
## **Exhibit B**

W26702

KIMBALL TRUST

APN 098-200-032

GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



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