

**CALENDAR ITEM
C20**

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12/02/13
PRC 4954.1
M.J. Columbus

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

LESSEES/APPLICANTS:

Ronald L. Jenny and Jane E. Jenny, Co-Trustees of The Jenny Family Trust
Dated March 4, 2002.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 5360 North Lake Boulevard,
near Carnelian Bay, Placer County.

AUTHORIZED USE:

Expansion of an existing pier, removal of an existing boat lift and installation of a
new boat lift, and continued use and maintenance of an existing 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 December 2, 2013.

CONSIDERATION:

\$1,855 per year, with the State reserving the right to fix a different rent
periodically during the term of the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. 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

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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. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.
3. Applicants acknowledge that a portion of the proposed pier will exist within the State administered Public Trust easement, which exists between the locations of the ordinary high water mark and the low water mark of Lake Tahoe. Applicants agree to allow the public to pass and re-pass around the landward end of the pier to allow access to the Public Trust easement. Applicants further agree to not block or otherwise prohibit the public from passing and re-passing across the Public Trust easement to access adjacent property subject to the Public Trust easement.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On June 28, 2010, the Commission approved a 10-year Recreational Pier Lease with Ronald L. Jenny and Jane E. Jenny, Co-Trustees of The Jenny Family Trust Dated March 4, 2002, for the continued use and maintenance of a pier, boat lift, and one existing mooring buoy. Applicants are now applying for the termination of the Recreational Pier Lease and issuance of a General Lease - Recreational Use for the proposed expansion of the existing pier, removal of the existing boat lift, installation of a new boat lift, the continued use and maintenance of the existing buoy previously authorized by the Commission, and one existing mooring buoy not previously authorized by the Commission.
3. The Applicants are proposing to extend the pier an additional 16 feet bringing it to a total length of 118 feet. The existing boat lift on the north

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side of the pier is deteriorating and will be replaced with a new low-level boat lift on the south side.

4. Proposed construction for the pier will be performed by amphibious vehicle and pile driver, portable equipment, and manual labor. Construction will take place after all required approvals have been obtained. Due to the minimal amount of lake bed disturbance, the standard limitation between October 1 and May 1 for lakebed disturbance has been waived by the California Department of Fish and Wildlife.
5. The Applicants' two existing buoys have been in Lake Tahoe for many years; however, one buoy has not been previously authorized by the Commission.
6. **Termination of Lease:** 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.

7. **Existing Pier and 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. For the existing mooring buoys and pier, the project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).
8. **Pier Modification and Proposed Boat Lift:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. For the proposed pier modification, the project is exempt under Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

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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9. 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
U.S. Army Corps of Engineers
California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

Lahontan Regional Water Quality Control Board

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Lease: 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.

Existing Pier and Two Mooring Buoys: 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).

Pier Modification and Proposed Boat Lift: 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 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

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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 1, 2013, of Lease No. PRC 4954.9, a Recreational Pier Lease, issued to Ronald L. Jenny and Jane E. Jenny, Co-Trustees of The Jenny Family Trust Dated March 4, 2002, beginning December 2, 2013.

2. Authorize issuance of a General Lease - Recreational Use to Ronald L. Jenny and Jane E. Jenny, Co-Trustees of The Jenny Family Trust Dated March 4, 2002, beginning December 2, 2013, for a term of 10 years, forexpansion of an existing pier, removal of an existing boat lift, installation of a new boat lift, the continued use and maintenance of an existing mooring buoy previously authorized by the Commission, and the 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 \$1,855 per year; 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 no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4954.1

LAND DESCRIPTION

Three parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to fractional Section 22, Township 16 North, Range 17 East, M.D.M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, described as follows:

PARCEL 1 – PIER

All those lands underlying a partially existing pier and catwalk together with those lands underlying a proposed boat lift, and proposed extension of said pier and catwalk adjacent to Parcel One as described in Grant Deed recorded December 15, 2009 as Document Number 2009-0106612 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.

The herein above described parcel one is based on the applicant submitted "Pier Plan" created by Ogilvy Consulting, dated January 25, 2013, on file in PRC 4954.1 at the Sacramento Office of the California State Lands Commission.

PARCEL 2 & 3 – BUOYS

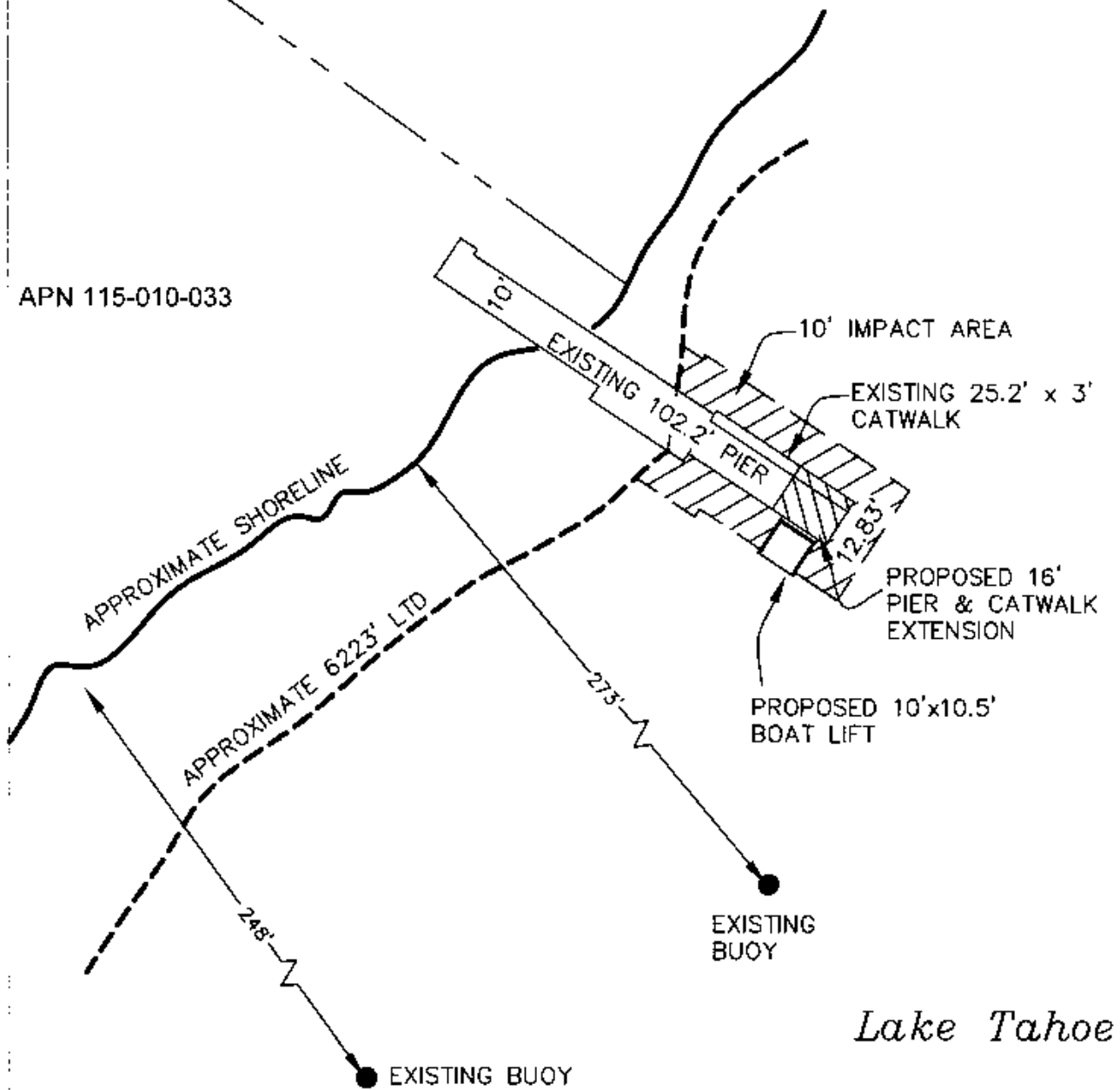
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to Parcel One as described in Grant Deed recorded December 15, 2009 as Document Number 2009-0106612 in Official Records of said County.

END OF DESCRIPTION

Prepared 10/25/2013 by the California State Lands Commission Boundary Unit.



APN 115-010-033



Lake Tahoe

EXHIBIT A

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Date 10/25/13

**LAND DESCRIPTION PLAT
PRC 4954.1, JENNY
PLACER COUNTY**

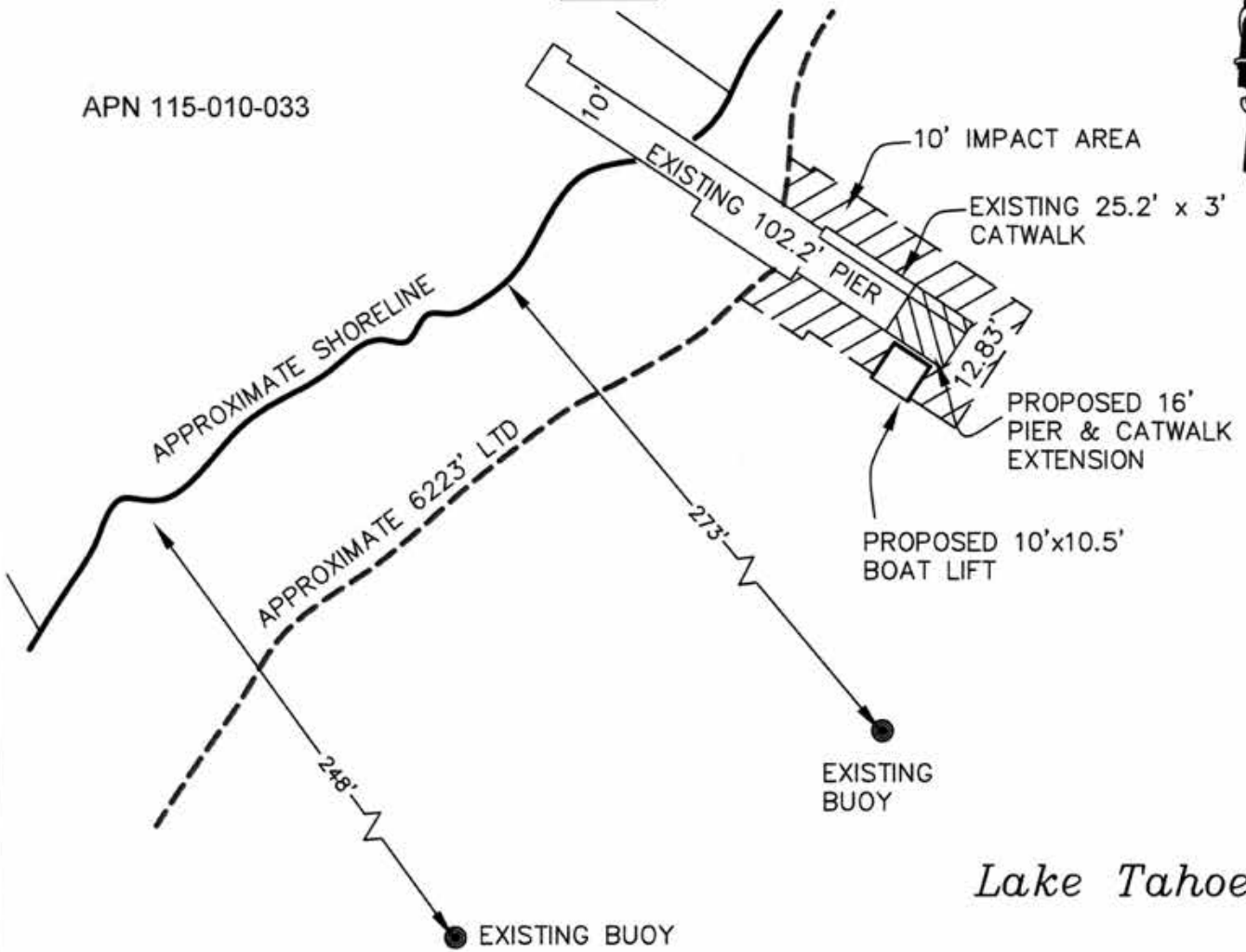
**CALIFORNIA STATE
LANDS COMMISSION**



NO SCALE

SITE

APN 115-010-033



Lake Tahoe

5360 NORTH LAKE BLVD., CARNELIAN BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4954.1
 THE JENNY FAMILY TRUST
 APN 115-010-033
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

SITE



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.