

**CALENDAR ITEM  
C25**

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S 1

02/21/14  
PRC 8508.1  
M. Schroeder

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Brian Ward and Teresinha S. Ward, as Co-Trustees of the Brian Ward and Teresinha Ward Living Trust dated May 6, 1993

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

Sovereign land in Lake Tahoe, adjacent to 3856 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning February 1, 2014.

**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:

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 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

CALENDAR ITEM NO. **C25** (CONT'D)

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.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland parcel adjoining the lease premises.
2. On February 2, 2004, the Commission authorized a 10-year Recreational Pier Lease to Brian Ward and Teresinha S. Ward. That lease expired January 31, 2014. On July 20, 2012, the upland was deeded to Brian Ward and Teresinha S. Ward, as Co-Trustees of the Brian Ward and Teresinha Ward Living Trust dated May 6, 1993. The Applicants are now applying for a General Lease – Recreational Use for the continued use and maintenance of two existing mooring buoys.
3. A pier is located adjacent to the upland parcel; however, the pier does not extend beyond elevation 6223 feet, Lake Tahoe Datum. Therefore, the pier is not required to be part of the leased facilities.
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. **C25** (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 Brian Ward and Teresinha S. Ward, as Co-Trustees of the Brian Ward and Teresinha Ward Living Trust dated May 6, 1993, beginning February 1, 2014, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys 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 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 of no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8508.1**

**LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 28, Township 16 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:

**PARCELS 1, 2 – BUOYS**

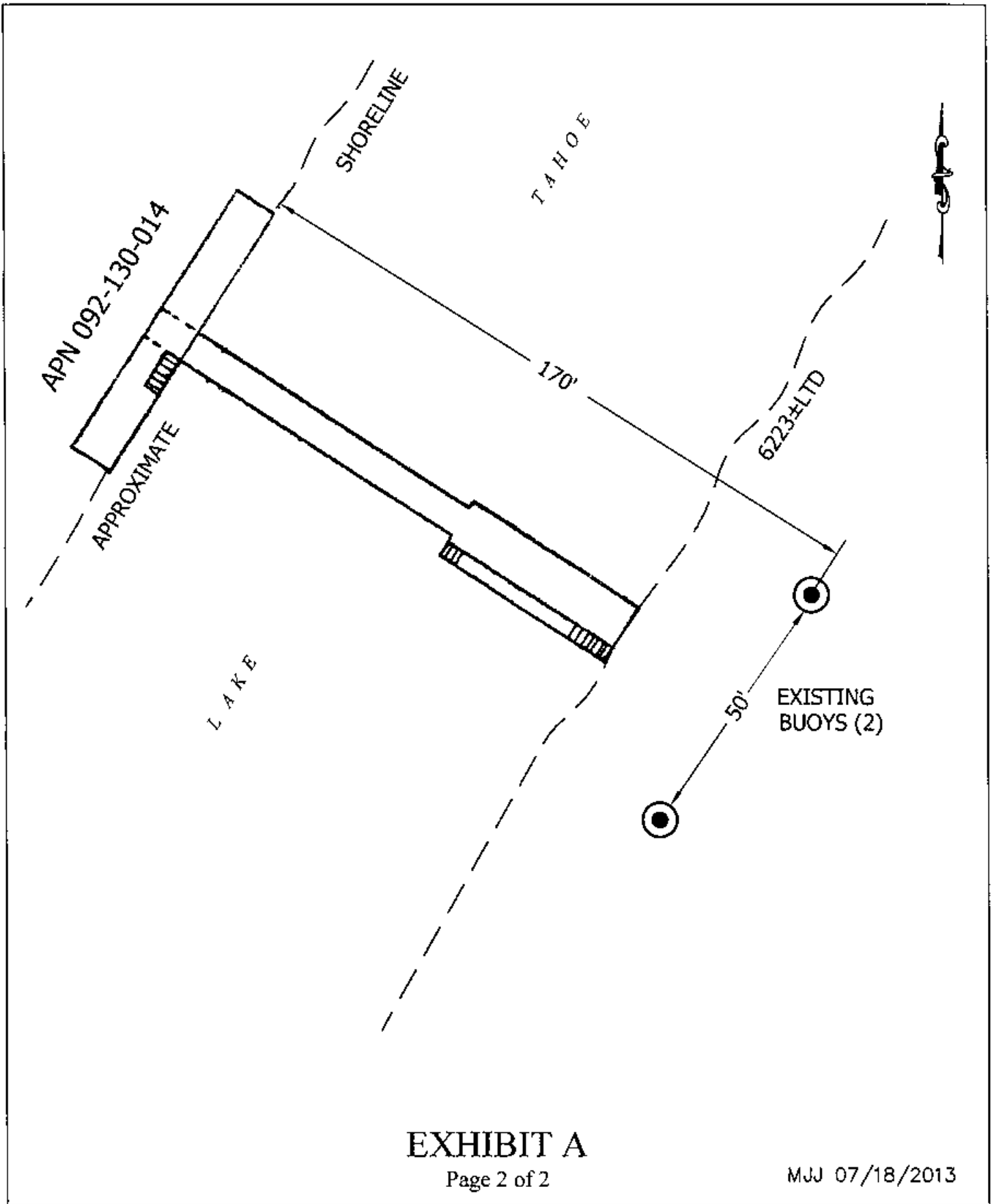
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded July 20, 2012 as Document 2012-0065002 of Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

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





LAND DESCRIPTION PLAT  
 PRC 8508.1, WARD  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

### SITE

TAHOE

SHORELINE

APN 092-130-014

APPROXIMATE

170'

6223±LTD

LAKE

50'

EXISTING BUOYS (2)

3856 NORTH LAKE BLVD., CARNELIAN BAY

NO SCALE

### LOCATION

FOREST

21

Pier

**SITE**

BAY

LAKE

TAHOE

MAP SOURCE: USGS QUAD

### **Exhibit B**

PRC 8508.1

WARD

APN 092-130-014

GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



MJJ 07/18/2013

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.