

**CALENDAR ITEM
C23**

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S 1

04/23/14
PRC 5843.1
J. Sampson

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Brock R. Settlemier and Marlene B. Settlemier, Trustees of the Brock R. Settlemier and Marlene B. Settlemier Trust Under Instrument Dated December 4, 1991, Laura Settlemier McIntyre, Juliet Grace Settlemier Ivey, Brock Reid Settlemier, Jr., and Weston James Settlemier

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 800 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning April 23, 2014.

CONSIDERATION:

\$1,553 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. The proposed lease contains a provision which requires 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 ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the ordinances. TRPA is presently

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evaluating its response. At such time as 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 EIS and ordinance issues.

3. Lessee expressly acknowledges and agrees that issuance of a Lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On December 16, 2002, the Commission authorized a 10-year General Lease – Recreational Use to West Lake Investors, A Family Trust, for the modification and relocation of an existing pier and retention of two existing mooring buoys. On October 20, 2003, the Commission authorized an amendment to the lease for the relocation of the previously approved pier and mooring buoys. On February 17, 2005, the Commission authorized an amendment of the lease for the installation of a boat lift. That lease expired on November 30, 2012. The ownership of the upland parcel subsequently transferred to the Applicants. The Applicants are now applying for a General Lease – Recreational Use.
3. 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.

4. 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. **C23** (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 Brock R. Settlemier and Marlene B. Settlemier, Trustees of the Brock R. Settlemier and Marlene B. Settlemier Trust Under Instrument Dated December 4, 1991, Laura Settlemier McIntyre, Juliet Grace Settlemier Ivey, Brock Reid Settlemier, Jr., and Weston James Settlemier beginning April 23, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys as described on Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof: annual rent in the amount of \$1,553, 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 5843.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 18, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk and boat lift lying adjacent to those parcels described in Grant Deed recorded January 12, 2012 as Document Number 2012-0002921-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCEL 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded January 12, 2012 as Document Number 2012-0002921-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 03/03/2014 by the California State Lands Commission Boundary Unit.



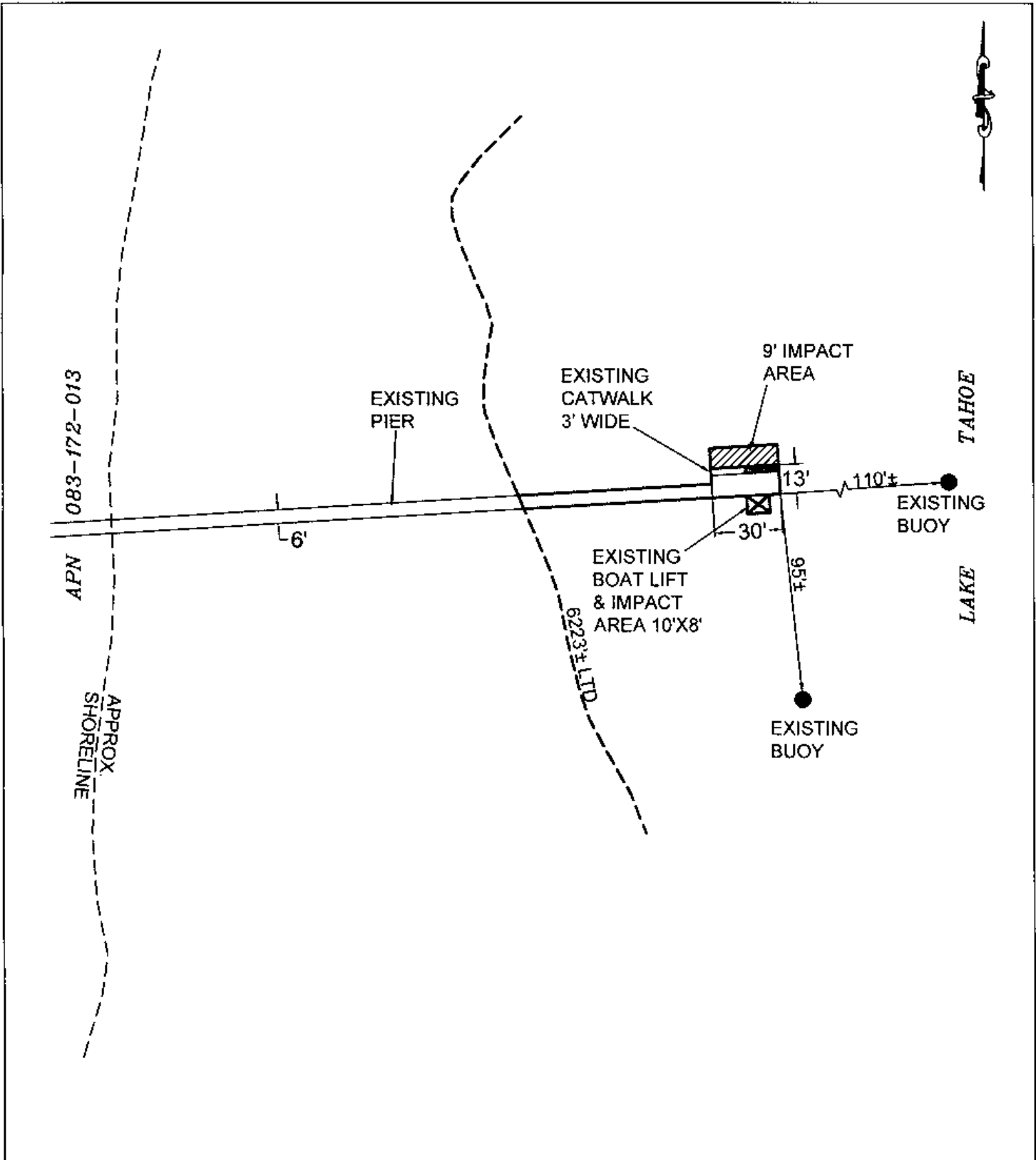
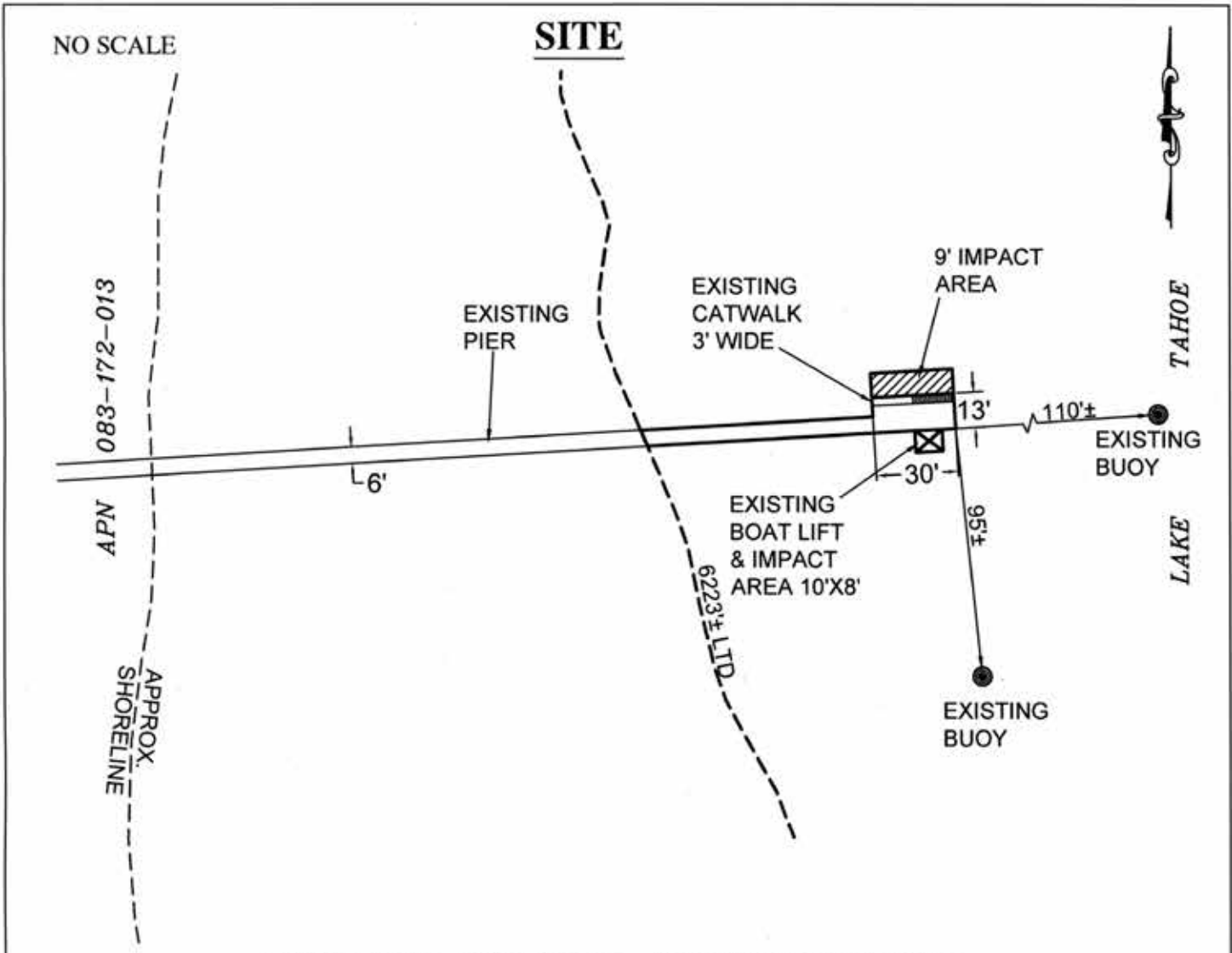


EXHIBIT A

LAND DESCRIPTION PLAT
 PRC 5843.1, SETTLEMIER
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION





800 WEST LAKE BLVD., NEAR TAHOE CITY

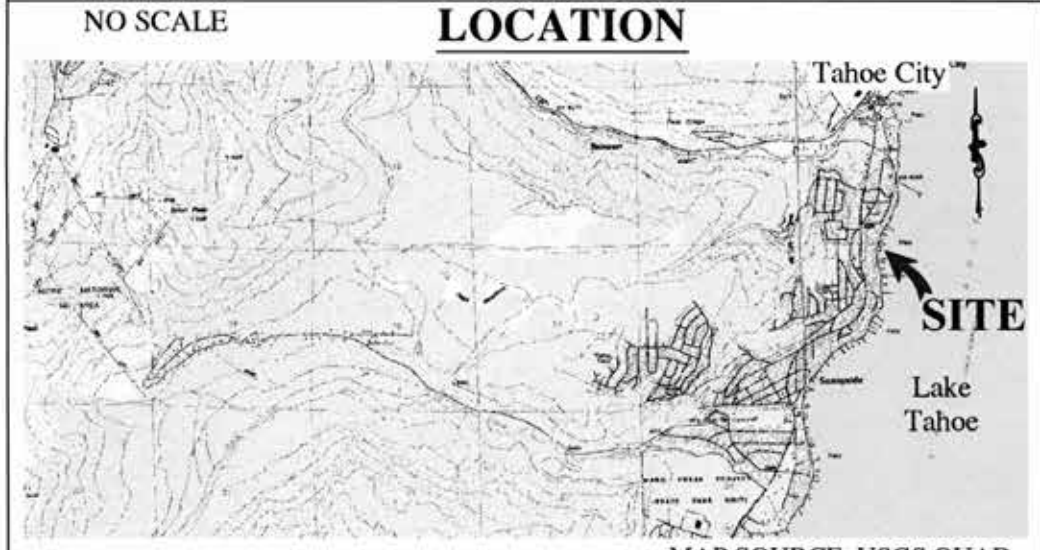


Exhibit B
 PRC 5843.1
 SETTLEMIER
 APN 083-172-013
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.