

**CALENDAR ITEM  
C32**

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S 1

04/23/14  
PRC 2724.1  
M. Schroeder

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Anneke de Weerd Shurtleff, as Trustee of the Lawton and Anneke Shurtleff Family Trust dated October 2, 1989, Survivor's Trust

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

Sovereign land in Lake Tahoe, adjacent to 241 Drum Road, near Meeks Bay, El Dorado County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning April 24, 2014.

**CONSIDERATION:**

\$1,090 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 Applicant 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

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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. Applicant owns the upland adjoining the lease premises.
2. On August 17, 2004, the Commission authorized a 10-year Recreational Pier Lease to Lawton L. Shurtleff and Anneke de Weerd Shurtleff, Trustees of the Lawton and Anneke Shurtleff Family Trust created on October 2, 1989, for an existing pier and two mooring buoys. That lease expires on April 23, 2014. Lawton L. Shurtleff passed away in April 2012. Subsequently, his interests were deeded to the Survivor's Trust for the benefit of Anneke de Weerd Shurtleff, Trustee of the Lawton and Anneke Shurtleff Family Trust dated October 2, 1989, Survivor's Trust. The Applicant is 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. **C32** (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 Anneke de Weerd Shurtleff, as Trustee of the Lawton and Anneke Shurtleff Family Trust dated October 2, 1989, Survivor's Trust beginning April 24, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier and two 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 \$1,090, 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 2724.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 20, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880 County of El Dorado, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier a steel stairway and one catwalk lying adjacent to that parcel as described in Exhibit “A” of that Grant Deed recorded April 16, 2013, Document Number 2013-0018966 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

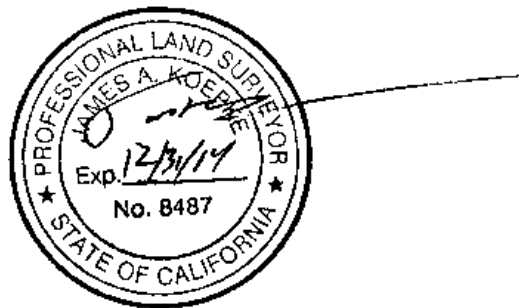
**PARCELS 2, 3 – BUOYS (2)**

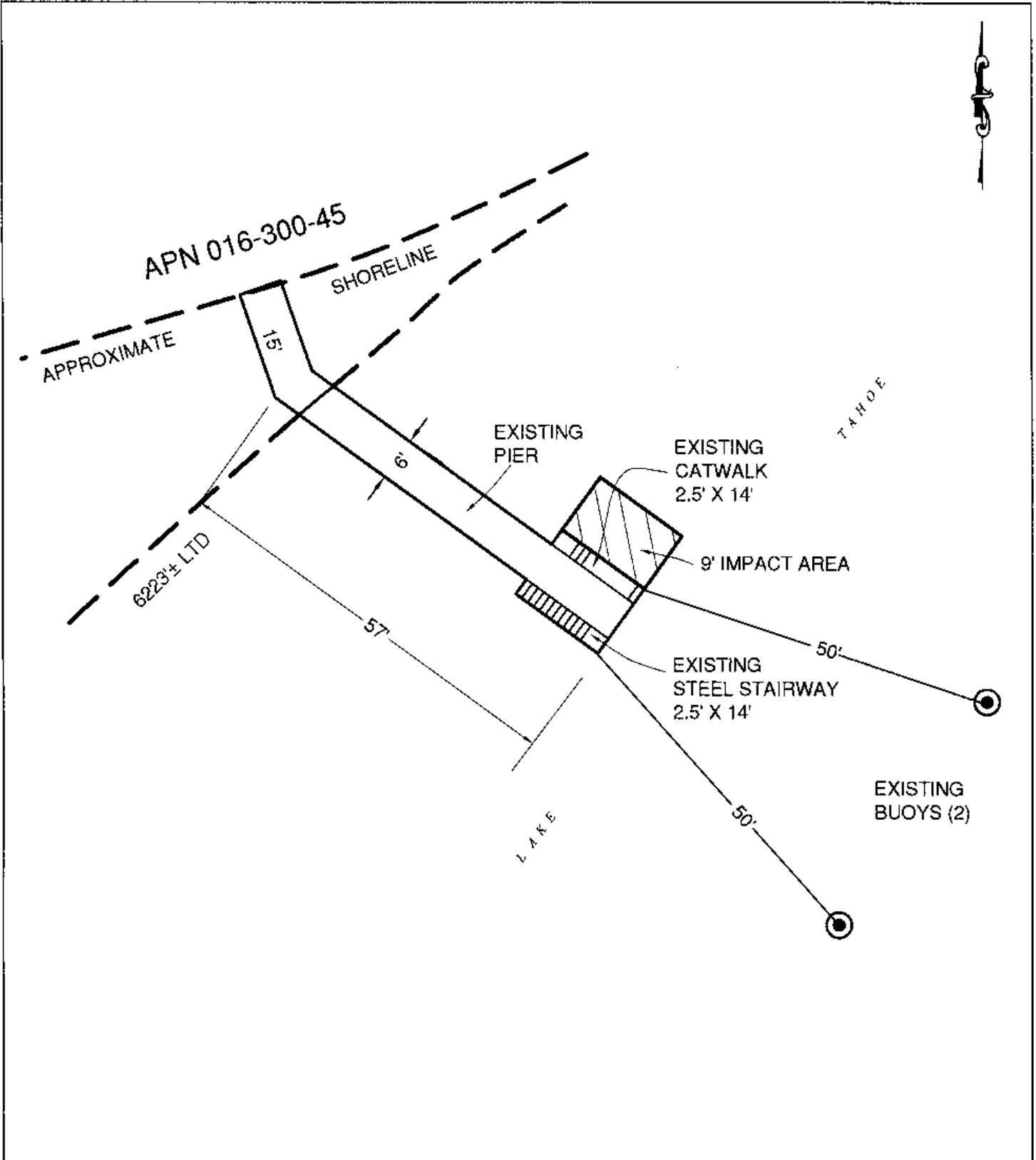
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared January 6, 2014 by The California State Lands Commission Boundary Unit.





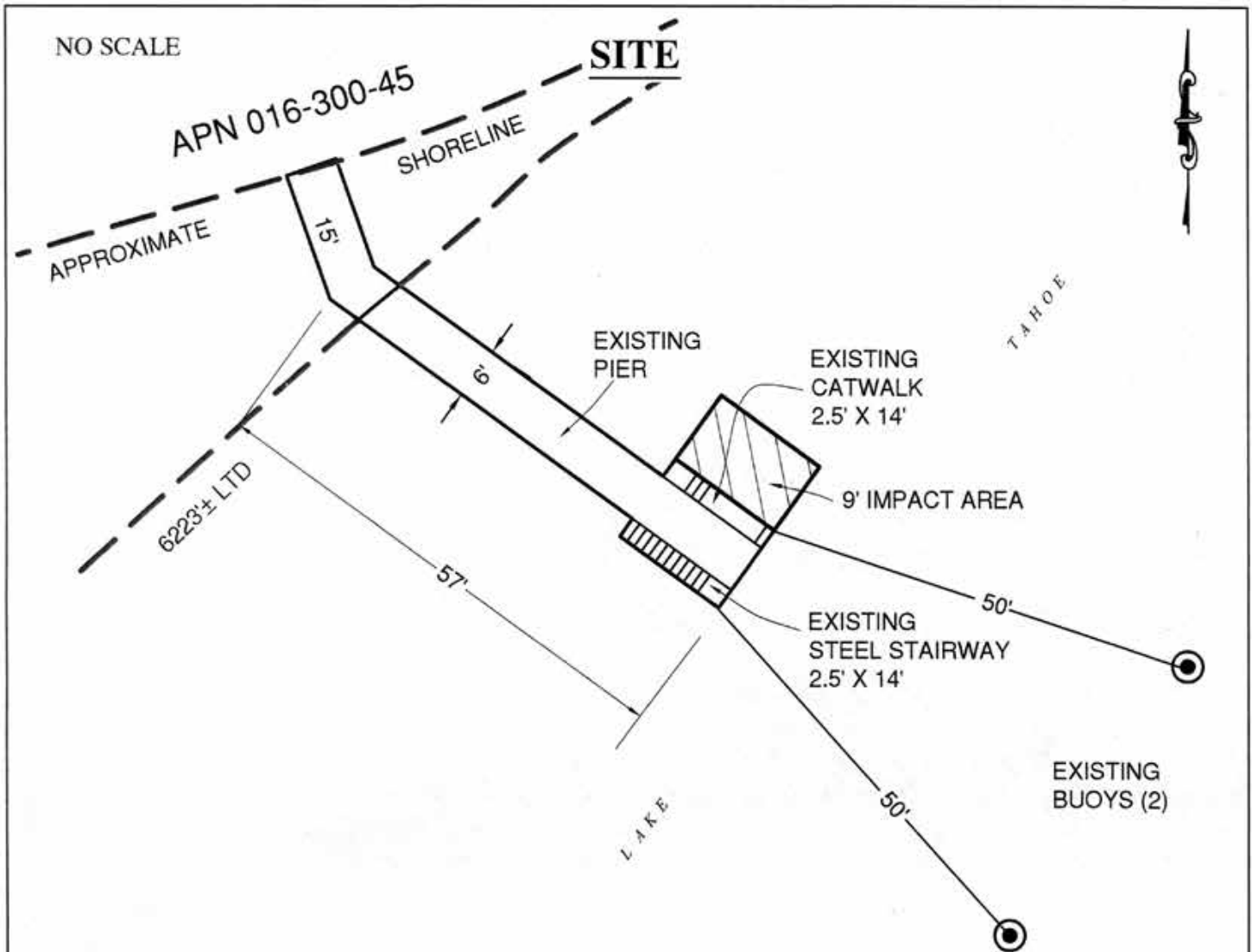
**EXHIBIT A**

MJJ 03/10/14

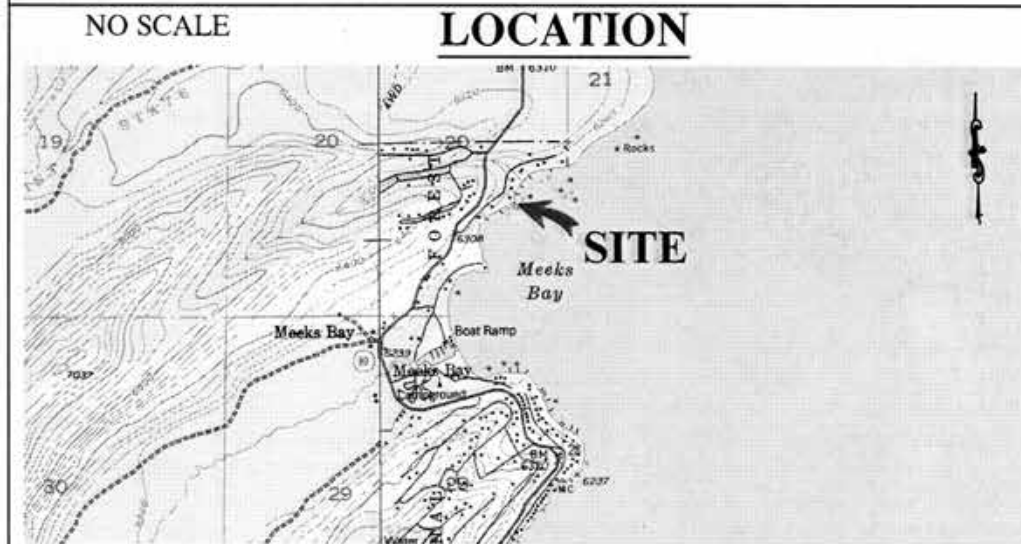
LAND DESCRIPTION PLAT  
 PRC 2724.1, SHURTLEFF FAMILY TRUST  
 EL DORADO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



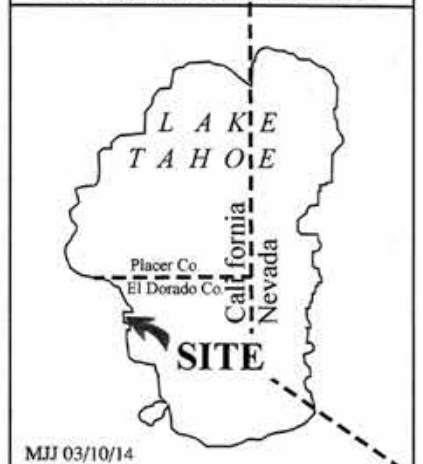


241 DRUM ROAD, MEEKS BAY



MAP SOURCE: USGS QUAD

**Exhibit B**  
 PRC 2724.1  
 SHURTLEFF FAMILY TRUST  
 APN 016-300-45  
 GENERAL LEASE -  
 RECREATIONAL USE  
 EL DORADO 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.