

**CALENDAR ITEM
C30**

A 1
S 1

06/19/14
PRC 2666.1
J. Sampson

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Steven L. Merrill, Trustee of The Steven L. Merrill Living Trust U/A/D 4/17/95, and Jacqueline Merrill, Trustee of The Jacqueline Merrill 2006 Trust under Trust Agreement dated February 17, 2006, as amended.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 2000 North Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse, two mooring buoys, and one unattached piling previously authorized by the Commission, and use and maintenance of one existing boat lift not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 1, 2013.

CONSIDERATION:

\$3,182 per year, with the State reserving the right to set a different rent periodically during the lease term.

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

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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. TRPA is presently 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 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 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 April 4, 2003, the Commission authorized a Recreational Pier Lease to Steven Merrill and Jacqueline Merrill. That lease expired January 31, 2013. The upland property has since been deeded to the Applicants who are now applying for a new General Lease – Recreational Use.
3. The Applicants' boat lift has been in Lake Tahoe for many years but was not previously authorized by the Commission. Staff recommends including the boat lift as an authorized improvement in the proposed 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

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

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 Steven L. Merrill, Trustee of The Steven L. Merrill Living Trust U/A/D 4/17/95, and Jacqueline Merrill, Trustee of The Jacqueline Merrill 2006 Trust under Trust Agreement dated February 17, 2006, as amended, beginning February 1, 2013, for a term of 10 years, for use and maintenance of an existing pier, boathouse, two mooring buoys, and one unattached piling previously authorized by the Commission, and use and maintenance of one existing boat lift 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 \$3,182, 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 2666.1

LAND DESCRIPTION

Four parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 5, 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, boathouse, boat lift and catwalks lying adjacent to that Parcel One described in Exhibit "A" of Grant Deed recorded July 16, 2009 as Document Number 2009-0062382-00 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.

PARCELS 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to said Parcel One described in Exhibit "A".

PARCEL 4 – UNATTACHED PILING

A circular parcel of land underlying an existing unattached piling, lying adjacent to said Parcel One described in Exhibit "A".

TOGETHER WITH any applicable Impact Area(s).

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/31/2014 by the California
State Lands Commission Boundary Unit.



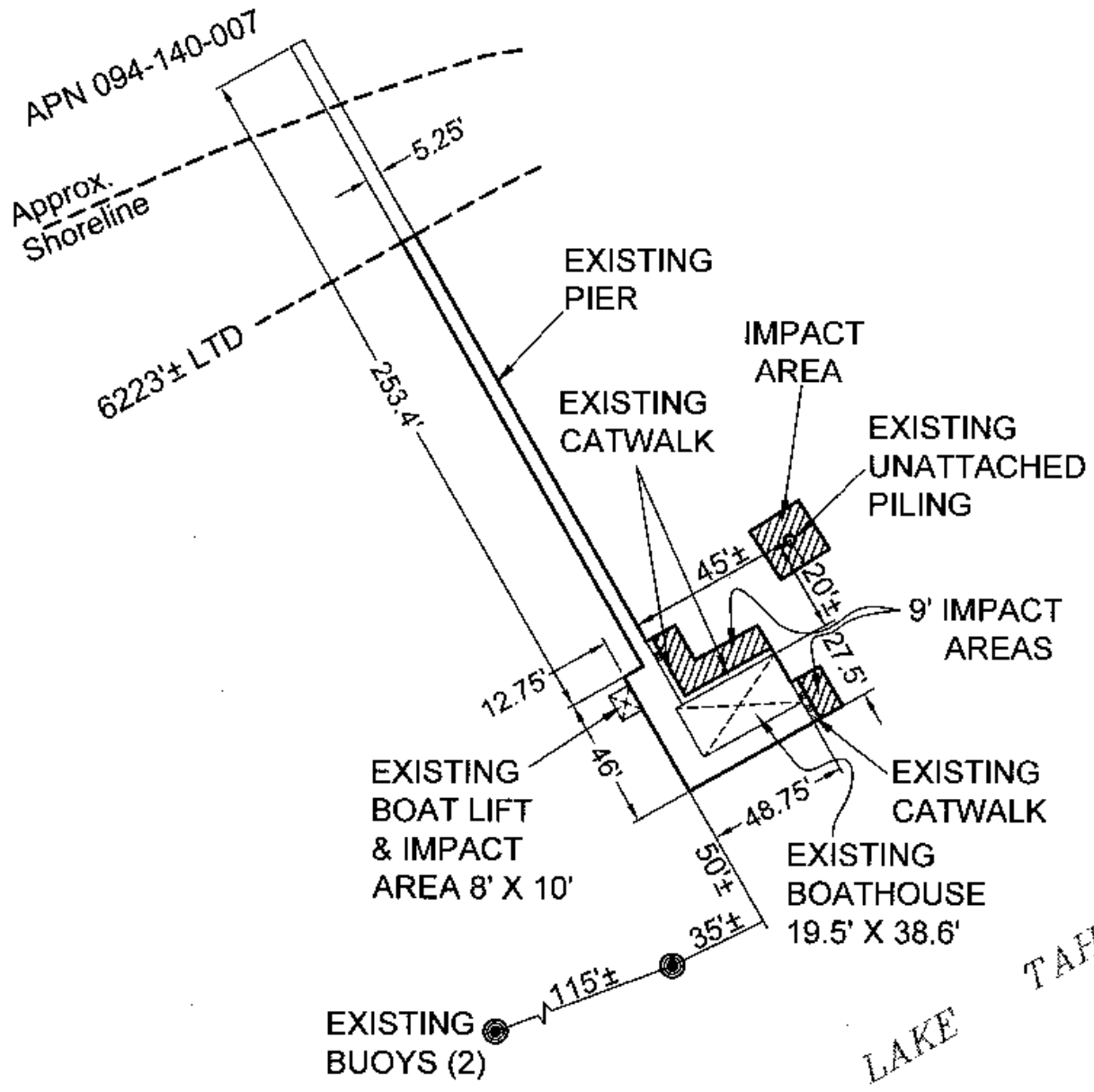


EXHIBIT A

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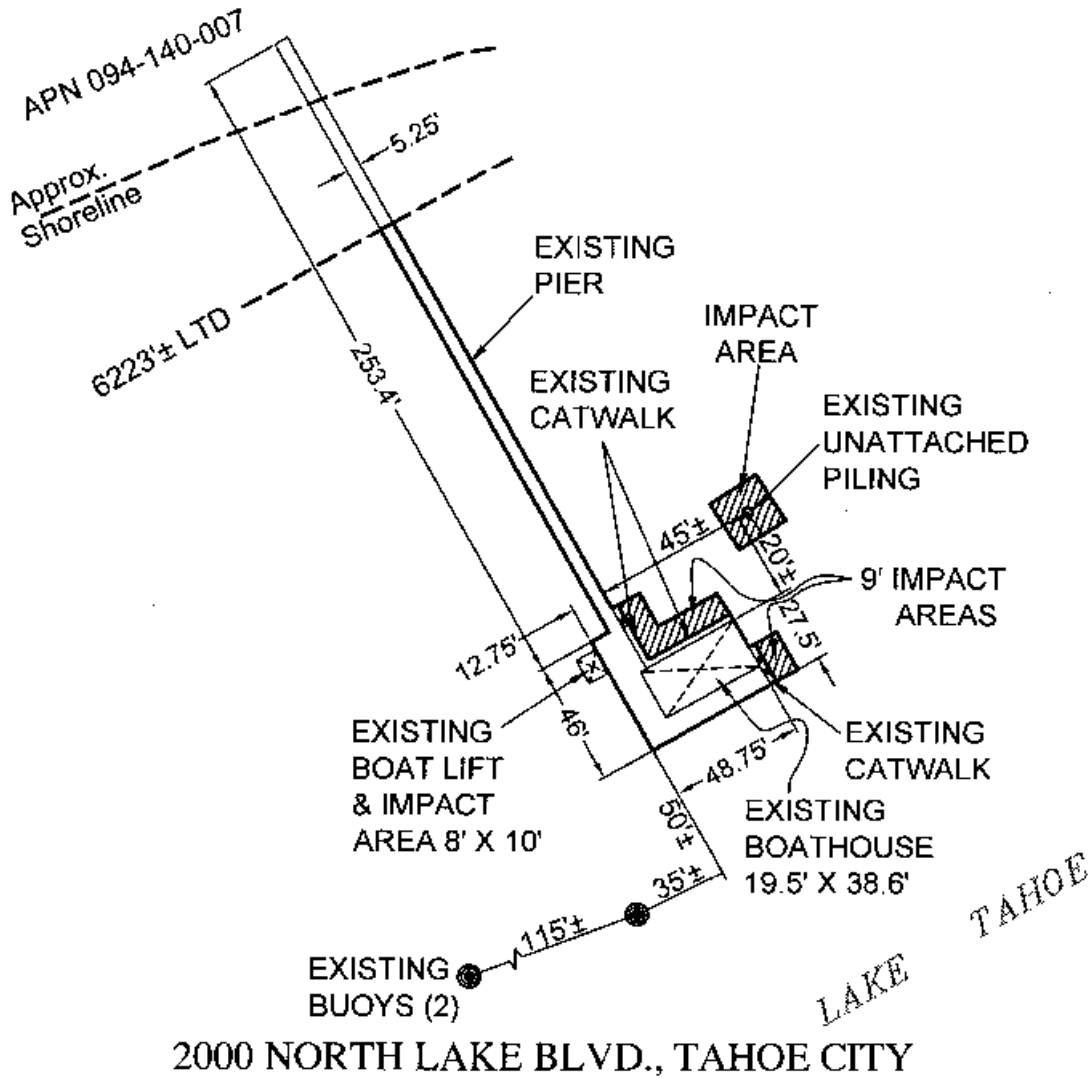
LAND DESCRIPTION PLAT
 PRC 2666.1, MERRILL TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



NO SCALE

LOCATION

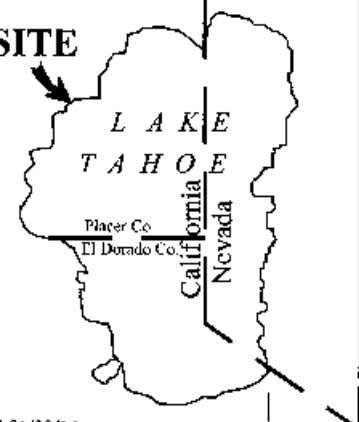


MAP SOURCE: USGS QUAD

Exhibit B

PRC 2666.1
 MERRILL TRUST
 APN 094-140-007
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

SITE



TS 01/30/14

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.