

**CALENDAR ITEM  
C34**

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S 1

06/19/14  
PRC 8515.1  
J. Sampson

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Lowell W. Lash and Terry L. Lash

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

Sovereign land in Lake Tahoe, adjacent to 1740 North Lake Boulevard, Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys previously authorized by the Commission and use and maintenance of an existing freshwater intake pipeline not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning April 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 which requires 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 a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the US District Court

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invalidated the FEIS and nullified the ordinances. 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 EIS and 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.
3. The lease contains a provision requiring the removal of the freshwater intake pipeline if it becomes unserviceable or in disrepair at any time during the lease term.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On April 5, 2004, the Commission authorized a 10-year Recreational Pier Lease to Lowell W. Lash and Terry L. Lash, for the continued use and maintenance of two mooring buoys. That lease expired on March 31, 2014. The Applicants are now applying for a General Lease – Recreational Use.
3. The existing freshwater intake pipeline has been in Lake Tahoe for many years but was not previously authorized by the Commission. Staff recommends bringing the pipeline under 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.

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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.

**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 Lowell W. Lash and Terry L. Lash beginning April 1, 2014, for a term of 10 years, for the continued use and maintenance of two existing buoys previously authorized by the Commission and use and maintenance of an existing freshwater intake pipeline not previously authorized by the Commission 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 \$754, 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 8515.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 fractional Section 5, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866 County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – WATER INTAKE LINE**

All those lands underlying an existing water intake line adjacent to that parcel described in Exhibit "A" in that Grant Deed recorded March 20, 1992 as Document Number 1992-022137 of Official Records of said County.

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

**PARCELS 2 & 3 – BUOYS**

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing mooring buoys lying adjacent to that parcel described in Exhibit "A" in that Grant Deed recorded March 20, 1992 as Document Number 1992-022137 of Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared April 21, 2014 by The California State Lands Commission Boundary Unit.



PUMP HOUSE

APN 094-160-012

APPROXIMATE SHORELINE

EXISTING  
WATER INTAKE LINE  
140'

6223± LTD

486'

600'

TAHOE

LAKE

EXISTING  
BUOYS (2)

### EXHIBIT A

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MJJ 04/18/2014

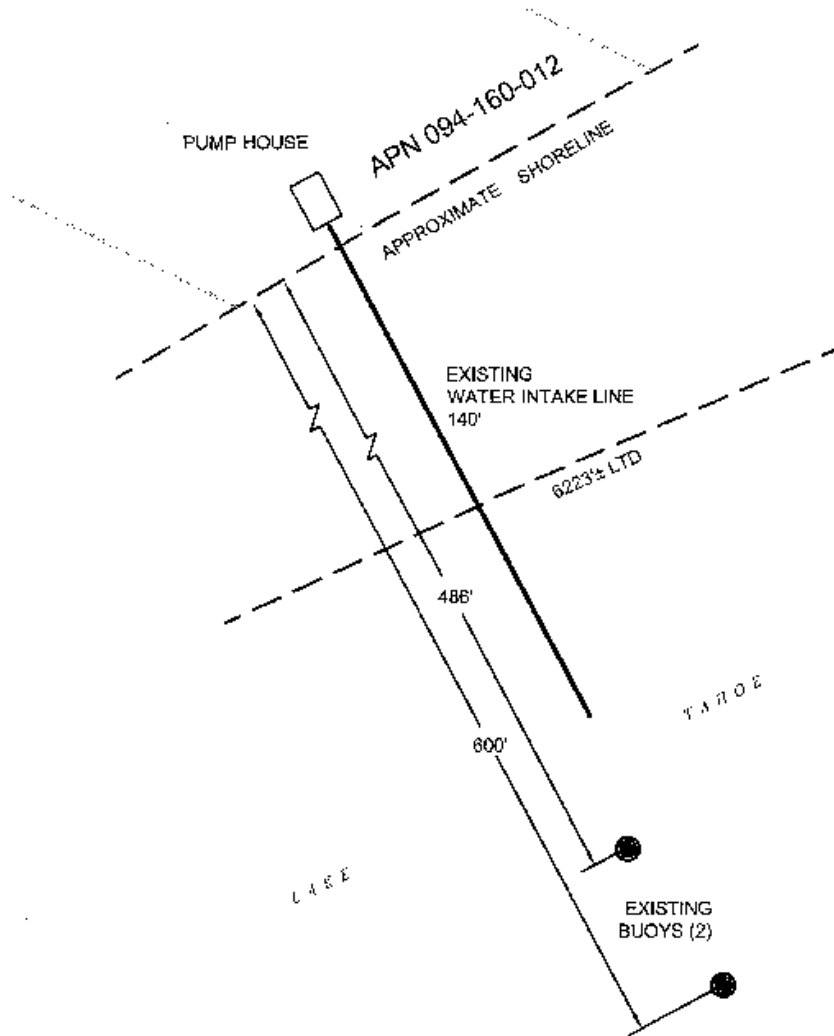
LAND DESCRIPTION PLAT  
PRC 8515.1, LASH TRUSTEE  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

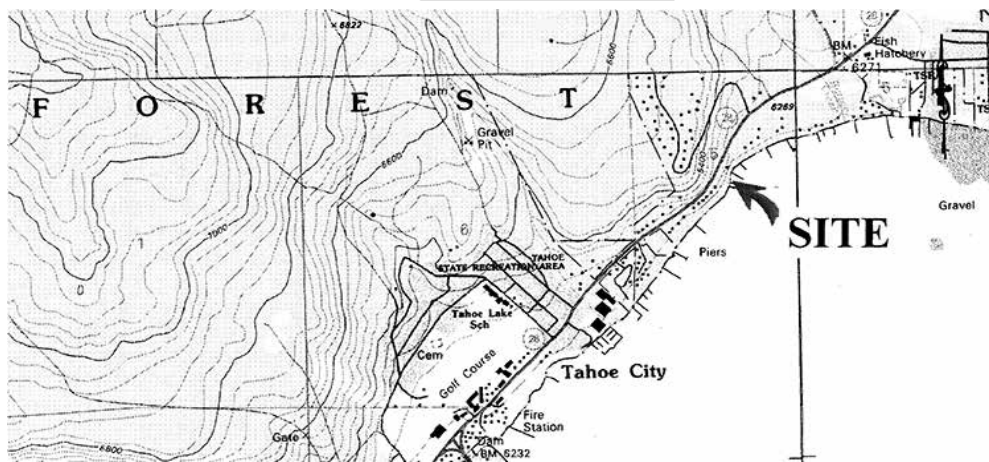
# SITE



1740 NORTH LAKE BLVD., NEAR TAHOE CITY

NO SCALE

# LOCATION

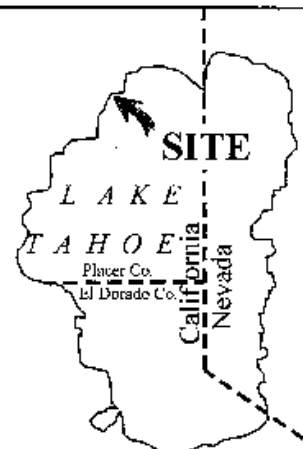


MAP SOURCE: USGS QUAD

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.

# Exhibit B

PRC 8515.1  
LASH TRUSTEE  
APN 094-160-012  
GENERAL LEASE -  
PLACER COUNTY



MJ 04/16/14