

**CALENDAR ITEM  
C40**

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06/19/14  
PRC 7984.9  
M. Schroeder

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Michael P. Walsh, Trustee of John L. Stevenson Beneficiaries' Trust U/W dated March 30, 1993

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

Sovereign land in Lake Tahoe, adjacent to 5890 North Lake Boulevard, near Agate Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and one mooring buoy previously authorized by the Commission; and the use and maintenance of one existing mooring buoy not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning June 19, 2014.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**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 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

CALENDAR ITEM NO. C40 (CONT'D)

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 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 26, 1997, the Commission authorized a 10-year Recreational Pier Lease to the estate of John L. Stevenson, c/o Michael P. Walsh, Executor, Stevenson Properties, for the retention and repair of an existing pier and retention of one existing mooring buoy. That lease expired on August 31, 2007. The Applicant is now applying for a General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective on January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5, which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
  - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to the enacted changes to section 6503.5 of the Public Resources Code for the term of this lease.

CALENDAR ITEM NO. **C40** (CONT'D)

4. The Applicant's mooring buoys have been in Lake Tahoe for many years but one buoy was not previously authorized by the Commission. Staff recommends bringing the placement of the Applicant's additional mooring buoy under lease, subject to the Applicant obtaining TRPA permit authorization as required in the lease.
5. 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.

6. 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.

CALENDAR ITEM NO. **C40** (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to Michael P. Walsh, Trustee of John L. Stevenson Beneficiaries' Trust U/W dated March 30, 1993, beginning on June 19, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy previously authorized by the Commission, and use and maintenance of one existing mooring buoy 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; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 7984.9**

**LAND DESCRIPTION**

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 15, 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:

**PARCEL 1 – PIER**

All those lands underlying an existing pier lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded August 17, 2006, Document Number 2006-0087930 in Official Records of said County.

ALSO 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.

**PARCEL 2, 3 – BUOYS (2)**

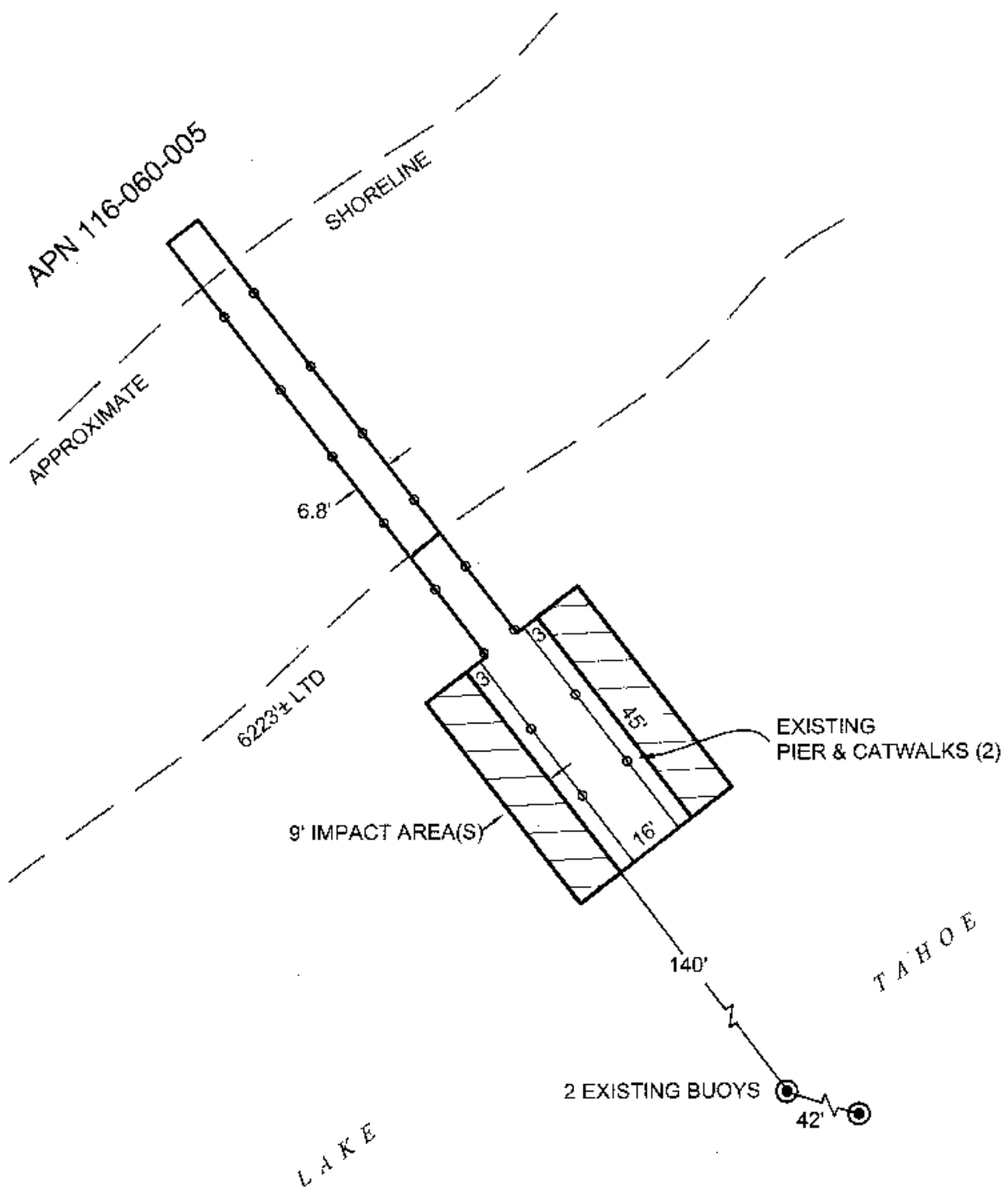
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in that Grant Deed.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared March 17, 2014 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

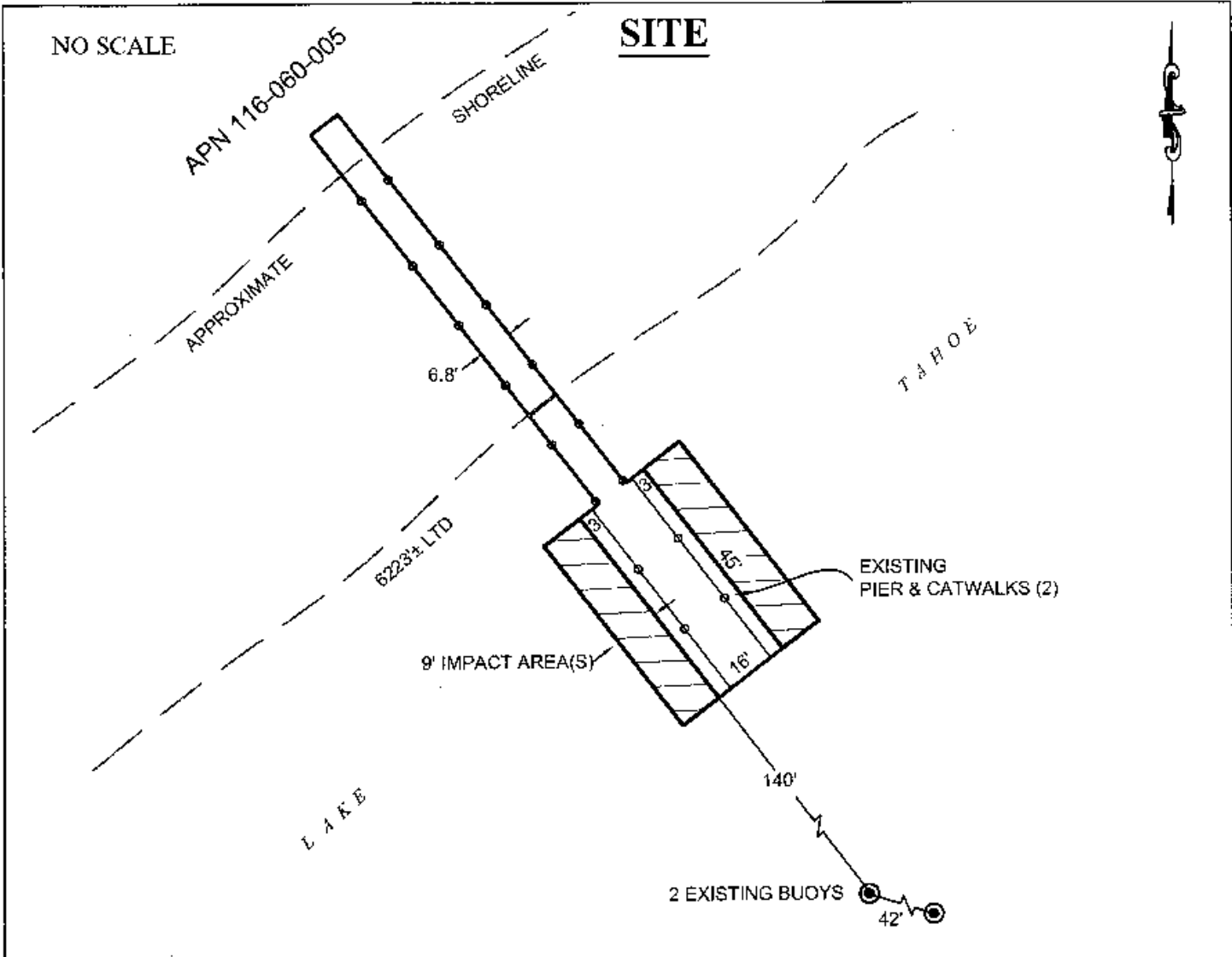
Page 2 of 2

MJJ 03/17/2014

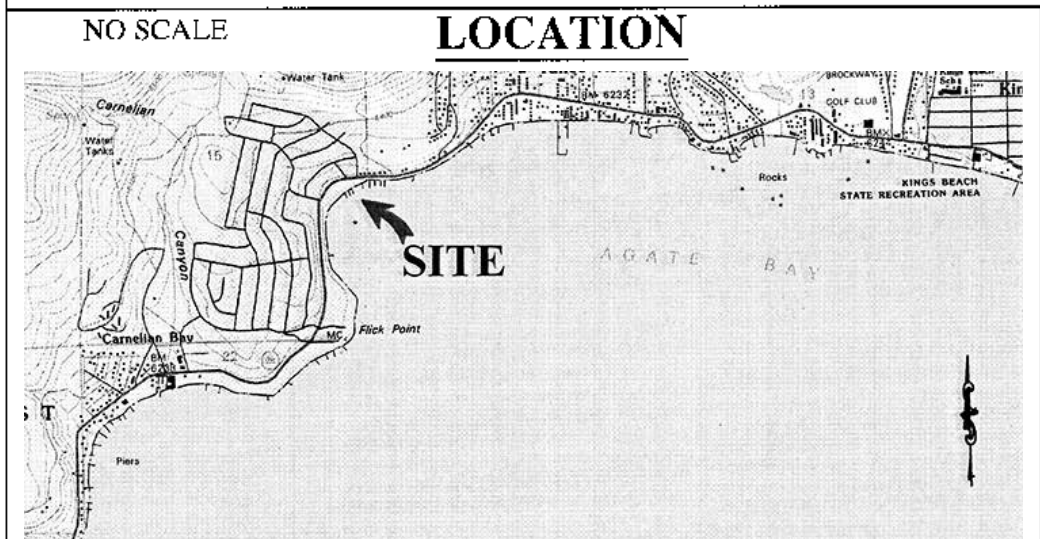
LAND DESCRIPTION PLAT  
 PRC 7984.9, STEVENSON TRUST  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION





5890 NORTH LAKE BLVD., NEAR AGATE BAY



MAP SOURCE: USGS QUAD

**Exhibit B**

PRC 7984.9

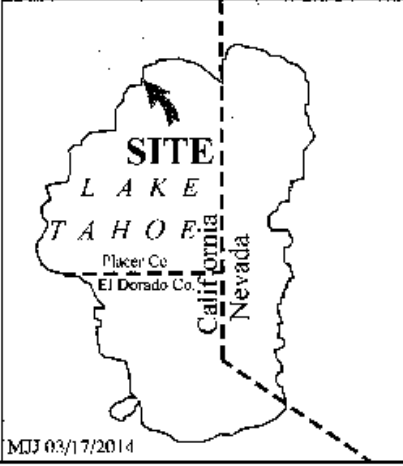
STEVENSON TRUST

APN 116-060-005

GENERAL LEASE -

RECREATIONAL USE

PLACER COUNTY



MMJ 03/17/2014

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.