

**CALENDAR ITEM
C41**

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06/19/14
PRC 5611.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Loren A. Jensen and Melissah A. Jensen, or Their Successor(s), as Trustees of the Loren and Melissah Jensen 2013 Family Trust, dated March 6, 2013; Doris A. Jensen, Trustee of the Elbert A. Jensen Bypass Trust; Birney Alan Jensen, Alice Winifred Croft, Janice Lee Jensen, Wayne Anders Jensen, Warren Boomer Jensen, and Marna June Javete; and Ronald A. Ubaldi and Esther Ubaldi, Trustees of the Ubaldi Living Trust dated July 19, 1993, and Restated August 7, 2008

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number (APN) 083-195-013, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of one existing mooring buoy.

LEASE TERM:

10 years, beginning June 19, 2014.

CONSIDERATION:

\$377 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 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

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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 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. Applicants jointly own the upland parcel adjoining the lease premises.
2. On September 19, 2000, the Commission authorized a 10-year Recreational Pier Lease to Elbert A. Jensen and Doris A. Jensen; and Robert E. Bernard, Trustee of the Bernard Family Trust dated June 19, 1995, for one existing mooring buoy. That lease expired on December 19, 2008. Subsequently, the ownership of the upland parcel was deeded to the Applicants. The Applicants are now applying for a General Lease – Recreational Use.
3. A pier is located adjacent to the upland parcel; however, the pier does not extend beyond elevation 6223 feet, Lake Tahoe Datum and therefore does not require a lease as it does not encroach onto State sovereign land.
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.

CALENDAR ITEM NO. **C41** (CONT'D)

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 Loren A. Jensen and Melissah A. Jensen, or Their Successor(s), as Trustees of the Loren and Melissah Jensen 2013 Family Trust, dated March 6, 2013; Doris A. Jensen, Trustee of the Elbert A. Jensen Bypass Trust; Birney Alan Jensen, Alice Winifred Croft, Janice Lee Jensen, Wayne Anders Jensen, Warren Boomer Jensen, and Marna June Javete; and Ronald A. Ubaldi and Esther Ubaldi, Trustees of the Ubaldi Living Trust dated July 19, 1993, and restated August 7, 2008, beginning June 19, 2014, for a term of 10 years, for the continued use and maintenance of an existing mooring buoy 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 \$377, 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 5611.1

LAND DESCRIPTION

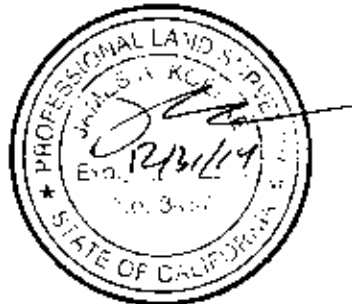
A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 18, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to those parcels described in Grant Deed recorded February 18, 2011 as Document Number 2011-0014147-00 and Trust Transfer Deed recorded March 12, 2013 as Document Number 2013-0023793-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/31/2013 by the California State Lands Commission Boundary Unit.



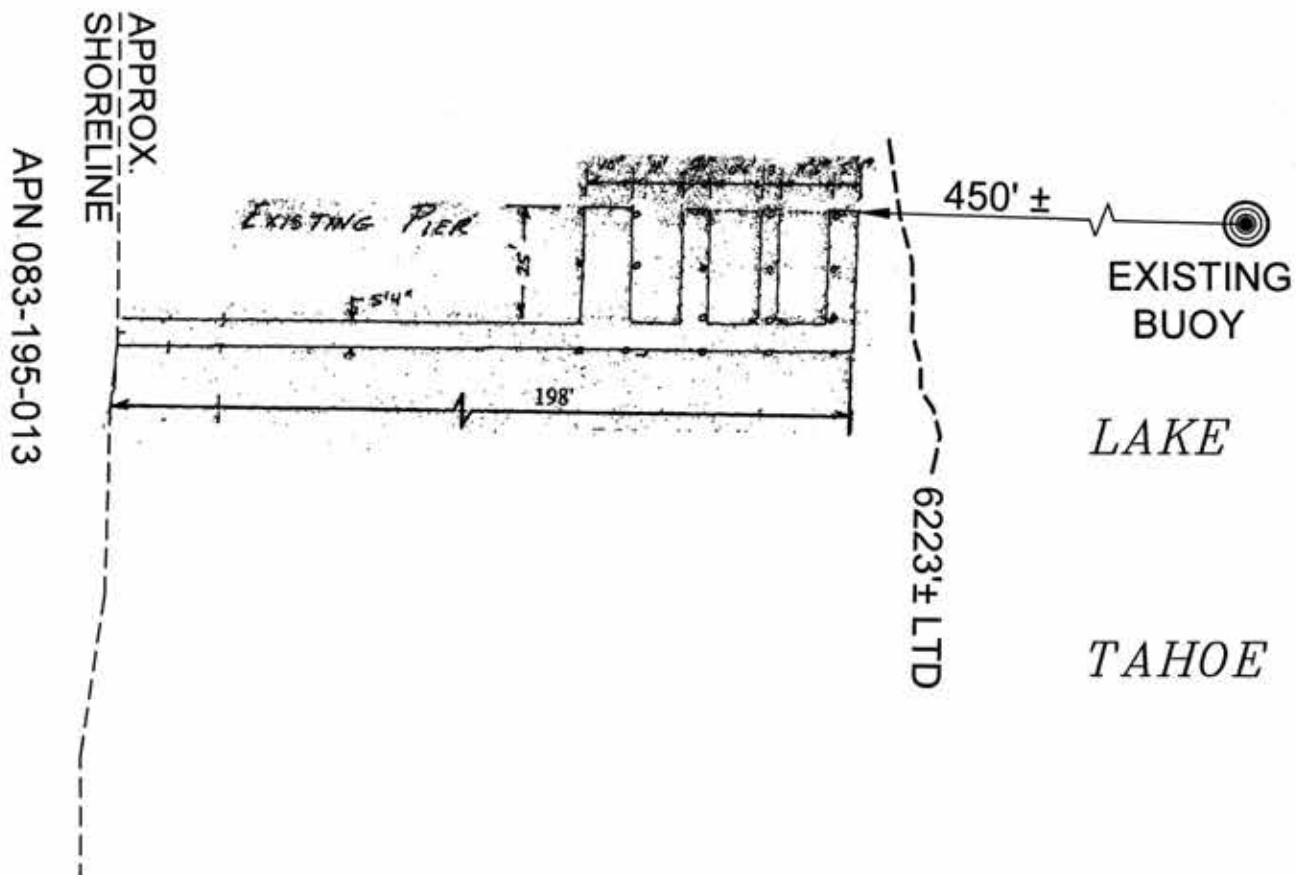


EXHIBIT A

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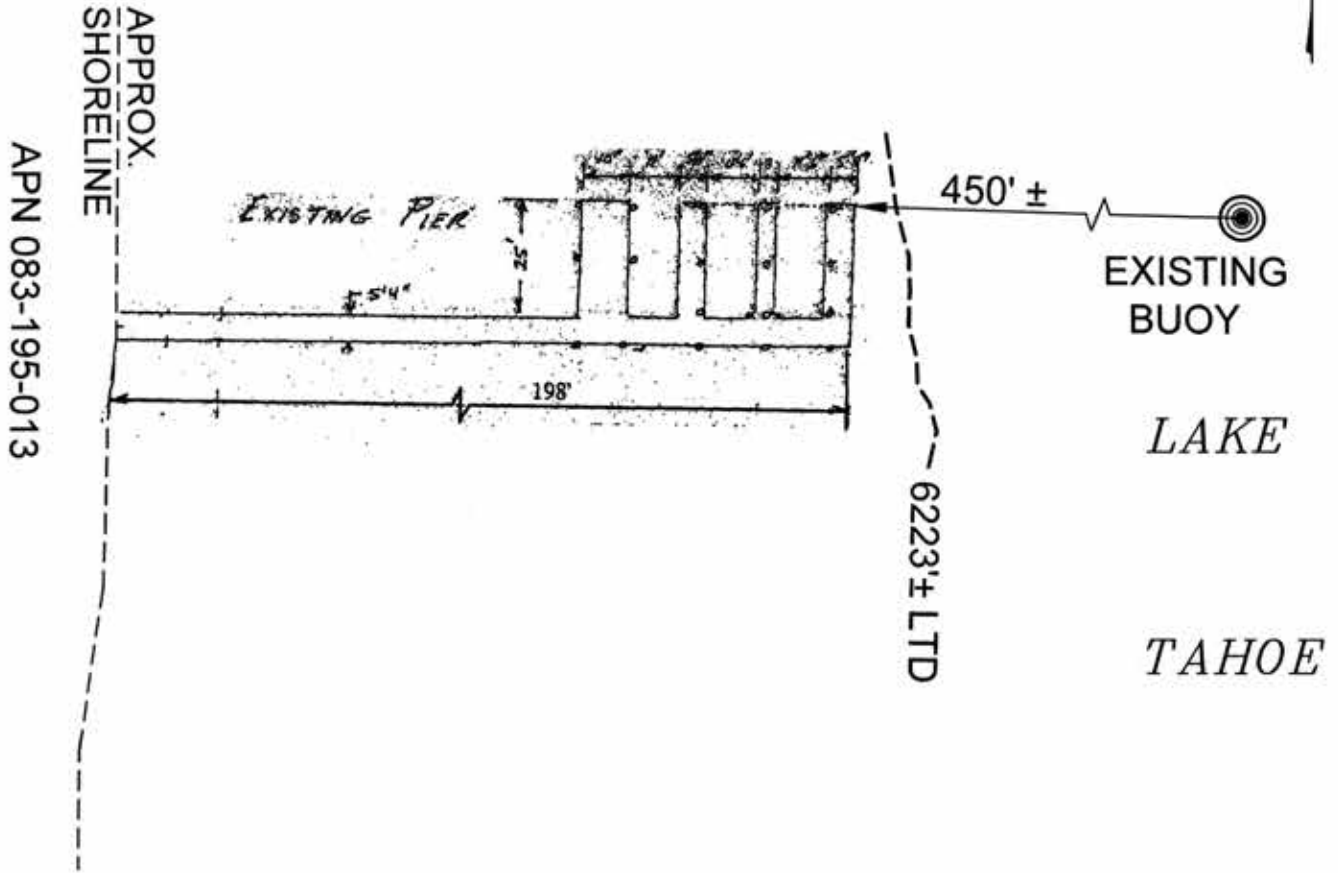
LAND DESCRIPTION PLAT
PRC 5611.1, JENSEN TRUST &
UBALDI TRUST, ET AL
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



1090 & 1130 WEST LAKE BLVD., TAHOE CITY

NO SCALE

LOCATION

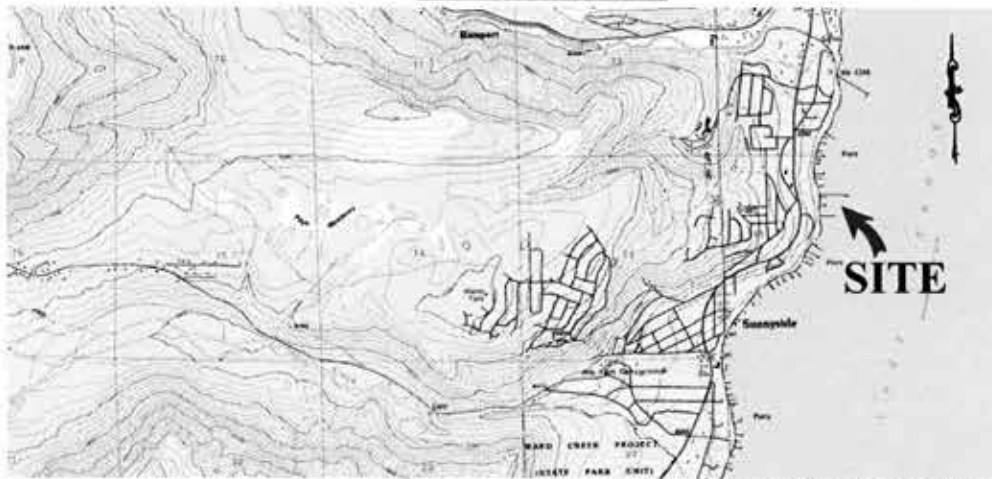
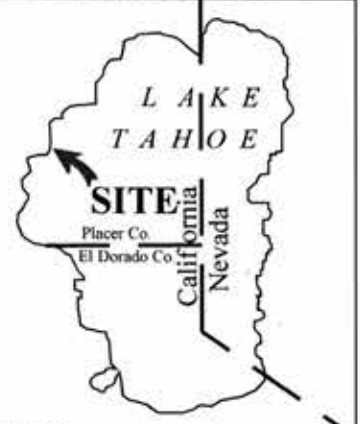


Exhibit B

PRC 5611.1
 JENSEN TRUST &
 UBALDI TRUST, ET AL
 APN 083-195-013
 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.