

**CALENDAR ITEM
C43**

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S 1

06/19/14
PRC 8511.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Norbert J. Dickman and Benjamin L. Blake, Trustees of the Roger Dickson Trust and of the Scott Dickson Trust; and Norbert Dickman, as Trustee of the Barbara Fasken 1995 Trust for the benefit of Roger Dickson and Scott Dickson

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2247 Cascade Road, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning February 2, 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 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 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

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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 own the upland adjoining the lease premises.
2. On February 2, 2004, the Commission authorized a 10-year Recreational Pier Lease to Peggy Ebright Dickson; Norbert J. Dickman and Benjamin L. Blake, Trustees of the Roger Dickson Trust; and Norbert J. Dickman and Benjamin L. Blake, Trustees of the Scott Dickson Trust for two existing mooring buoys. That lease expired on February 1, 2014. On June 1, 2009, Peggy Ebright Dickson deeded her ownership of the upland to Norbert Dickman, as Trustee of the Barbara Fasken 1995 Trust for the benefit of Roger Dickson and Scott Dickson. The Applicants are now applying for a General Lease – Recreational Use for the continued use and maintenance of the two existing mooring buoys.
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. **C43** (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 Norbert J. Dickman and Benjamin L. Blake, Trustees of the Roger Dickson Trust and of the Scott Dickson Trust; and Norbert Dickman, as Trustee of the Barbara Fasken 1995 Trust for the benefit of Roger Dickson and Scott Dickson beginning February 2, 2014, for a term of 10 years, for the continued use and maintenance of two existing 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 \$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 8511.1

LAND DESCRIPTION

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 26, Township 13 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1874, County of El Dorado, State of California, more particularly described as follows:

PARCELS 1 & 2 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded January 6, 1999, as Document Number 99-0000939-00 and Grant Deed recorded June 1, 2009 as Document Number 2009-0025925-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 04/21/2014 by the California State Lands Commission Boundary Unit.



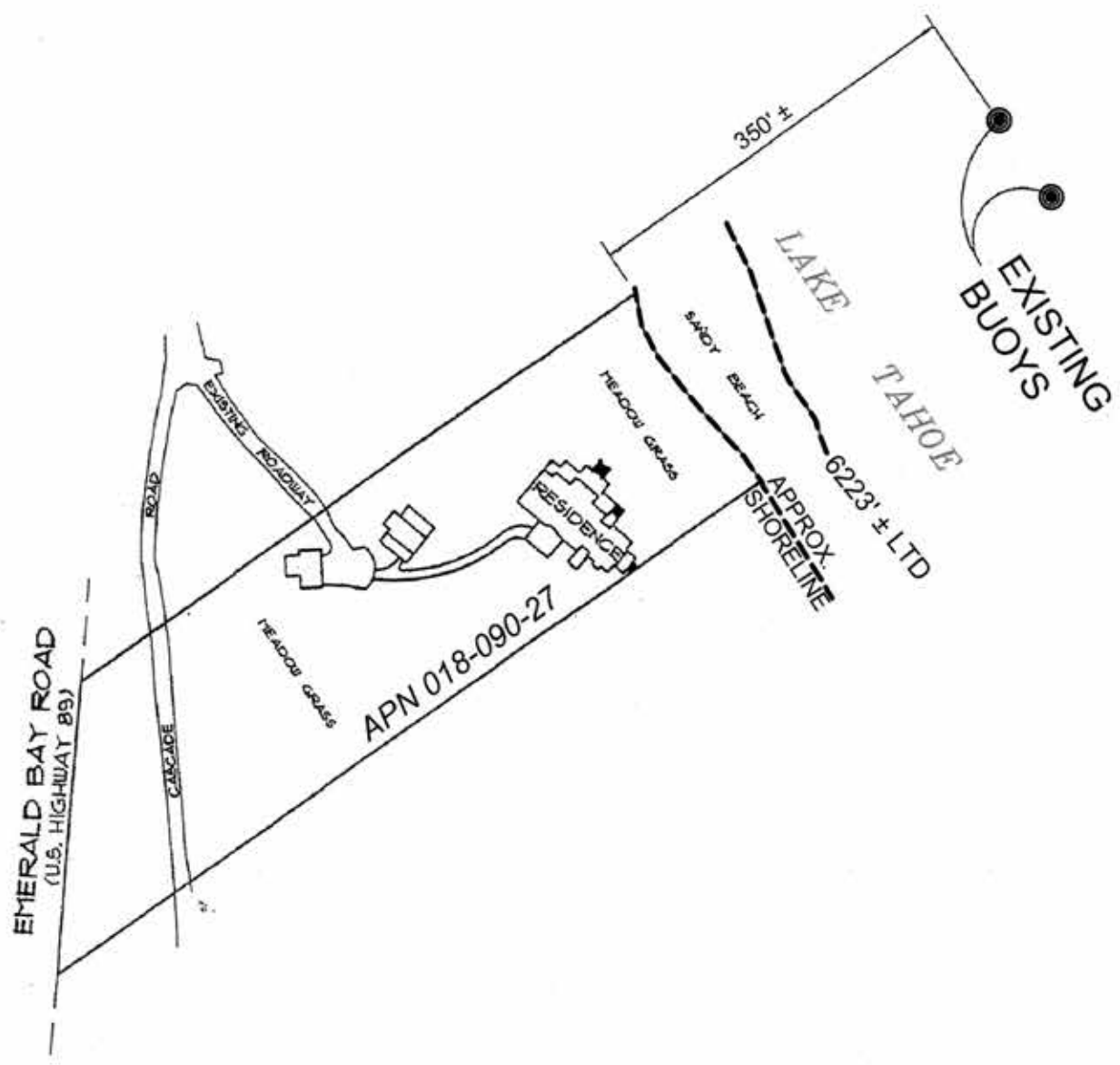


EXHIBIT A

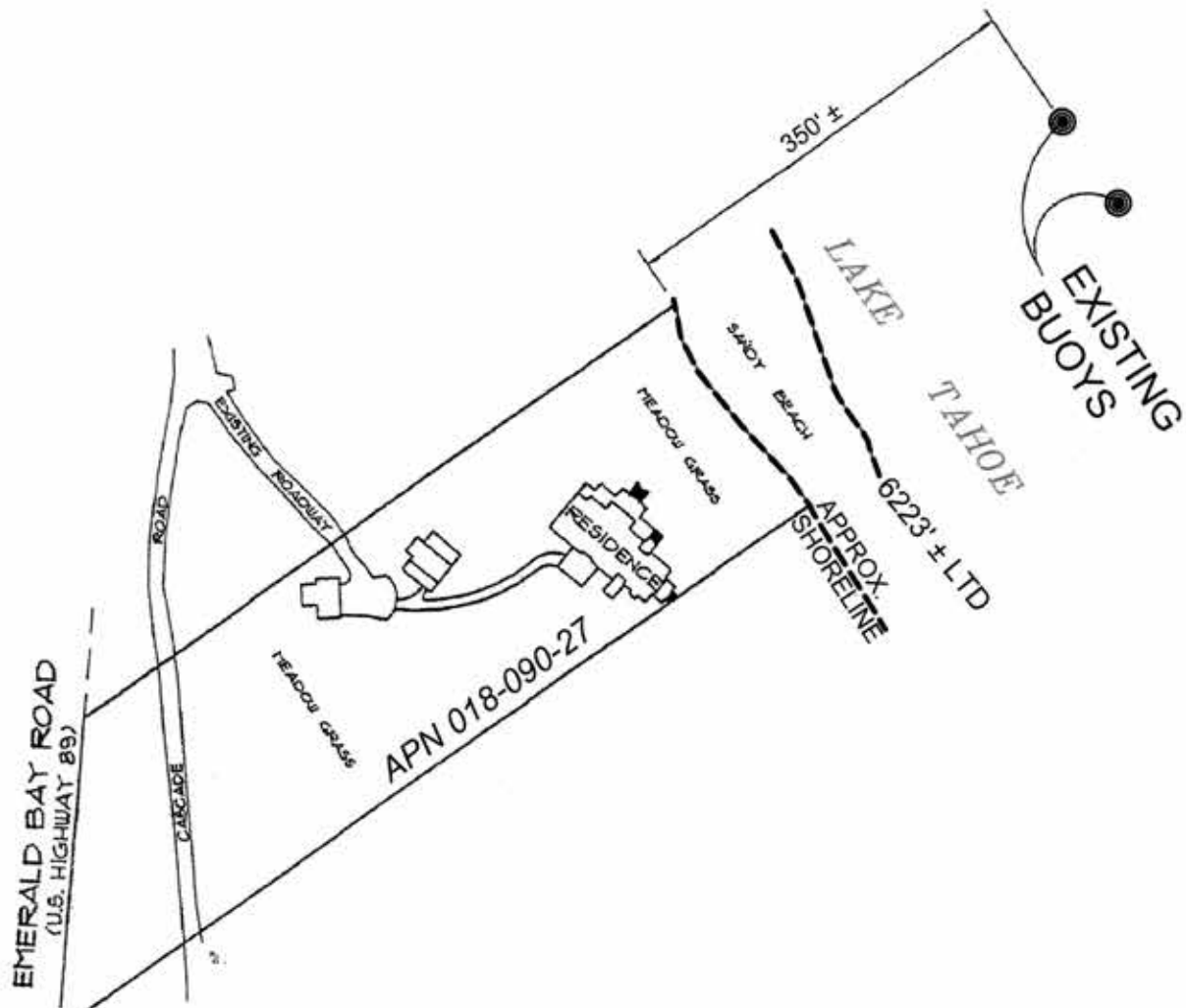
LAND DESCRIPTION PLAT
 PRC 8511.1, FASKEN TRUST / DICKSON TRUST
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



2247 CASCADE ROAD, SOUTH LAKE TAHOE

NO SCALE

LOCATION

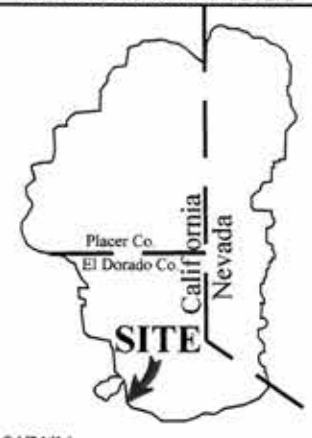


South Lake Tahoe

MAP SOURCE: USGS QUAD

Exhibit B

PRC 8511.1
 FASKEN TRUST /
 DICKSON TRUST
 APN 018-090-27
 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.

TS 04/21/14