

**CALENDAR ITEM
C49**

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10/14/14
PRC 4251.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Thomas P. Nunes and Thomas P. Nunes Jr., as Trustees of the ATN Family 1999 Trust Pursuant to Declaration of Trust dated January 1, 1999; and Ann L. Kaye

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3680 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys.

LEASE TERM:

10 years, beginning November 21, 2014.

CONSIDERATION:

\$1,452 per year, with an annual Consumer Price Index adjustment.

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

CALENDAR ITEM NO. C49 (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. Applicants own the upland parcel adjoining the lease premises.
2. On February 17, 2005, the Commission authorized a 10-year Recreational Pier Lease to Thomas P. Nunes and Thomas P. Nunes Jr., as Trustees of the ATN Family Trust Pursuant to Declaration of Trust dated January 1, 1999. Subsequently, on December 21, 2012, 25 percent of the interest held in the upland was deeded to Ann L. Kaye. The lease will expire on November 20, 2014. The Applicants are now applying for a General Lease – Recreational Use.
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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C49** (CONT'D)

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 Thomas P. Nunes and Thomas P. Nunes Jr., as Trustees of the ATN Family 1999 Trust pursuant to Declaration of Trust dated January 1, 1999; and Ann L. Kaye beginning November 21, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier and two 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 \$1,452, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4251.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 fractional Section 28, 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 and catwalk lying adjacent to that parcel as described in that Grant Deed recorded December 21, 2012 in Document 2012-0123246 of Official Records of said County.

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.

PARCELS 2, 3 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 2, 2014 by the California State Lands Commission Boundary Unit.



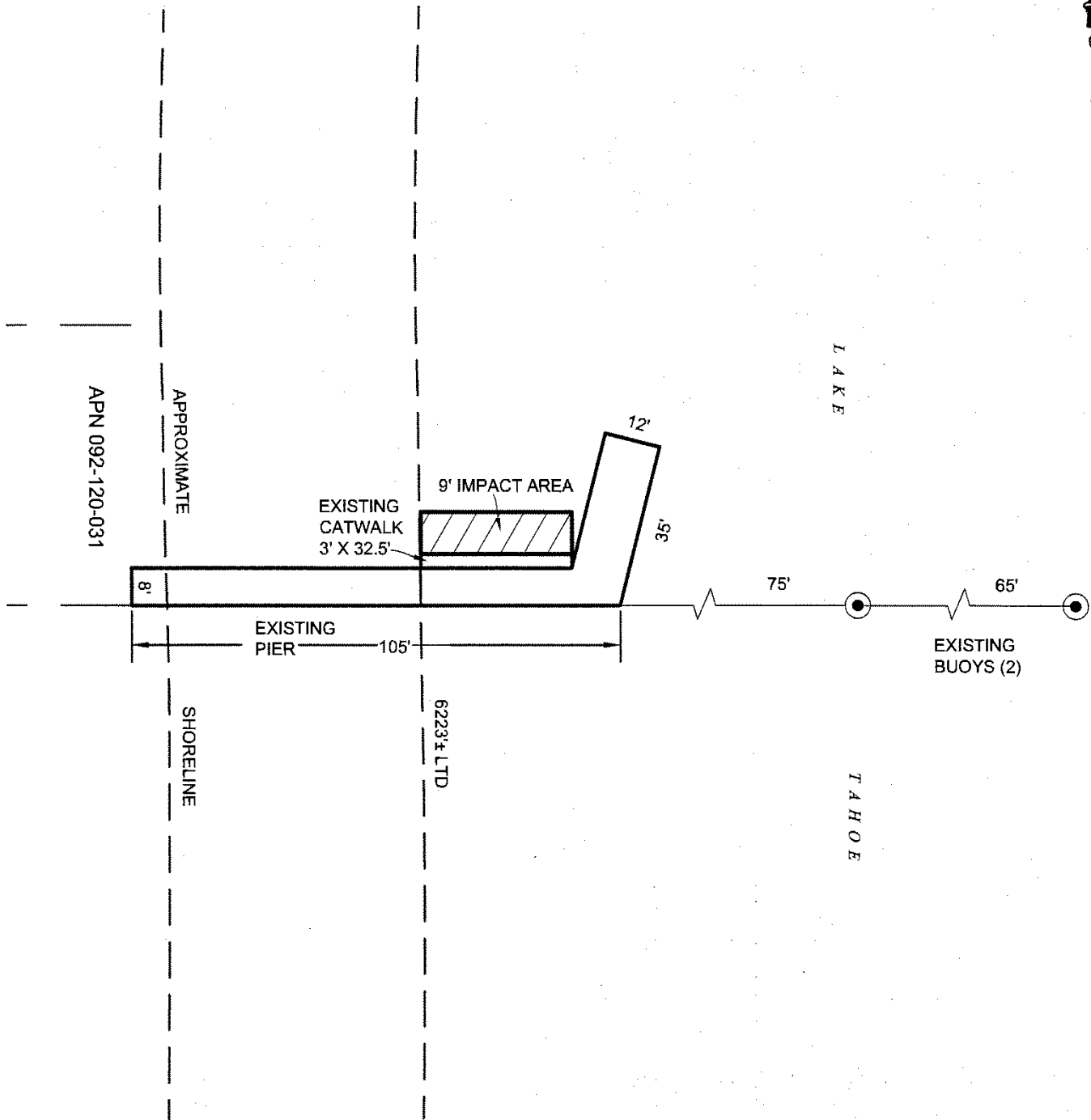


EXHIBIT A

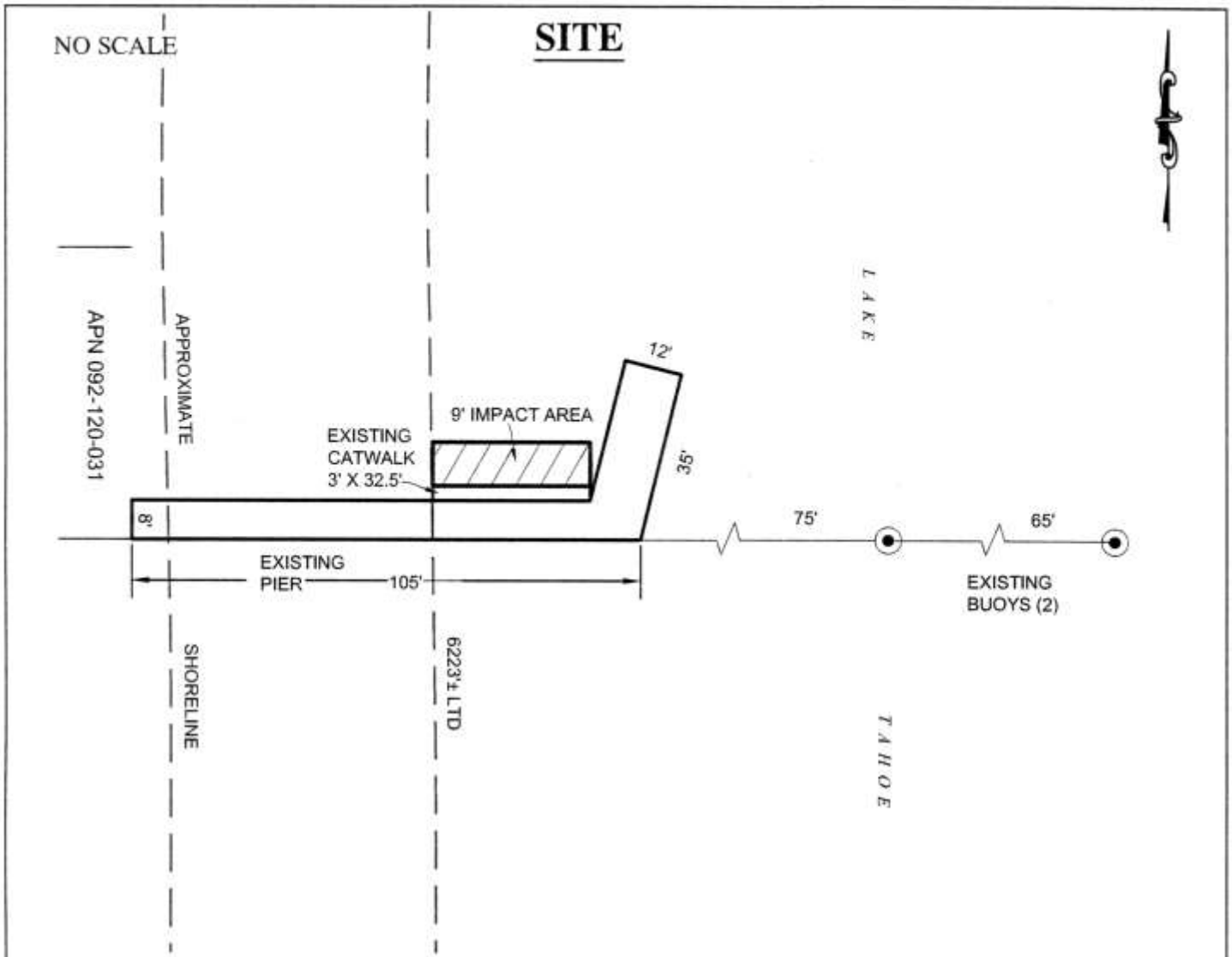
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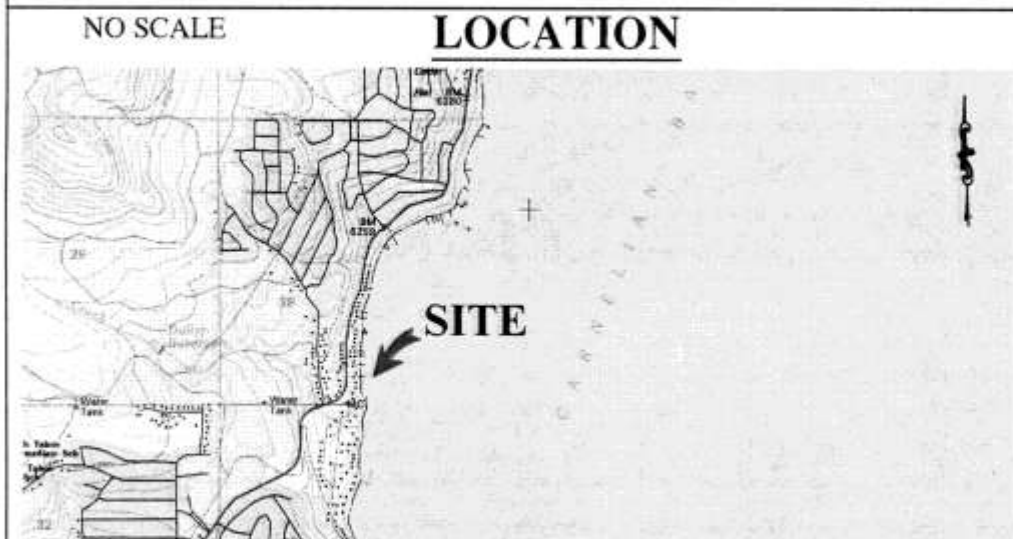
LAND DESCRIPTION PLAT
PRC 4251.1, ATN TRUST / KAYE
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





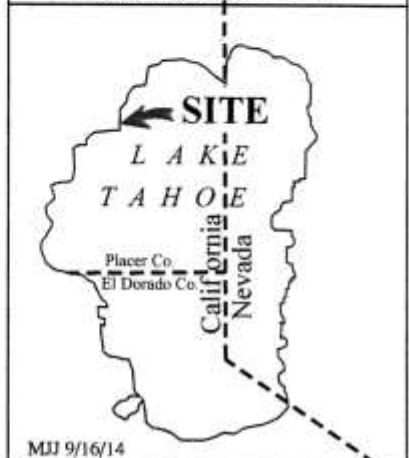
3680 NORTH LAKE BLVD., NEAR CARNELIAN BAY



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 4251.1
 ATN TRUST / KAYE
 APN 092-120-031
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 9/16/14