

**CALENDAR ITEM
C14**

A 1
S 1

02/20/15
PRC 8470.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Richard G. Whitehurst and Lorraine D. Whitehurst, Trustees of the Whitehurst Family Trust under Trust Agreement Dated July 11, 1995.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4142 Ferguson Avenue, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning August 1, 2013.

CONSIDERATION:

\$754 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000.

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 available, Commission staff will advise the Commission on any suggested modifications to the

CALENDAR ITEM NO. C14 (CONT'D)

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 19, 2003, the Commission authorized a Recreational Pier Lease to Richard G. Whitehurst and Lorraine D. Whitehurst. That lease expired on July 31, 2013. On April 8, 2002, interest in the upland parcel was deeded from Richard G. Whitehurst and Lorraine D. Whitehurst to Richard G. Whitehurst and Lorraine D. Whitehurst, Trustees of the Whitehurst Family Trust under Trust Agreement Dated July 11, 1995. The Applicant is applying for a General Lease – Recreational Use for the continued use and maintenance of 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.

EXHIBITS:

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

CALENDAR ITEM NO. **C14** (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 Richard G. Whitehurst and Lorraine D. Whitehurst, Trustees of the Whitehurst Family Trust under Trust Agreement Dated July 11, 1995, beginning August 1, 2013, 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 an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8470.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of 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, 2 – BUOYS (2)

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in Exhibit “A” of that Grant Deed recorded August 28, 2001, in Document 2001-0088256.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 16, 2014 by the California State Lands Commission Boundary Unit.



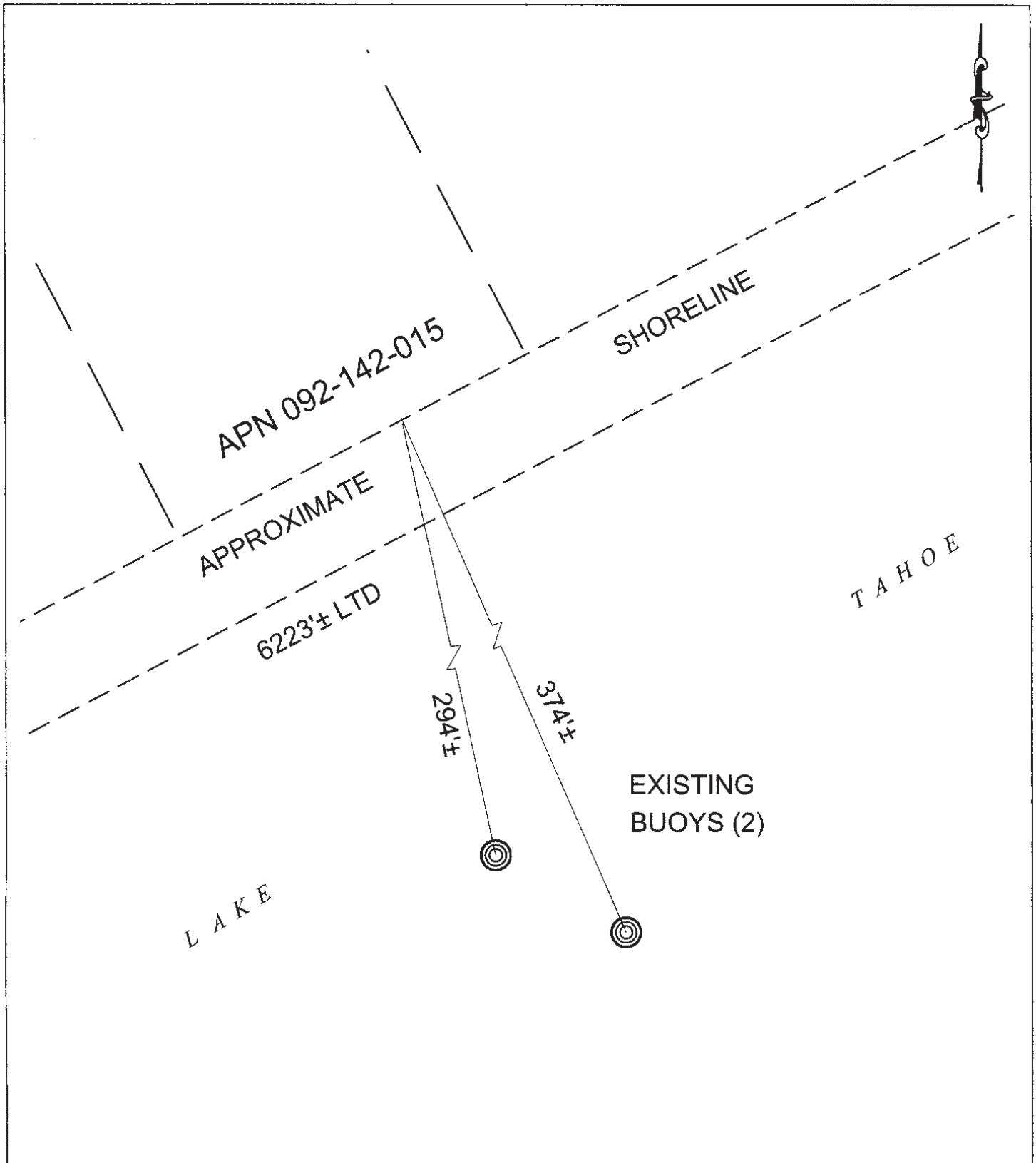
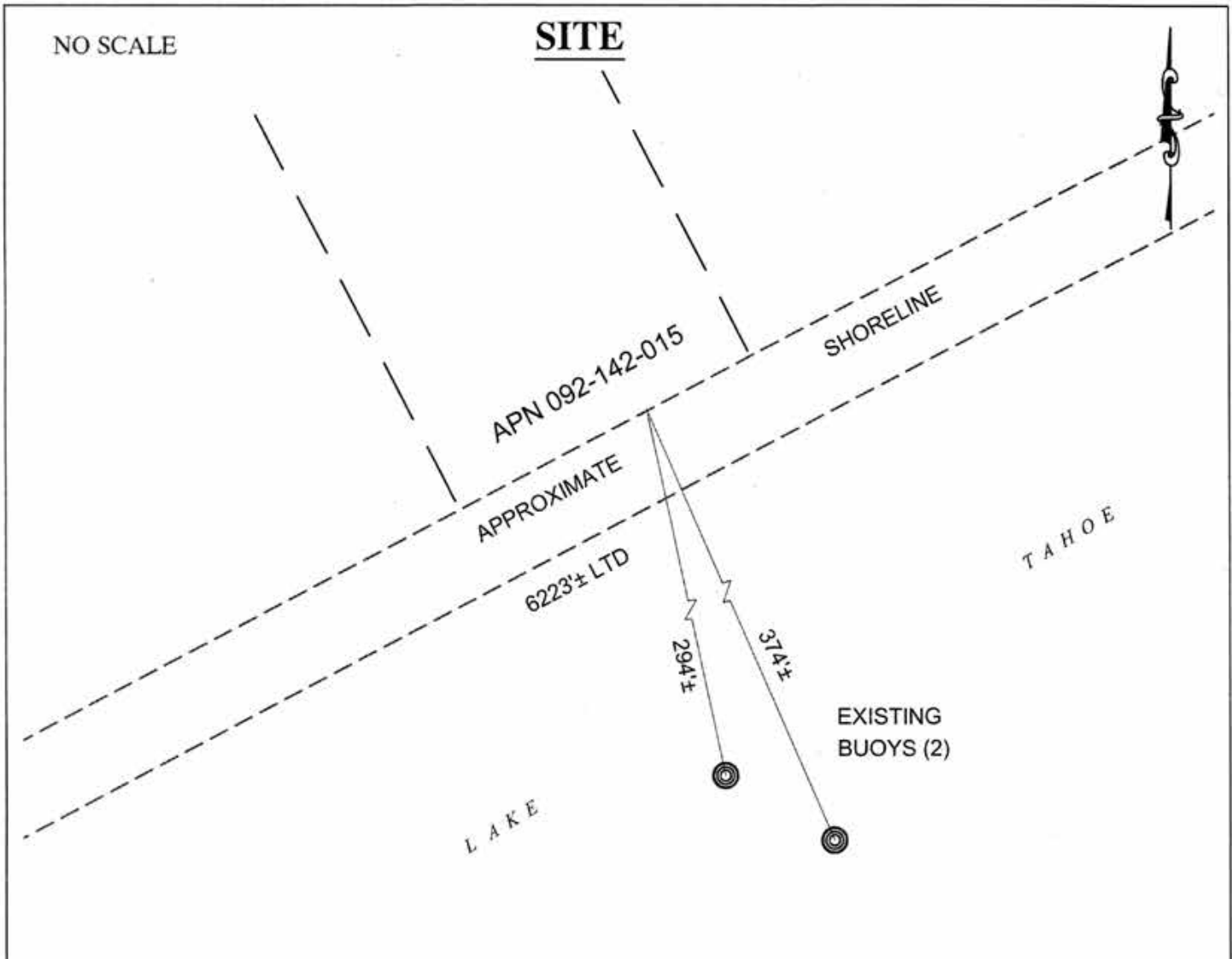


EXHIBIT A

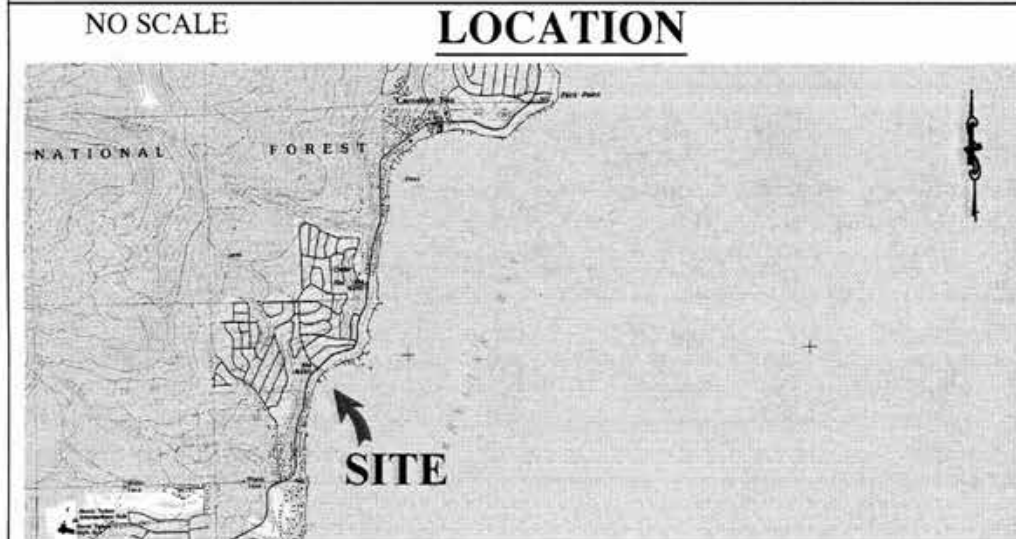
LAND DESCRIPTION PLAT
 PRC 8470, WHITEHURST TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION





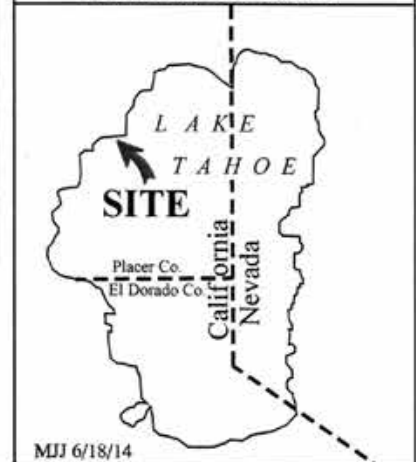
4142 FERGUSON AVE., NEAR CARNELIAN BAY



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 8470.1
 WHITEHURST TRUST
 APN 092-142-015
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 6/18/14