

**CALENDAR ITEM  
C01**

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S 1

06/29/15  
PRC 8147.1  
M.J. Columbus

**RESCISSION OF APPROVAL, AUTHORIZE ACCEPTANCE OF PAYMENT, AND  
ISSUANCE OF GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Hutchens Family Limited Partnership, a California Limited Partnership

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

Sovereign land in Lake Tahoe, adjacent to 8405 Meeks Bay, near Tahoma, El Dorado County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning June 29, 2015.

**CONSIDERATION:**

\$1,333 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. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization 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. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.
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.

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**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On February 8, 2000, the Commission authorized a 10-year Recreational Pier Lease to Brian T. Mullins and Marianne W. Mullins. This lease was rent-free under Public Resources Code section 6503.5, as it read prior to amendment in 2012. On May 25, 2001, the upland parcel was deeded to the Hutchens Family Limited Partnership, a California Limited Partnership. The Commission did not authorize an assignment of the Mullins' lease to the Hutchens Family Limited Partnership.
3. On December 5, 2012, the Commission authorized a General Lease – Recreational Use to the Applicant. The Applicant never executed the lease; therefore, staff recommends that the authorization for issuance of Lease No. PRC 8147.1 be rescinded.
4. Staff is recommending that the Commission accept the amount of \$3,341.56 for the period beginning June 29, 2010, and ending June 28, 2015, for the Applicant's unauthorized occupation of state land. The Applicant holds the upland as a Limited Partnership, and thus did not qualify for rent-free status under Public Resources Code section 6503.5 as it read prior to amendment in 2012.
5. **Rescind Approval of Lease and Acceptance of Payment:** The staff recommends that the Commission find that the subject rescission of lease approval and acceptance of payment do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

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7. 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:**

**Rescind Approval of Lease and Acceptance of Payment:** Find that the subject rescission of lease approval and acceptance of back rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**Issuance of New Lease:** 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:**

1. Authorize rescission of the Commission's approval of Lease No. PRC 8147.1, a General Lease – Recreational Use, at the December 5, 2012 meeting.
2. Authorize acceptance of \$3,341.56 for unauthorized occupation of state land between June 29, 2010, and June 28, 2015.
3. Authorize issuance of a General Lease – Recreational Use to Hutchens Family Limited Partnership, a California Limited Partnership,

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beginning June 29, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and one existing mooring buoy previously authorized by the Commission and 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; annual rent in the amount of \$1,333, with an annual Consumer Price Index adjustment; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8147.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, catwalk and boat lift lying adjacent to Parcel Two as described in Exhibit "A" of that Grant Deed recorded May 25, 2001 as Document Number 2001-0031251 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.

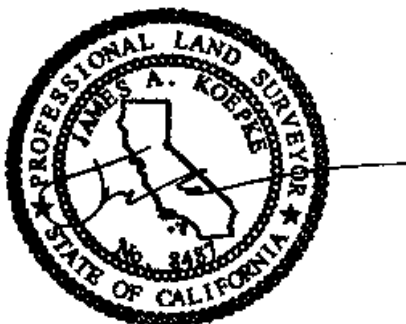
**PARCELS 2 & 3 – BUOYS**

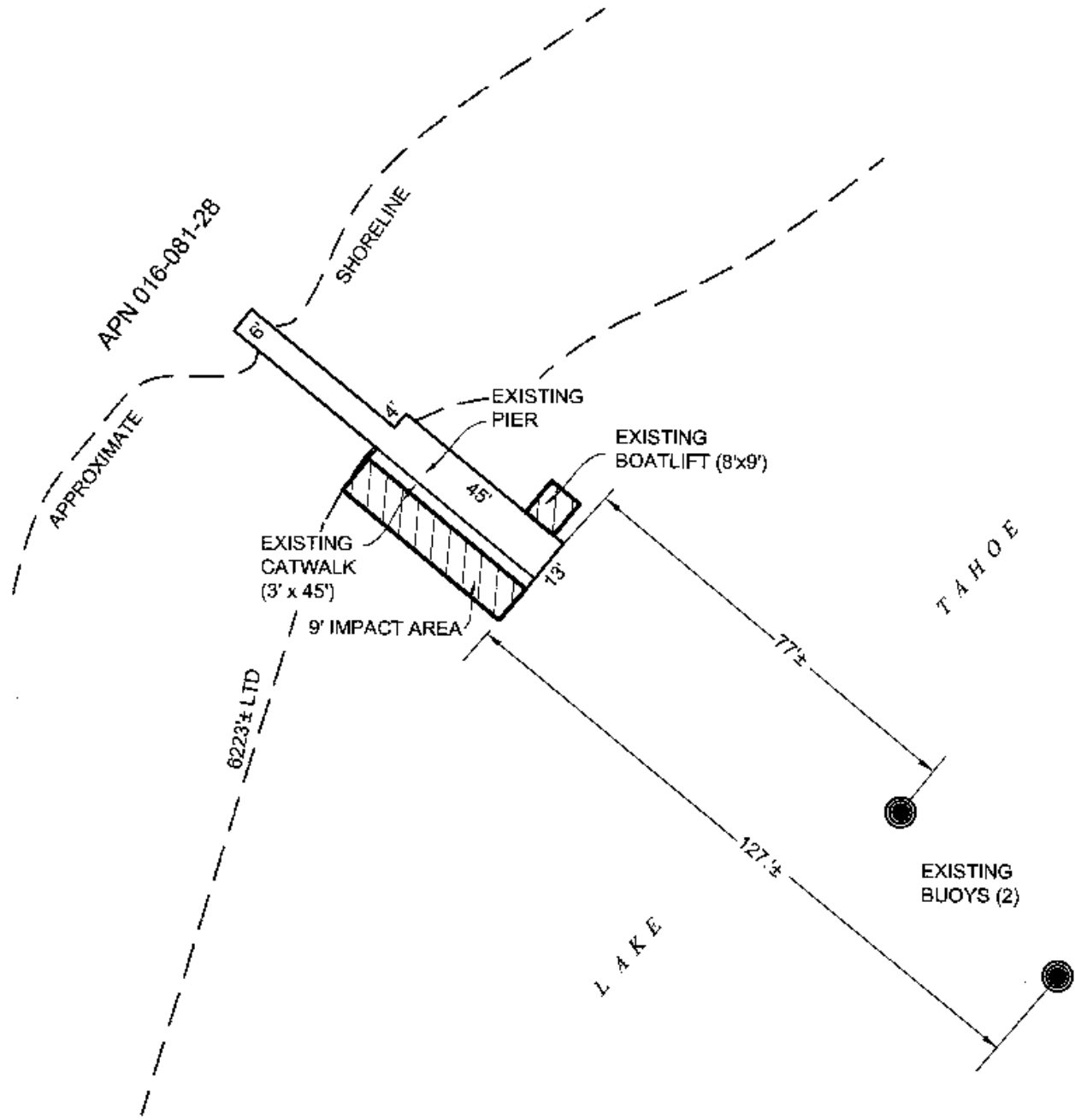
Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared August 20, 2014 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

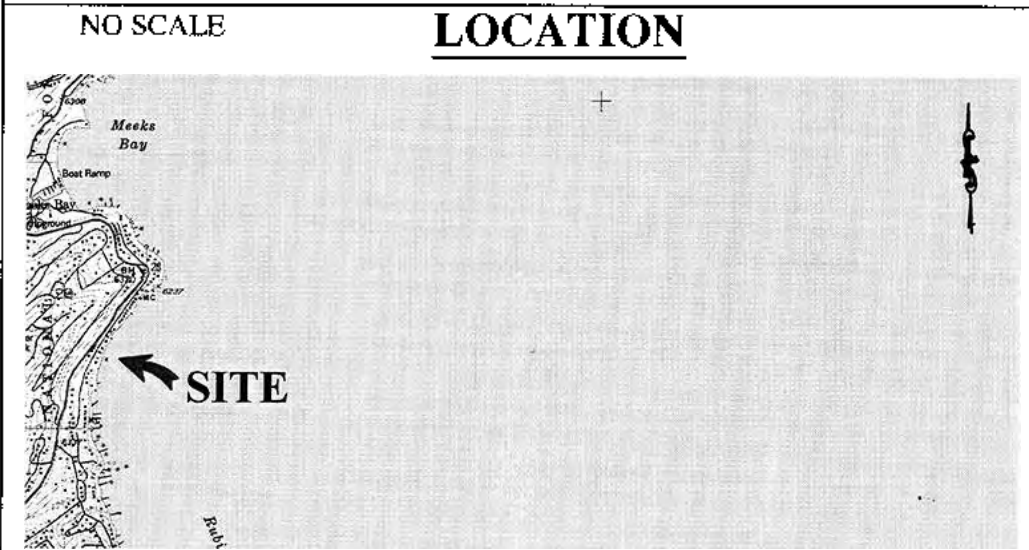
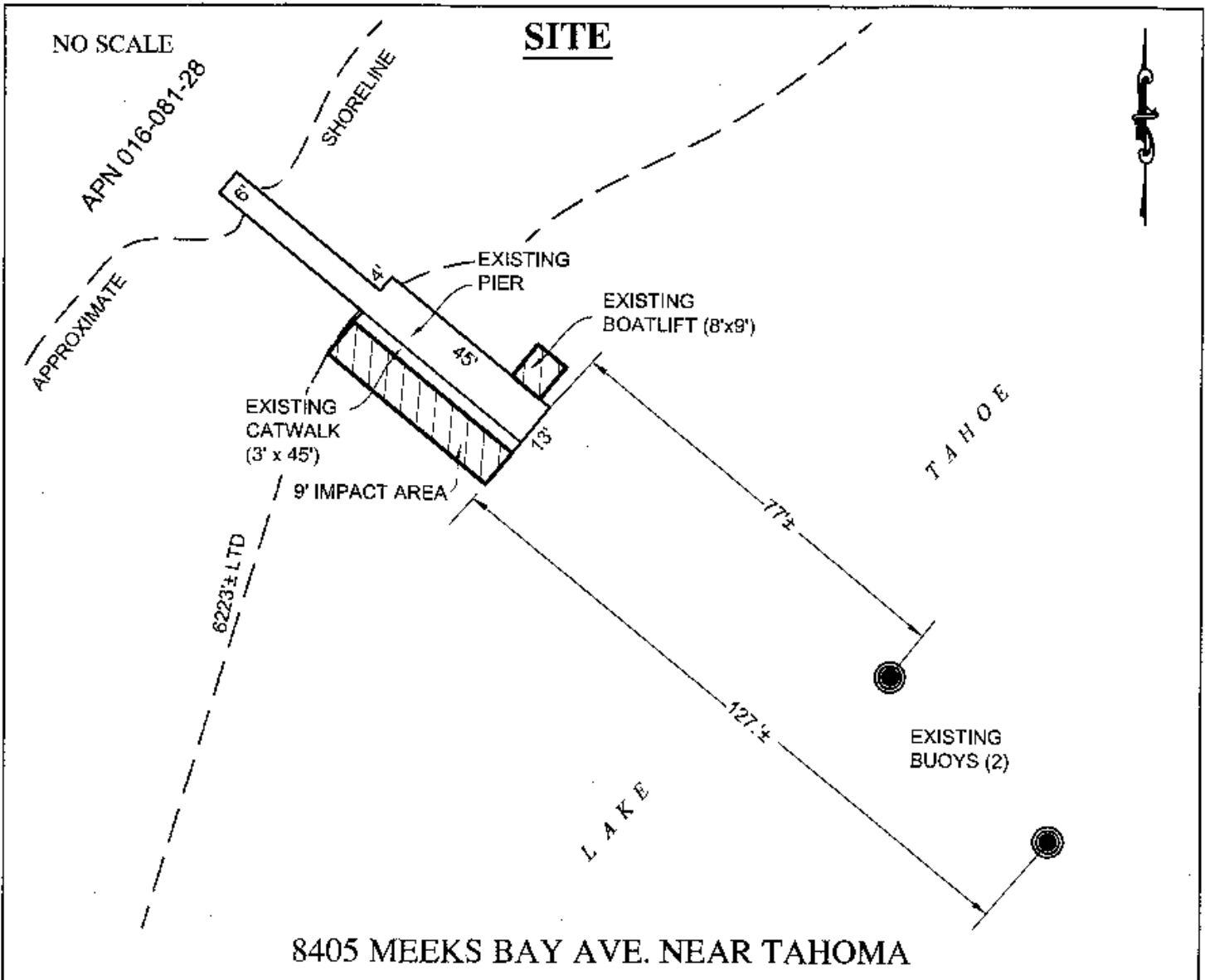
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LAND DESCRIPTION PLAT  
 PRC 8147.1, HUTCHENS FAMILY LP  
 EL DORADO COUNTY

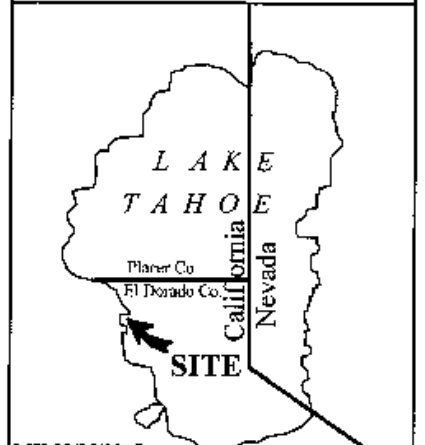
CALIFORNIA STATE  
 LANDS COMMISSION





**Exhibit B**

PRC 8147.1  
 HUTCHENS FAMILY LP  
 APN 016-081-28  
 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.