

**CALENDAR ITEM
C03**

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06/22/17
PRC 7459.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

John R. Grigsby and Patricia A. Grigsby, Trustees of the John R. Grigsby and Patricia A. Grigsby Revocable Trust dated September 24, 2003

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 36 Moana Circle, near Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning September 6, 2016.

CONSIDERATION:

\$872 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoys within 2 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 may be required to remove the buoys.
3. 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.

CALENDAR ITEM NO. **C03** (CONT'D)

4. Lessee shall not store any personal items or construct any improvements within the Public Trust easement which may impair the public uses.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Beset Interests Analysis:

On February 5, 2007, the Commission authorized a 10-year Recreational Pier Lease for an existing pier and two mooring buoys to Herbert L. Damner and Arville B. Damner, Trustees of the Herbert L. Damner and Arville B. Damner Revocable Trust U/D/T dated September 25, 1998 ([Calendar Item C04, February 5, 2007](#)).

On September 20, 2013, the Commission authorized an assignment of the lease to John R. Grigsby and Patricia A. Grigsby, Trustees of the John R. Grigsby and Patricia A. Grigsby Revocable Trust dated September 24, 2003 ([Calendar Item C02, September 20, 2013](#)). That lease expired on September 5, 2016. The Applicant is applying for a General Lease – Recreational Use for the continued use and maintenance of the existing pier and two mooring buoys.

The subject improvements facilitate recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5).

The subject improvements have existed for many years at this location. The pier is built on pilings. The topography and location of upland structures provide access for the pier and allows the public to walk or navigate under the pier within the Public Trust easement. The two buoys are located directly lakeward of the upland property and occupy a relatively small area of Lake Tahoe.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

CALENDAR ITEM NO. **C03** (CONT'D)

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. 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.

3. 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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

CALENDAR ITEM NO. **C03** (CONT'D)

exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the lease, and is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

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 the Applicant beginning September 6, 2016, 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 \$872, with an annual Consumer Price Index adjustment; and liability insurance in an amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7459.1

LAND DESCRIPTION

Three (3) parcels of submerged lands, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 7, Township 14 North, Range 17 East, MDM, as shown on the Official Township Plat, approved July 29th, 1880, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk adjacent to those parcels as described in that Grant Deed recorded October 31st, 2012 in Document Number DOC-2012-0102645-00 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion lying landward of the elevation of 6223 feet LTD along the shoreline of Lake Tahoe.

PARCEL 2 & 3 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys, adjacent to those parcels as described in that Grant Deed recorded October 31st, 2012 in Document Number DOC-2012-0102645-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

PREPARED 11/02/16 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



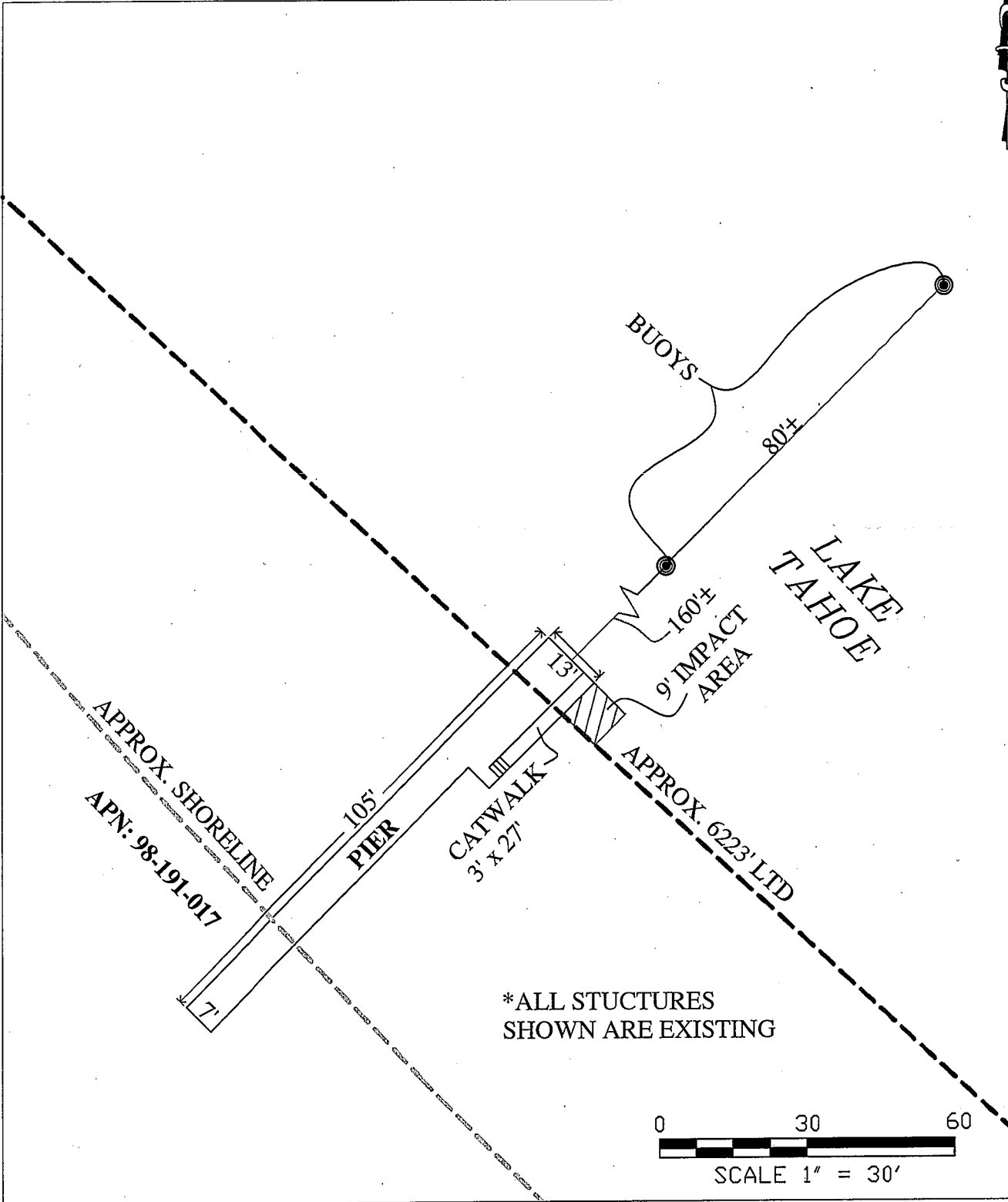


EXHIBIT A

Page 2 of 2

MJF 11/02/16

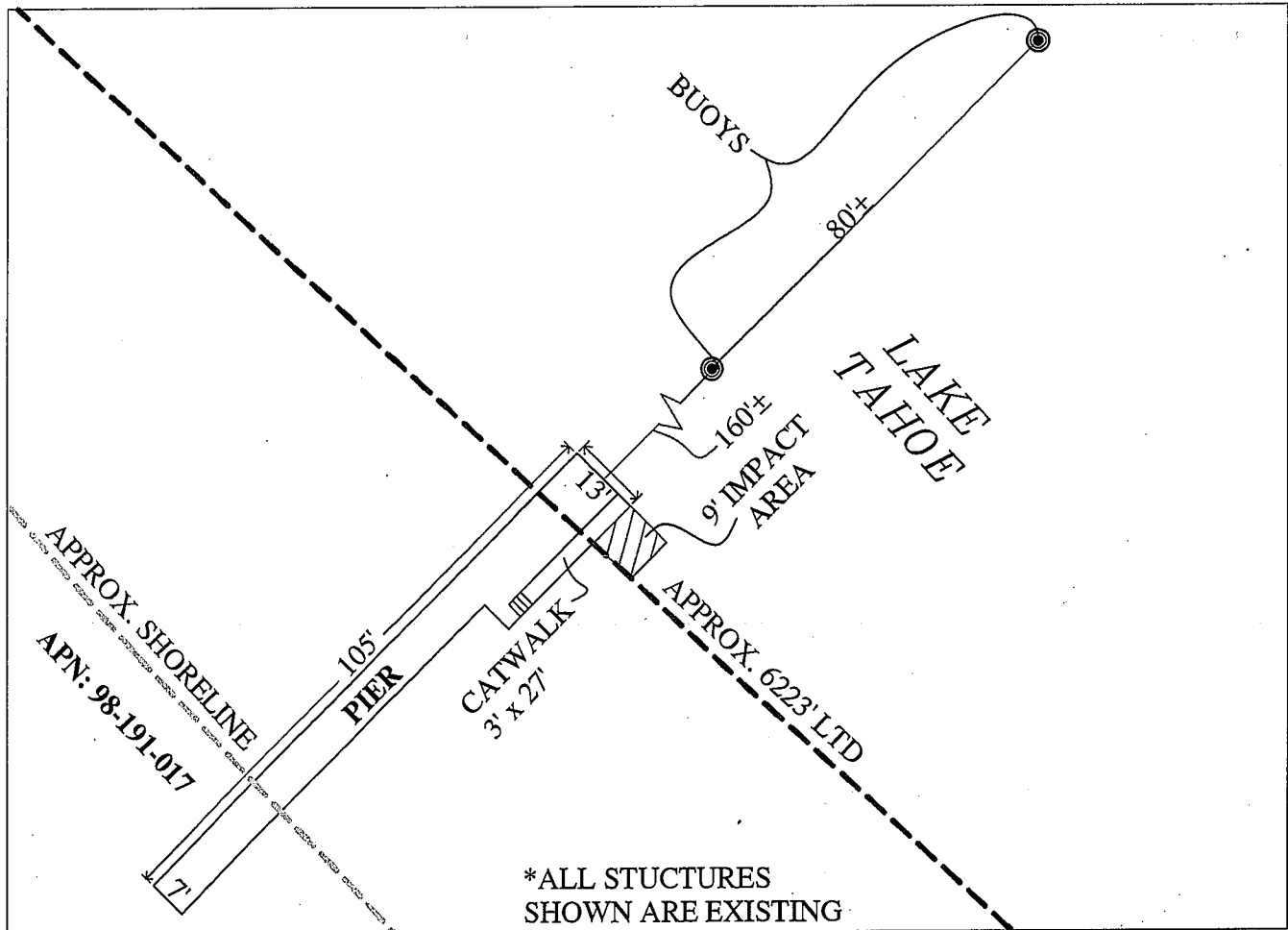
LAND DESCRIPTION PLAT
 PRC 7459.1, GRIGSBY
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

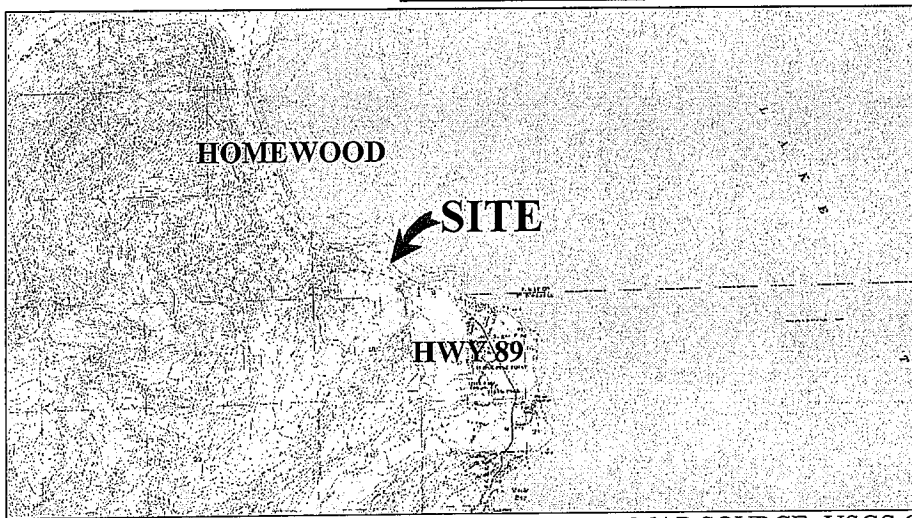
SITE



36 MOANA CIRCLE, HOMEWOOD

NO SCALE

LOCATION

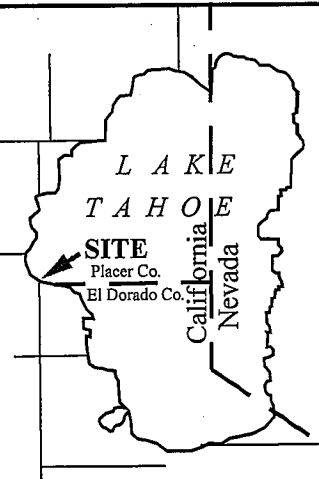


MAP SOURCE: USGS QUAD

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 7459.1
 GRIGSBY
 APN: 98-191-017
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJF 11/02/16