

**CALENDAR ITEM
C25**

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06/22/17
PRC 8402.1
J. Toy

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Brembil, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 171 Paradise Flat Lane, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and four mooring buoys.

LEASE TERM:

10 years, beginning June 1, 2012.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$2,755 per year to \$2,102 per year, effective June 1, 2017.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Land Description, Exhibit A, and Site and Location Map, Exhibit B, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

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 the State's Best Interests Analysis:

On April 26, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Brembil, LLC, a California Limited Liability Company,

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for an existing pier, boat lift, and four mooring buoys ([Calendar Item C55, April 26, 2013](#)). That lease will expire on May 31, 2022.

Staff recommends the rent be revised from \$2,755 per year to \$2,102 per year based on changes to the impact area for the pier and application of the current Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area.

The amendment and revision of rent is an administrative action unlikely to result in any changes to the use of the lease premises. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State at this time.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and the revision of the rent are not projects as defined by the California Environmental Quality Act, because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 8402.1 will not 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 in the best interests of the State.

CALENDAR ITEM NO. **C25** (CONT'D)

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8402.1, a General Lease – Recreational Use, effective June 1, 2017, to replace the existing Land Description and Site and Location Map with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

2. Approve the revision of rent for Lease No. PRC 8402.1 from \$2,755 per year to \$2,102 per year, effective June 1, 2017.

EXHIBIT A

PRC 8402.1

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 4, Township 13 North, Range 17 East, MDM., as shown on Official Government Township Plat approved May 19, 1875, 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 boatlift lying adjacent to those parcels as described in Exhibit "A" of that Grant Deed recorded June 28, 2000 in Document Number 2000-0031961 in 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.

PARCEL 2, 3, 4 & 5 – BUOYS

Four (4) circular parcels of land, each being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared November 10, 2016 by the California State Lands Commission Boundary Unit.



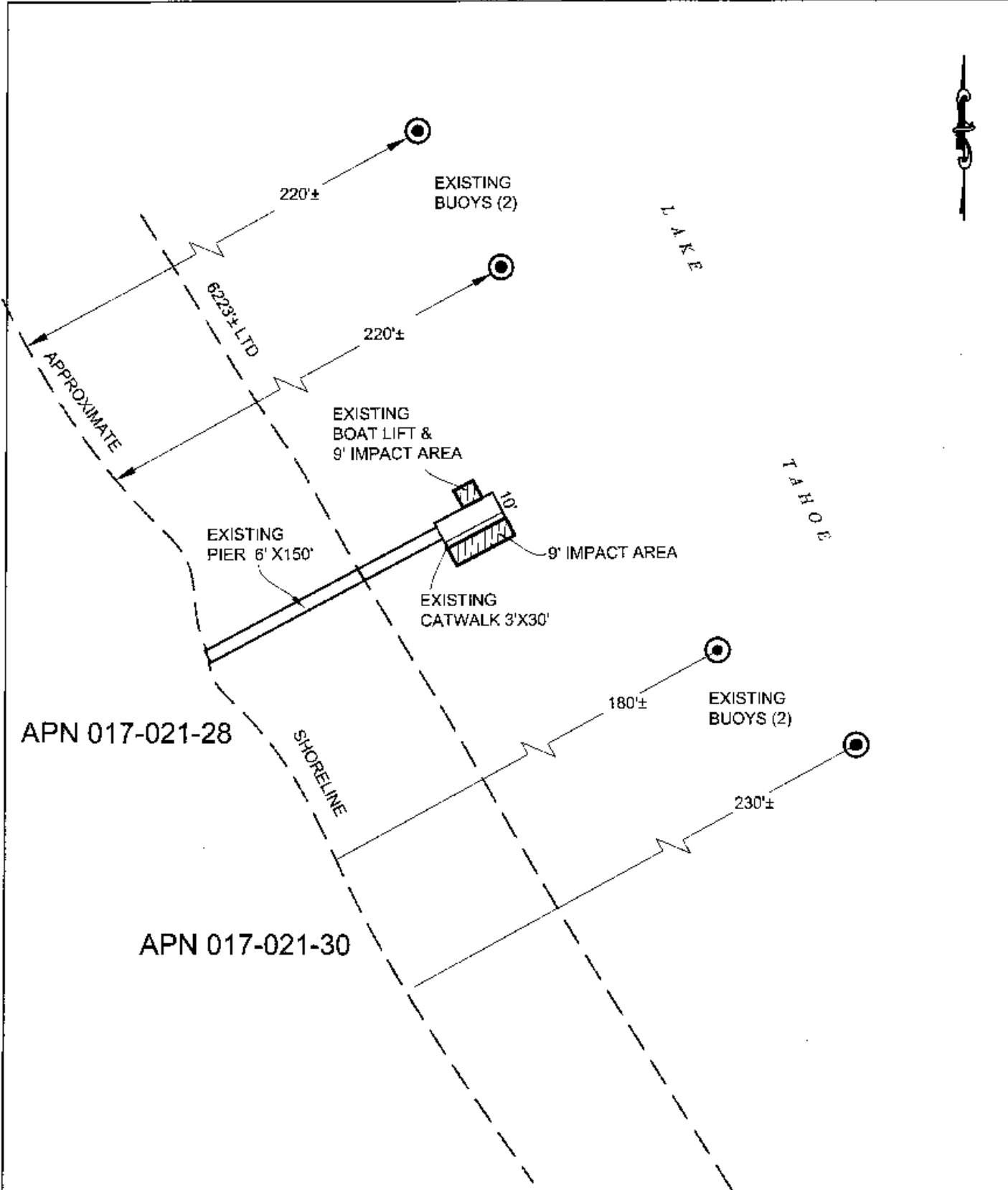


EXHIBIT A

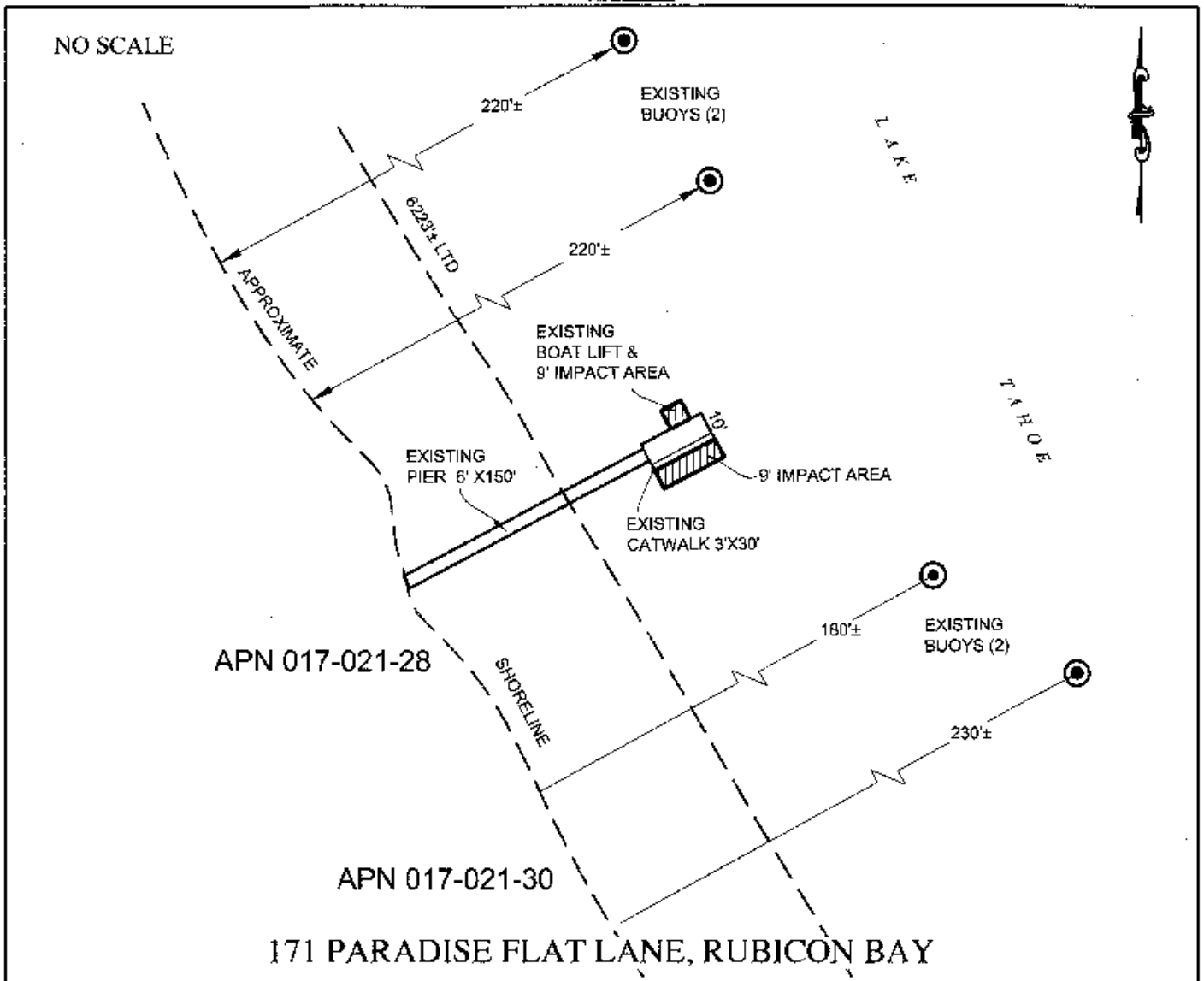
MJJ 11/15/2016

LAND DESCRIPTION PLAT
 PRC 8402.1, BREMBIL, LLC
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



SITE



NO SCALE

LOCATION

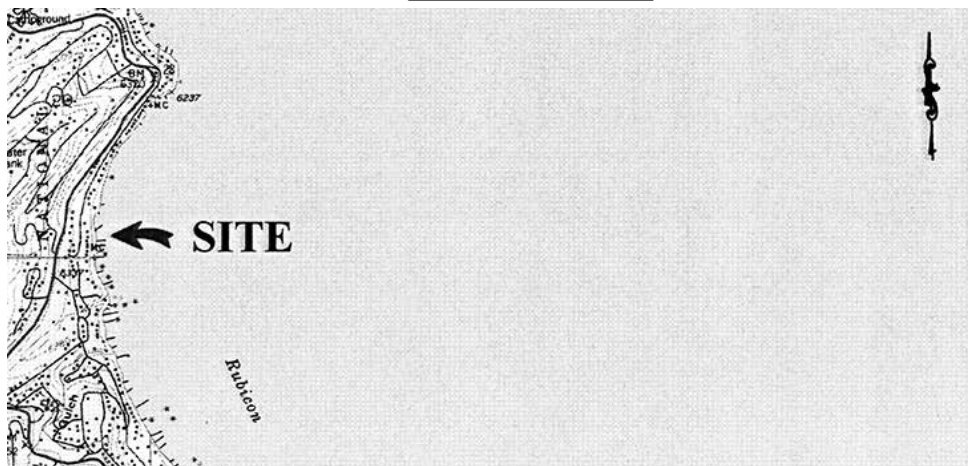
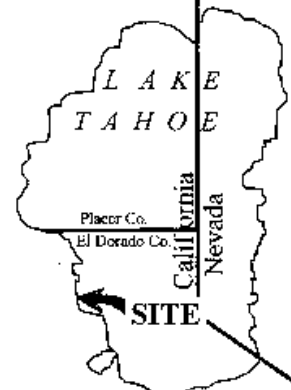


Exhibit B

PRC 8402.1
BREMBIL, LLC
APN 017-021-28 & 30
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.