

**CALENDAR ITEM  
C29**

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S 1

06/22/17  
PRC 5352.1  
J. Toy

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEE:**

Jerome J. Bernal, Trustee of the Jerome J. Bernal Trust Dated May 13, 1998

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

Sovereign land in Lake Tahoe, adjacent to 7097 State Highway 89, near  
Tahoma, El Dorado County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat lift, boat hoist, and two  
mooring bouys.

**LEASE TERM:**

10 years, beginning June 25, 2012.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during  
the lease term. Pursuant to this provision, staff reviewed the rent under this lease  
and recommends that rent be revised from \$2,817 per year to \$1,928 per year,  
effective June 25, 2017.

**PROPOSED AMENDMENT:**

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit  
B, 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 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 February 22, 2013, the Commission authorized a 10-year General  
Lease – Recreational Use to Jerome J. Bernal, Trustee of the Jerome J.  
Bernal Trust Dated May 13, 1998, for an existing pier, boat lift, boat hoist,

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and two mooring bouys ([Calendar Item C49, February 22, 2013](#)). That lease will expire on June 24, 2022.

The existing lease requires the payment of annual rent to compensate the people of the State for the use of sovereign land. Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,817 per year to \$1,928 per year based on changes to the lease (impact) area for the pier and application of the Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. 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.

**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 approving 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 actions 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 are in the best interests of the State.

CALENDAR ITEM NO. **C29** (CONT'D)

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 5352.1, a General Lease – Recreational Use, effective June 25, 2017, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 5352.1 from \$2,817 per year to \$1,928 per year, effective June 25, 2017.

**EXHIBIT A**

**PRC 5352.1**

**LAND DESCRIPTION**

Three parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 17, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1856, County of El Dorado, State of California, more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, boatlift, boat hoist, catwalk and concrete jetty lying adjacent to that parcel described in Exhibit A of Grant Deed recorded June 25, 2012 as Document Number 2012-0030753-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

**PARCELS 2 & 3 – BUOYS**

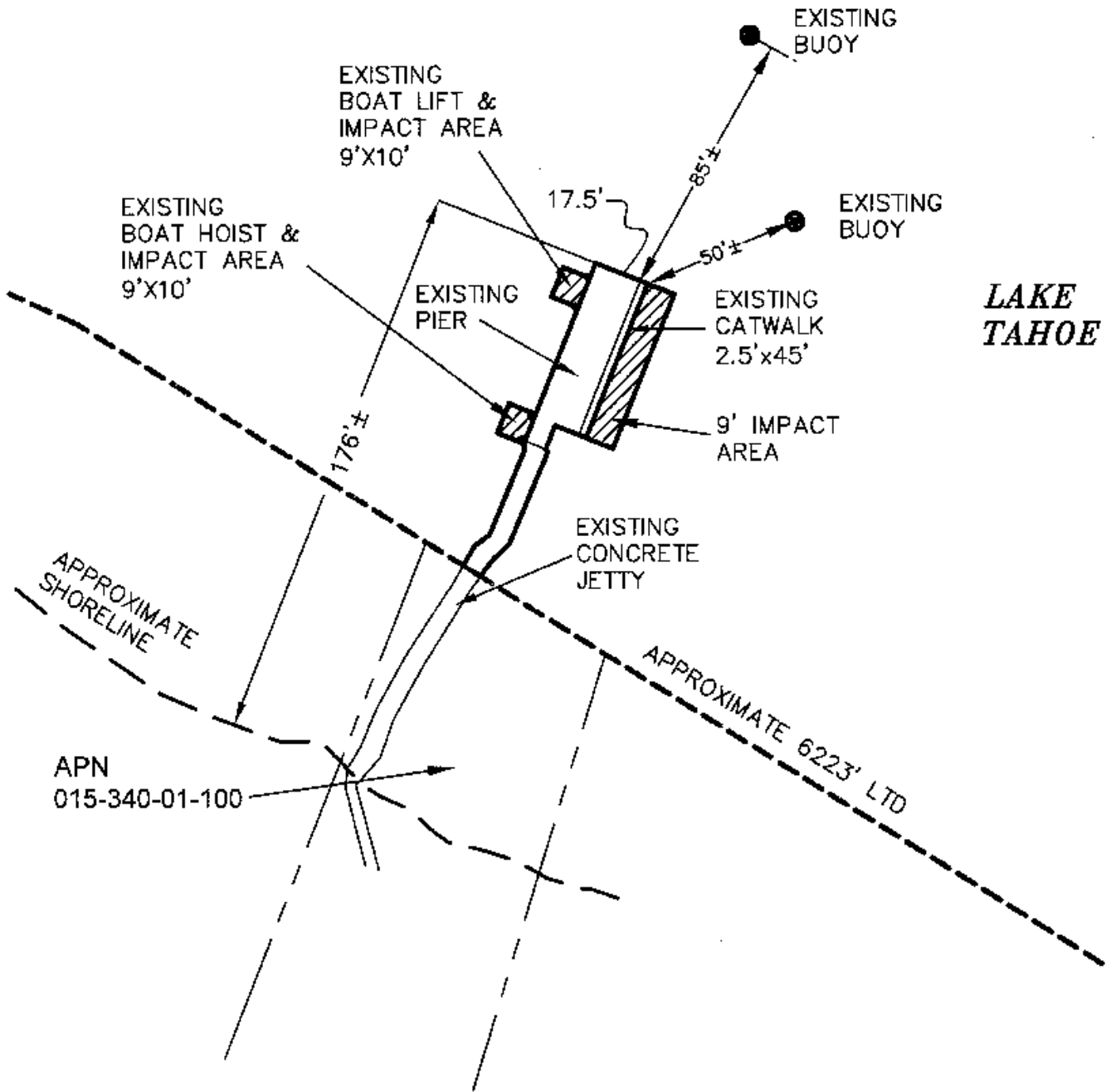
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Exhibit A of Grant Deed recorded June 25, 2012 as Document Number 2012-0030753-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 05/08/2017 by the California State Lands Commission Boundary Unit.





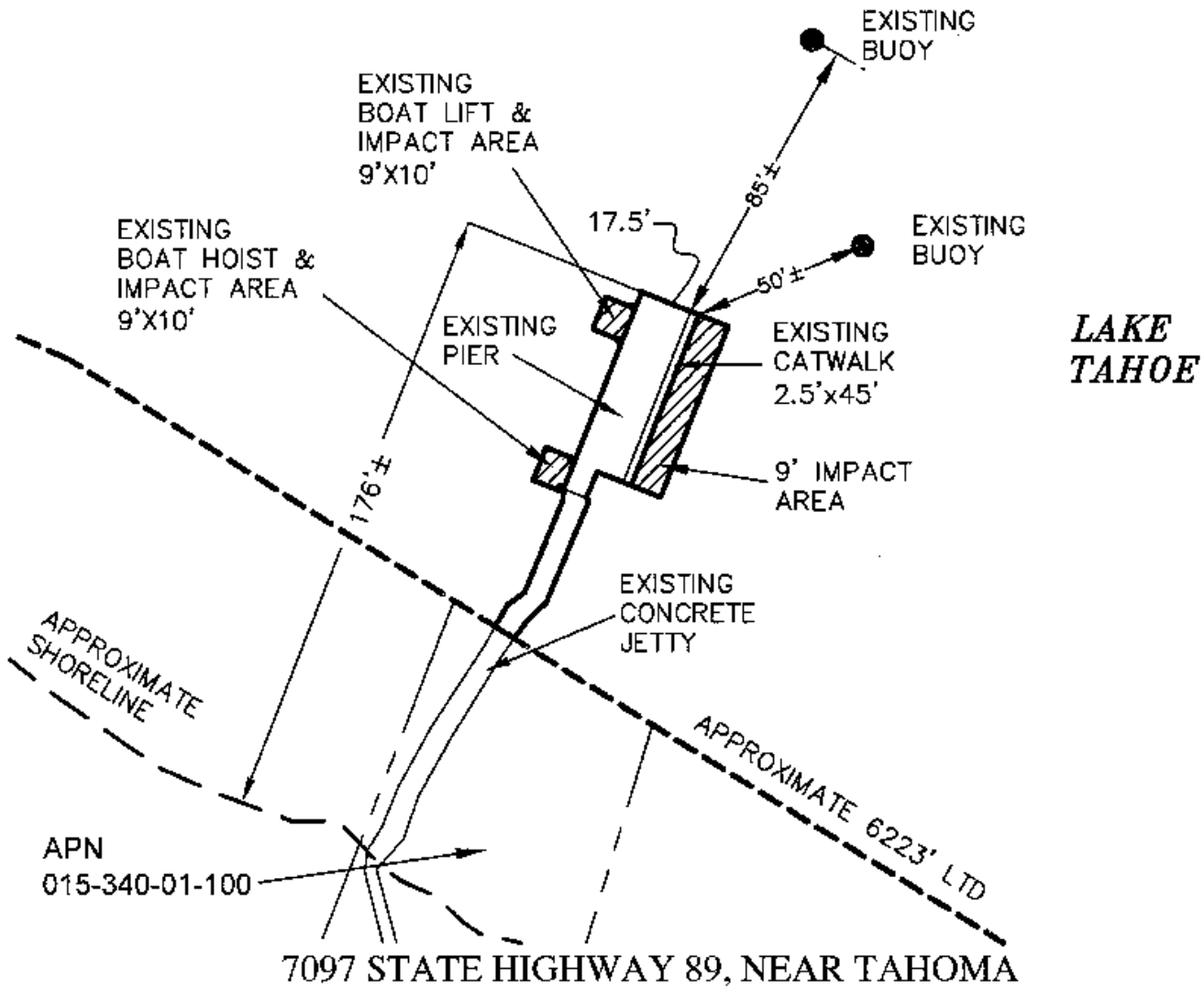
**LAKE  
TAHOE**

**EXHIBIT A**



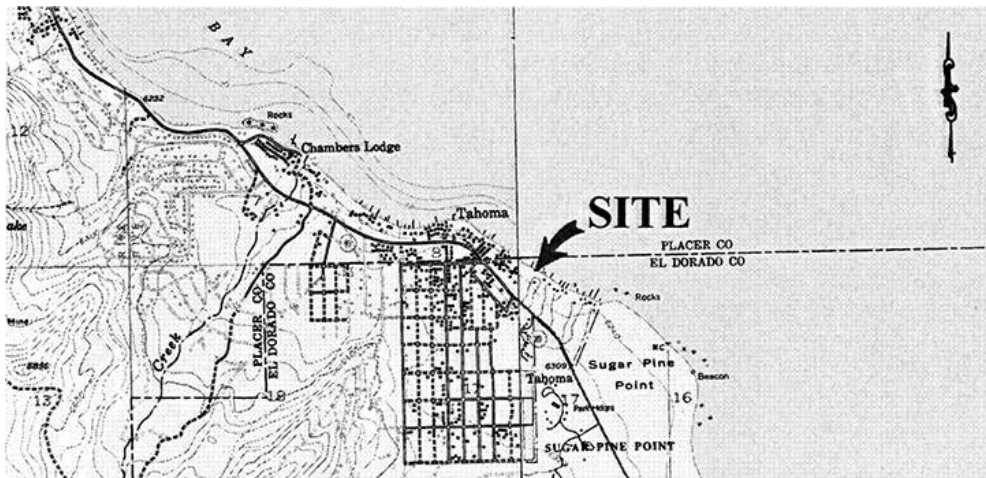
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# SITE



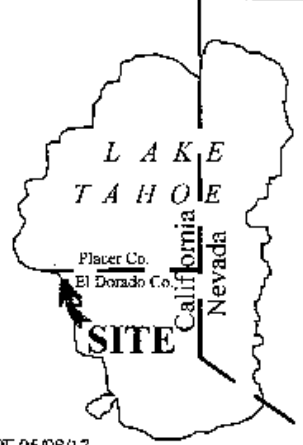
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# LOCATION



# Exhibit B

PRC 5352.1  
 BERNAL  
 APN 015-340-01-100  
 GENERAL LEASE -  
 RECREATIONAL USE  
 EL DORADO COUNTY



RPF 05/08/17

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.