

**STAFF REPORT
C02**

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08/17/17
PRC 3527.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

James W. Cameron, Jr., Trustee of the James W. Cameron, Jr. Qualified Personal Residence Trust dated November 19, 2012

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6940 Pomin Avenue, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, open-sided boathouse with boat lift, sundeck with stairs, and one mooring buoy.

LEASE TERM:

10 years, beginning May 1, 2017.

CONSIDERATION:

\$2,101 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. Lessee shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses of access, navigation, fishing and lake related recreational uses.
3. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoy within 2 years after the certification 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

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authorization within the time limit, they may be required to remove the buoy.

4. 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.
5. The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50 percent of the base value of the sundeck, then the sundeck with stairs must be removed from the lease premises.

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 Best Interests Analysis:

On June 28, 2007, the Commission authorized a General Lease – Recreational Use to James W. Cameron, Jr. ([Item C43, June 28, 2007](#)). That lease expired on April 30, 2017. On November 27, 2012, the upland parcel was deeded to the James W. Cameron, Jr., Trustee of the James W. Cameron, Jr. Qualified Personal Residence Trust dated November 19, 2012. The Applicant is now applying for a General Lease – Recreational Use for the continued use and maintenance of the existing pier, open-sided boathouse, boat lift, sundeck with stairs, and one mooring buoy. The facilities are privately owned and maintained.

Other than the sundeck with stairs, the subject facilities are used for 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 land (Pub. Resources Code, § 6503.5).

The subject facilities have existed for many years at this location. The pier is built on pilings and the immediate area of the pier is rocky with large boulders. The topography and the location of upland structures provide access for the pier and the public may navigate or walk next to, and at certain water levels under, the pier within the Public Trust easement. The

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buoy is located directly lakeward of the upland property and occupies a relatively small area of the lake.

The sundeck with stairs is not associated with traditional trust uses. While new sundecks are generally not favored, sundecks that have been in place for years have been permitted if, as is the case in this instance, they do not significantly interfere with Public Trust activities. However, the lease contains provisions that the sundeck may not be expanded nor rebuilt if substantially destroyed.

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 and restore the lease premises to their original condition.

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 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 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).

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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 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 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 James W. Cameron, Jr., Trustee of the James W. Cameron, Jr. Qualified Personal Residence Trust dated November 19, 2012; beginning May 1, 2017, for a term of 10 years, for the continued use and maintenance of an existing pier, open-sided boathouse, boat lift, sundeck with stairs, and one mooring buoy as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual

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rent in the amount of \$2,101, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3527.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 8, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk, open-sided boathouse, boatlift, and sundeck with stairs lying adjacent to those parcels as described in Exhibit "A" of that Grant Deed recorded November 27, 2012 as Document Number 2012-0113540 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.

PARCEL 2 – BUOY

A circular parcel of land, being 50 feet in diameter, underlying one existing buoy, lying adjacent to those parcels as described in said Grant Deed.


Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 28, 2017 by the California State Lands Commission Boundary Unit.



L A K E
T A H O E

EXISTING
BUOY 
226 ± TO SHORELINE

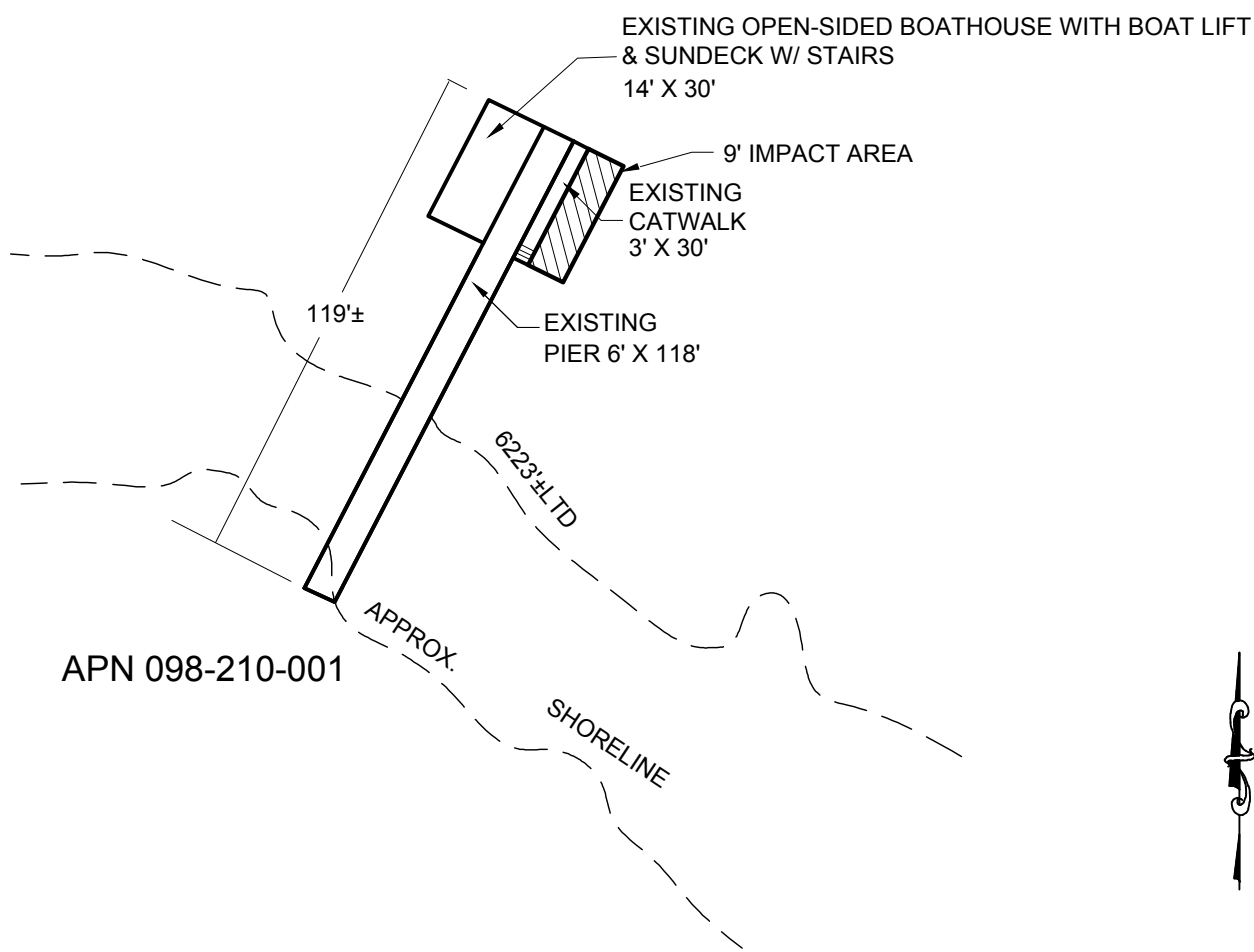


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 3527.1, CAMERON
PLACER COUNTY

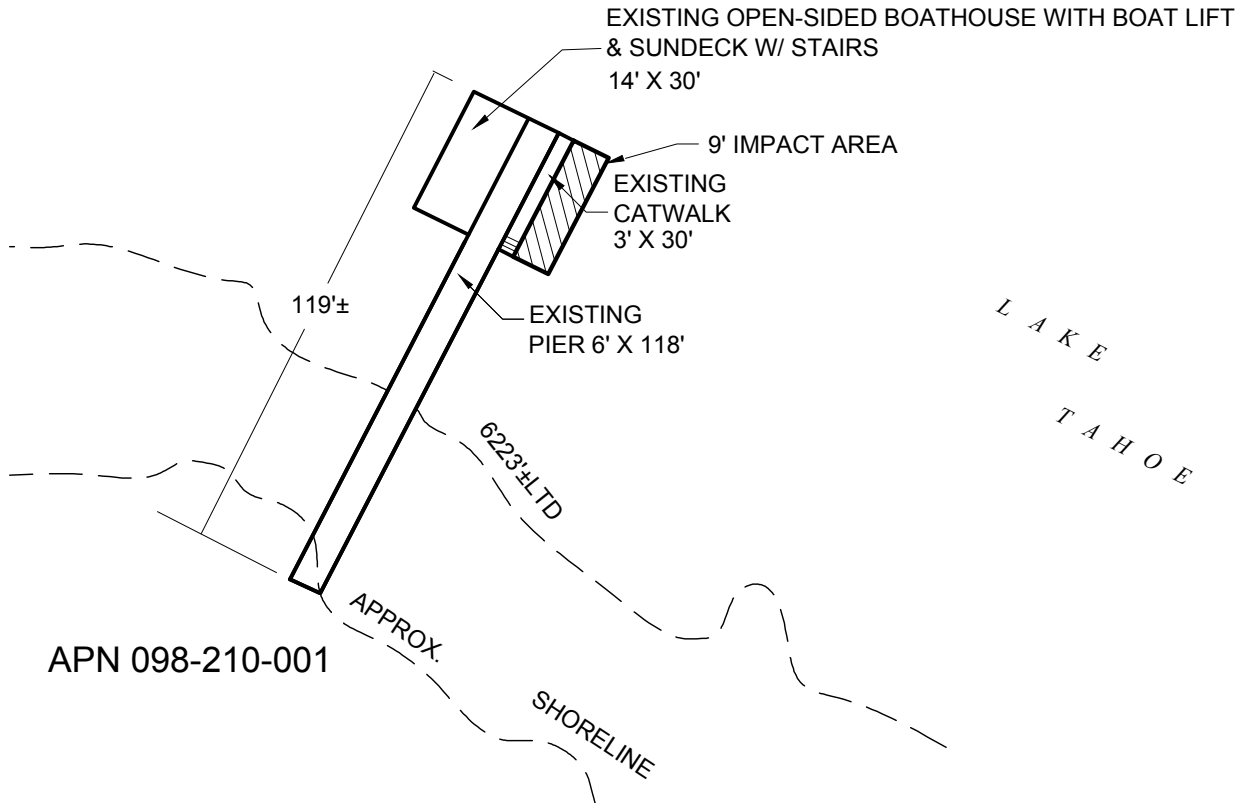
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

EXISTING BUOY
226 ± TO SHORELINE



6940 POMIN AVENUE, NEAR TAHOMA

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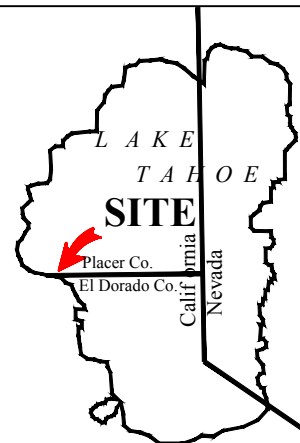
LOCATION



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 3527.1
CAMERON
GENERAL LEASE-
RECREATIONAL USE
APN 098-210-001
PLACER COUNTY



MJJ 07/03/17