

**STAFF REPORT
C09**

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08/17/17
PRC 5563.1
K. Connor

AMENDMENT OF LEASE

LESSEE:

Jon E. Maring and Tamara Maring

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 6460 North Lake Boulevard, near Tahoe Vista, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning July 1, 2013.

CONSIDERATION:

\$1,286 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to:

1. Install, use, and maintain a boat lift including one 10-inch by 10-inch "H" beam steel piling.
2. Increase the annual rent to be \$1,330 to reflect the area occupied by the proposed boat lift effective July 1, 2017.
3. Include special lease provisions related to construction.
4. 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.

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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:

The Lessee owns the upland adjoining the lease premises. On December 2, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Jon E. Maring and Tamara Maring, for an existing pier and two mooring buoys ([Item C55, December 2, 2013](#)). That lease will expire on June 30, 2023.

The lessee is now applying to amend the lease for the proposed installation of a new boat lift including one 10-inch by 10-inch “H” beam steel piling. A boat lift currently exists on the pier but does not extend below the low water line and is not within the Commission’s leasing jurisdiction. The existing boat lift will be removed prior to installation of the proposed boat lift. While the boat lift will extend outwards over the water, the proposed construction will not result in a significant change to the overall footprint. However, the addition of the new boat lift, with the additional impact area associated with the boat lift, will result in an overall increase in the lease area.

Proposed construction of the boat lift will be performed on site with the construction work completed by a marine contractor. Most of the construction will be above water with all materials brought in and stored on a barge. The lake at the project location is approximately 4 to 5 feet deep and there will be no impact to the existing beach at this location. Construction will take place after all required approvals have been obtained.

The lease includes certain provisions protecting the public use of the proposed lease area, including a lease term limited to 10 years, a non-exclusive use provision, and a reservation to the people of the State of an easement for access to and across the lease area. The proposed facilities will not significantly alter the land, alienate the State’s fee simple interest, or permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Based on the foregoing, staff believes that the proposed construction to install the boat lift will not substantially interfere with Public Trust needs, at this location, at this time, or for the foreseeable term of the lease.

STAFF REPORT NO. **C09** (CONT'D)

The 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, staff believes the issuance of this lease amendment is consistent with the common law Public Trust Doctrine and 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.

APPROVALS REQUIRED:

California Department of Fish and Wildlife
Lahontan Regional Water Quality Control Board

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
Tahoe Regional Planning Agency

STAFF REPORT NO. **C09** (CONT'D)

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 amendment of Lease No. PRC 5563.1 will not substantially impair 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, 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 the amendment of Lease No. PRC 5563.1, a General Lease – Recreational Use, effective July 1, 2017, for the installation, use, and maintenance of a boat lift including one 10-inch by 10-inch “H” beam steel piling; rent to be changed from \$1,286 to \$1,330 per year to reflect the additional improvements, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease, effective July 1, 2017; to include special lease provisions related to construction; and 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).

EXHIBIT A

PRC 5563.1

LAND DESCRIPTION

Three parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 14, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and proposed boat lift lying adjacent to that parcel described in Grant Deed recorded June 10, 2013 as Document Number 2013-0056280-00 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.

PARCEL 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded June 10, 2013 as Document Number 2013-0056280-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/15/2017 by the California State Lands Commission Boundary Unit.



APN 117-060-013

APPROX. SHORELINE

EXISTING PIER

6223' ± LTD

9' IMPACT AREA

PROPOSED BOAT LIFT & 10' X 9' IMPACT AREA

EXISTING PIER WITH ROCK CRIB

9' IMPACT AREA

TAHOE

LAKE

EXISTING BUOYS (2)

EXHIBIT A

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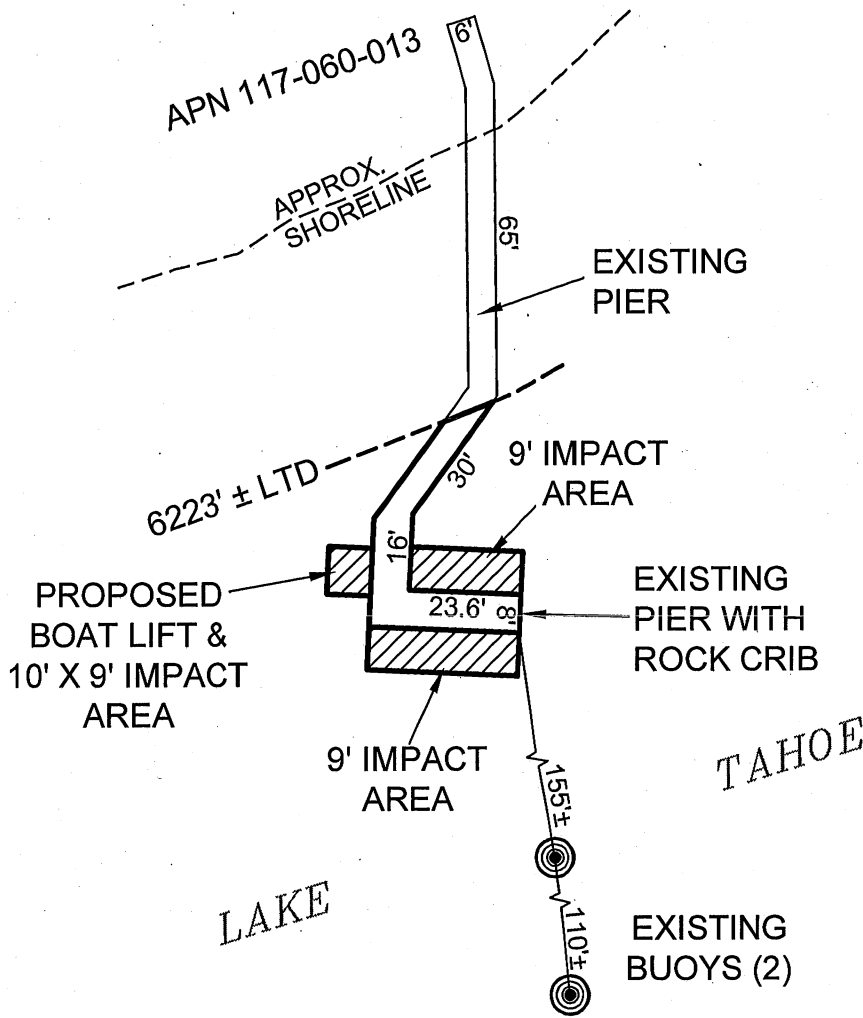
LAND DESCRIPTION PLAT
PRC 5563.1, MARING
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

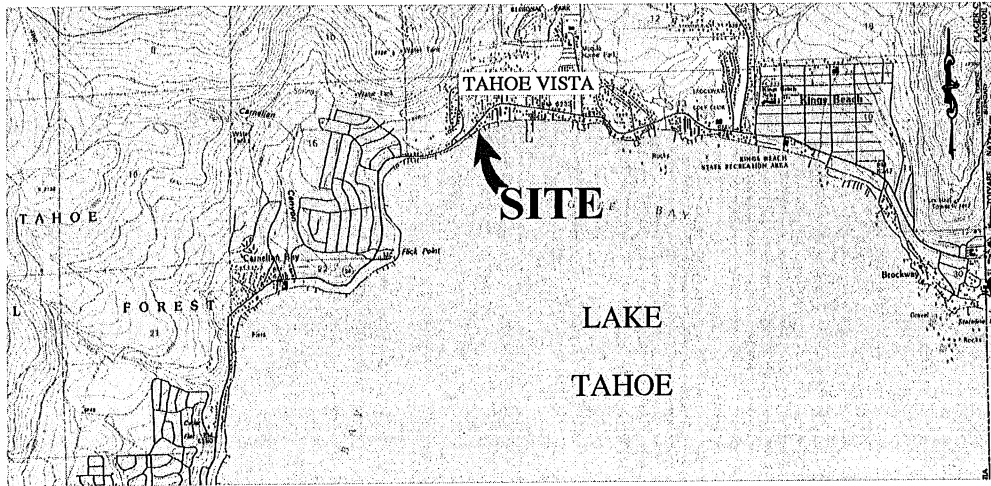
SITE



6460 NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

LOCATION

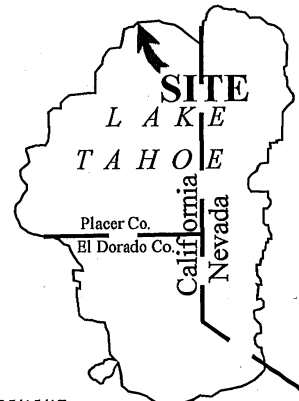


MAP SOURCE: USGS QUAD

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 5563.1
 MARING
 APN 117-060-013
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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