

**STAFF REPORT
C03**

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04/19/18
PRC 7565.1
S. Avila

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Kent R. Bourquin, Sucessor Trustee of The Bourquin Family Trust dated May 7, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Donner Lake, adjacent to 13930 South Shore Drive, near Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and portion of an existing boat lift.

LEASE TERM:

10 years, beginning April 26, 2013.

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 \$309 per year to \$219 per year, effective April 26, 2018.

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 April 26, 2013, the Commission authorized a General Lease – Recreational Use to Kent R. Bourquin and Mary B. Bourquin, Trustees of

STAFF REPORT NO. **C03** (CONT'D)

The Bourquin Family Trust dated May 7, 1998, for a term of 10 years beginning April 26, 2013 ([Item C46, April 26, 2013](#)). The lease will expire on April 25, 2023. Since that time, Kent R. Bourquin became the successor trustee.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$309 per year to \$219 per year based on changes to the lease (impact) area for the pier. 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 location, at this time, and for the foreseeable term of the lease. 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 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 and revision of rent for Lease No. PRC 7565.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease, are consistent with the common law Public Trust Doctrine, and are in the best interests of the State.

STAFF REPORT NO. **C03** (CONT'D)

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 7565.1, a General Lease – Recreational Use, effective April 26, 2018, 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 7565.1 from \$309 per year to \$219 per year, effective April 26, 2018.

EXHIBIT A

PRC 7565.1

LAND DESCRIPTION

A parcel of submerged land situated in the bed of Donner Lake, lying adjacent to Lot 8 of fractional Section 13, Township 17 North, Range 15 East, M.D.B.&M., as shown on Official Government Township Plat approved April 10, 1867, County of Nevada, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier with a boat lift lying adjacent to that parcel described in Grant Deed recorded November 21, 2000 as Document Number 2000-0035039-00 Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of the low water mark of said Donner Lake.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 03/01/2018 by the California State Lands Commission Boundary Unit.



NO SCALE

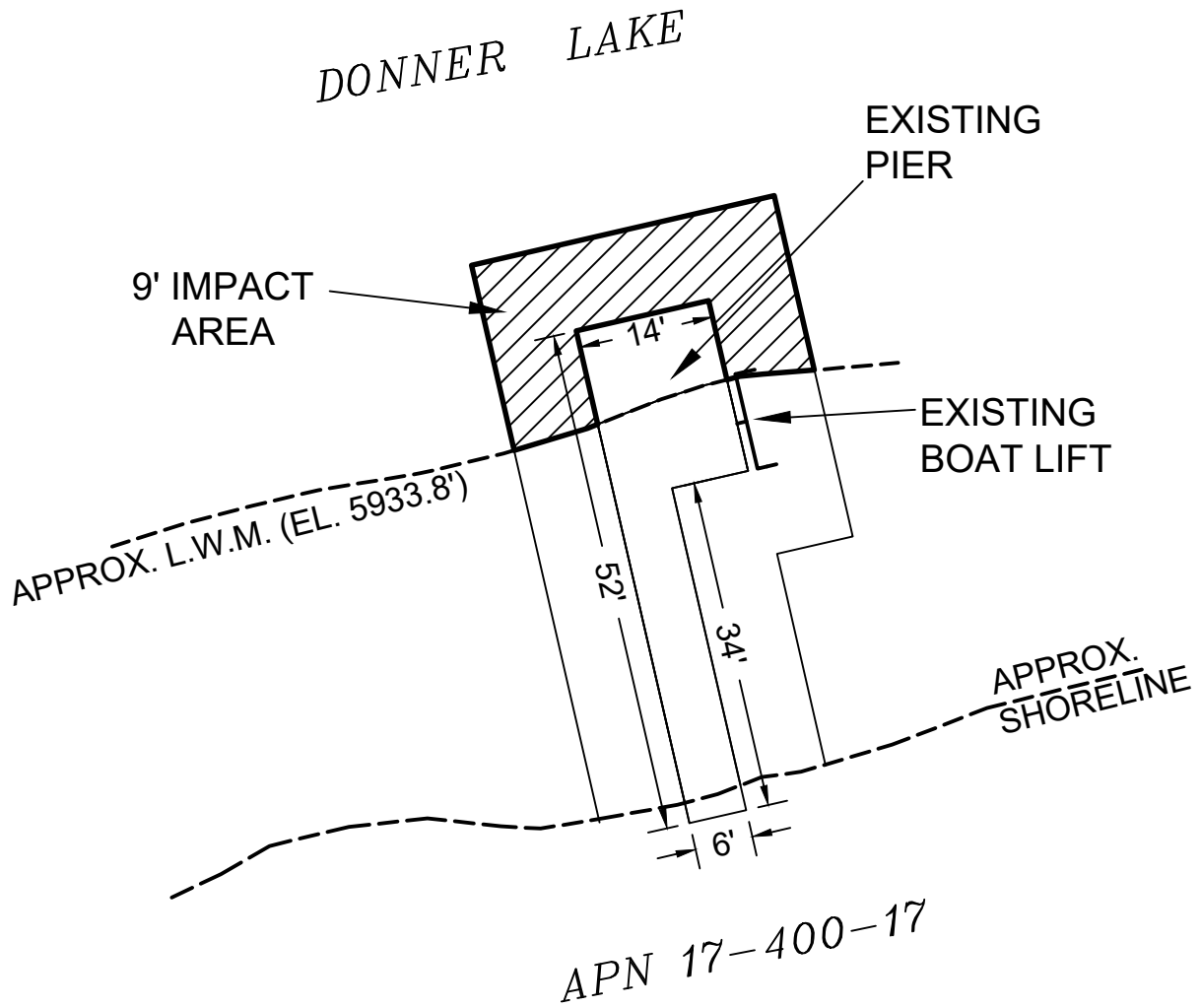


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 7565.1, BOURQUIN TRUST
NEVADA COUNTY

CALIFORNIA STATE
LANDS COMMISSION

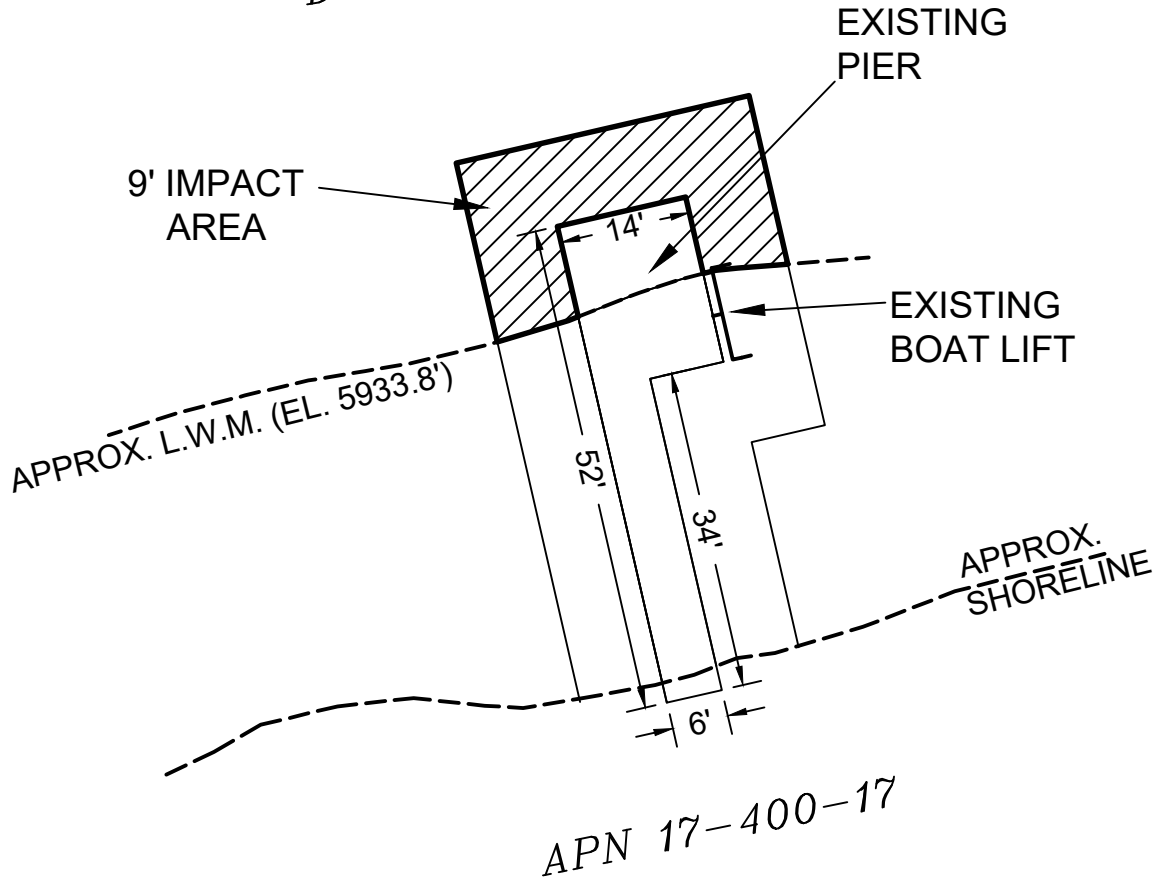


NO SCALE

SITE



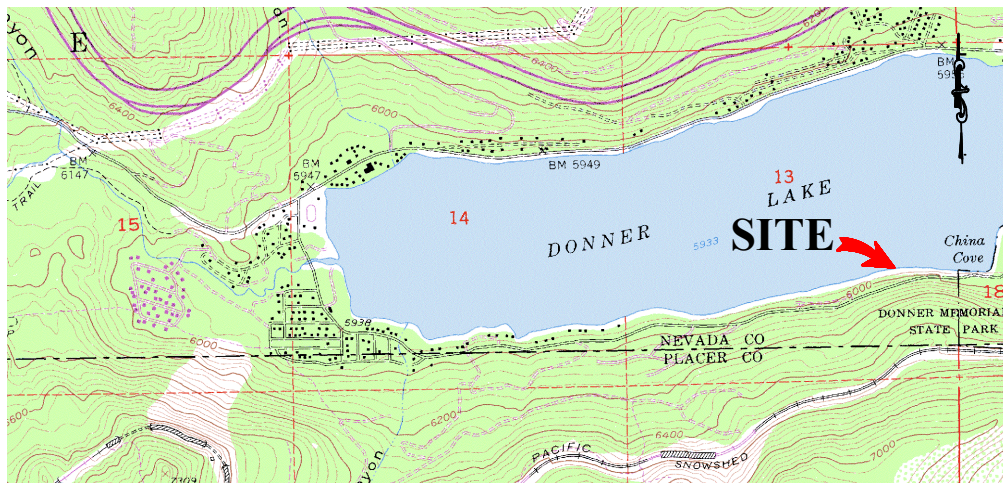
DONNER LAKE



13930 SOUTH SHORE DRIVE, NEAR TRUCKEE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7565.1
 BOURQUIN TRUST
 APN 17-400-17
 GENERAL LEASE -
 RECREATIONAL USE
 NEVADA 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.