

**STAFF REPORT  
C15**

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08/23/18  
PRC 7182.1  
S. Avila

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

David Mark Jonsson and Joyce Spilman Jonsson, Trustees of the Jonsson Family Trust of April 1, 1994

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Lake Tahoe, adjacent to 221 Drum Road, Meeks Bay, El Dorado County.

*AUTHORIZED USE:*

Continued use and maintenance of one existing mooring buoy.

*LEASE TERM:*

10 years, beginning August 6, 2018.

*CONSIDERATION:*

\$377 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 a 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 for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such

## STAFF REPORT NO. C15 (CONT'D)

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.

### **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 January 29, 2009, the Commission authorized the issuance of Lease No. PRC 7182.9, a Recreational Pier Lease, for an existing pier and two mooring buoys, to Michael Alan Jonsson; Robert Erik Jonsson; Margaret Anne Jonsson Sedillo; and David Mark Jonsson and Joyce Spilman Jonsson, Trustees of the Jonsson Family Trust utated April 1, 1994, ([Item C10, January 29, 2009](#)). That lease expired on August 5, 2018. On July 21, 2010, a lot line adjustment was recorded and the Jonsson's original parcel was divided into two separate parcels. On March 15, 2017, ownership of one portion of the split parcel (including ownership of the existing pier and one of the two existing mooring buoys) transferred to Drum Lodge, LLC, a Delaware limited liability company.

Drum Lodge, LLC has applied for a new lease (W 27151) for use and maintenance of the existing pier and one existing mooring buoy plus an existing previously unauthorized boat lift located adjacent to Assessor's Parcel Number (APN) 016-300-59-100.

The Applicant retained ownership of one of the existing buoys under PRC 7182.9, located adjacent to their parcel now identified as APN 016-300-60. The Applicant is applying for a General Lease – Recreational Use for the one existing mooring buoy. Staff recommends authorization of a new lease beginning August 6, 2018.

The Applicant owns the upland adjoining the lease premises. The subject facility is privately owned and maintained. The mooring buoy is used for the docking and mooring of boats. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private

STAFF REPORT NO. C15 (CONT'D)

recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

The mooring buoy has existed for many years at this location. The buoy is located directly lakeward of the upland parcel and occupies a relatively small area of the lake.

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 and 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 from State land 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, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; 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.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of 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.

STAFF REPORT NO. **C15** (CONT'D)

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that this 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 this activity will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning August 6, 2018, for a term of 10 years, for the continued use and maintenance of one existing 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 rent in the amount of \$377 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 7182.1**

**LAND DESCRIPTION**

One parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 20, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880 County of El Dorado, State of California, and more particularly described as follows:

One circular parcel of land being 50 feet in diameter, underlying one existing buoy lying adjacent to that parcel described in Exhibit "A" of that Grant Deed recorded July 21, 2010 as Document Number 2010-0032062 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared October 27, 2017 by the California State Lands Commission Boundary Unit.





APN 016-300-60

APPROXIMATE

SHORELINE

6223'± LTD

354'

EXISTING BUOY

L A K E  
T A H O E

# EXHIBIT A

Page 2 of 2

MJJ 4/11/18

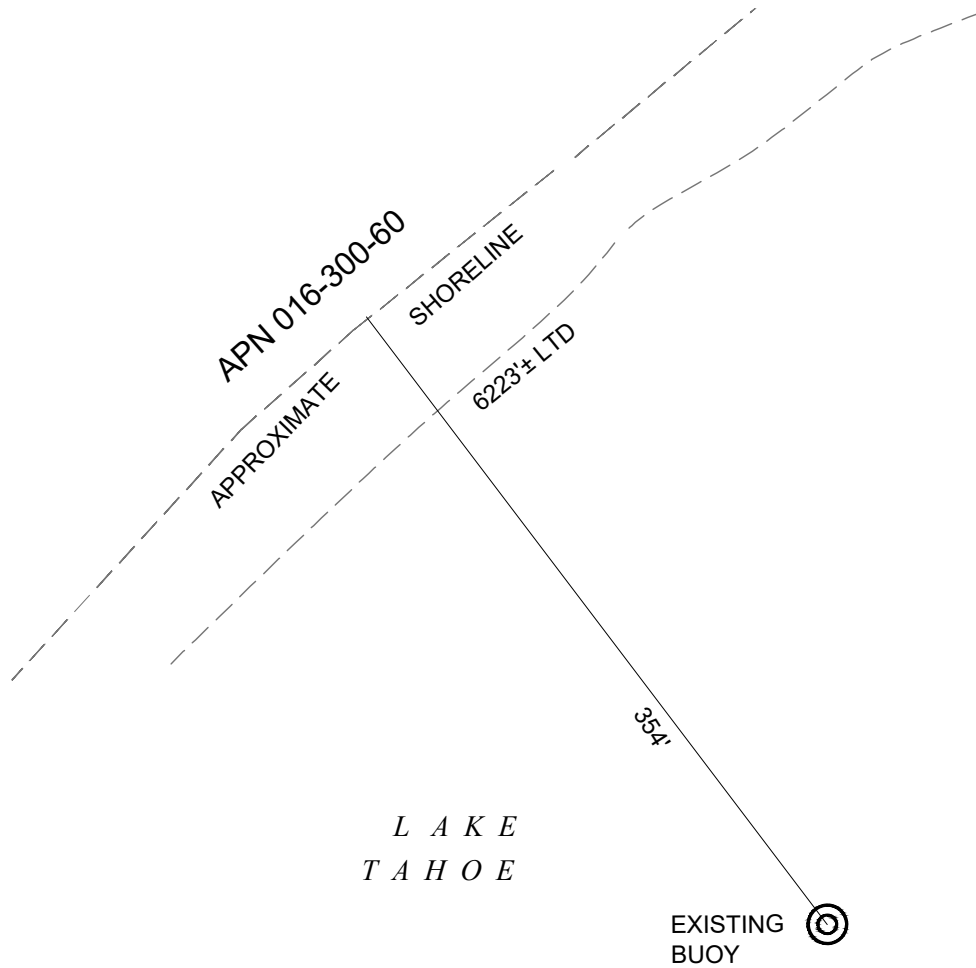
LAND DESCRIPTION PLAT  
PRC 7182.1, JONSSON FAMILY TRUST  
EL DORADO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

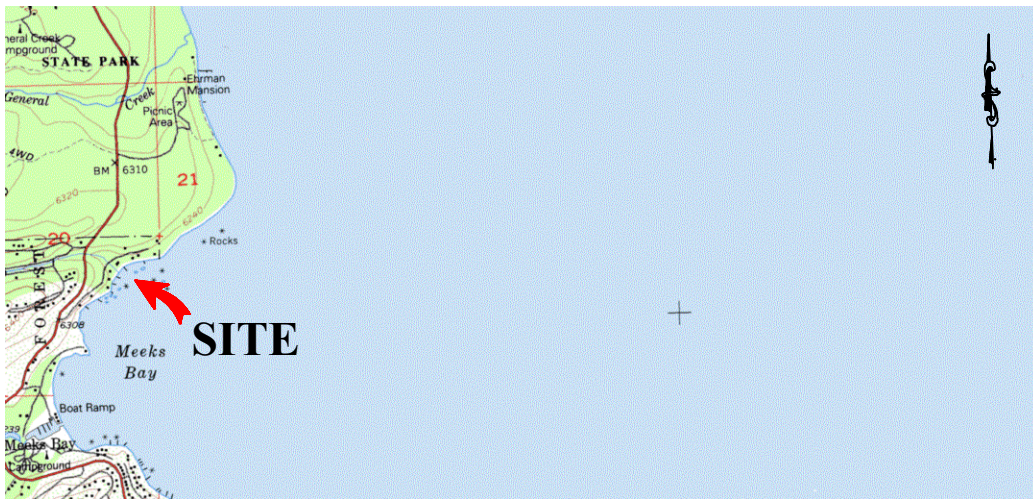
# SITE



221 DRUM ROAD, NEAR MEEKS BAY

NO SCALE

# LOCATION

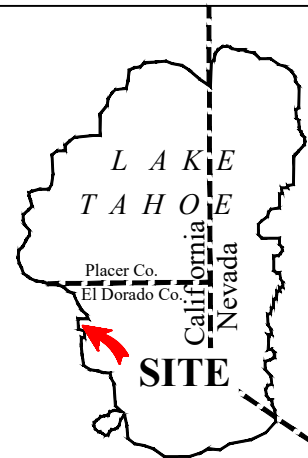


MAP SOURCE: USGS QUAD

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 7182.1  
 JONSSON FAMILY TRUST  
 APN 016-300-60  
 GENERAL LEASE -  
 RECREATIONAL USE  
 EL DORADO COUNTY



MJJ 4/11/18