

04
as Minute Item
4 by the State Lands
... by a vote of 2
0 at its 10/18/91
meeting. CALENDAR ITEM

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04

10/18/91
PRC 5859
Gordon

ASSIGNMENT OF GENERAL LEASE - COMMERCIAL USE

ASSIGNOR:

Lyman B. Sutter,
aka Lyman B. Sutter, Jr.,
Estate of Lyman B. Sutter Jr., Deceased
3502 Venture Drive
Huntington Beach, California 92649

ASSIGNEE:

The Heirs and Devisees of Lyman B. Sutter, Jr.,
also known as Lyman B. Sutter, Deceased,
subject to administration of the Estate of
said Decedent
3502 Venture Drive
Huntington Beach, California 92649

AREA, TYPE LAND AND LOCATION:

A 3.975-acre area of submerged land located in Lake Tahoe at
Camp Richardson, El Dorado County.

LAND USE:

The operation of a commercial marina.

TERMS OF ORIGINAL LEASE:

Initial period:
Twenty (20) years beginning July 22, 1982.

Public liability insurance:

Combined single limit coverage of \$500,000.

Consideration:

A minimum annual rental of \$825 applied against five
percent (5%) of gross income derived from the rental of
moorings; one cent per gallon of fuel sold during the
reporting period to maximum of 100,000 gallons and one
and one-half cents per gallon thereafter, with the
State reserving the right to fix a different rental on
each fifth anniversary of the lease.

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TERMS OF FIRST AMENDMENT OF LEASE:

Initial period:

Twenty (20) years beginning July 22, 1982.

Public liability insurance:

Combined single limit coverage of \$500,000.

Consideration:

A minimum annual rental of \$825 applied against five percent (5%) of gross income derived from the rental of moorings; one cent per gallon of fuel sold during the reporting period to maximum of 100,000 gallons and one-and-one-half cents per gallon thereafter, with the State reserving right to fix a different rental on each fifth anniversary of the lease.

Special:

1. The amendment revises the land description to increase the area of use.
2. All other terms and conditions of the lease remain unchanged and in full force and effect.

TERMS OF ADDENDUM TO LEASE:

Initial period:

A period not to exceed five years beginning May 24, 1991.

Surety bond:

\$10,000.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Special:

(1) The addendum authorizes the installation of temporary, limited-term facilities to enable the marina to access the waters of Lake Tahoe during the time of its drought-impacted lower levels.

(2) All such temporary facilities not affixed to the lake bed shall be removed annually at the season's end and may not be reinstalled without written permission of the State Lands Commission.

(3) No existing facility may be relocated to another site without the expressed prior written permission of the State Lands Commission.

(4) Each buoy and its chain shall be removed annually from the site covered by the lease addendum at the season's end.

(5) Any breach of the terms of the addendum constitutes a breach of the existing lease.

(6) All other terms and conditions of the lease remain unchanged and in full force and effect.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. At its November 29, 1984 meeting, Minute Item No. 11, the State Lands Commission authorized the issuance of General Lease - Commercial Use, PRC 5859, to Richard D. Schwartz, dba Richardson's Marina and Camp Richardson Resort and Marina, for the operation of a commercial marina.
2. At its March 27, 1986 meeting, Minute Item No. 6, the State Lands Commission approved the assignment of the lease to Lyman B. Sutter.
3. At its May 22, 1986 meeting, Minute Item No. 5, the State Lands Commission approved a first amendment of the lease which revised the land description and increased the area of use.

CALENDAR ITEM NO. 04 (CONT'D)

4. At its May 23, 1991 meeting, Minute Item No. 3, the State Lands Commission approved an addendum to the lease which authorized the removal of seven existing marina boat-mooring slips to install temporary structures and to relocate existing mooring buoys for the purpose of providing access to Lake Tahoe which has been limited by the effects of the drought. Applicant required such lake access to maintain its capacity to serve the marina's clientele during the conditions of drought.
5. Lyman B. Sutter, aka Lyman B. Sutter, Jr., is now deceased. This is an application to assign the lease to the heirs and devisees of the decedent, subject to the administration of the decedent's estate.
6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

7. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the activity is consistent with its use classification.

EXHIBIT:

- A. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. APPROVE, EFFECTIVE AUGUST 15, 1988, THE ASSIGNMENT OF GENERAL LEASE - COMMERCIAL USE, PRC 5859, COVERING AN AREA UTILIZED FOR THE OPERATION OF A COMMERCIAL MARINA, FROM LYMAN B. SUTTER, AKA LYMAN B. SUTTER JR., TO THE HEIRS AND

CALENDAR ITEM NO. 04 (CONT'D)

DEVISEES OF LYMAN B. SUTTER, JR., ALSO KNOWN AS LYMAN B. SUTTER, DECEASED, SUBJECT TO ADMINISTRATION OF THE ESTATE OF SAID DECEDENT. ALL OTHER TERMS AND CONDITIONS OF THE LEASE REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

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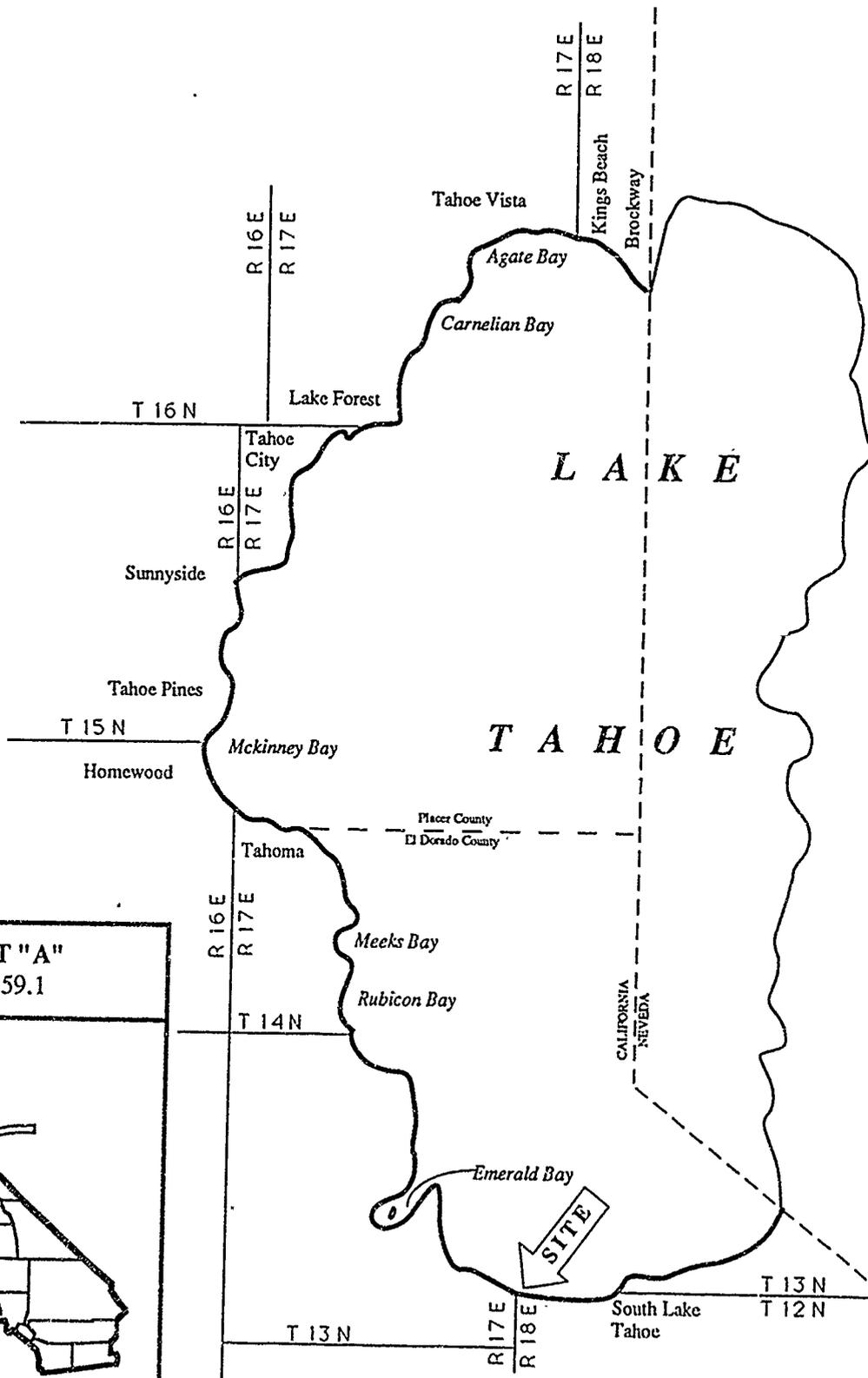


EXHIBIT "A"
PRC 5859.1



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