

**CALENDAR ITEM
C10**

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S 1

01/26/12
WP 5353.1
C. Hudson

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Mark B. Nelson, Trustee of the Wilborn Children’s Trust and Lorie L. Wilborn, Trustee of the Nelson Heritage Trust.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4200 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boat hoist previously authorized by the Commission and an existing boat hoist not previously authorized by the Commission as shown on the attached Exhibit B.

LEASE TERM:

10 years, beginning January 26, 2012.

CONSIDERATION:

\$1,145 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On September 17, 2001, the Commission authorized a Recreational Pier Lease with Mark B. Nelson and Lorie L. Wilborn for an existing pier and boat hoist. That lease expired on May 31, 2011. During the lease term, the upland parcel was deeded to Mark B. Nelson, Trustee of the Wilborn Children’s Trust and Lorie L. Wilborn, Trustee of the Nelson Heritage Trust. The Applicants are now applying for a new General Lease – Recreational Use.

CALENDAR ITEM NO. **C10** (CONT'D)

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - a. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - b. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The lease does not meet the statutory requirements for an exception to new Section 6503.5 of the Public Resources Code.

4. The Applicants' additional boat hoist has been in Lake Tahoe for many years but was not previously authorized by the Commission. Staff recommends approval of the existing boat hoist within the lease premises.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit 14, § 15061), the staff has determined 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.

6. 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 the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C10** (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).

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 Mark B. Nelson, Trustee of the Wilborn Children’s Trust and Lorie L. Wilborn, Trustee of the Nelson Heritage Trust, beginning January 26, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier and boat hoist previously authorized by the Commission and an existing boat hoist not previously authorized by the Commission 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 \$1,145, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

WP 5353.1

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 28, Township 16 North, Range 17 East, MDM., as shown on Official government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, with two boat hoists lying adjacent to Parcel One as described in Exhibit A of that Grant Deed recorded January 12, 2010 as Document Number 2010-0002161-00 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared December 19, 2011 by the California State Lands Commission Boundary Unit.



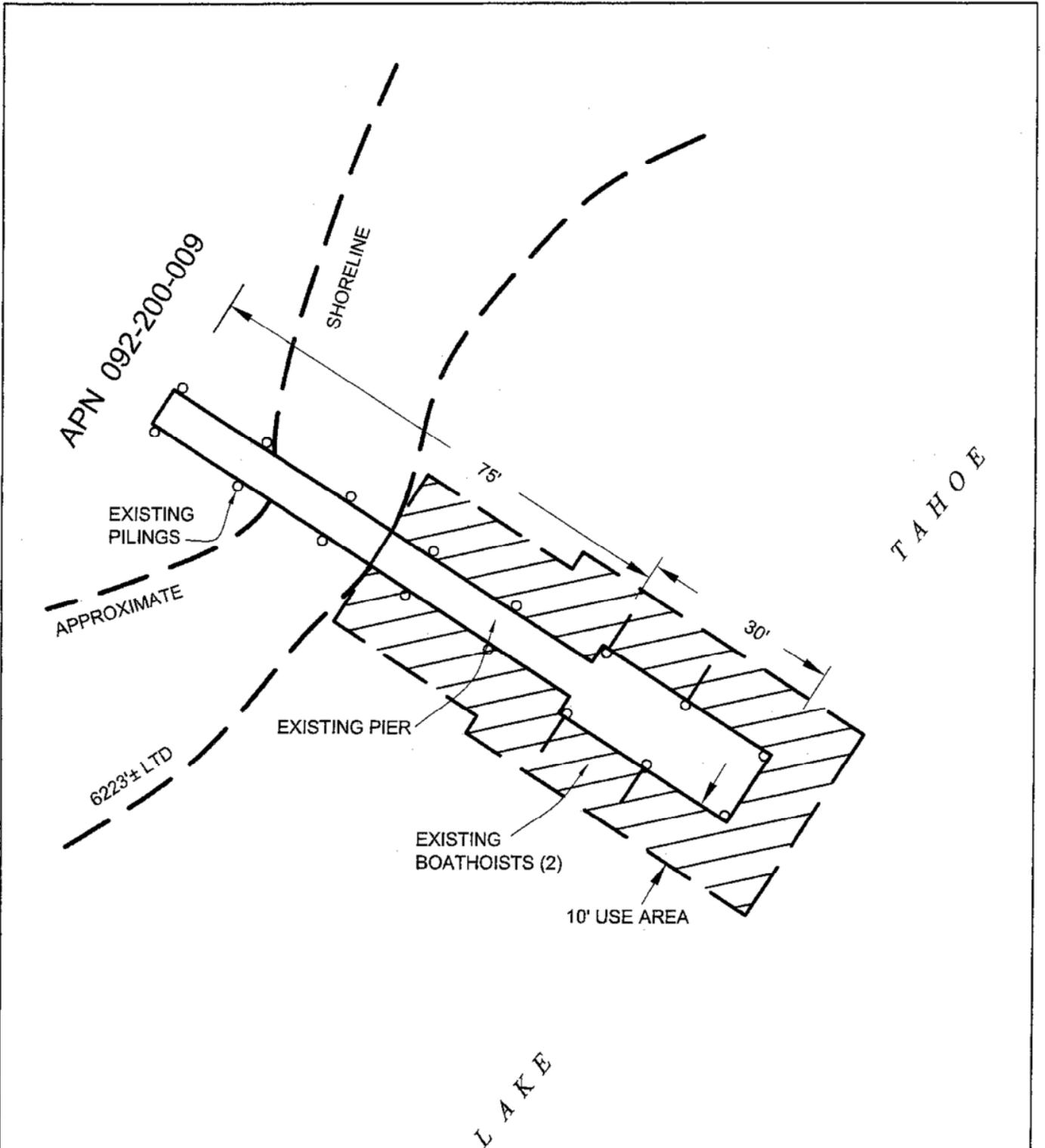


EXHIBIT A

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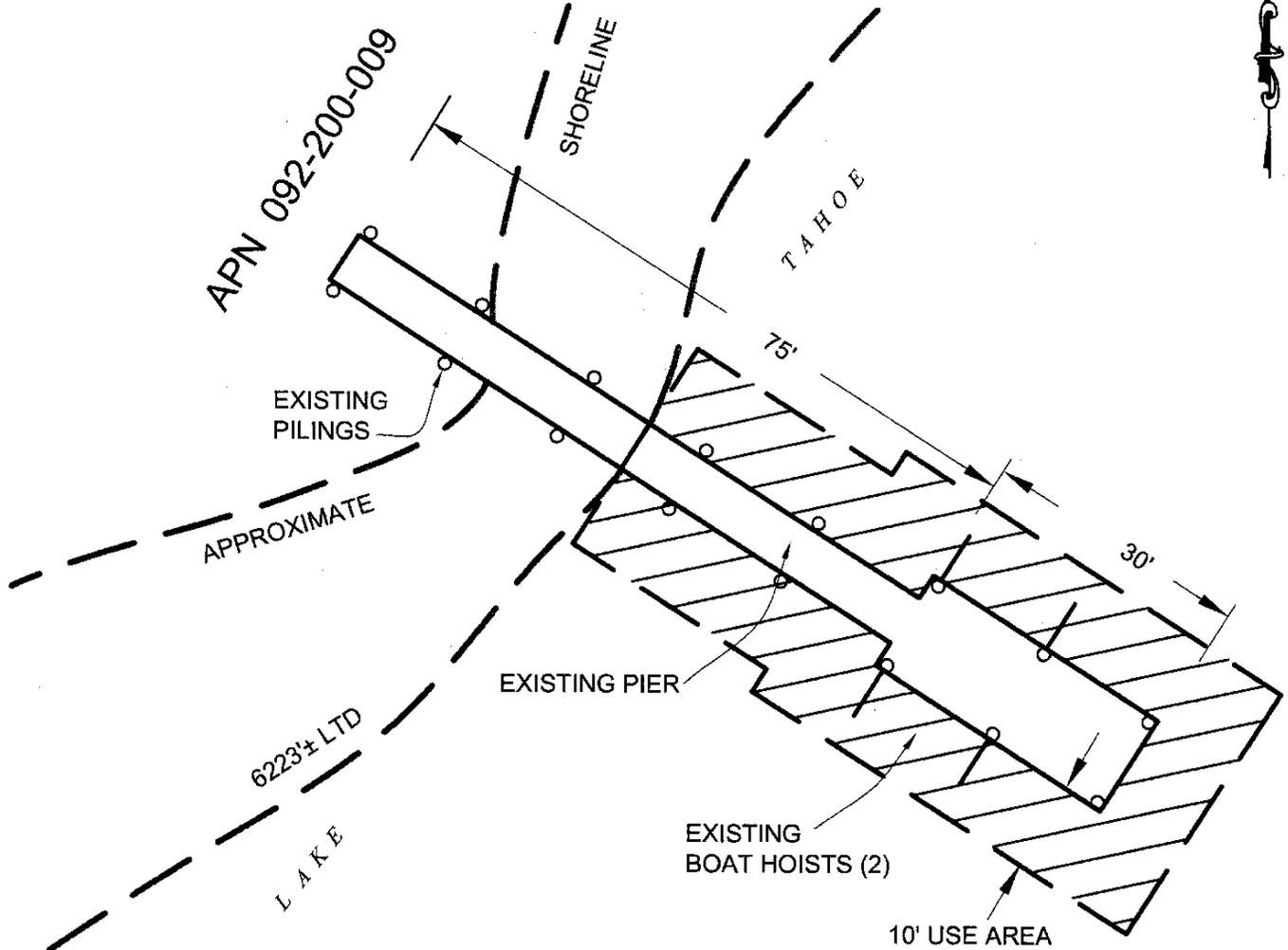
LAND DESCRIPTION PLAT
 WP 5353.1
 NELSON & WILBORN TRUSTEE
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

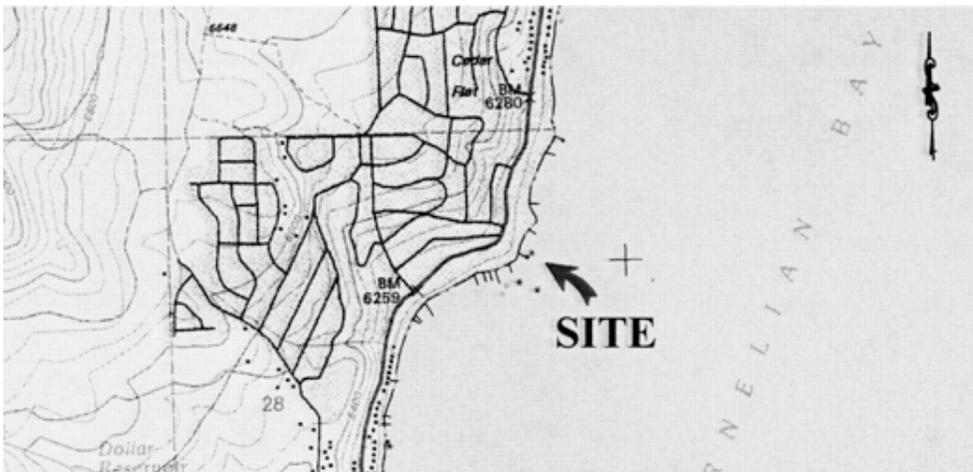
SITE



4200 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

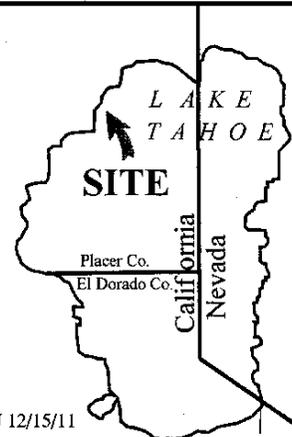
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

WP 5353.1
 NELSON, TRUSTEE &
 WILBORN, TRUSTEE
 APN 092-200-009
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 12/15/11

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.