

**CALENDAR ITEM
C33**

A 4
S 1

03/29/12
WP 7246.9
C. Hudson

AMENDMENT OF A RECREATIONAL PIER LEASE

LESSEES:

David J. Teece and Leigh G. Teece

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 250 Four Ring Road, near
Tahoma, El Dorado County.

AUTHORIZED USE:

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

EXISTING LEASE TERM:

10 years, beginning September 14, 2008.

EXISTING CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

PROPOSED AMENDMENT:

Amend the authorized improvements to include two existing mooring buoys not previously authorized by the Commission; to include additional special lease provisions related to the buoys; replace Exhibit A with the attached Exhibit A; and include the attached Exhibit B. All other terms and conditions of the lease shall remain in effect without amendment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$500,000.

Other:

The proposed amendment contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately

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1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On December 3, 2008, the Commission authorized a Recreational Pier Lease with David J. Teece and Leigh G. Teece for an existing pier and boat lift. That lease will expire on September 14, 2018. The Applicants are now applying to amend the Recreational Pier Lease to include two existing mooring buoys not previously authorized by the Commission.
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.

Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to section 6503.5 of the Public Resources Code for the term of the lease.

4. The Applicants' two mooring buoys have been in Lake Tahoe for many years but have not been previously authorized by the Commission. Staff recommends bringing the placement of the Applicants' existing mooring buoys under lease, subject to the Applicants obtaining TRPA permit authorization.

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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.

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.

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AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 7246.9, a Recreational Pier Lease, effective March 29, 2012, to include two existing mooring buoys, to include special provisions related to the buoys, and to delete Exhibit A in its entirety and replace with Exhibit A and Exhibit B (for reference purposes only) attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 7246.9

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 4, Township 13 North, Range 17 East, MDM., approved September 25, 1902, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk, and boat lift lying adjacent to that parcel as described in that Grant Deed recorded December 23, 1991 in Book 3688, Page 537 in Official Records of said County.

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

PARCELS 2 & 3 – BOUYS

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in that Grant Deed recorded December 23, 1991 in Book 3688, Page 537 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared December 21, 2011 by the California State Lands Commission Boundary Unit.



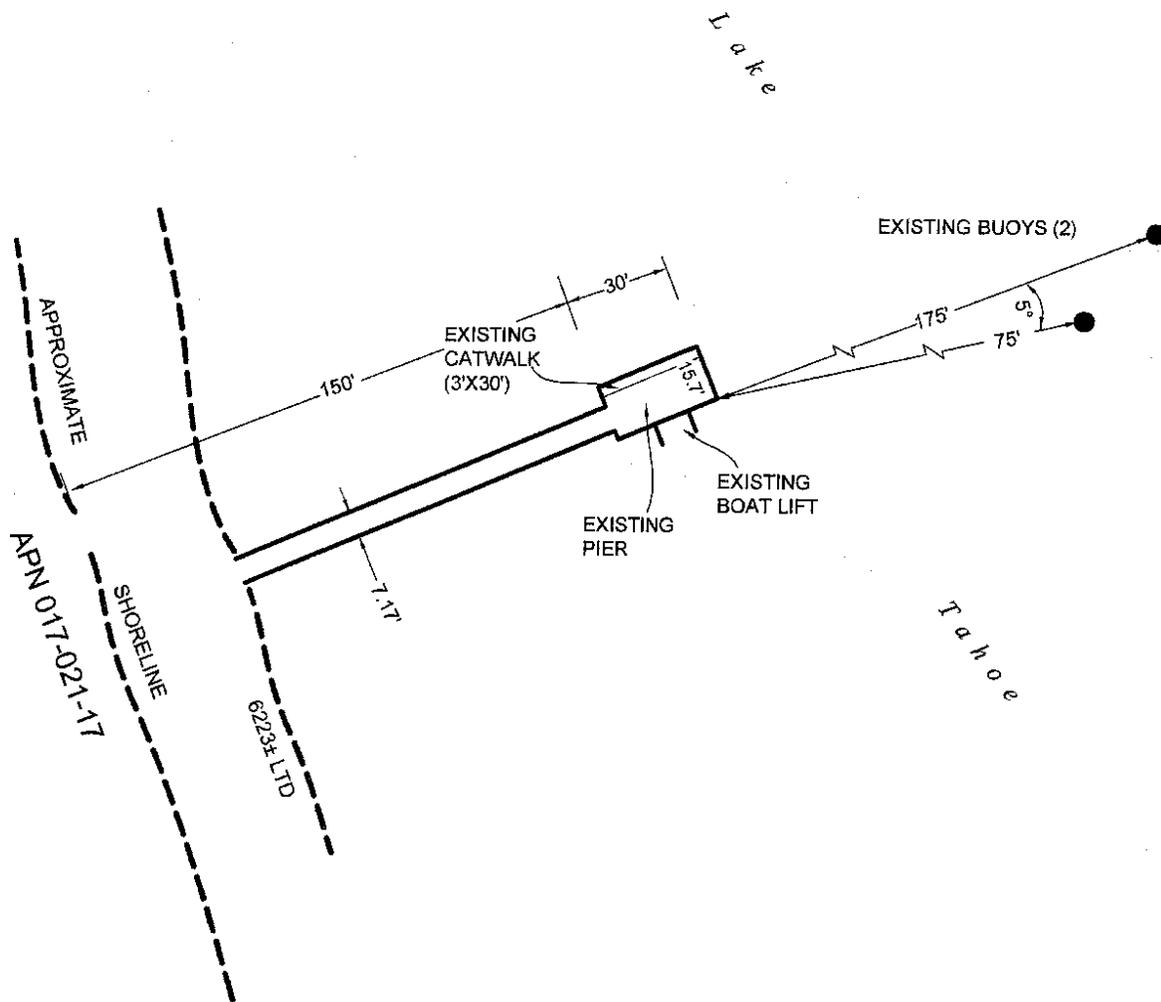


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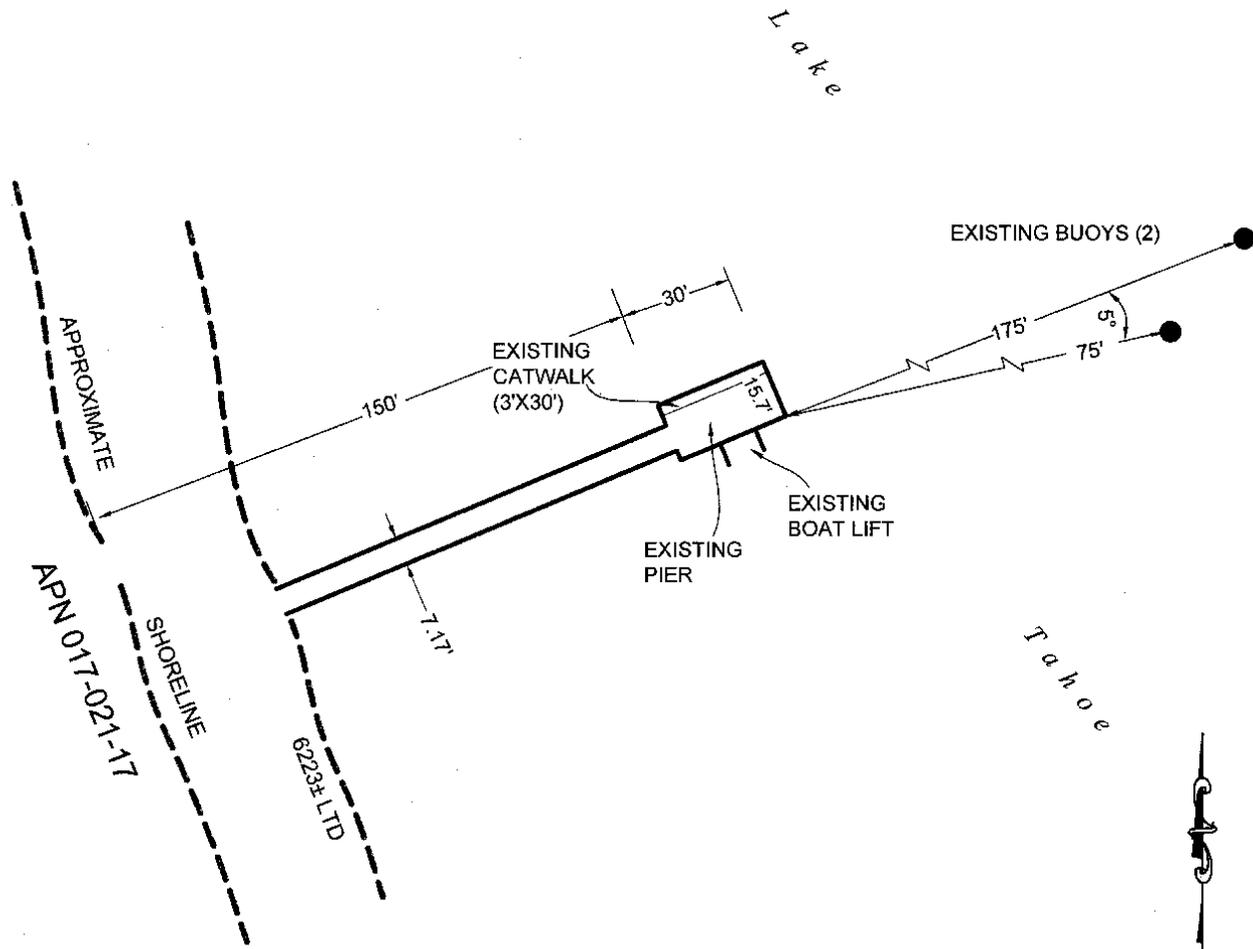
LAND DESCRIPTION PLAT
PRC 7246.9, TEECE
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



250 FOUR RING ROAD, NEAR TAHOMA

NO SCALE

LOCATION

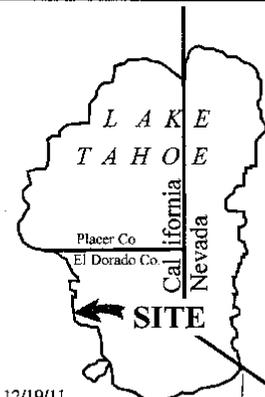


MAP SOURCE: USGS QUAD

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 7246.9
 TEECE
 APN 017-021-17
 RECREATIONAL PIER LEASE
 EL DORADO COUNTY



MJJ 12/19/11