

**CALENDAR ITEM  
C34**

A 4  
S 1

05/24/12  
PRC 8334.1  
B. Terry

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Broody Bear, LLC, and FlatCat, LLC

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 3755 Idlewild Way, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning December 21, 2011.

**CONSIDERATION:**

\$680 per year, with the State reserving the right to fix a different rent periodically during the least term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

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

Other:

The proposed lease 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 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

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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 September 17, 2001, the Commission authorized a Recreational Pier Lease with Elizabeth D. Simmonds and Leslie E. Simmonds, as Trustees of the Elizabeth D. Simmonds and Leslie E. Simmonds Trust, created by Declaration of Trust made on August 2, 1994. That lease expired on January 31, 2011. On December 21, 2011, ownership of the upland parcel was transferred to the Broody Bear, LLC, and FlatCat, LLC. Applicants are now applying for a new General Lease – Recreational Use.
3. 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.

4. 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

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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 Broody Bear, LLC and FlatCat, LLC beginning December 21, 2011, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys 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 \$680 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8334.1**

**LAND DESCRIPTION**

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 36, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 & 2 – BUOYS**

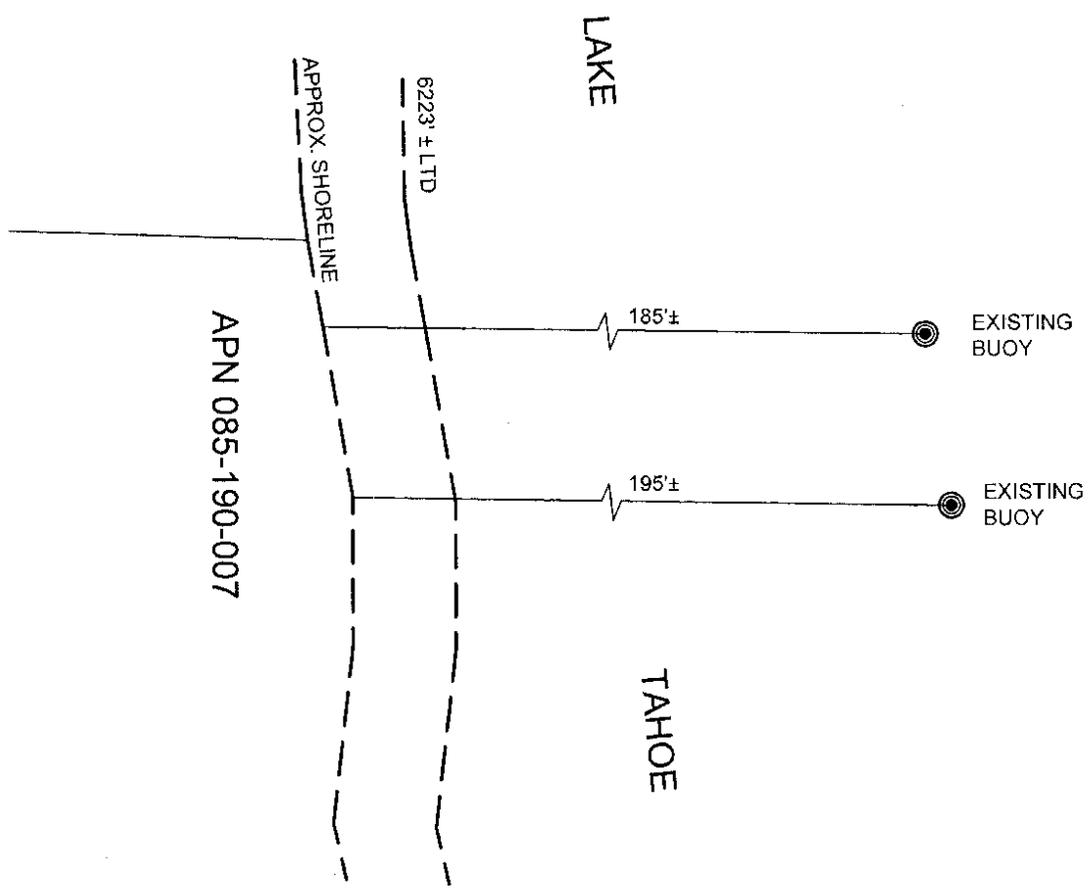
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grand Deed recorded March 31, 2000 as Document Number 20000021521 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 01/20/2012 by the California State Lands Commission Boundary Unit.





### EXHIBIT A

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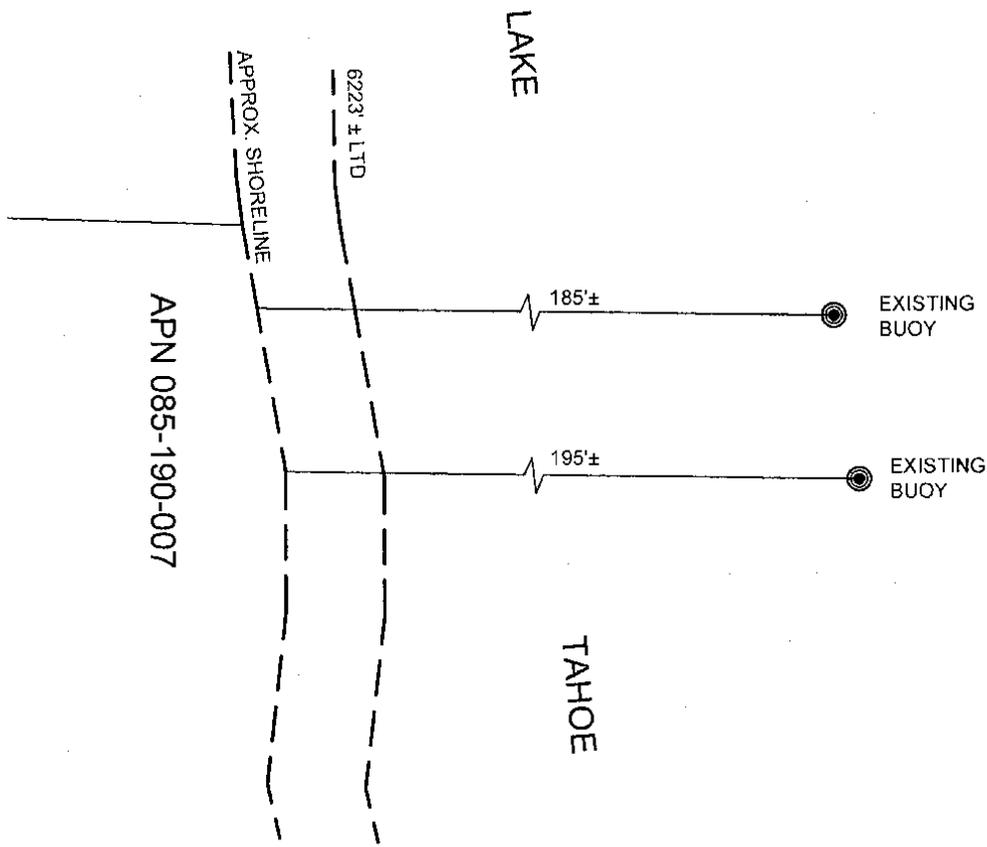
LAND DESCRIPTION PLAT  
PRC 8334.1, BROODY BEAR LLC & FLATCAT LLC  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

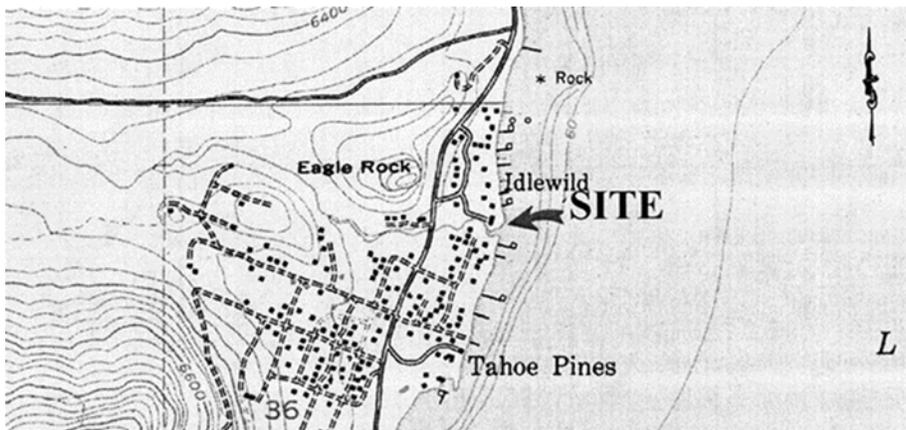
### SITE



3755 IDLEWILD WAY, NEAR HOMEWOOD

NO SCALE

### LOCATION

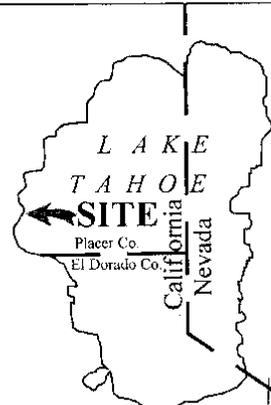


MAP SOURCE: USGS QUAD

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 8334.1  
 BROODY BEAR LLC &  
 FLATCAT LLC  
 APN 085-190-007  
 GENERAL LEASE-  
 RECREATIONAL USE  
 PLACER COUNTY



T'S 01/20/12