

**CALENDAR ITEM
C21**

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S 1

08/14/12
PRC 3996.1
C. Hudson

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Stuart D. Corvin, Trustee of The Stuart D. Corvin 2003 Trust Dated
January 23, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3730 North Lake Boulevard, near
Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring
buoys.

LEASE TERM:

10 years, beginning August 14, 2012.

CONSIDERATION:

\$2,259 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:

Insurance:

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

Other:

The proposed lease contains a provision requiring the Applicant 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

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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. Applicant owns the upland adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a Recreational Pier Lease with Ronald Jenny and Jane Jenny. That lease expired on March 31, 2011. On December 4, 2008, the upland parcel was transferred to Stuart D. Corvin, Trustee of The Stuart D. Corvin 2003 Trust Dated January 23, 2003. The Applicant is now applying for a new General Lease – Recreational Use.
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 recently enacted changes to Section 6503.5 of the Public Resources Code, and is therefore subject to rent.

4. 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).

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. 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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Stuart D. Corvin, Trustee of The Stuart D. Corvin 2003 Trust Dated January 23, 2003, beginning August 14, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and two 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 \$2,259, 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

PRC 3996.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 28, Township 16 North, Range 17 East, MDM, approved September 25, 1907, County of Placer, State of California and more particularly described as follows:

PARCEL 1 – PIER

All those lands underling an existing pier, and boatlift adjacent to that parcel as described in that Grant Deed recorded December 4, 2008, Document Number 2008-0093458-00 in Official Records of said County.

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

PARCELS 1 & 2 – BUOYS

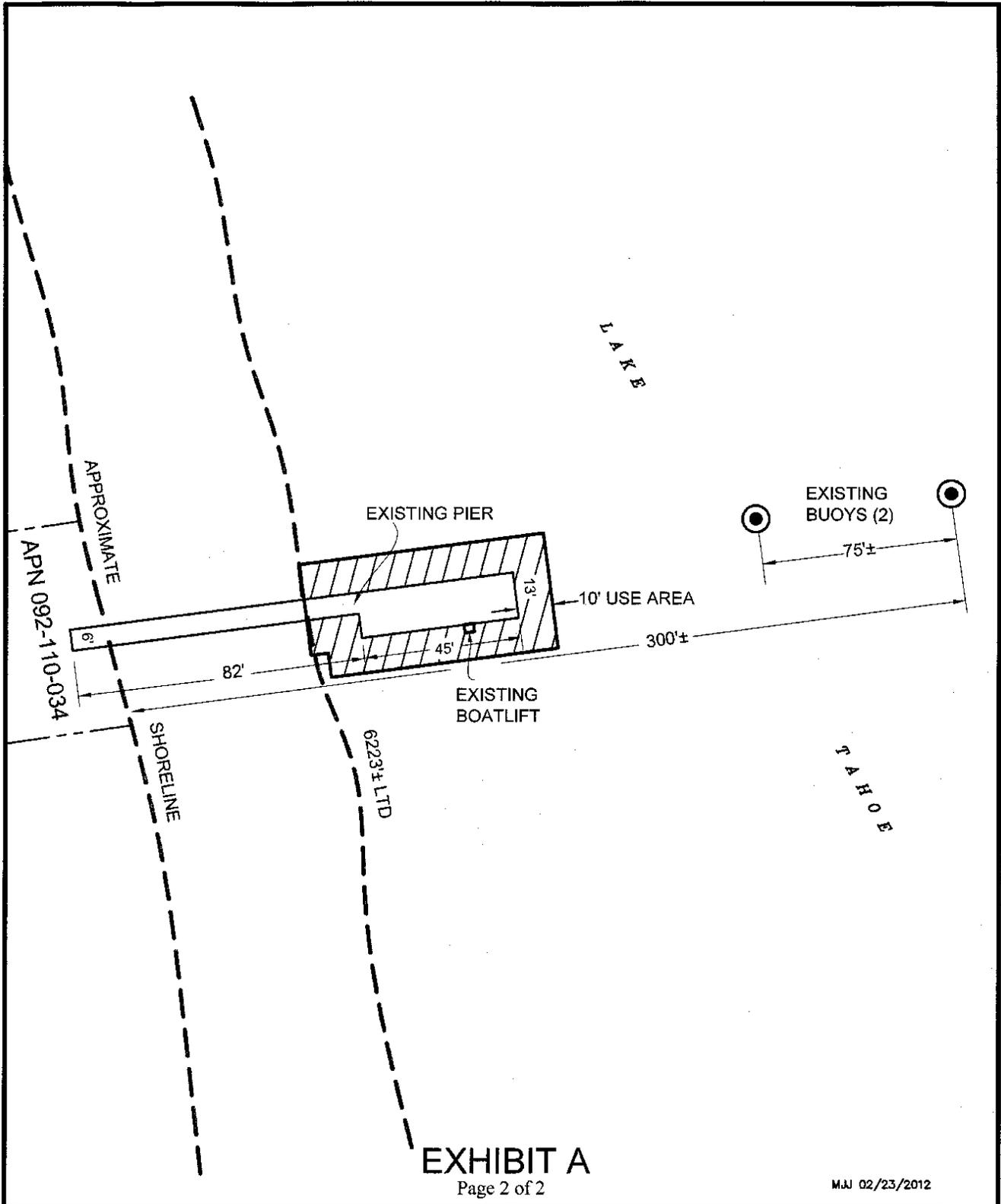
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys, lying adjacent to that parcel as described in said Grant Deed.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared February 23, 2012 by the California State Lands Commission Boundary Unit.

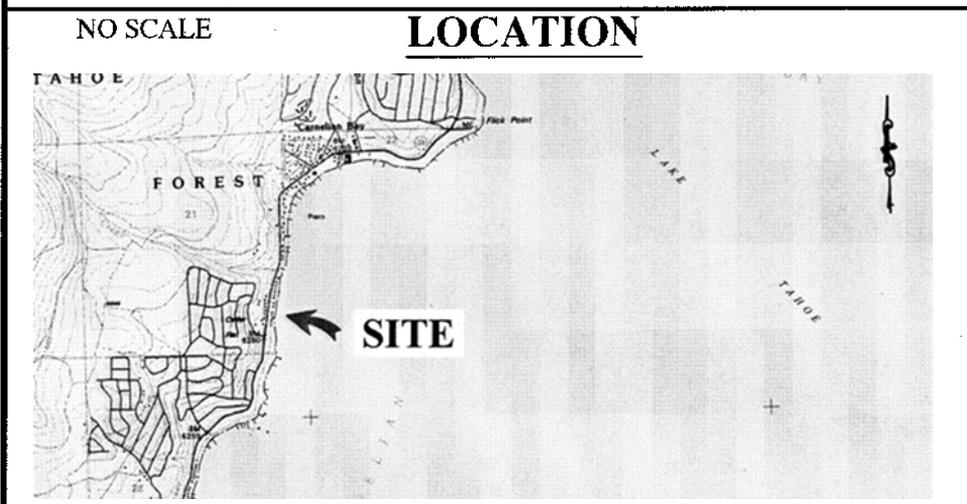
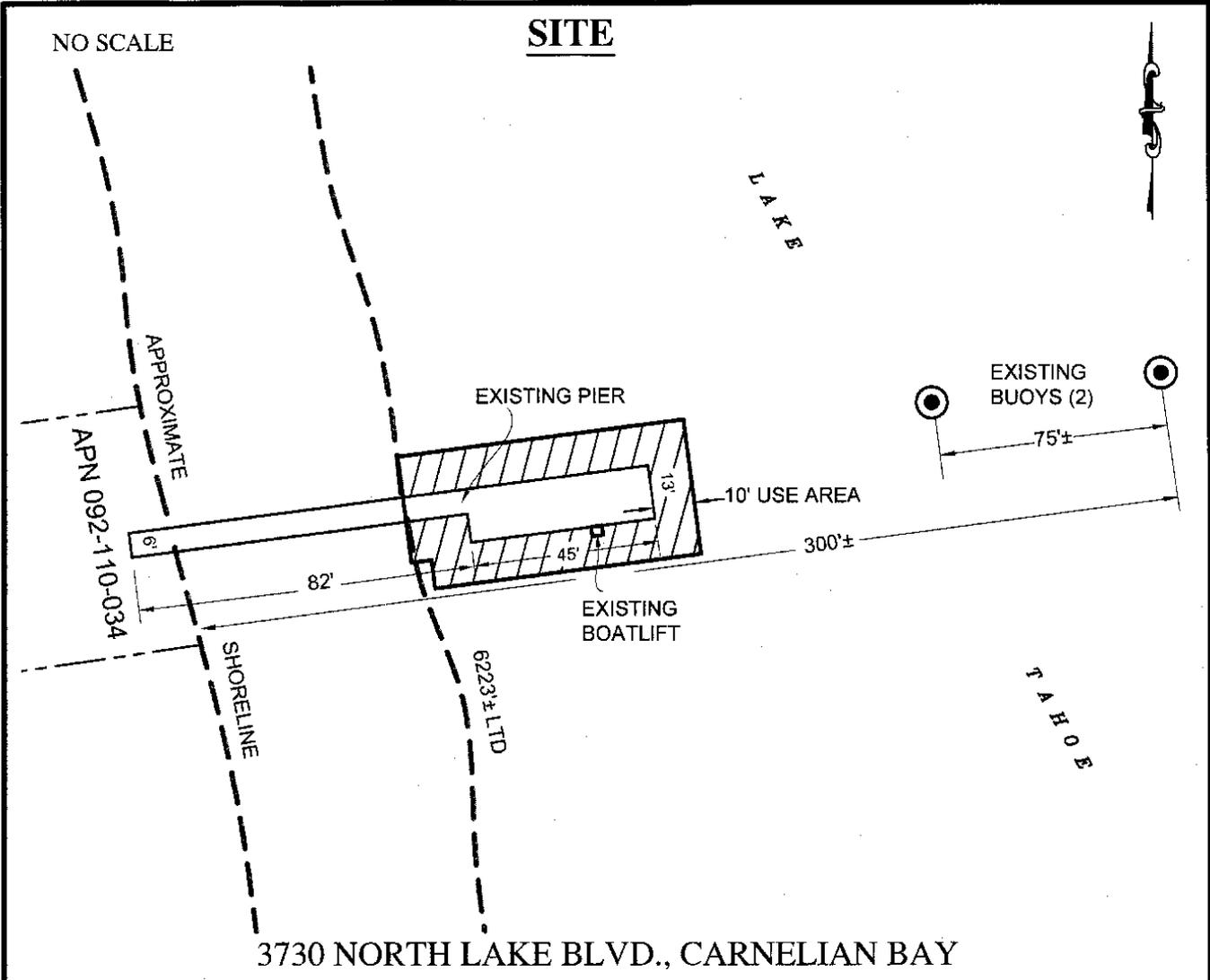




LAND DESCRIPTION PLAT
 PRC 3996.1 CORVIN
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

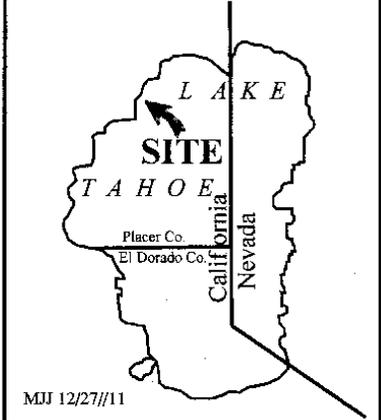




MAP SOURCE: USGS QUAD

Exhibit B

PRC 3996.1
 CORVIN
 APN 092-110-034
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 12/27//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.