

**CALENDAR ITEM
C38**

A 4
S 1

02/22/13
PRC 8963.1
N. Lavoie

**RESCISSION OF AUTHORIZATION OF A GENERAL LEASE – RECREATIONAL
USE AND ISSUANCE OF A NEW GENERAL LEASE – RECREATIONAL USE**

APPLICANT:

John Lee, Trustee of the John Lee Family Trust dated November 18, 2011

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3420 Edgewater Drive, near Tahoe City, Placer County.

AUTHORIZED USE:

Use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2013.

CONSIDERATION:

\$754 per year; with the State reserving the right to fix a different rent periodically during the lease, 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

CALENDAR ITEM NO. **C38** (CONT'D)

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 January 26, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Christopher A. Barnes. The lease was never executed and on August 24, 2012, the upland property was transferred to John Lee, Trustee of the John Lee Family Trust dated November 18, 2011. Staff is requesting that the authorization made by the Commission at the January 26, 2012 meeting be rescinded. The Applicant is applying for a new General Lease – Recreational Use.
3. **Rescind Authorization of a General Lease – Recreational Use:** The staff recommends that the Commission find that the subject rescission of approval does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

4. **Issuance of a General Lease – Recreational Use:** The staff recommends that the Commission find that this activity is exempt from the requirements of the 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.

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.

CALENDAR ITEM NO. **C38** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Rescind Authorization of a General Lease – Recreational Use: Find that the subject rescission of approval is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of a General Lease – Recreational Use: 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 LAND 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:

1. Authorize rescission of Lease No. PRC 8963.9, a General Lease – Recreational Use, to Christopher A. Barnes.
2. Authorize issuance of a 10-year General Lease – Recreational Use to John Lee, Trustee of the John Lee Family Trust dated November 18, 2011, beginning February 1, 2013, for a term of 10 years, for the 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 \$754, 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 8963.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of Section 33, 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:

PARCELS 1 & 2 - BUOYS

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to Parcels described in Exhibit "A" of that Grant Deed recorded August 24, 2012 as Document Number 2012-0077842-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared December 6, 2012 by the California State Lands Commission Boundary Unit.



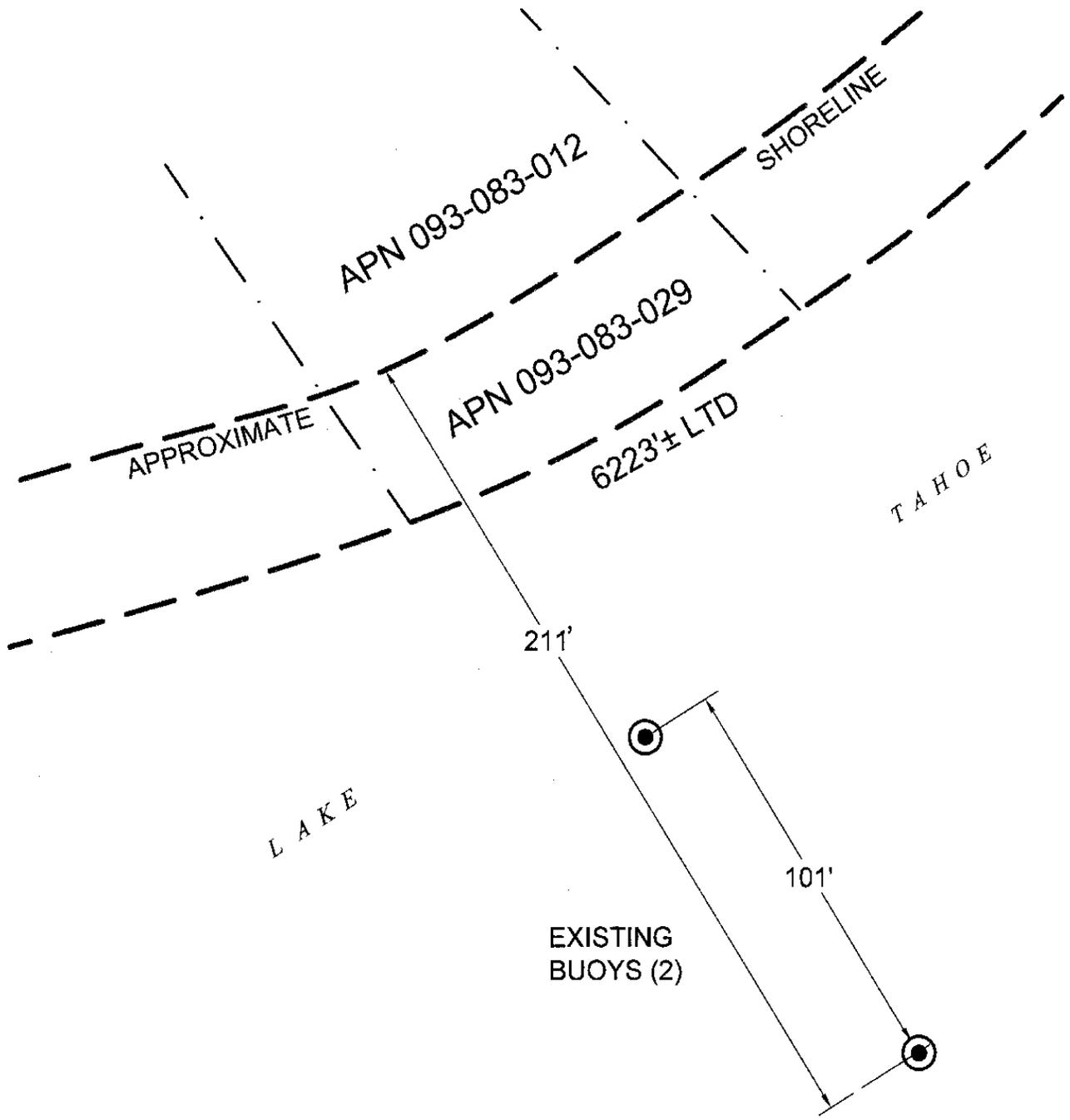


EXHIBIT A

Page 2 of 2

MJJ 12/20/11

LAND DESCRIPTION PLAT
 PRC 8963.1, LEE FAMILY TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



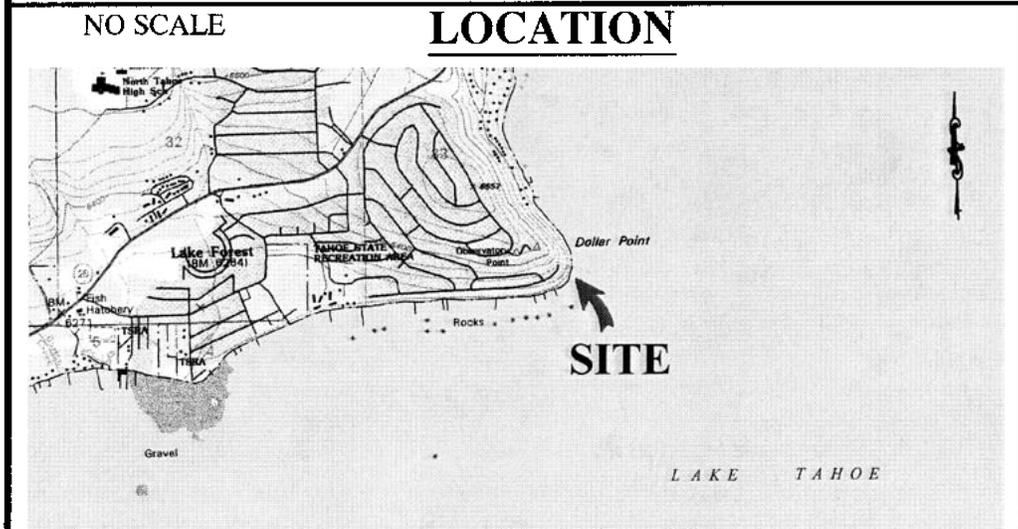
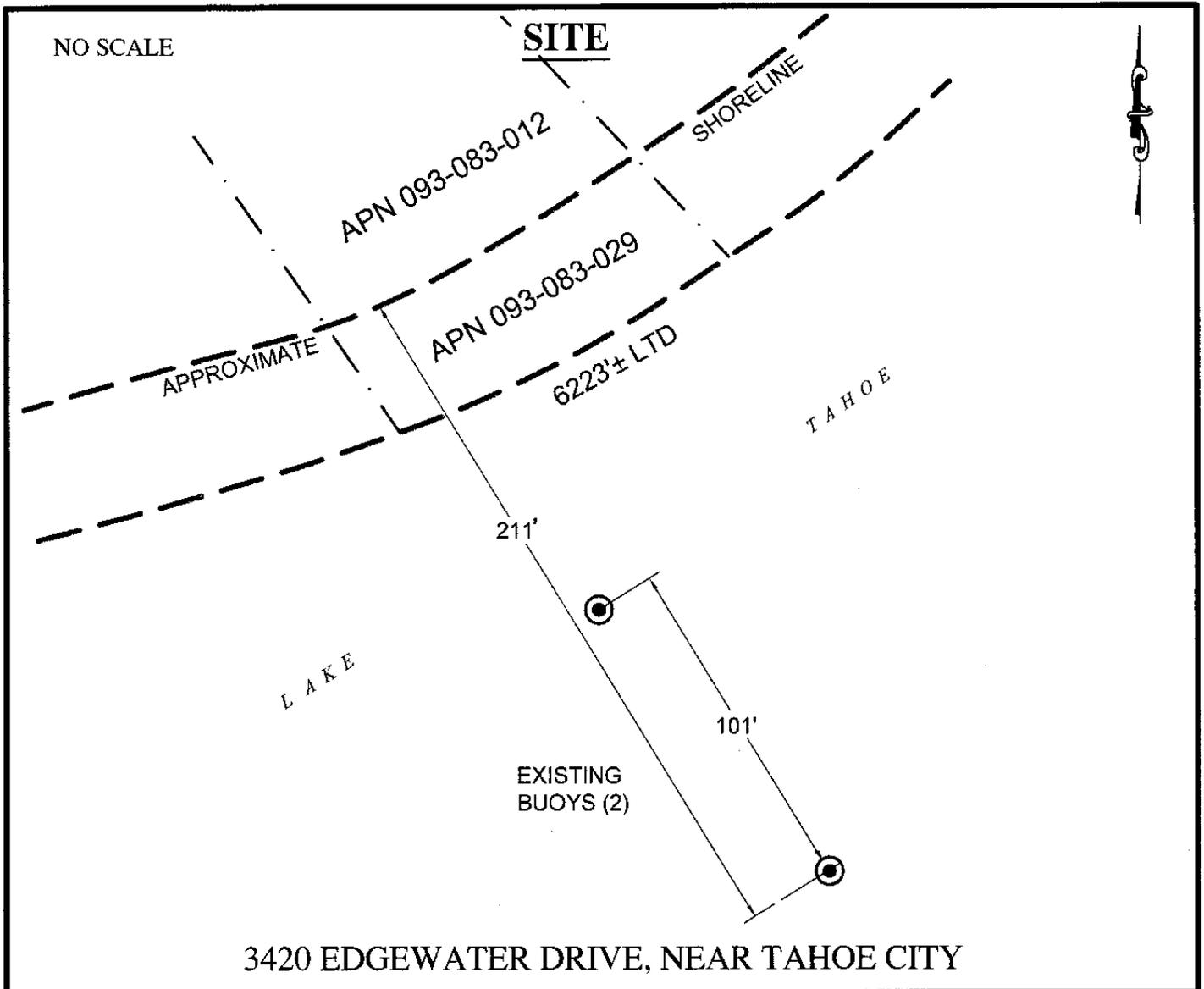
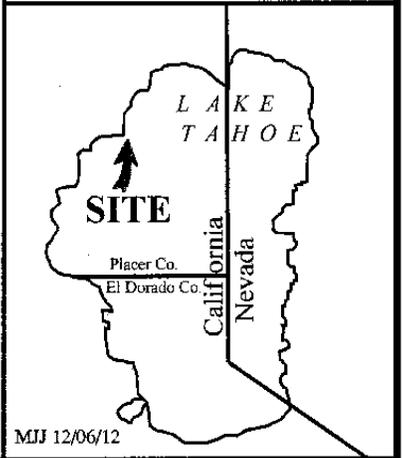


Exhibit B
 PRC 8963.1
 LEE FAMILY TRUST
 APN 093-083-029
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.