

**CALENDAR ITEM
C50**

A 5
S 1

02/22/13
PRC 5622.1
B. Terry

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEES/APPLICANTS:

Scott G. Douglass, Gordon Douglass and Susan Douglass Trustees of the Gordon and Susan Douglass Family 1983 Revocable Trust dated August 2, 1983; and Lisa S. Douglass

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8425 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys previously authorized by the Commission and the proposed construction of a new pier with an adjustable catwalk and 11 new steel pilings.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

\$2,017 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:

1. 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

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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.

2. The proposed project is located in an area identified as Tahoe Yellow Cress (TYC) habitat. The TYC is an endangered plant species statutorily protected by the California Endangered Species Act. TYC was found during the site-specific survey performed during the 2010 growing season. Because the proposed construction project will be done primarily from the water via barge, a TYC site inspection was not necessary. However, in the event construction occurs in the shorezone and is not completed by June 14, 2013, the lease requires that the construction site be resurveyed starting June 15, 2013, and any subsequent year for the presence of TYC before construction can begin or continue.
3. The lease provides that the Lessees agree to allow the public to pass and repass over the pier between high water elevation 6228.75 feet, Lake Tahoe Datum (LTD) and low water elevation 6223 feet, LTD, by providing stairs or a ladder on the north and west side of the proposed pier to provide continuous shoreline access to the Public Trust easement below elevation 6228.75 feet, LTD during high water periods.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On April 6, 2010, the Commission authorized a 10-year Recreational Pier Lease with the Lessees (Applicants) for two existing mooring buoys. That lease will expire April 5, 2020. Applicants are applying for termination of the existing lease and issuance of a new General Lease – Recreational Use.
3. The existing 30-foot long pier does not extend past the low water mark, elevation 6,223 feet, LTD, and therefore, does not occupy State sovereign land. The Applicants are proposing to remove the existing pier and construct a new pier to a length of 120 feet which will allow better access

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to the lake. The proposed pier will have a pier head of 10 feet with a three-foot adjustable catwalk and 11 new steel pilings. The entire project will be constructed from the lake via barge or amphibious vehicle. Construction, is expected to be completed by April 30, 2015.

4. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination 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.

5. **Two Mooring Buoys:** The staff recommends that the Commission find 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. **Construction of a Pier:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (a)(1).

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

7. 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.

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APPROVALS OBTAINED:

Tahoe Regional Planning Agency
California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Regional Water Quality Control Board

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination 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.

Two Mooring Buoys: 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).

Construction of a Pier: 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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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:

1. Authorize termination, effective February 21, 2013, of Lease No.

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PRC 5622.9, a Recreational Pier Lease, issued to Scott G. Douglass; Gordon Douglass and Susan Douglass, Trustees of the Gordon and Susan Douglass Family 1983 Revocable Trust dated August 2, 1983; and Lisa S. Douglass.

2. Authorize issuance of a General Lease – Recreational Use to Scott G. Douglass, Gordon Douglass and Susan Douglass, Trustees of the Gordon and Susan Douglass Family 1983 Revocable Trust dated August 2, 1983, and Lisa S. Douglass, beginning February 22, 2013, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys previously authorized by the Commission, and the construction of a new pier with an adjustable catwalk 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 \$2,017, 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 5622.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 29, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying a proposed pier lying adjacent to those parcels described in Grant Deed recorded September 26, 2005 as Document Number 05-80307 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

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

PARCEL 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded September 26, 2005 as Document Number 05-80307 in Official Records of said County.

Accompanying plat is hereby made part of this description.

This description is based on Applicant provided “Douglass Existing Pier Redevelopment Project” plan, by Agan Consulting Corporation dated September, 2011, for a proposed pier, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

END OF DESCRIPTION

Prepared 11/29/2012 by the California State Lands Commission Boundary Unit.



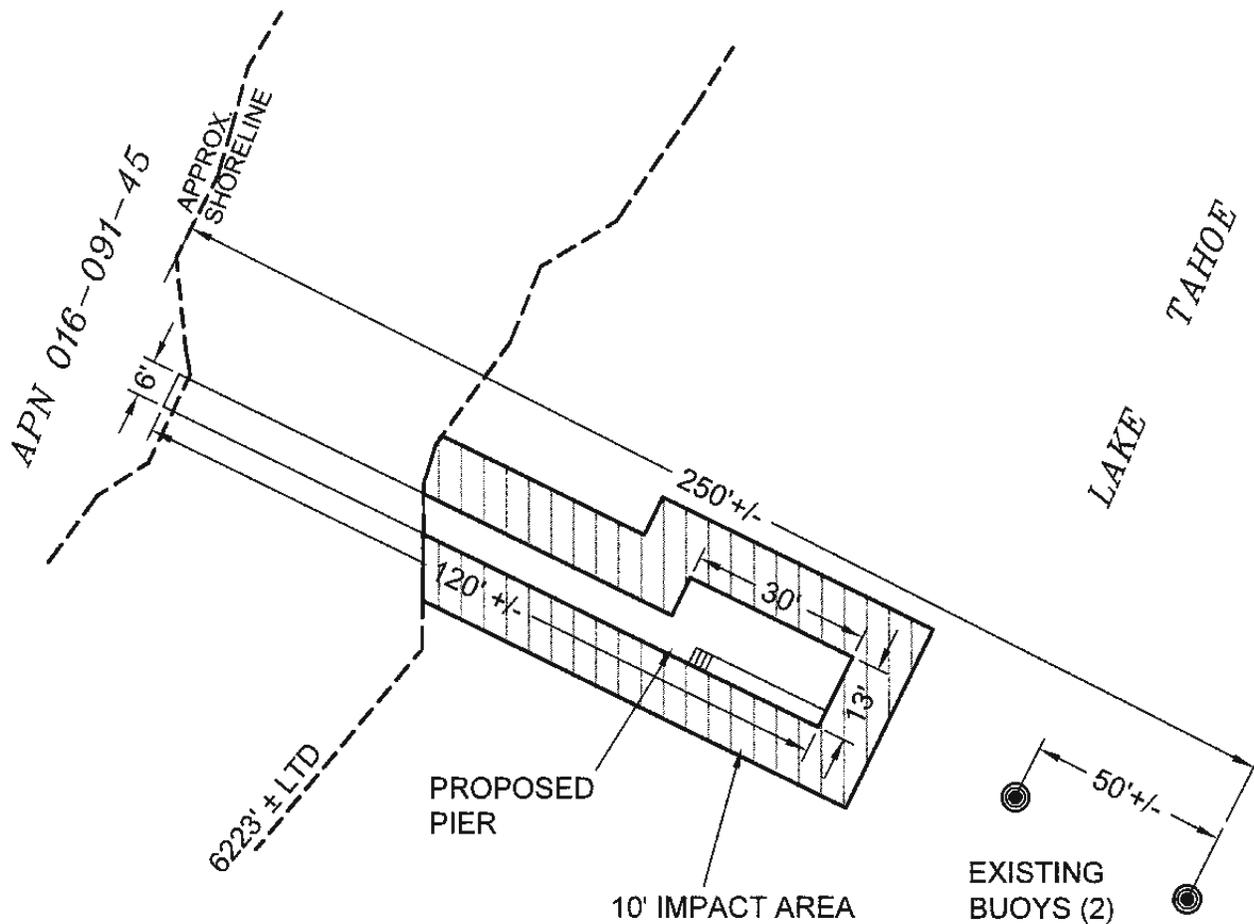


EXHIBIT A

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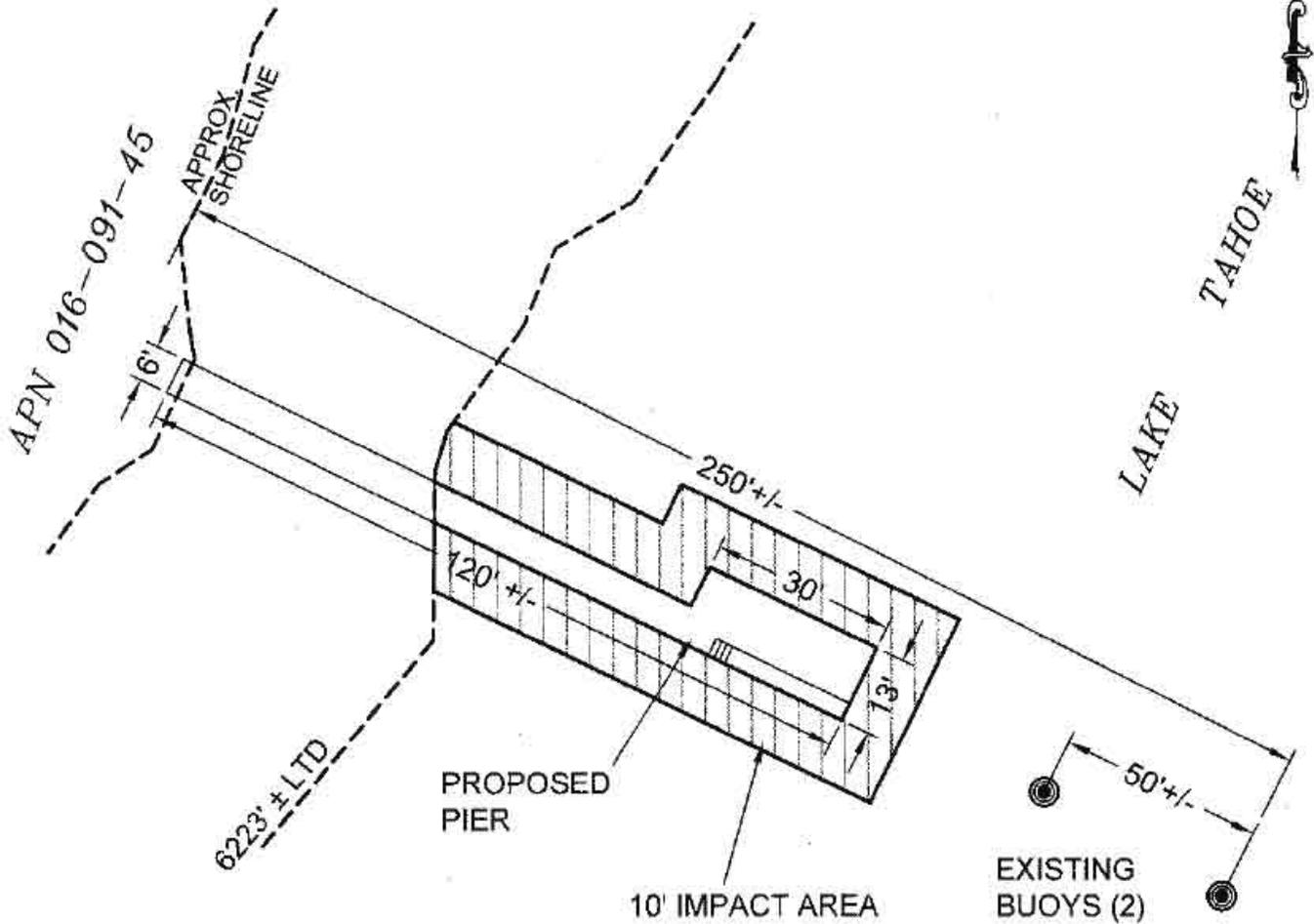
LAND DESCRIPTION PLAT
PRC 5622.1, DOUGLASS
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

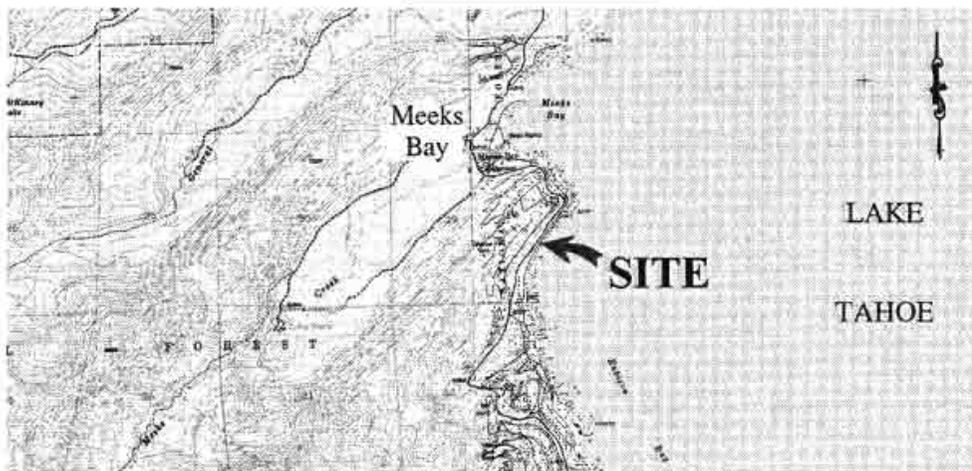
SITE



8425 MEEKS BAY AVENUE, NEAR MEEKS BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5622.1
 DOUGLASS
 APN 016-091-45
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



TS 11/29/12

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.