

**CALENDAR ITEM
C19**

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04/26/13
PRC 5624.1
M.J. Columbus

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Lawrence Joseph Gannon and Patricia Anne Gannon, Trustees of the Gannon Family Trust Declaration of Living Trust Dated December 9, 2005

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8754 Brockway Vista Avenue, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one existing mooring buoy previously authorized by the Commission and use and maintenance of an existing boat lift not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 26, 2013.

CONSIDERATION:

\$1,949 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 an amount no less than \$1,000,000 per occurrence.

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years of 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

CALENDAR ITEM NO. C19 (CONT'D)

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 ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a 10-year Recreational Pier Lease with Larry and Patricia Gannon. That lease expired on June 30, 2011. On December 19, 2005, the upland property was quitclaimed to Lawrence Joseph Gannon and Patricia Anne Gannon, Trustees of the Gannon Family Trust Declaration of Living Trust Dated December 9, 2005. The Applicants are now applying for a new General Lease – Recreational Use.
3. The Applicants' existing boat lift has been in Lake Tahoe for many years but has not been previously authorized by the Commission. TRPA permitted the boat lift on July 27, 1987. Staff recommends bringing the placement of the boat lift under lease.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

EXHIBITS:

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

CALENDAR ITEM NO. C19 (CONT'D)

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, Lawrence Joseph Gannon and Patricia Anne Gannon, Trustees of the Gannon Family Trust Declaration of Living Trust Dated December 9, 2005, beginning April 26, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier and one existing mooring buoy previously authorized by the Commission and use and maintenance of an existing boat lift not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made part hereof; annual rent in the amount of \$1,949, 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 an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5624.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 fractional Section 19, Township 16 North, Range 18 East, MDM., as shown on Official Government Township Plat approved January 29, 1875, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier, boat lift and catwalk adjacent to that parcel as described in that Individual Quitclaim Deed recorded December 19, 2005 as Document Number 2005-0168746 in Official Records of said County.

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

TOGETHER WITH a ten (10) foot use area.

PARCEL 2 - BUOY

One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to that parcel as described in that parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 21, 2013 by the California State Lands Commission Boundary Unit.



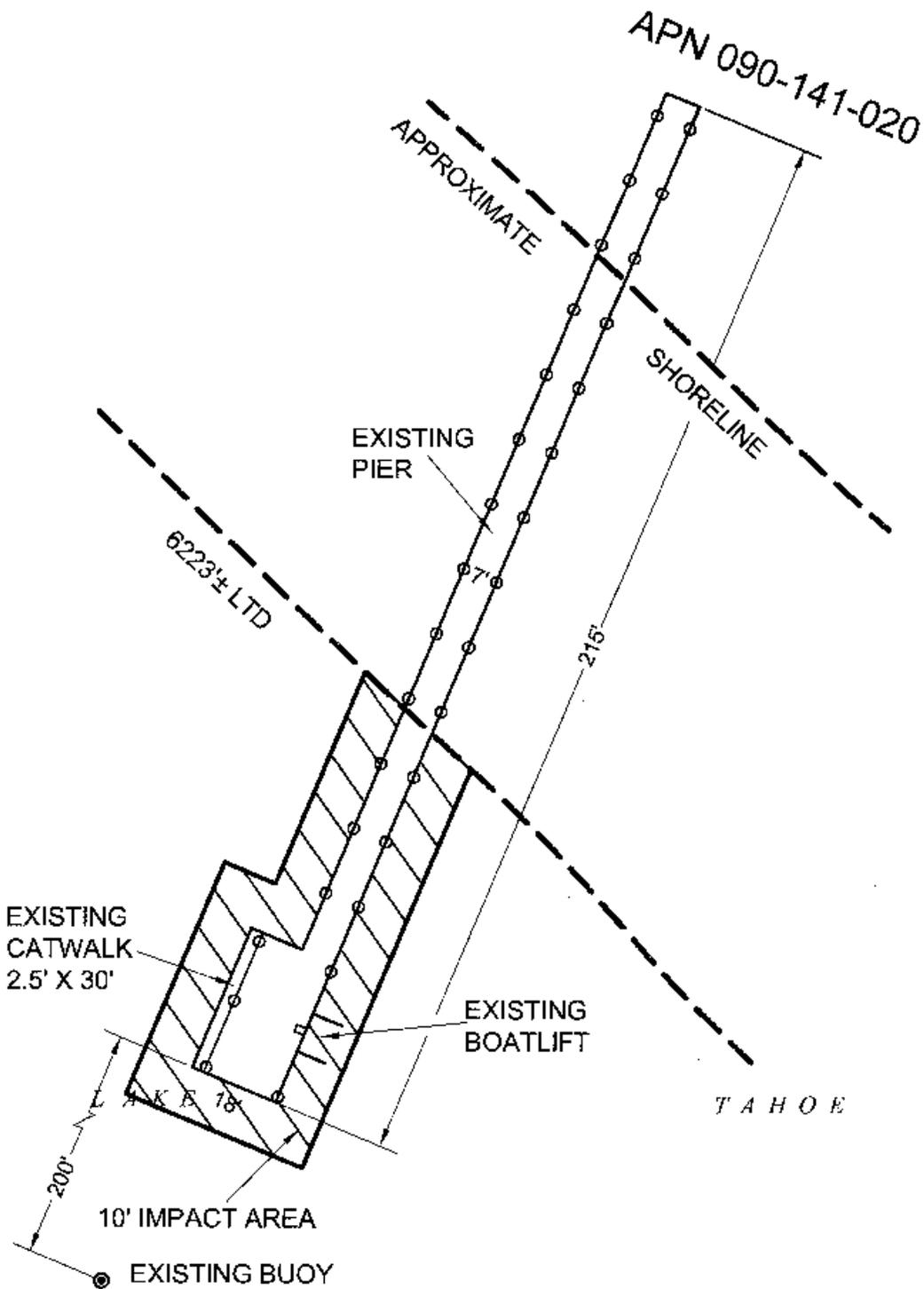


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 5624.1, GANNON
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

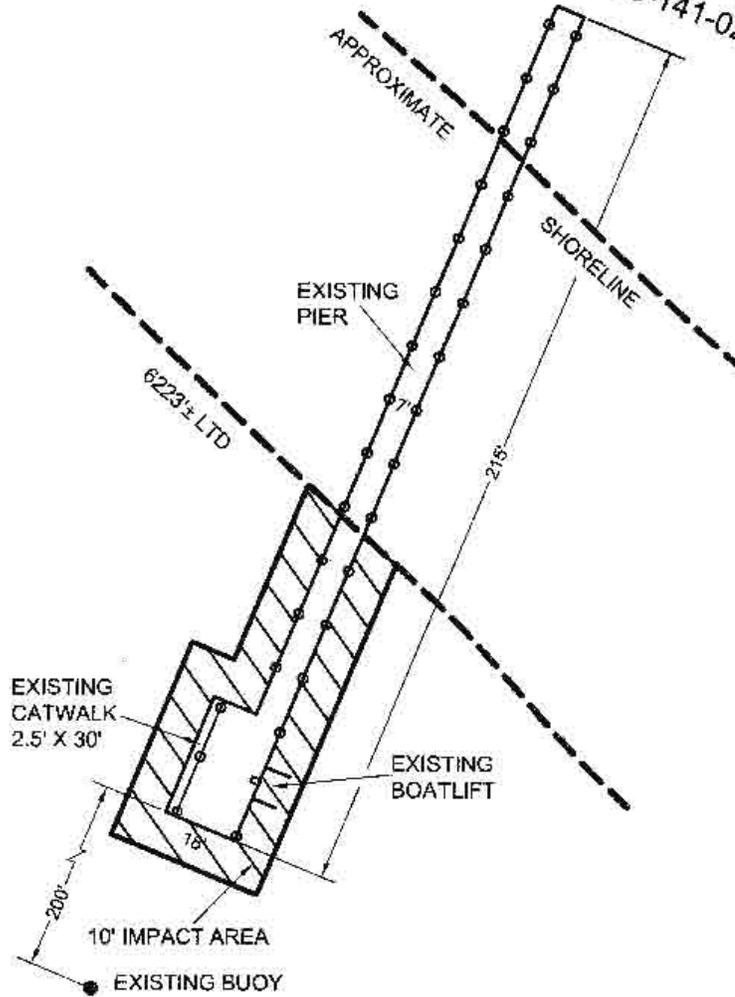


NO SCALE

SITE

APN 090-141-020

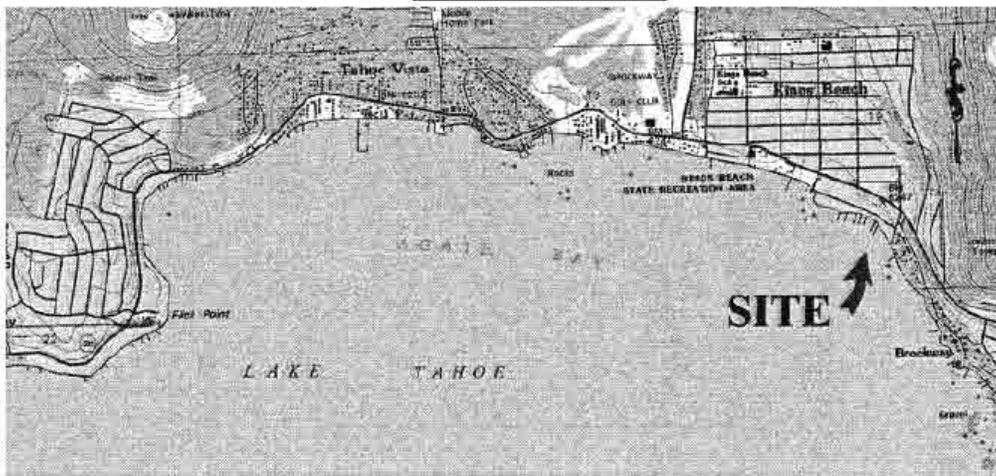
LAKE
TAHOE



8754 BROCKWAY VISTA AVENUE, NEAR KINGS BEACH

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 5624.1

GANNON

APN 090-141-020

GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJJ 03/21/13