CALENDAR ITEM

C51

A 5 04/26/13

PRC 8692.1

S 1 M. Schroeder

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

LESSEES:

David L. Millspaugh and Sandra S. Millspaugh

APPLICANTS:

Scott T. Hanson and Valerie A. Hanson, Trustees of The Scott T. Hanson and Valerie A. Hanson Revocable Trust dated April 1, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8355 Meeks Bay Avenue, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission; and the use and maintenance of two existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning July 23, 2012.

CONSIDERATION:

$932 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 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 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 May 10, 2007, the Commission authorized a 10-year Recreational Pier Lease with David L. Millspaugh and Sandra S. Millspaugh for a pier. That lease will expire on January 31, 2017. On July 23, 2012, the upland was deeded to Scott T. Hanson and Valerie A. Hanson, Trustees of The Scott T. Hanson and Valerie A. Hanson Revocable Trust. Staff recommends termination of the existing lease because the Lessees cannot be located for execution of a lease quitclaim deed. The Applicants are now applying for a new General Lease – Recreational Use for the continued use and maintenance of the existing pier previously authorized by the Commission; and the use and maintenance of two existing mooring buoys not previously authorized by the Commission.

3. The Applicants' mooring buoys have been in Lake Tahoe for many years, but were not previously authorized by the Commission. Staff recommends bringing the placement of the Applicants' existing mooring buoys under lease, subject to the Applicants obtaining TRPA permit authorization.

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. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. For the existing facilities, 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. 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:

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.

Issuance of Lease: 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:

1. Authorize termination, effective July 22, 2012, of Lease No. PRC 8692.9, a Recreational Pier Lease, issued to David L. Millspaugh and Sandra S. Millspaugh.

2. Authorize issuance of a General Lease – Recreational Use to Scott T. Hanson and Valerie A. Hanson, Trustees of the Scott T. Hanson and Valerie A. Hanson Revocable Trust, beginning July 23, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier previously authorized by the Commission, and the use and maintenance of two existing mooring buoys 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 a part hereof; annual rent in the amount of $932, 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 8692.1

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 an existing pier lying adjacent to those parcels described in Grant Deed recorded July 23, 2012 as Document Number 2012-0035842-00 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 July 23, 2012 as Document Number 2012-0035842-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 03/21/2013 by the California State Lands Commission Boundary Unit.

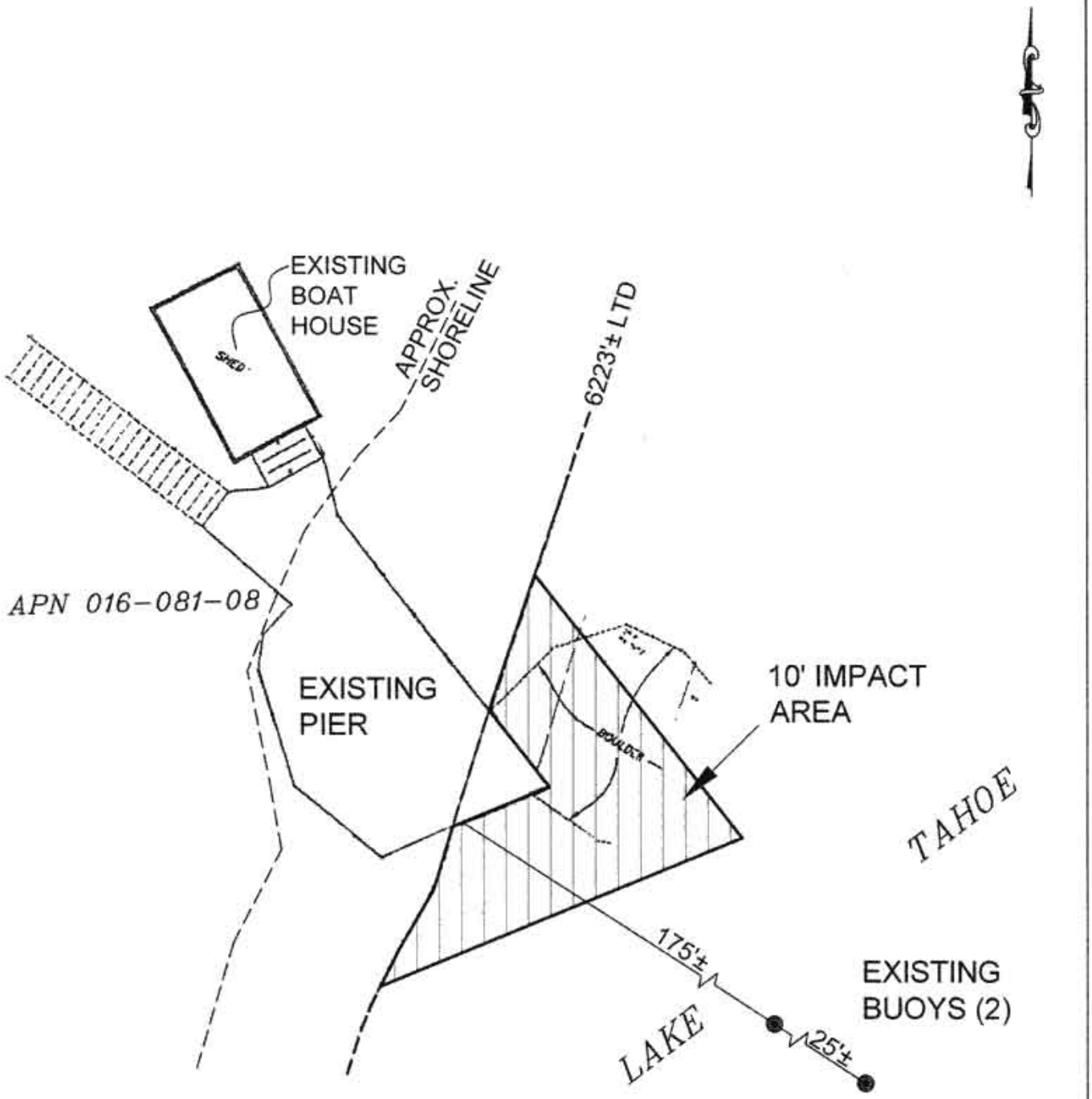


EXHIBIT A

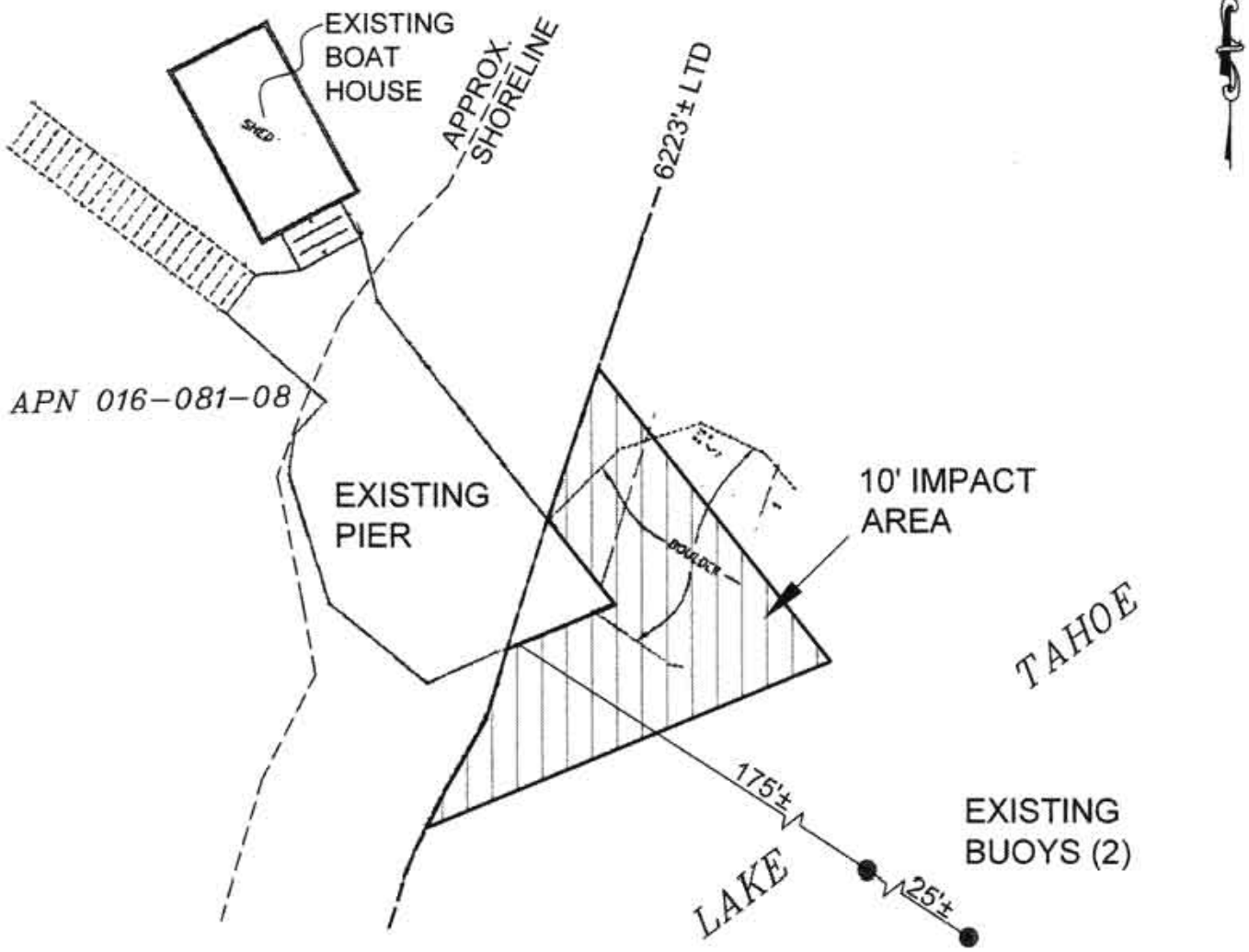
Page 2 of 2

TS 03/21/13

LAND DESCRIPTION PLAT PRC 8692.1, HANSON TRUSTEES EL DORADO COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

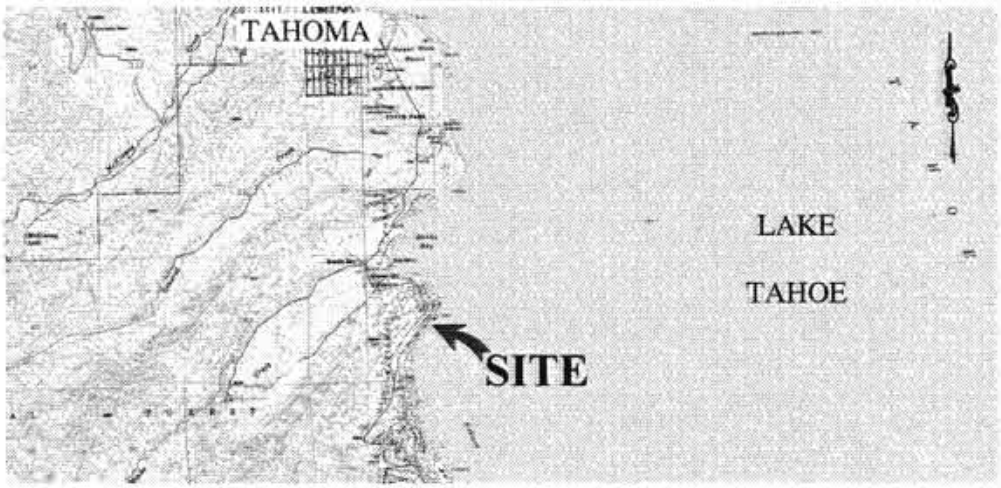
SITE



8355 MEEKS BAY AVENUE, RUBICON BAY

NO SCALE

LOCATION

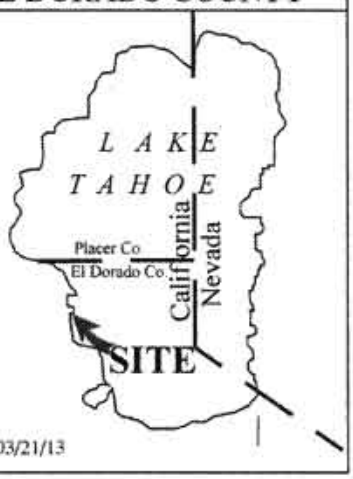


MAP SOURCE: USGS QUAD

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 8692.1
HANSON TRUSTEES
APN 016-081-08
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



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