CALENDAR ITEM

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A 5 06/21/13

PRC 8404.1

S 1 M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Gene A. Landen, Trustee of the Gene A. Landen Trust dated October 24, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3021 Jameson Beach Road, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating pier and two mooring buoys.

LEASE TERM:

10 years, beginning June 1, 2012.

CONSIDERATION:

$983 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 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 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 June 18, 2002, the Commission authorized a 10-year Recreational Pier Lease to Gene Landen for construction of a new pier and two existing mooring buoys. The lease expired May 31, 2012. The Applicant is now applying for a new General Lease – Recreational Use.

3. 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.

4. 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 Gene A. Landen, Trustee of the Gene A. Landen Trust, dated October 24, 2003, beginning June 1, 2012, for a term of 10 years, for the continued use and maintenance of an existing floating pier 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 $983 per year, 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 8404.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 6, Township 12 North, Range 18 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of El Dorado, State of California and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier lying adjacent to those parcels as described in Exhibit "A" of that Quitclaim Deed recorded August 3, 2004 as Document Number 2004-0061516 in Official Records of said County.

TOGETHER WITH a ten (10) foot impact area.

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

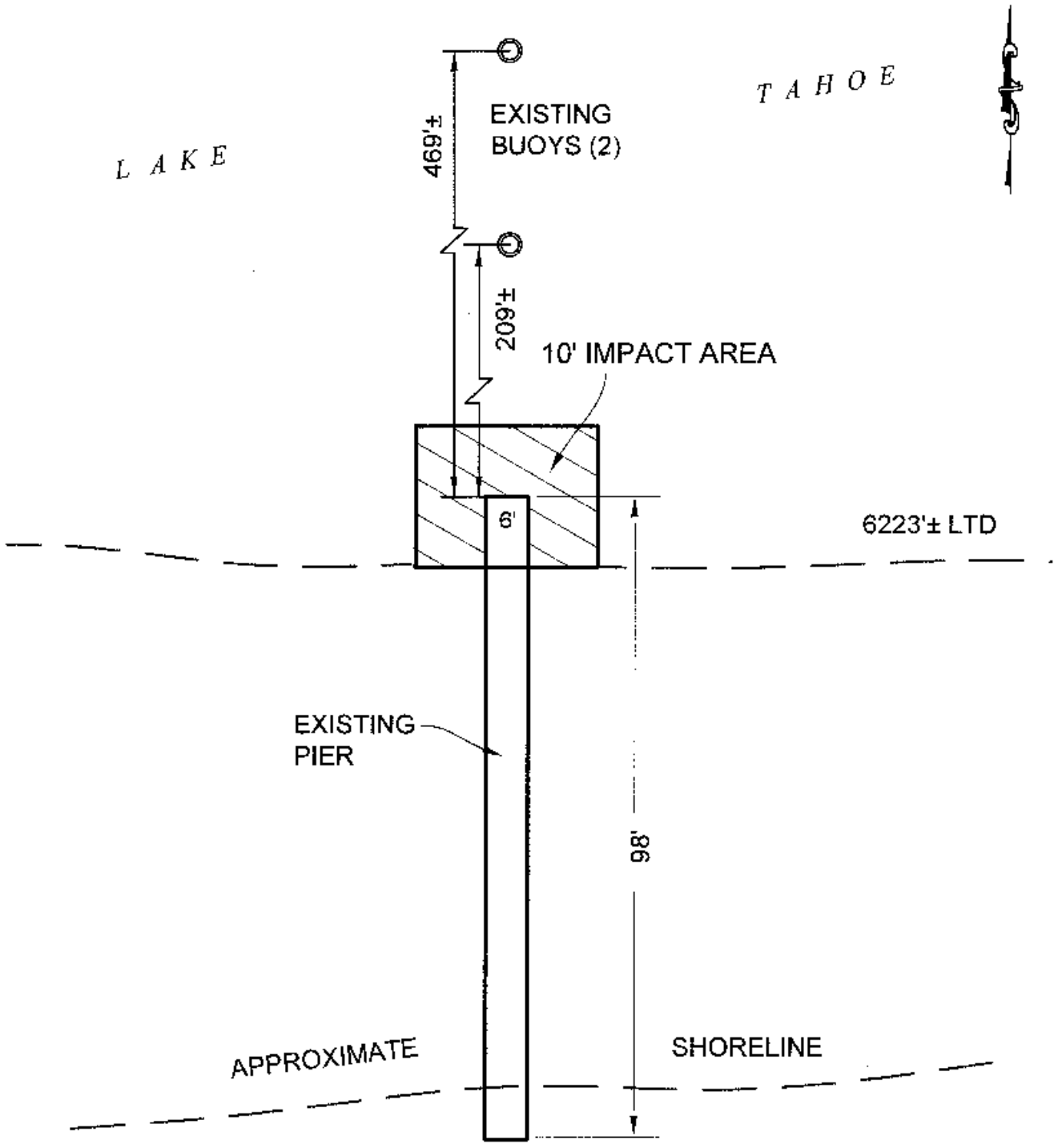
PARCEL 2 & 3 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter underlying two (2) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 29, 2013, by the California State Lands Commission Boundary Unit.



APN 032-110-04

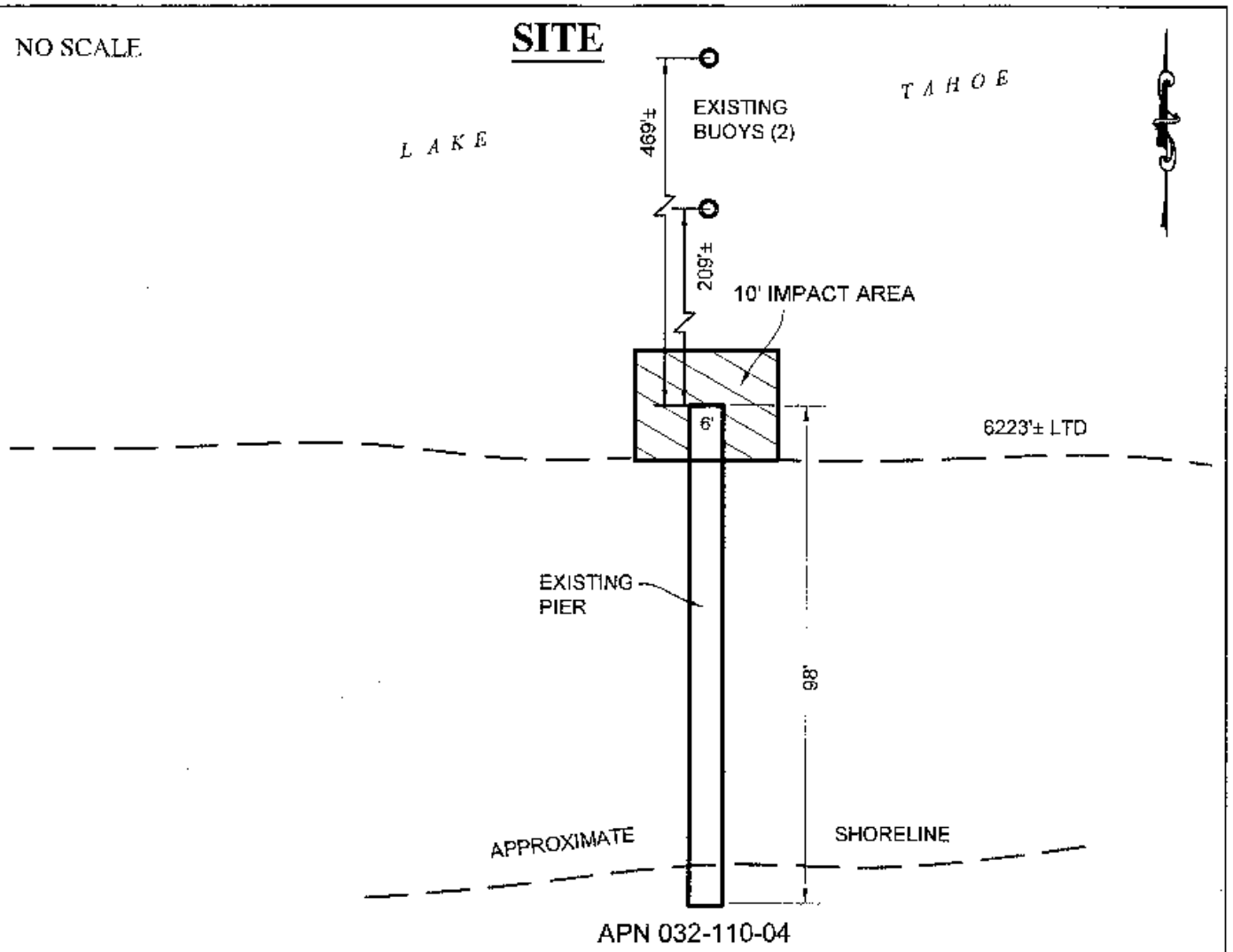
EXHIBIT A

MJJ 03/29/13

LAND DESCRIPTION PLAT PRC 8404.1, LANDEN TRUST EL DORADO COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

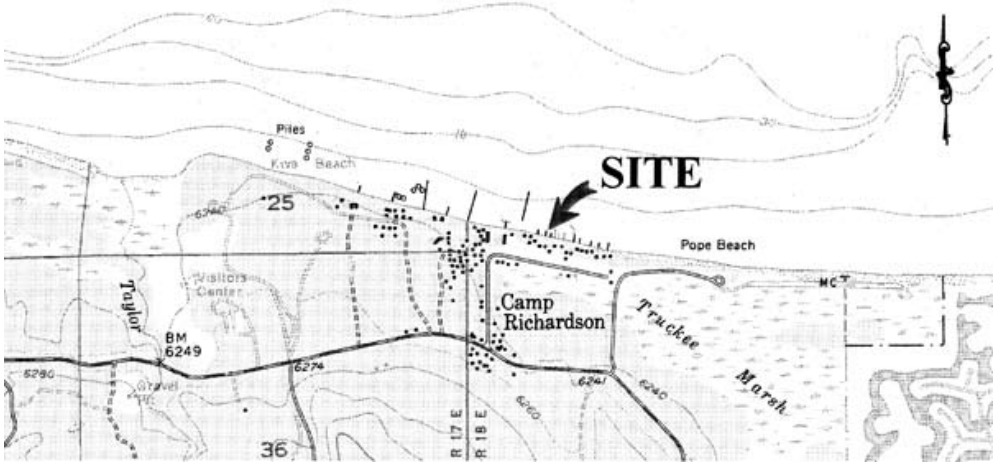
SITE



3021 JAMESON BEACH, SOUTH LAKE TAHOE

NO SCALE

LOCATION

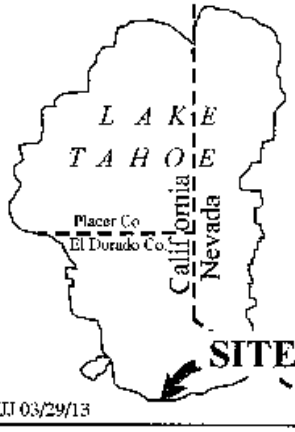


MAP SOURCE: USGS QUAD

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 8404.1
LANDEN TRUST
APN 032-110-04
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJJ 03/29/13