

**CALENDAR ITEM
C55**

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S 1

09/20/13
PRC 2223.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

RCD Tahoe LP, a California Limited Partnership; David J. Teece; and Leigh G. Teece

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 9125 Emerald Bay Road (Assessor's Parcel Number (APN 016-131-05) and 256 Four Ring Road (APN 017-021-01), near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, boathouse, and four mooring buoys 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 November 30, 2012.

CONSIDERATION:

\$2,969 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

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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 uplands, APNs 016-131-05 and 017-021-01, adjoining the lease premises.
2. On September 17, 2001, the Commission authorized a 10-year Recreational Pier Lease to Roger A. Dreyer, Carol W. Dreyer, David Bradford, Robert A. Bradford, Peter K. Bradford, Deborah B. Whelan, and Jeffrey M. Bradford for an existing joint-use pier, boathouse, and four mooring buoys. That lease expired on June 30, 2011. Ownership of APN 016-131-05 was deeded to RCD Tahoe LP, a California Limited Partnership (RCD), on June 3, 2010. Ownership of APN 017-021-01 was deeded to RCD Tahoe LP, a California Limited Partnership; David J. Teece; and Leigh G. Teece on November 30, 2012. The Applicants are now applying for a General Lease – Recreational Use for the joint-use pier, boathouse, and four mooring buoys previously authorized by the Commission and an existing boat lift not previously authorized.
3. Staff is recommending that the Commission accept rent in the amount of \$3,590 for the period beginning June 3, 2010, when RCD took ownership of APN 016-131-05, through November 29, 2012. RCD did not qualify for rent-free status pursuant to the definition of Public Resources Code section 6503.5 in effect at that time.
4. The Applicants' boat lift has been in Lake Tahoe for many years but has not been previously authorized by the Commission. Staff recommends including the boat lift as an authorized improvement in the proposed lease.
5. 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.

CALENDAR ITEM NO. **C55** (CONT'D)

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:

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 acceptance of rent in the amount of \$3,590 for the period of June 3, 2010 through November 29, 2012.
2. Authorize issuance of a General Lease – Recreational Use to RCD Tahoe LP, a California Limited Partnership; David J. Teece; and Leigh G. Teece, beginning November 30, 2012, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, boathouse, and four mooring buoys 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 a part hereof; annual rent in the amount of \$2,969 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 2223.1

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 4, Township 13 North, Range 17 East, as shown on Official Government Township Plat approved May 19, 1875, MDM., and Lot 2 fractional Section 33, Township 14 North, Range 17 East, as shown on Official Government Township Plat approved July 29, 1880, MDM., County of El Dorado, State of California and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing joint-use pier, boathouse with one (1) boatlift, and two (2) catwalks lying adjacent to those parcels as described in that Grant Deed recorded November 30, 2012 as Document Number 2012-0062741 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.

PARCELS 2, 3, 4 & 5 – BUOYS

Four (4) circular parcels of land, being 50 feet in diameter underlying four (4) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 5, 2013, by the California State Lands Commission Boundary Unit.



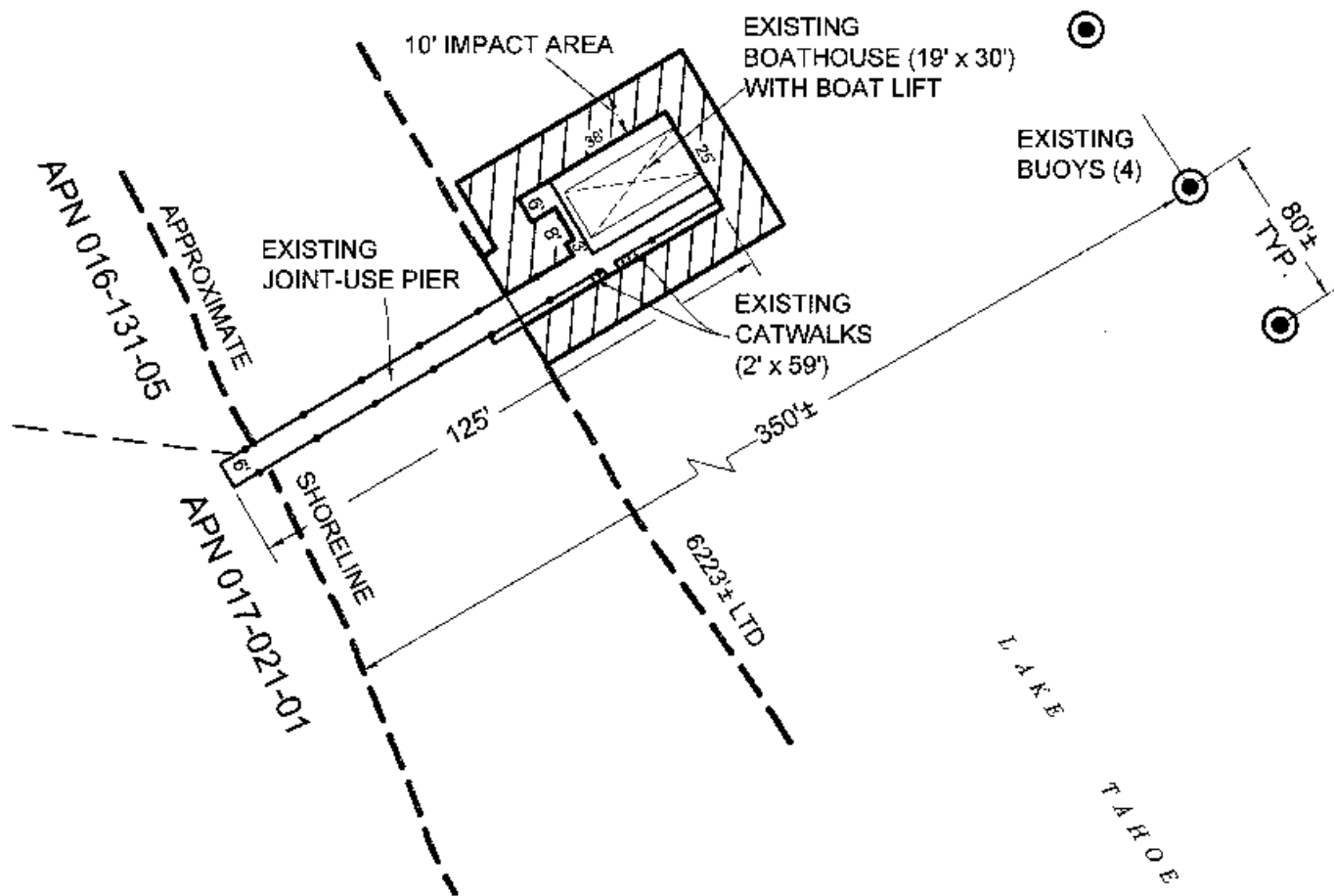


EXHIBIT A

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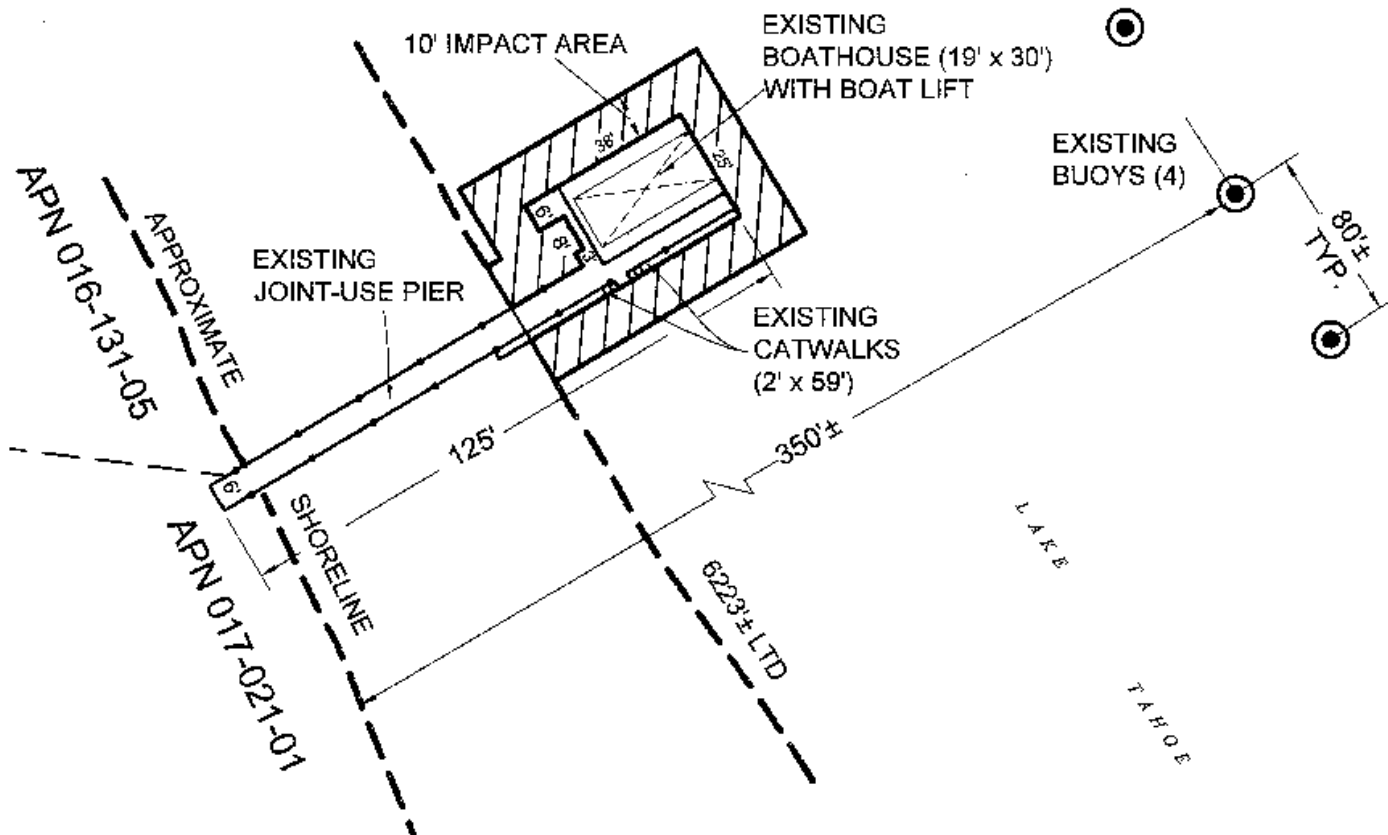
LAND DESCRIPTION PLAT
PRC 2223.1, RCD TAHOE LP & TEECE
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

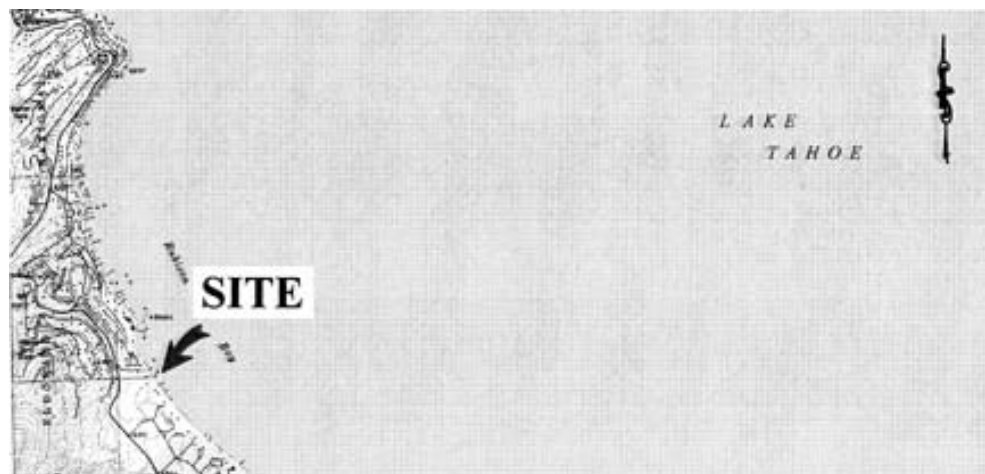
SITE



9125 EMERALD BAY RD. AND 256 FOUR RING RD., 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 2223.1
RCD TAHOE LP & TEECE
APN 016-131-05 &
APN 017-021-01
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJJ 06/18/13