

**CALENDAR ITEM
C43**

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09/20/13
PRC 8854.1
J. Sampson

**TERMINATION OF AN EXISTING GENERAL LEASE – RECREATIONAL USE AND
ISSUANCE OF A NEW GENERAL LEASE – RECREATIONAL USE**

LESSEE: Heigh Ho, LLC.

APPLICANTS:

Rajit Kumar Agrawal and Reena Modi Agrawal, Trustees of The Rajit and Reena Agrawal Living Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 9902 Lake Street, Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning December 24, 2012.

CONSIDERATION:

\$754 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided for 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 obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys 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

CALENDAR ITEM NO. **C43** (CONT'D)

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 ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On January 30, 2002, the Commission authorized a 10-year Recreational Pier Lease, PRC 8366.9, with Marc P. Desautels, Trustee of the Desautels 2000 Trust, for four mooring buoys adjacent to two littoral parcels, Assessor Parcel Numbers (APN) 090-324-002 and 090-324-004. On July 3, 2007, Mr. Desautels transferred ownership in APN 090-324-002 to Heigh Ho, LLC. On October 22, 2009, the Commission authorized a new lease, PRC 8854.1, with Heigh Ho, LLC for the two buoys adjacent to APN 090-324-002 and an amendment of the existing lease, PRC 8366.9, to revise the authorized improvements to two buoys adjacent to APN 090-324-004. On December 24, 2012, the Desautels 2000 Trust sold APN 090-324-004 and Heigh Ho, LLC sold 090-324-002 to Rajit Kumar Agrawal and Reena Modi Agrawal, Trustees of the Rajit and Reena Agrawal Living Trust. The Applicants are now applying for a new General Lease – Recreational Use for the two buoys adjacent to APN 090-324-002.

An application for Lease No. PRC 8366.1 is also before the Commission at the September 20, 2013 meeting for two buoys adjacent to APN 090-324-004.

3. Staff recommends termination of the existing lease because the lessee abandoned the lease by selling the property and facility without executing a quitclaim deed.
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.

CALENDAR ITEM NO. **C43** (CONT'D)

5. **Issuance of New Lease:** 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. 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 New 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.

CALENDAR ITEM NO. **C43** (CONT'D)

AUTHORIZATION:

Authorize termination, effective December 23, 2012, of Lease No. PRC 8854.1, a General Lease – Recreational Use, issued to Hiegh Ho, LLC.

Authorize issuance of a General Lease – Recreational Use to Rajit Kumar Agrawal and Reena Modi Agrawal, Trustees of The Rajit and Reena Agrawal Living Trust, beginning December 24, 2012, for a term of 10 years, for the continued use and maintenance of two existing 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 \$754 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 the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8854.1

LAND DESCRIPTION

Two (2) parcels of submerged lands, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 30, Township 16 North, Range 18 East, MDM, as shown on the Official Township Plat, approved January 29th, 1875, County of Placer, State of California, and more particularly described as follows:

Two (2) circular parcels of land, being 50 feet in diameter, each underlying an existing buoy, adjacent to those parcels as described in that Grant Deed recorded December 24th, 2012 in Document number DOC-2012-0123961-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

PREPARED 8/16/13 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



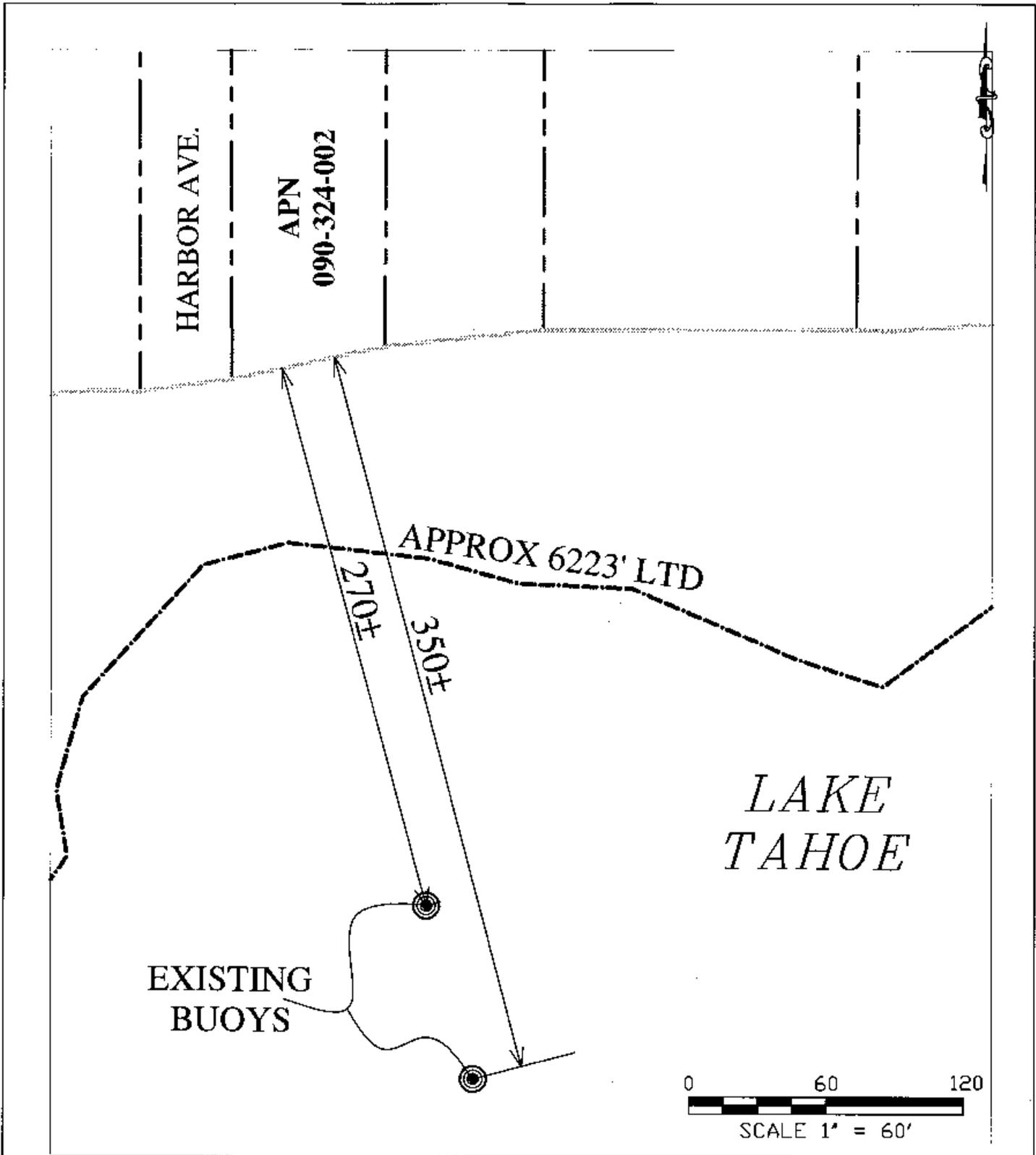


EXHIBIT A

Page 2 of 2

MJF 8/16/13

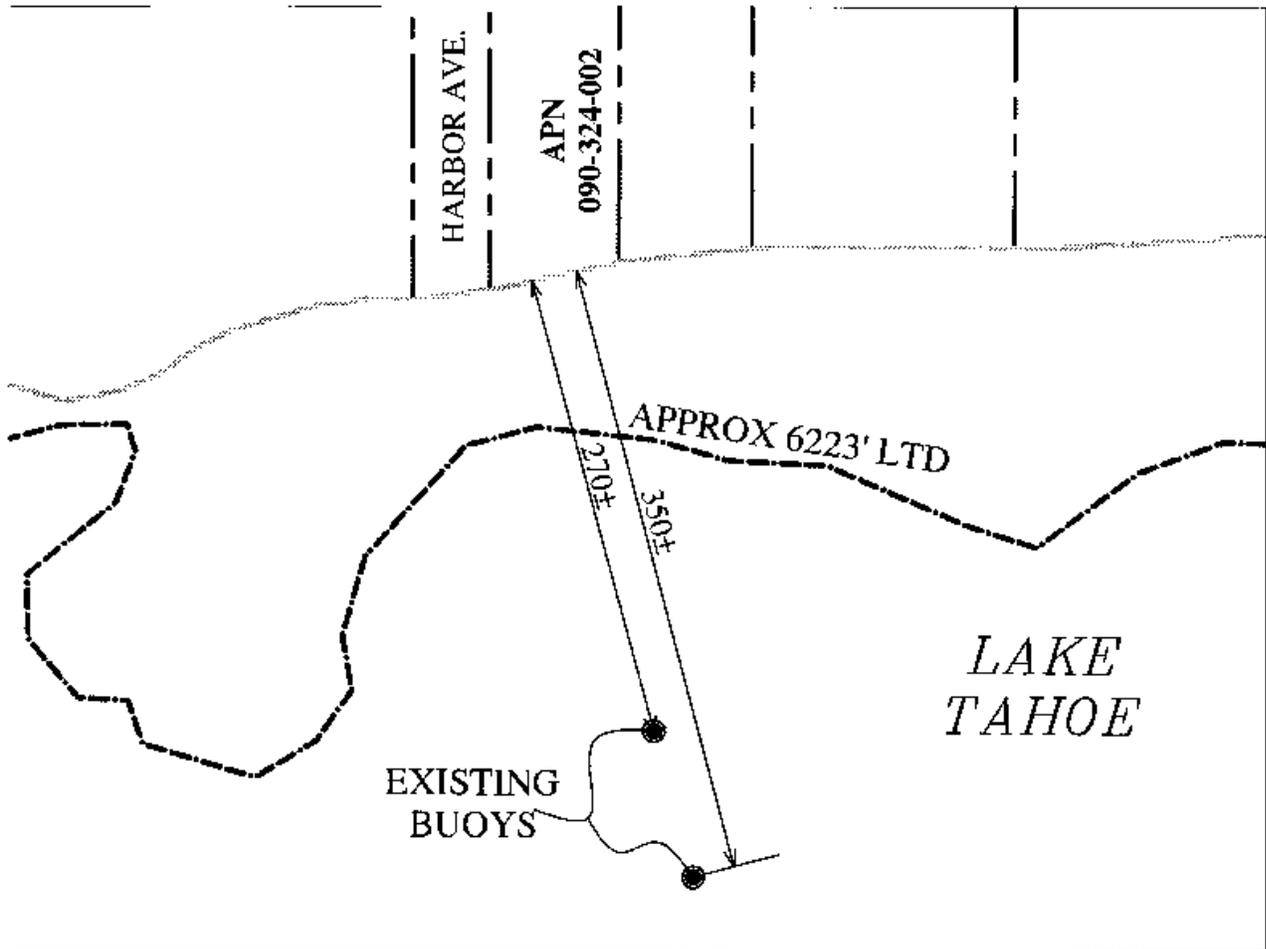
LAND DESCRIPTION PLAT
PRC 8854.1, AGRAWAL
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



9902 Lake Street, near Kings Beach

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8854.1
 AGRAWAL
 APN 090-324-002
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

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.



MTF 8/16/11