

**CALENDAR ITEM  
C47**

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09/20/13

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PRC 5528.1  
M. Schroeder

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Craig Miller and Beverly Jo Yuke-Miller, Trustees of the Craig Miller and Beverly Jo Yuke-Miller Trust dated March 27, 2000

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 3356 Edgewater Drive, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning August 1, 2012.

**CONSIDERATION:**

\$754 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

CALENDAR ITEM NO. **C47** (CONT'D)

Commission pending resolution of the TRPA FEIS and amended ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland parcel adjoining the lease premises.
2. On October 1, 2002, the Commission authorized a 10-year General Lease – Recreational Use to Craig Miller and Beverly Jo Miller for two existing mooring buoys and one swim float. The lease expired July 31, 2012. The Millers no longer utilize a swim float and all block and tackle has been removed from State lands. The Applicants are now applying for a new General Lease – Recreational Use for the two existing mooring buoys.
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

CALENDAR ITEM NO. **C47** (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 Craig Miller and Beverly Jo Yuke-Miller, Trustees of the Craig Miller and Beverly Jo Yuke-Miller Trust dated March 27, 2000, beginning August 1, 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 an amount no less than \$1,000,000 per occurrence.

## EXHIBIT A

PRC 5528.1

### LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 fractional Section 33, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

#### PARCELS 1 & 2 - BUOYS

Two (2) circular parcels of land, each being 50 feet in diameter underlying two (2) existing buoys adjacent to those parcels as described in that Grant Deed, recorded May 10, 2005 as Document 2005-0058830 in Official Records of said County.

Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Prepared May 30, 2013 by the California State Lands Commission Boundary Unit.



APN 093-083-041

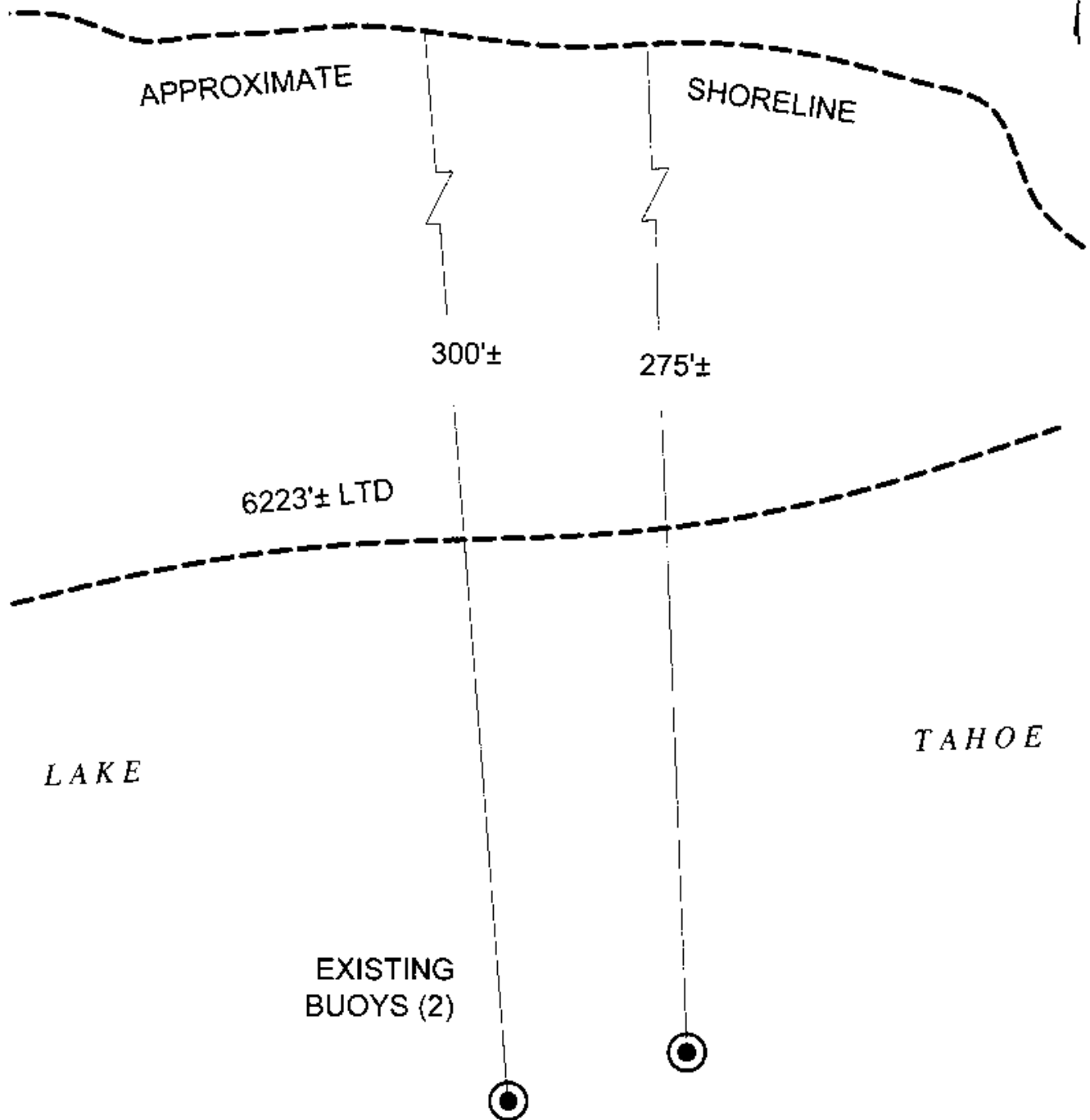


EXHIBIT A

Page 2 of 2

MJJ 05/30/13

LAND DESCRIPTION PLAT  
PRC 5528.1, MILLER  
PLACER COUNTY

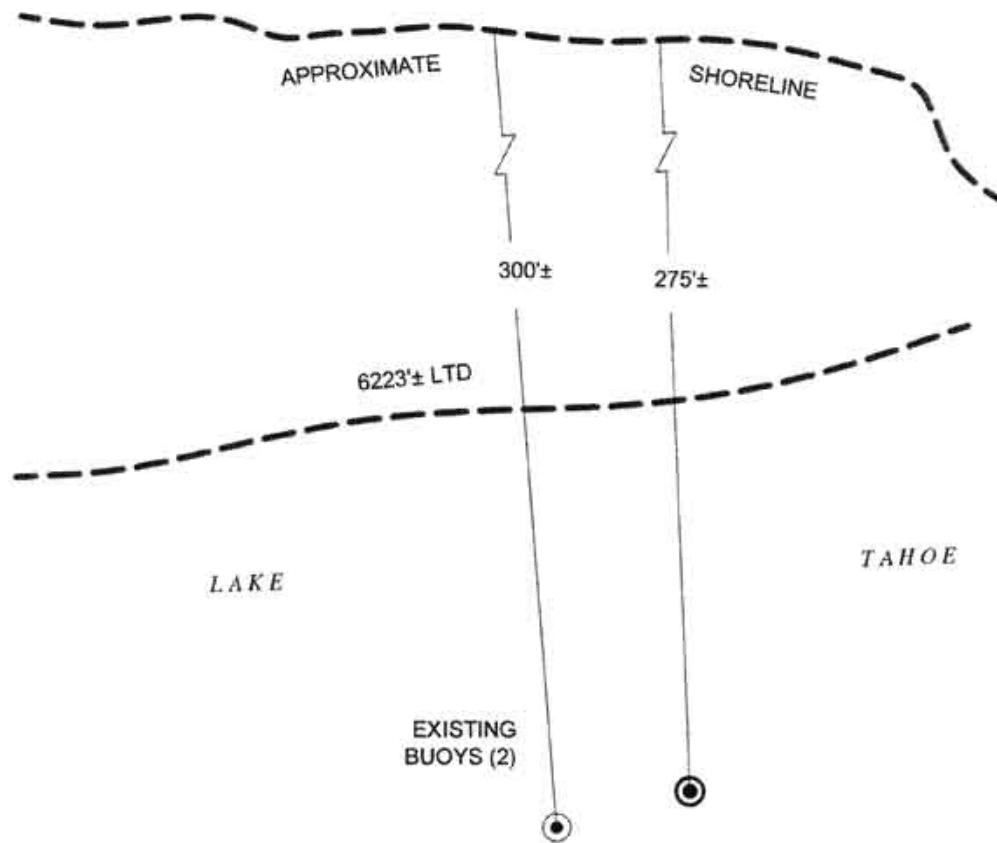
CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

## SITE

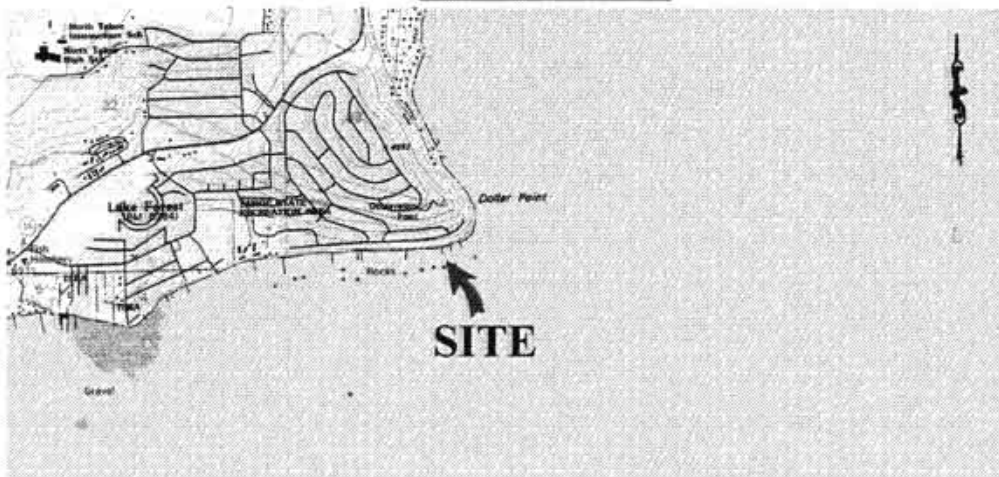
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3356 EDGEWATER DRIVE, NEAR TAHOE CITY

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 5528.1

MILLER

APN 093-083-041

GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



MJJ 05/28/13