

**CALENDAR ITEM  
C64**

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S     1

09/20/13  
PRC 8445.1  
B. Terry

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Richard R. Tomlinson and Sandy L. Tomlinson, Trustees of the Tomlinson Family Trust dated March 7, 1995.

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

Sovereign land in Lake Tahoe, adjacent to 648 Olympic Drive, Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning May 5, 2013.

**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 a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the US District Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. At such time as additional information is available, Commission staff will advise the Commission on any suggested

CALENDAR ITEM NO. **C64** (CONT'D)

modifications to the process used by the Commission pending resolution of the TRPA EIS and ordinance issues..

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On August 19, 2003, the Commission authorized a Recreational Pier Lease with Richard R. Tomlinson and Sandy L. Tomlinson. That lease expired on May 4, 2013. On March 17, 2004, the upland was deeded to Richard R. Tomlinson and Sandy L. Tomlinson, Trustees of the Tomlinson Family Trust dated March 7, 1995. Applicants are now applying for a General Lease – Recreational Use.
3. A pier and two mooring buoys are located adjacent to the upland parcel; however, the pier does not extend beyond elevation 6223 feet, Lake Tahoe Datum. Therefore, the pier is not required to be part of the leased facilities.
4. 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.

5. 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:

CALENDAR ITEM NO. **C64** (CONT'D)

**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 Richard R. Tomlinson and Sandy L. Tomlinson, Trustees of the Tomlinson Family Trust dated March 7, 1995, beginning May 5, 2013, 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, 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 8445.1**

**LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 fractional Section 7, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

**PARCELS 1 & 2 – BUOYS**

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that Lot as described in that Grant Deed recorded March 17, 2004 as Document 2004-0030408 of Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared July 2, 2013 by the California State Lands Commission Boundary Unit.



APN 094-263-001

APPROX. SHORELINE

350±

6223±LTD

TAHOE

EXISTING  
BUOYS (2)

TAHOE

## EXHIBIT A

Page 2 of 2

MJJ 07/01/13

LAND DESCRIPTION PLAT  
PRC 8445.1, TOMLINSON TRUST  
PLACER COUNTY

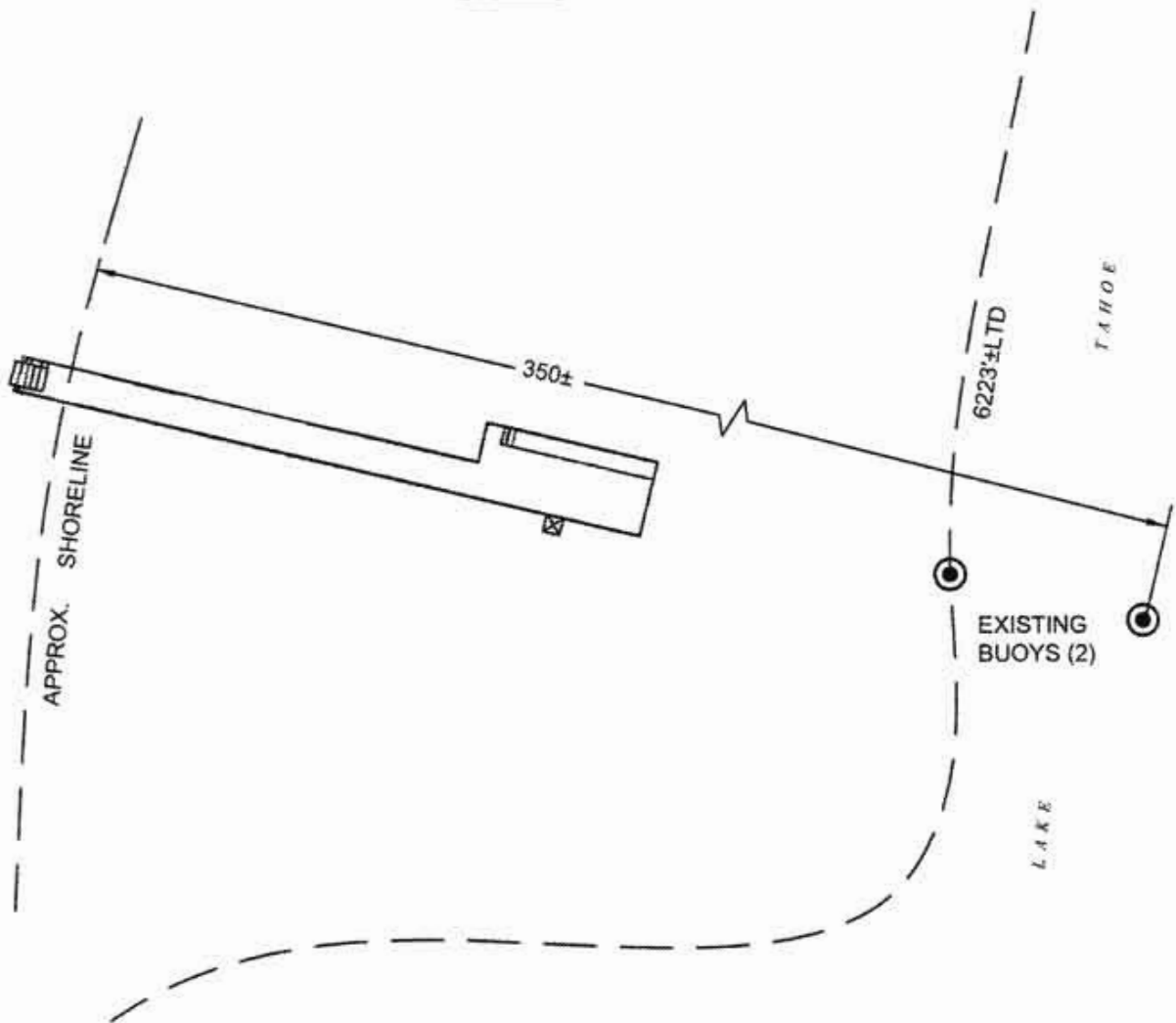
CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

## SITE

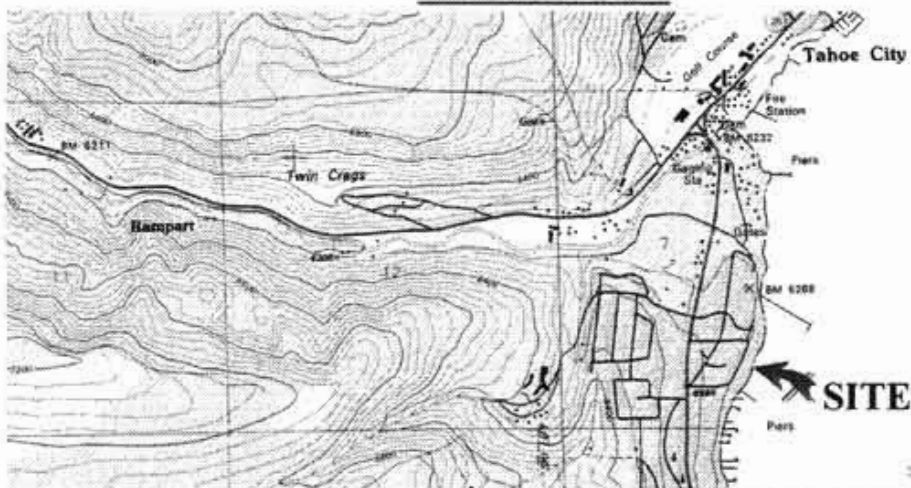
APN 094-263-001



648 OLYMPIC 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 8445.1  
TOMLINSON TRUST  
APN 094-263-001  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



MJJ 07/01/13