

**CALENDAR ITEM
C58**

A 1
S 1

12/02/13
W 1124.89
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Owens Pier, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 664 Olympic Drive, near Tahoe City, Placer County.

AUTHORIZED USE:

Use and maintenance of an existing pier, boat lift, and two mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

\$3,372 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 which requires 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 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

CALENDAR ITEM NO. **C58** (CONT'D)

available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA EIS and ordinance issues.

Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. Applicant is applying for a General Lease – Recreational Use. The Applicant's pier, boat lift, and two mooring buoys have been in Lake Tahoe for many years but have not been previously authorized by the Commission. The pier was constructed in approximately 1966 and was permitted by the U.S. Army Corps of Engineers on November 22, 1966. Staff recommends bringing the existing pier, boat lift, and mooring buoys under lease, with the buoys subject to the Applicant obtaining TRPA permit authorization.
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. **C58** (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 Owens Pier, LLC, beginning December 2, 2013, for a term of 10 years, for use and maintenance of an existing pier, boat lift, and two mooring buoys 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 \$3,372, 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

W 1124.89

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of 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:

PARCEL 1 - PIER

All those lands underlying an existing pier lying adjacent to that Lot as described in that Trust Transfer Deed recorded February 1, 1999 in Document Number 99-0008564 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

EXCEPTING THEREFROM any portion lying landward of the CSLC 1950 Low Water Mark as shown on that "Survey of the Low Water Mark on the Shore of Lake Tahoe, Vicinity of Tahoe City", Sheets 9 and 10, dated September 1950. On file at the Sacramento Offices of the California State Lands Commission.

PARCELS 2 & 3 - BUOYS

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that Lot as described in said Trust Transfer Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared August 21, 2013 by the California State Lands Commission Boundary Unit.



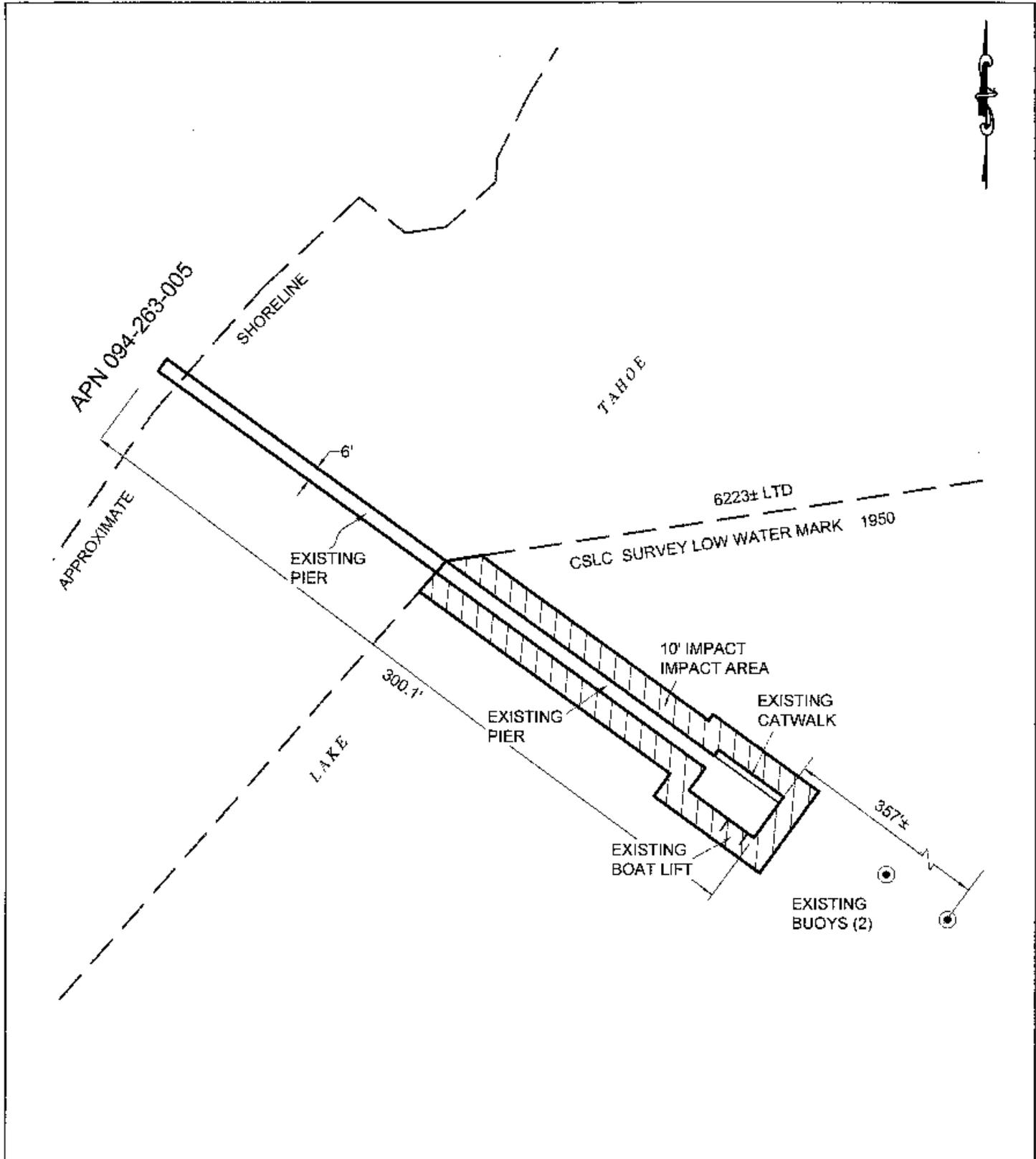


EXHIBIT A

Page 2 of 2

MJJ 08/22/13

LAND DESCRIPTION PLAT
 W 1124.89 OWENS PIER, LLC
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



