

**CALENDAR ITEM  
C18**

A 1  
S 1

10/14/14  
W 26741  
M.J. Columbus

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANT:**

Cherryvale Holdings, LLC, a Louisiana Limited Liability Company

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

Sovereign land in Lake Tahoe, adjacent to 6229 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning October 14, 2014.

**CONSIDERATION:**

\$754 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision requiring 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 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 Commission

CALENDAR ITEM NO. C18 (CONT'D)

pending resolution of the TRPA FEIS and amended ordinance issues.

2. 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. On February 2, 2004, the Commission authorized a 10-year General Lease – Recreational Use to Carrion LTD., for six mooring buoys adjacent to three contiguous littoral parcels, Assessor's Parcel Numbers (APN) 117-010-04, 117-010-05, and 117-020-12. That lease expired on December 31, 2013.
3. On January 24, 2011, a boundary line adjustment was recorded with Placer County and subsequently, the County issued new APNs. Because of the boundary line adjustment, two of the six mooring buoys are now located adjacent to new APN 117-010-012, which is now owned by the Applicant. The Applicant has submitted an application for the two existing mooring buoys. Staff recommends issuance of a General Lease – Recreational Use for two existing mooring buoys adjacent to APN 117-010-012. Applications for the remaining four buoys adjacent to two other littoral parcels are also before the Commission at this meeting.
4. The staff recommends 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.

CALENDAR ITEM NO. **C18** (CONT'D)

**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:**

Authorize issuance of a General Lease – Recreational Use to Cherryvale Holdings, LLC, a Louisiana Limited Liability Company, beginning October 14, 2014, 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 an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**W 26741**

**LAND DESCRIPTION**

Two parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 14, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 & 2 – BUOYS**

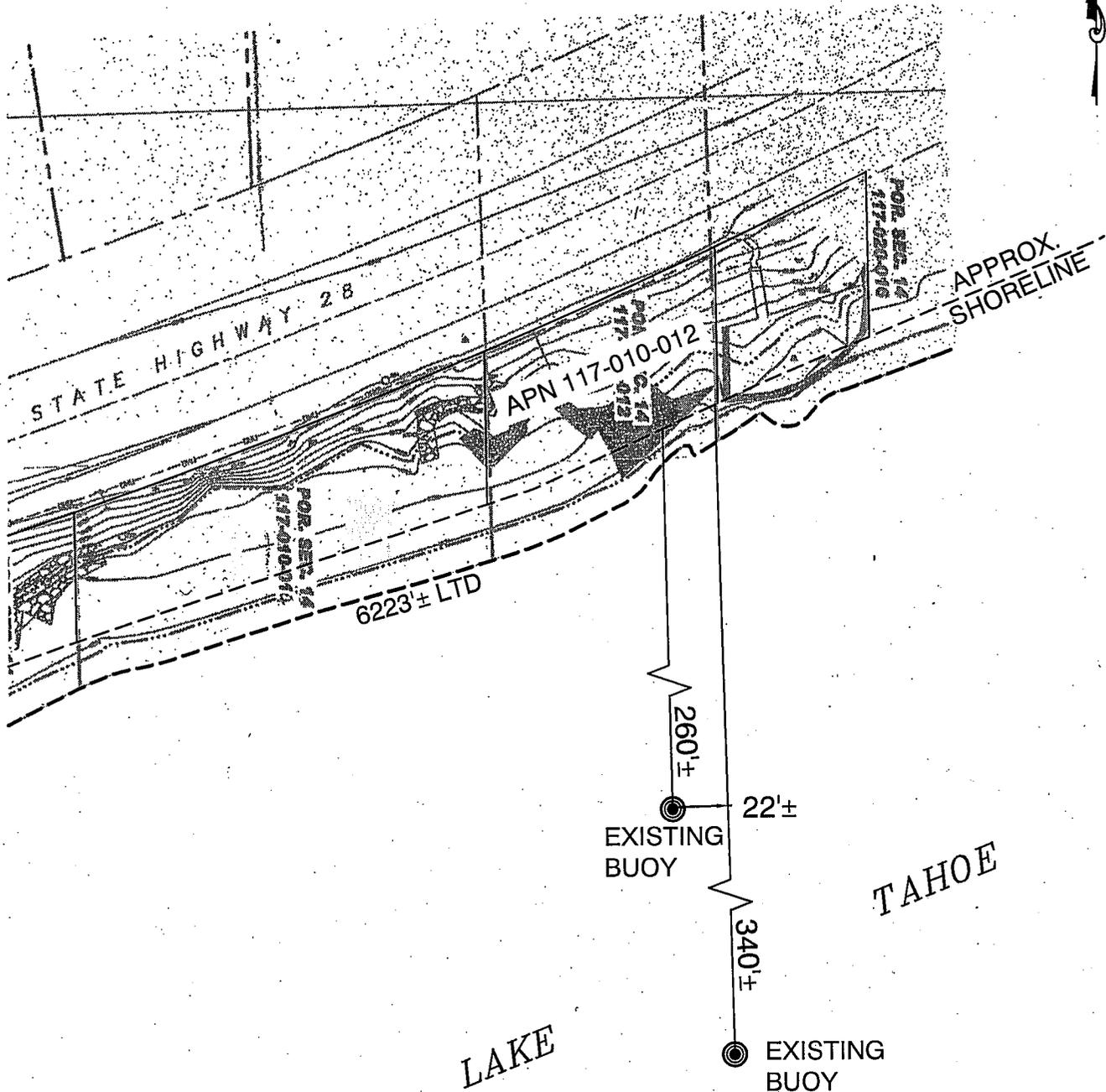
Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded November 22, 2013 as Document Number 2013-0109005-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 07/31/2014 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

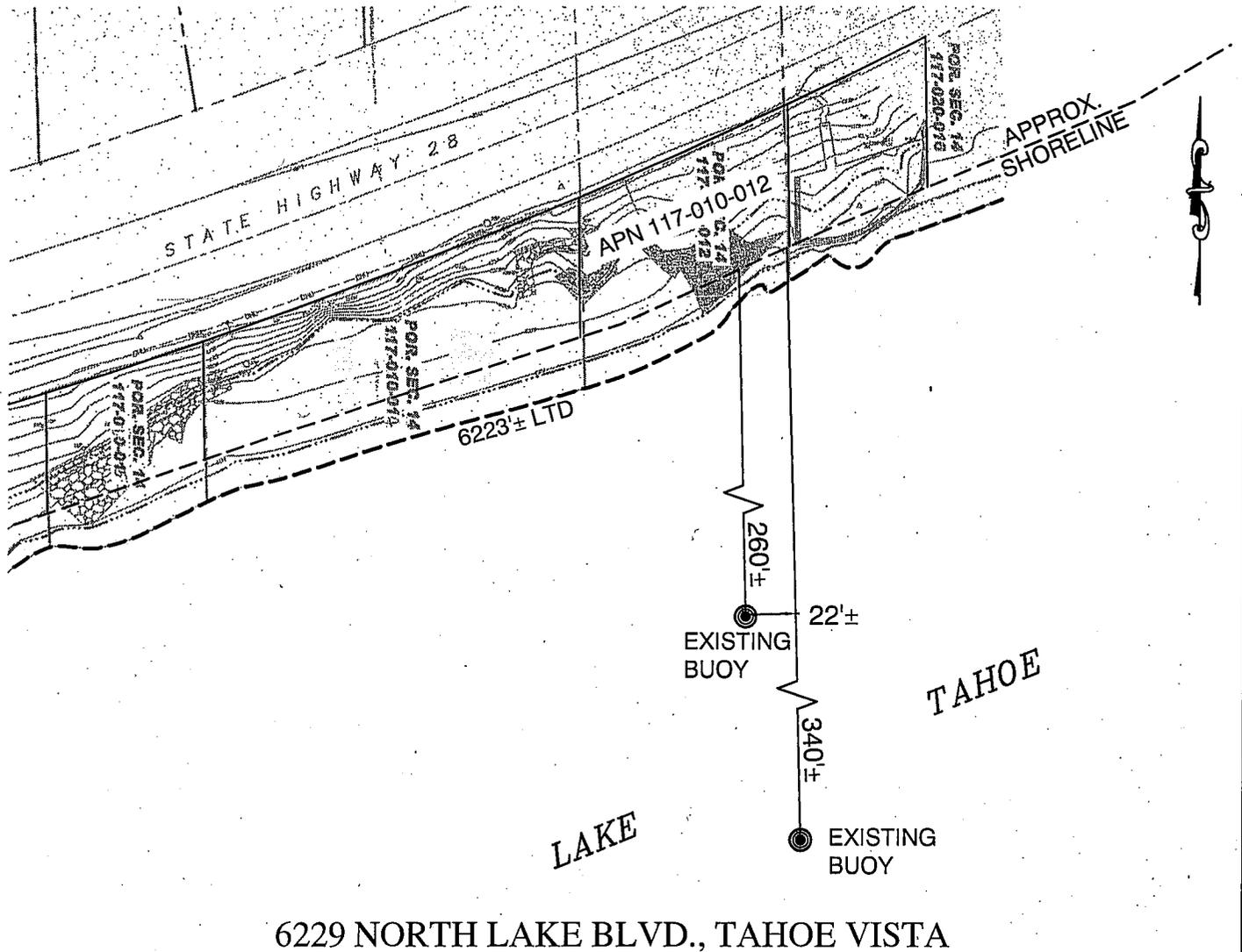
LAND DESCRIPTION PLAT  
 W 26741, CHERRYVALE HOLDING  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



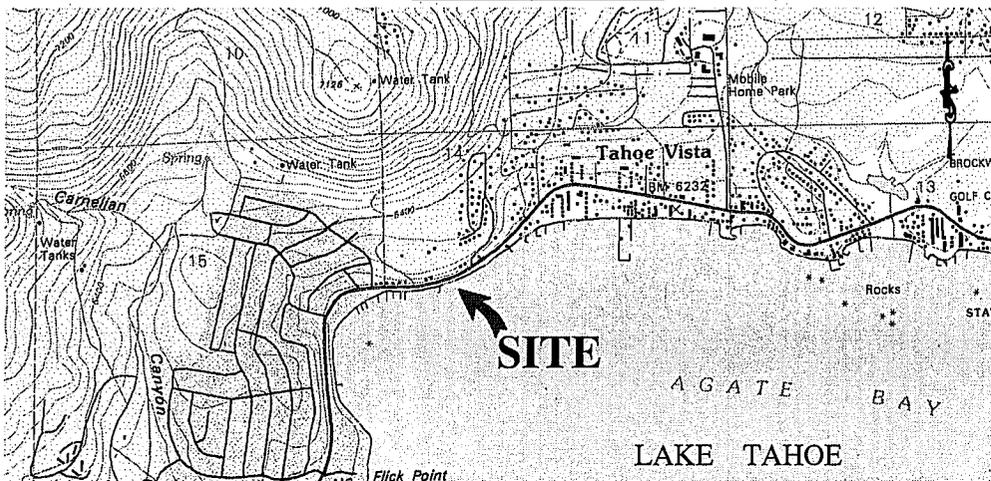
NO SCALE

### SITE



NO SCALE

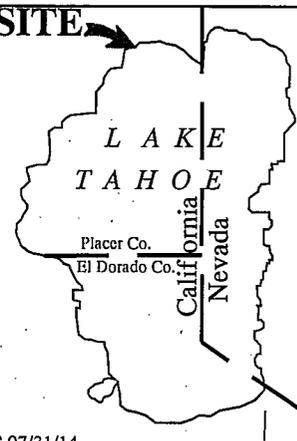
### LOCATION



### Exhibit B

W 26741  
 CHERRYVALE HOLDING, LLC  
 APN 117-010-012  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY

### SITE



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.