

**CALENDAR ITEM
C15**

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S 1

12/17/14
W 1124.314
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Tahoe Sierra Estates Association
624 Olympic Drive
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 624 Olympic Drive, Tahoe City, Placer County.

AUTHORIZED USE:

Use, maintenance, and expansion of an existing pier not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 17, 2014.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$2,000,000 per occurrence.

Other:

1. The proposed project is located in an area identified as Tahoe Yellow Cress (TYC) habitat. The TYC is an endangered plant species statutorily protected by the California Endangered Species Act. TYC was not found during the site-specific survey performed during the 2013 growing season. Because the proposed construction project will be done primarily from the water via barge, a TYC site inspection is not necessary. However, if later it is determined that construction is needed to be conducted by land and

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below the high water elevation 6228.79 feet, Lake Tahoe Datum, further consultation with the staff of the Commission is required.

2. The lease provides that the Lessee agrees to allow the public to pass and repass around the upland end of the pier to have continuous access to the public trust easement between the high water elevation 6228.75 feet, Lake Tahoe Datum (LTD) and low water elevation 6223 feet, LTD.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective on January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands. The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The application and fees were submitted to the Commission prior to March 31, 2011, therefore, the lease meets the statutory requirements for an exception to enacted changes to section 6503.5 of the Public Resources Code for the term of the lease. Therefore, the annual rent will be prorated based on the Association's members who qualify for rent-free status under the then enacted Public Resources Code section 6503.5.

3. Adjacent to the Applicant's parcel is an existing multi-use pier and marine rail, neither of which extends past elevation 6,223 feet, Lake Tahoe Datum, onto State sovereign land. In its current construction, these facilities are not required to come under lease. However, the proposed pier expansion will extend below low water and onto State sovereign land, thus requiring the pier to come under lease. Consequently, the Applicant is applying for a General Lease - Recreational Use to bring the pier under lease.

CALENDAR ITEM NO. **C15** (CONT'D)

4. The existing pier is approximately 128 feet in length and eight feet wide. Due to its age, the Applicant is proposing to repair the existing structure by replacing joists and decking on the main deck and to expand the existing pier approximately 180 feet to a maximum length of 308 feet. The proposed pier will have a 13-foot wide pierhead with a three-foot by 45-foot adjustable catwalk located along the north side of the pier. The entire proposed project will be constructed from the Lake via barge.
5. The Applicant has agreed to provide continuous public access within the Public Trust Easement by allowing the public to pass and repass around the upland end of the pier.
6. 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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

Authority: Public Resources Code section 21084 and California code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. 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.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency
California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

Lahontan Regional Water Quality Control Board
U. S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C15** (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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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 Tahoe Sierra Estates Association beginning December 17, 2014, for a term of 10 years, for use, maintenance, and expansion of an existing pier 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 \$125, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$2,000,000 per occurrence.

EXHIBIT A

W 1124.314

LAND DESCRIPTION

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 7, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

All those lands underlying a proposed pier extension and adjustable catwalk lying adjacent to that parcel described in Grant Deed recorded October 31, 1961 as Document Number 16836 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

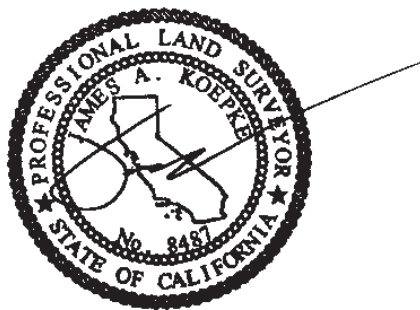
EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

This description is based on Applicant provided "Pier Rehabilitation /Buoys Field Project, Tahoe Sierra Estates Association" plan, by Agan Consulting Corporation dated April, 2014, for a proposed pier extension together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

END OF DESCRIPTION

Prepared 11/13/2014 by the California State Lands Commission Boundary Unit.



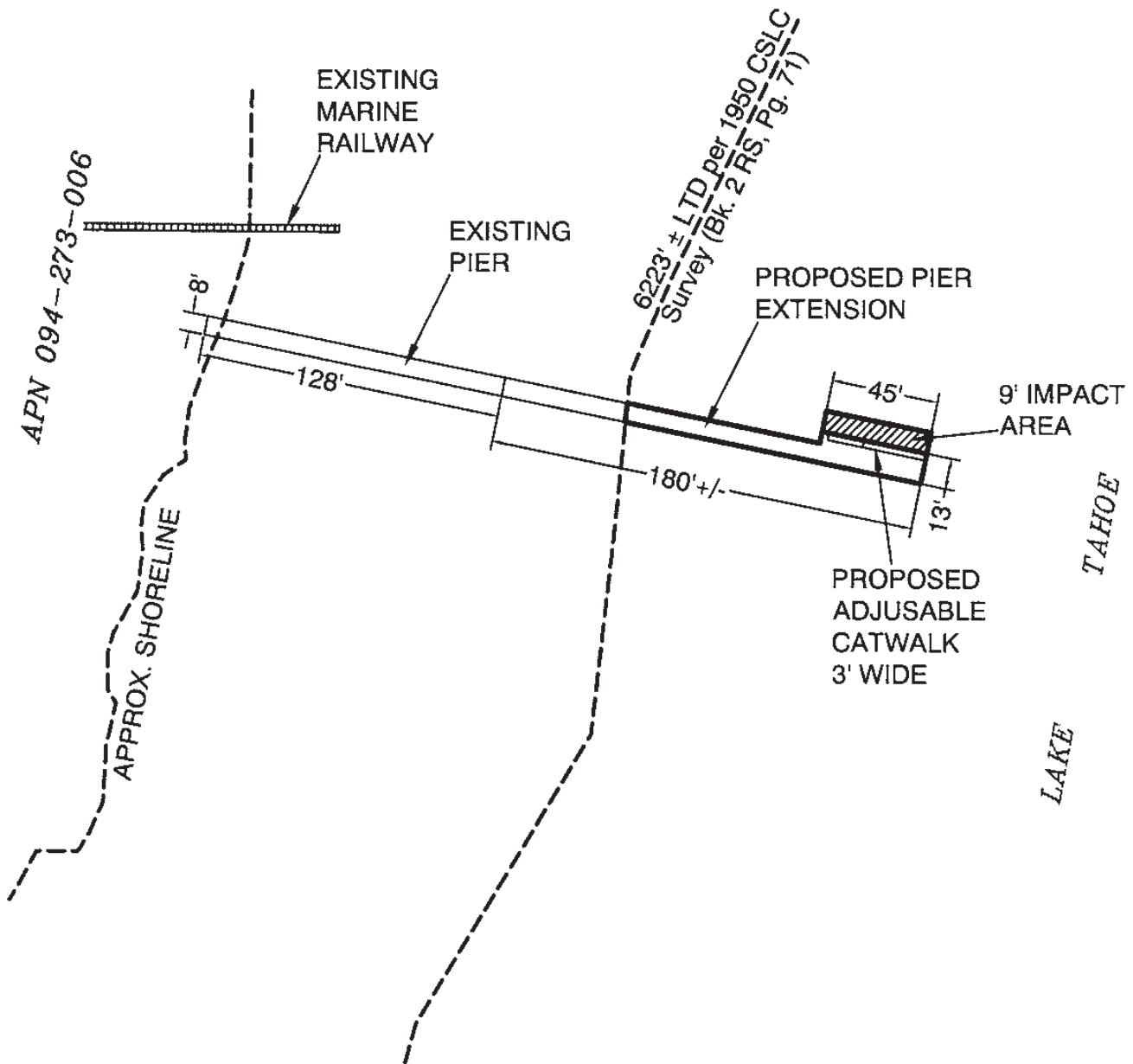


EXHIBIT A

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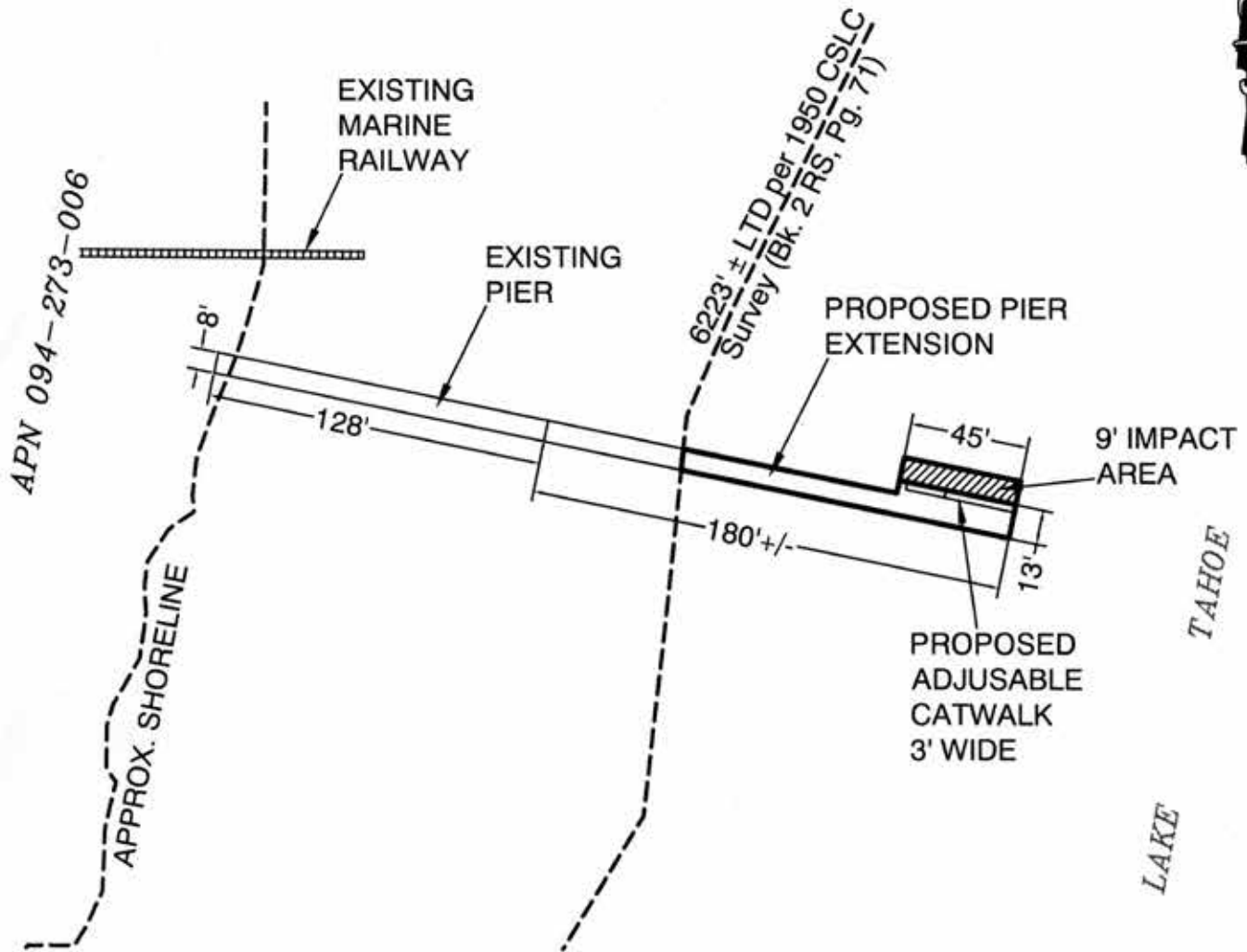
LAND DESCRIPTION PLAT
W 1124.314, TAHOE SIERRA ESTATES
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



624 OLYMPIC DRIVE, 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

W 1124.314
 TAHOE SIERRA ESTATES
 APN 094-273-006
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



TS 11/13/14