

**CALENDAR ITEM
C05**

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12/06/16
PRC 7597.1
M.J. Columbus

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Kent D. Powell and Margaret Jean Powell, Trustees of the Kent and Margaret Powell Family 1985 Revocable Trust, established Jan. 8, 1985

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Donner Lake, adjacent to 14210 South Shore Drive, near the town of Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with a ramp.

LEASE TERM:

10 years, beginning January 8, 2012.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends rent be revised from \$1,055 to \$696 per year, effective January 8, 2017.

PROPOSED AMENDMENT:

Amend the lease to include an existing boat lift as an authorized improvement and to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); revise rent from \$1,055 to \$696 per year; all other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

CALENDAR ITEM NO. **C05** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On April 26, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Kent D. Powell and Margaret Jean Powell, Trustees of the Kent and Margaret Powell Family 1985 Revocable Trust, established January 8, 1985, beginning January 8, 2012, for an existing pier with a ramp ([Calendar Item C18, April 26, 2013](#)). That lease will expire on January 7, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,055 to \$696 per year based on seasonal use and reduced impact area for the pier and application of the updated Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area and include an existing boat lift as an authorized improvement. The boat lift is attached to the pier within the revised impact area and has existed at this location for many years but was not previously included in the lease. The boat lift is for recreational boating and is consistent with the Public Trust Doctrine.

The amendment and revision of rent are lease administrative actions unlikely to result in any changes to the use of the lease premises. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease and the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

CALENDAR ITEM NO. **C05** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment and revision of rent of Lease No. PRC 7597.1 will not substantially interfere with the Public Trust needs and values at this location; find these actions are consistent with the common law Public Trust Doctrine and are in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 7597.1, a General Lease – Recreational Use, effective January 8, 2017, to include an existing boat lift as an authorized improvement and to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 7597.1 from \$1,055 to \$696 per year, effective January 8, 2017; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 7597.1

LAND DESCRIPTION

A parcel of land situated in the bed of Donner Lake, lying adjacent to Government Lot 8 of fractional Section 13, Township 17 North, Range 15 East, M.D.M., as shown on Official Government Township Plat approved April 10, 1867, also being adjacent to Lot 36 of the Donner Terrace Unit No. 1 as shown on the map filed October 3, 1962 in Book 2 of Maps at Page 9, Records of Nevada County, California, more particularly described as follows:

All those lands underlying an existing pier, ramp and boat lift lying adjacent to that parcel described in Grant Deed recorded January 30, 1990 as Document Number 90 03075 Official Records of said County.

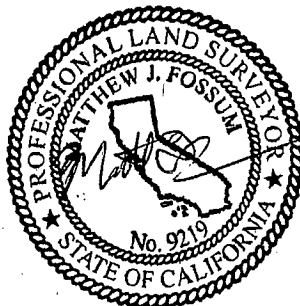
TOGETHER WITH any applicable impact areas(s).

EXCEPTING THEREFROM any portion lying landward of the low water mark of said Donner Lake.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/17/2016 by the California State Lands Commission Boundary Unit.



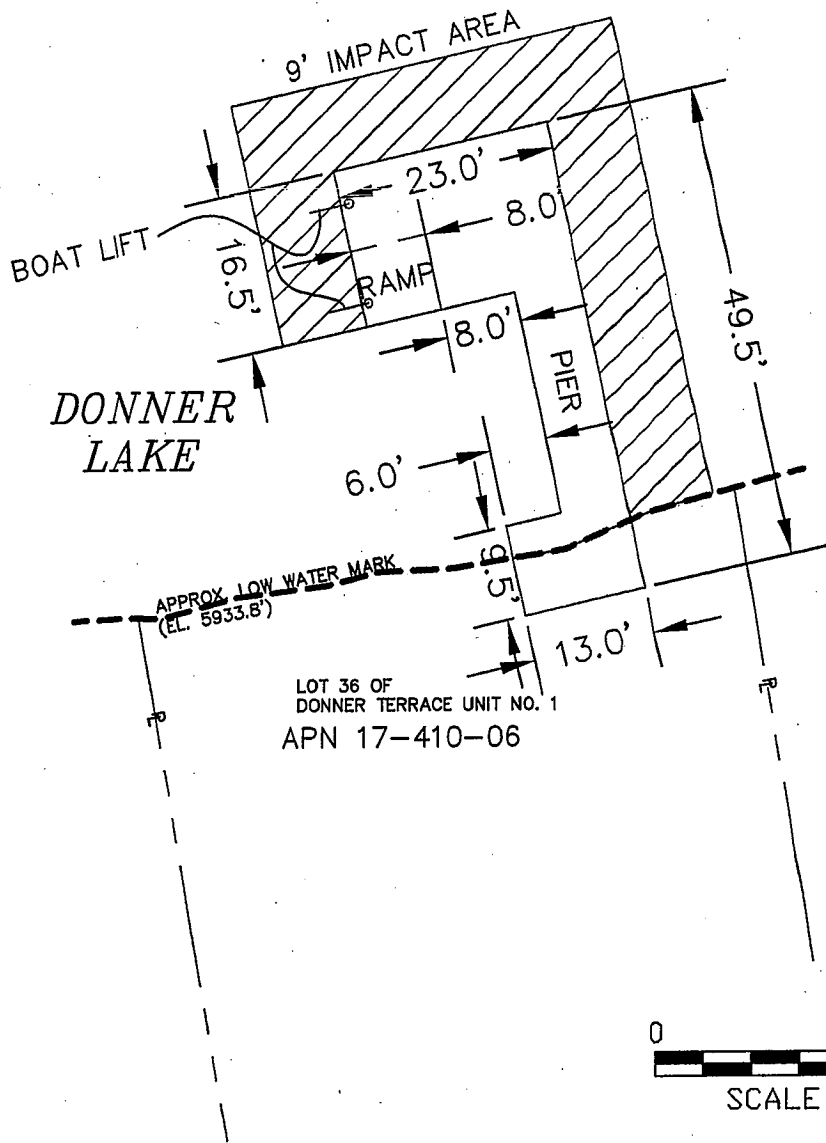


EXHIBIT A

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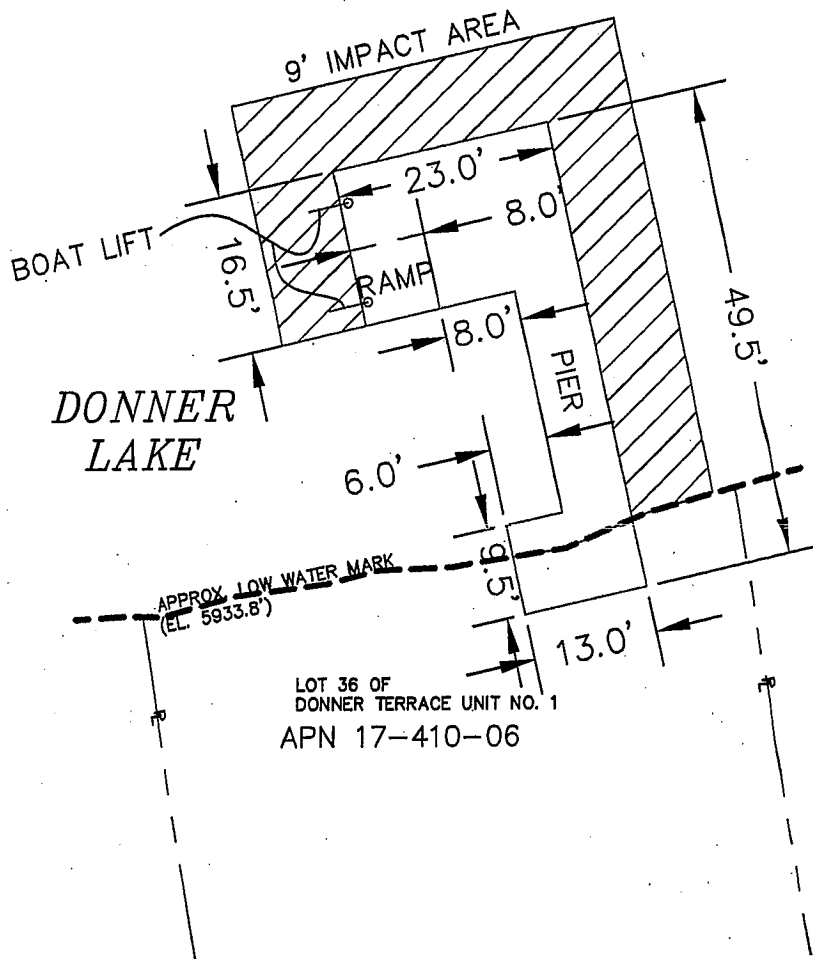
LAND DESCRIPTION PLAT
 PRC 7597.1, POWELL
 NEVADA COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

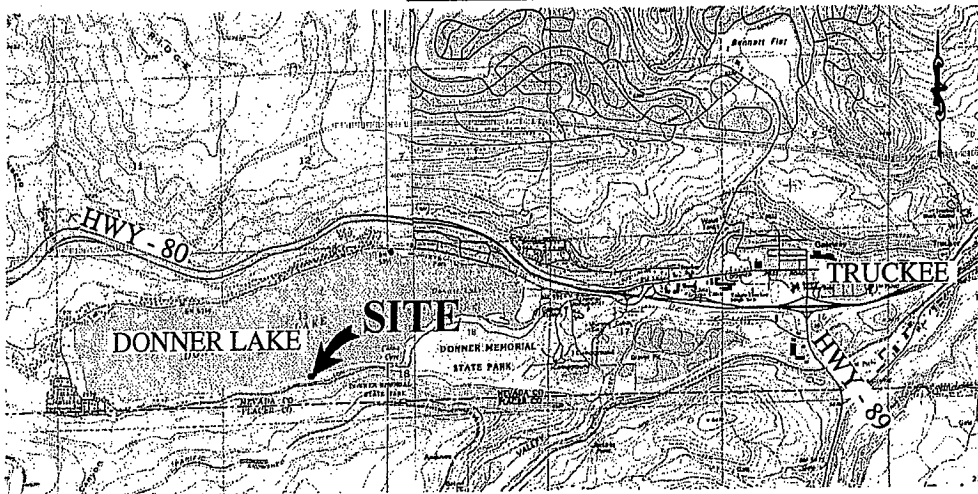
SITE



14210 South Shore Dr., Truckee

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 7597.1

POWELL

APN 17-410-06

GENERAL LEASE -
RECREATIONAL USE
NEVADA COUNTY



MJF 10/17/16