

**STAFF REPORT
C09**

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06/21/18
PRC 8201.1
S. Evans

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Richard A. Coombs and Jennifer C. Coombs

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Donner Lake, adjacent to 15336 South Shore Drive, near Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier.

LEASE TERM:

10 years, beginning June 21, 2013.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$854 per year to \$433 per year, effective June 21, 2018.

PROPOSED AMENDMENT:

Amend the lease 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). 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, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000, and 2003.

STAFF REPORT NO. **C09** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On June 21, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Richard A. Coombs and Jennifer C. Coombs, for an existing pier ([Item C41 June 21, 2013](#)). The lease will expire on June 20, 2023.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$854 per year to \$433 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmarks. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the lease. 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 to make an adjustment in the lease area and approving 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

STAFF REPORT NO. **C09** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 8201.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8201.1, a General Lease – Recreational Use, effective June 21, 2018, 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 8201.1 from \$854 per year to \$433 per year, effective June 21, 2018.

EXHIBIT A

PRC 8201.1

LAND DESCRIPTION

A parcel of submerged land situated in the bed of Donner Lake, lying adjacent to Lot 7 of fractional Section 14, Township 17 North, Range 15 East, M.D.B.&M., as shown on Official Government Township Plat approved April 10, 1867, County of Nevada, State of California, more particularly described as follows:

All those lands underlying an existing pier lying adjacent to that parcel described in Grant Deed recorded February 27, 2001 as Document Number 2001-0005383-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(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

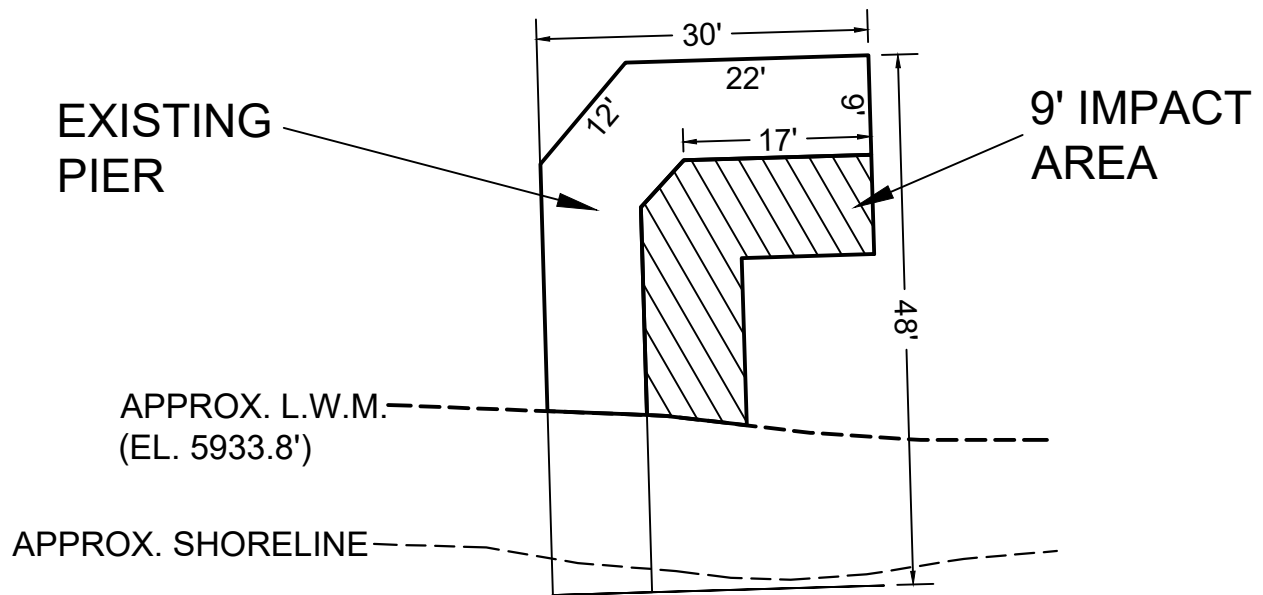
Prepared 05/07/2018 by the California State Lands Commission Boundary Unit.



NO SCALE



DONNER LAKE



APN 17-251-33

EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8201.1, COOMBS
NEVADA COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

DONNER LAKE

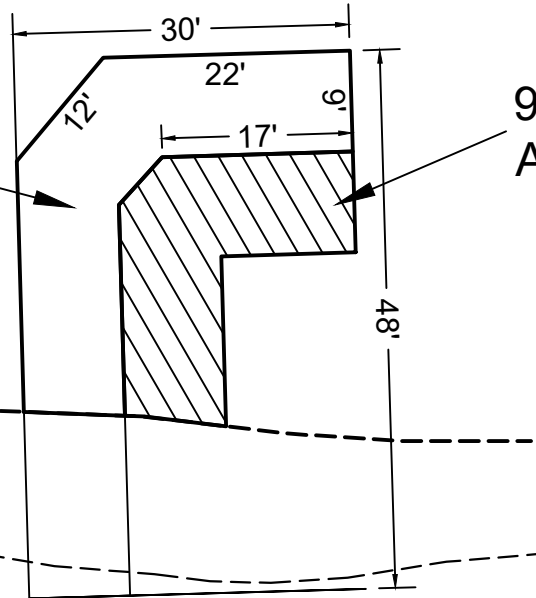


EXISTING
PIER

9' IMPACT
AREA

APPROX. L.W.M.
(EL. 5933.8')

APPROX. SHORELINE

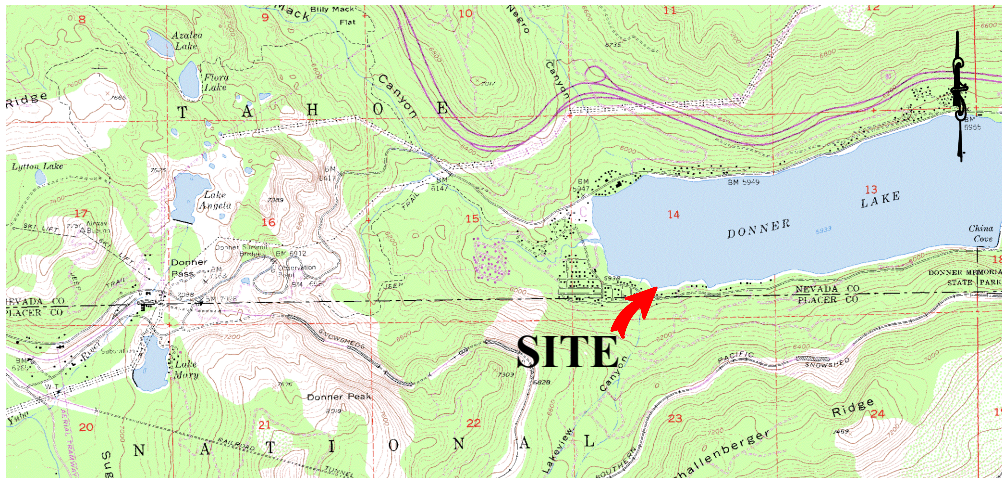


APN 17-251-33

15336 SOUTH SHORE DR., TRUCKEE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8201.1
 COOMBS
 APN 17-251-33
 GENERAL LEASE -
 RECREATIONAL USE
 NEVADA 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.