

**STAFF REPORT  
C29**

A 1  
S 1

06/21/18  
W 21301  
M.J. Columbus

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

James Mark Williamson

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Lake Tahoe, adjacent to 1420 North Lake Boulevard, near Tahoe City, Placer County.

*AUTHORIZED USE:*

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

*LEASE TERM:*

10 years, beginning June 21, 2018.

*CONSIDERATION:*

\$1,265 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses of access, navigation, fishing, and lake-related recreational uses.
3. Lessee shall dismantle and remove a non-operational barge that is in the Public Trust easement by the Fall of 2018 and provide photographs no later than November 30, 2018, as evidence that the barge has been permanently removed.
4. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoys within 2 years after the

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certification of a Final Environmental Impact Statement for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they may be required to remove the buoys.

5. 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.

**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.

**Public Trust and State's Best Interests Analysis:**

On July 5, 2007, the upland was deeded to James Mark Williamson. The Applicant is applying for a General Lease – Recreational Use for the use and maintenance of an existing pier, boat lift, and two mooring buoys not previously authorized by the Commission. On July 27, 1978, TRPA issued a permit for the construction of the pier. On October 14, 2009, TRPA issued permits for the mooring buoys adjacent to the upland parcel. The ordinance under which these buoys permits were approved was later invalidated by the U.S. District Court.

The Applicant's pier, boat lift, and two mooring buoys are privately owned and maintained and have been in Lake Tahoe for many years but were not previously authorized by the Commission. The pier, boat lift, and mooring buoys facilitate recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

The subject facilities have existed for many years at this location. The pier with a boat lift is built on pilings, meaning the public may navigate or walk next to and, at lower water levels, under the pier within the Public Trust easement. The mooring buoys are located directly lakeward of the upland property and occupy a relatively small area of the lake. The mooring buoys do not substantially interfere with the Public Trust needs at this time and at this location.

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A nonoperational barge is currently stored within the Public Trust easement. Staff has been informed that the Applicant is in the process of dismantling the barge and removing it from the property by the Fall of 2018. The lease includes a provision requiring the Applicant to provide photographs no later than November 30, 2018, as evidence that the barge has been permanently removed.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, requires the removal of a physical barrier within the Public Trust easement, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, staff believes the issuance of this lease does not substantially interfere with the common law Public Trust Doctrine at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. 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.

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**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).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with 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:**

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning June 21, 2018, for a term of 10 years, for the use and maintenance of an existing pier, boat lift, and two existing 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 \$1,265, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**W 21301**

**LAND DESCRIPTION**

A parcel of submerged lands situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 5, 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:

**PARCEL 1- PIER**

All those lands underlying an existing pier, catwalk and one boat lift lying adjacent to that parcel described in Exhibit "A" of Grant Deed recorded July 5, 2007 as Document Number 2007-0066844 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

**PARCELS 2 & 3 - BUOYS**

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared May 16, 2018 by the California State Lands Commission Boundary Unit.



APN 094-520-007

SHORELINE

APPROX. 8'

L A K E  
T A H O E

EXISTING PIER

260'

6223'±

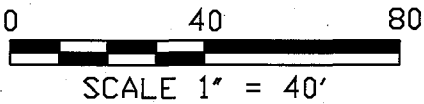
910'±

9' IMPACT AREA

EXISTING BOAT LIFT  
& 9' IMPACT AREA

EXISTING CATWALK  
1.5' X 8'  
& 9' IMPACT AREA

195'±



# EXHIBIT A

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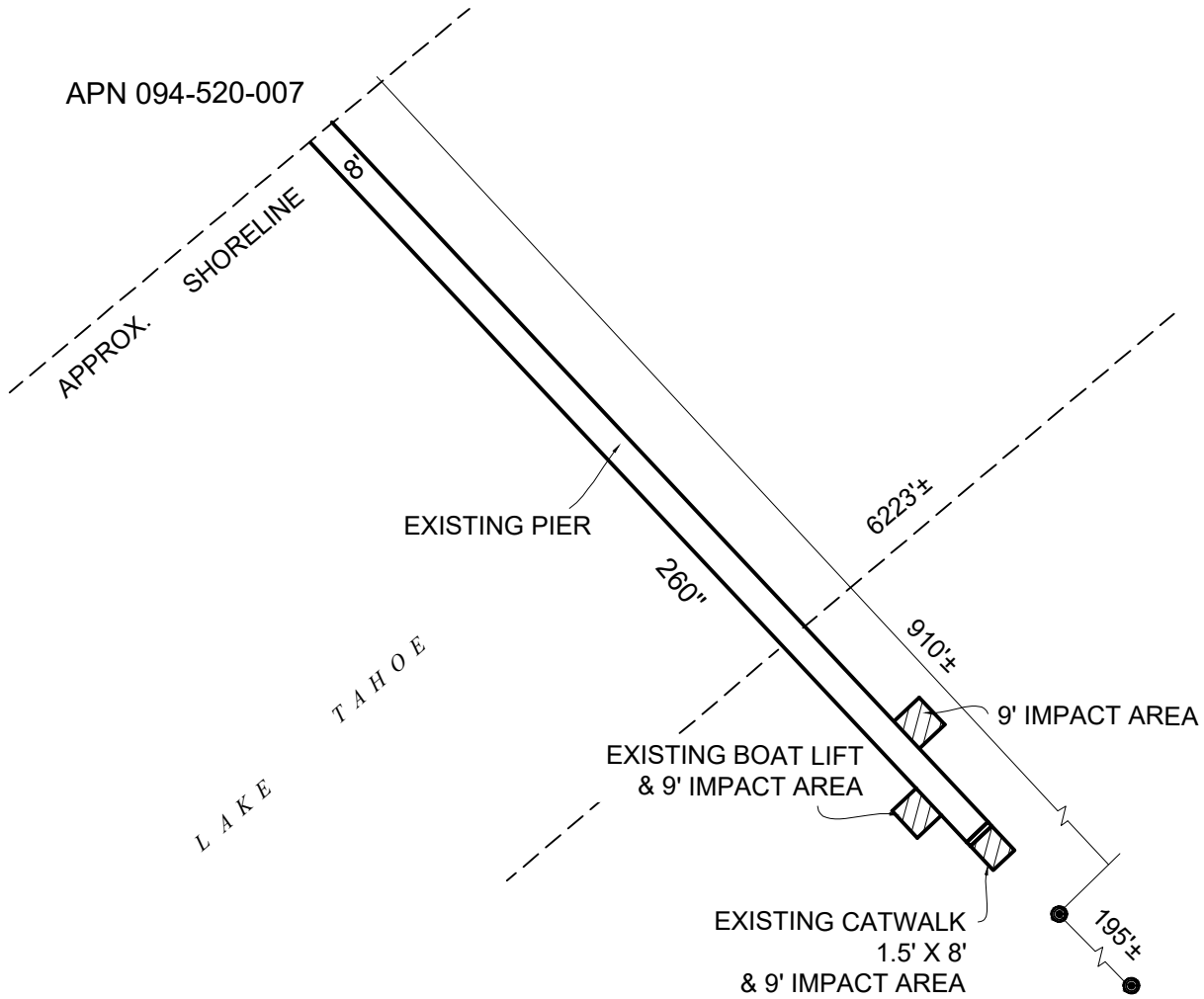
LAND DESCRIPTION PLAT  
W 21301, WILLIAMSON  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

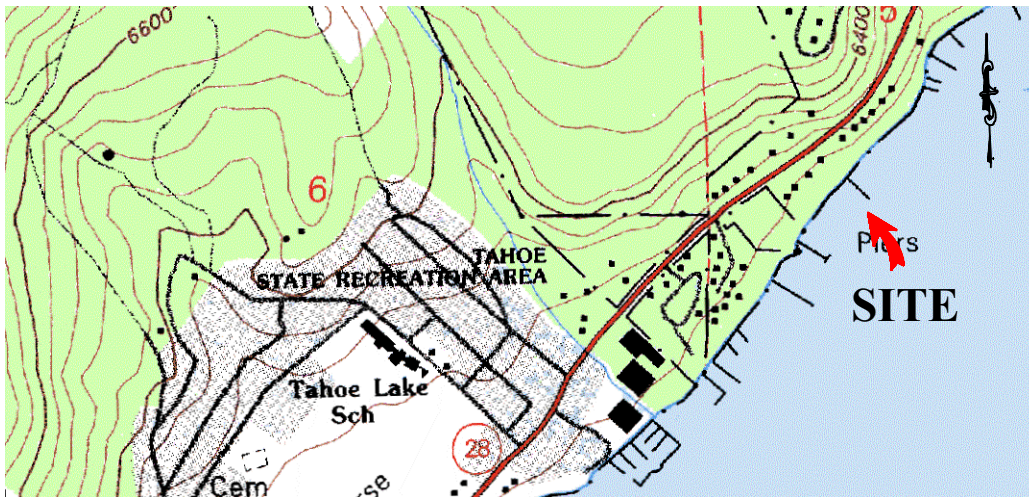
# SITE



1420 NORTH LAKE BLVD., NEAR TAHOE CITY

NO SCALE

# LOCATION

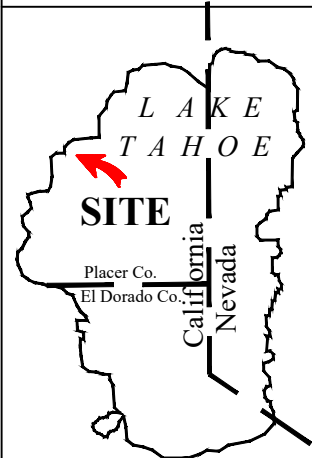


MAP SOURCE: USGS QUAD

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 21301  
WILLIAMSON  
APN 094-520-007  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



MJJ 5/16/18