

**CALENDAR ITEM  
C01**

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12/02/13  
PRC 3868.1  
G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Thomas H. Bredt and Polly Walker Bredt as Co-Trustees of the Bredt 1993 Living Trust

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

Sovereign land in Lake Tahoe, adjacent to 8645 Beach Lane, near Tahoma, El Dorado County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission, and use and maintenance of an existing boat lift and boat hoist not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning November 27, 2013.

**CONSIDERATION:**

\$1,983 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**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 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

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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 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 the TRPA or any other regulatory agency for the improvements authorized by the Commission.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland parcel adjoining the lease premises.
2. On October 20, 2003, the Commission authorized a 10-year Recreational Pier Lease with Thomas H. Bredt and Polly Walker Bredt as Co-Trustees of the Bredt 1993 Living Trust. The lease expired on November 26, 2013. The Applicants are now applying for a new General Lease – Recreational Use.
3. The Applicants' existing boat lift and boat hoist have been in Lake Tahoe for many years but have not been previously authorized by the Commission.
4. 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 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. **C01** (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 Thomas H. Bredt and Polly Walker Bredt as Co-Trustees of the Bredt 1993 Living Trust beginning November 27, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission, and use and maintenance of an existing boat lift and boat hoist 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 \$1,983, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 3868.1**

**LAND DESCRIPTION**

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 32, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of El Dorado, State of California, more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier with a boat hoist, two catwalks and boat house with a boat lift lying adjacent to those parcels described in Trust Transfer Deed recorded January 6, 1994 in Book 4190 at Page 734 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

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

**PARCELS 2 & 3 – BUOYS**

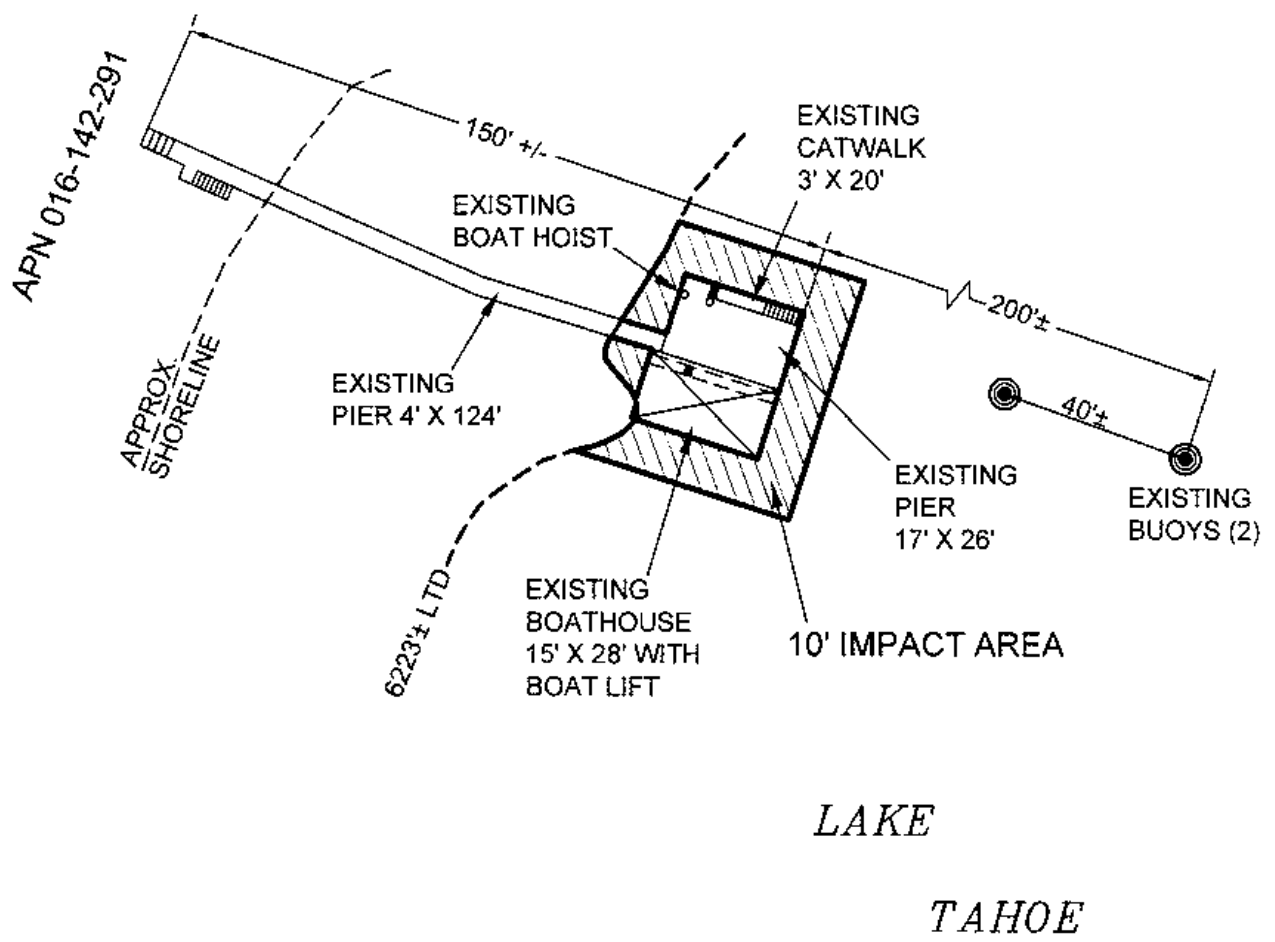
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Trust Transfer Deed recorded January 6, 1994 in Book 4190 at Page 734 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 10/15/2013 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

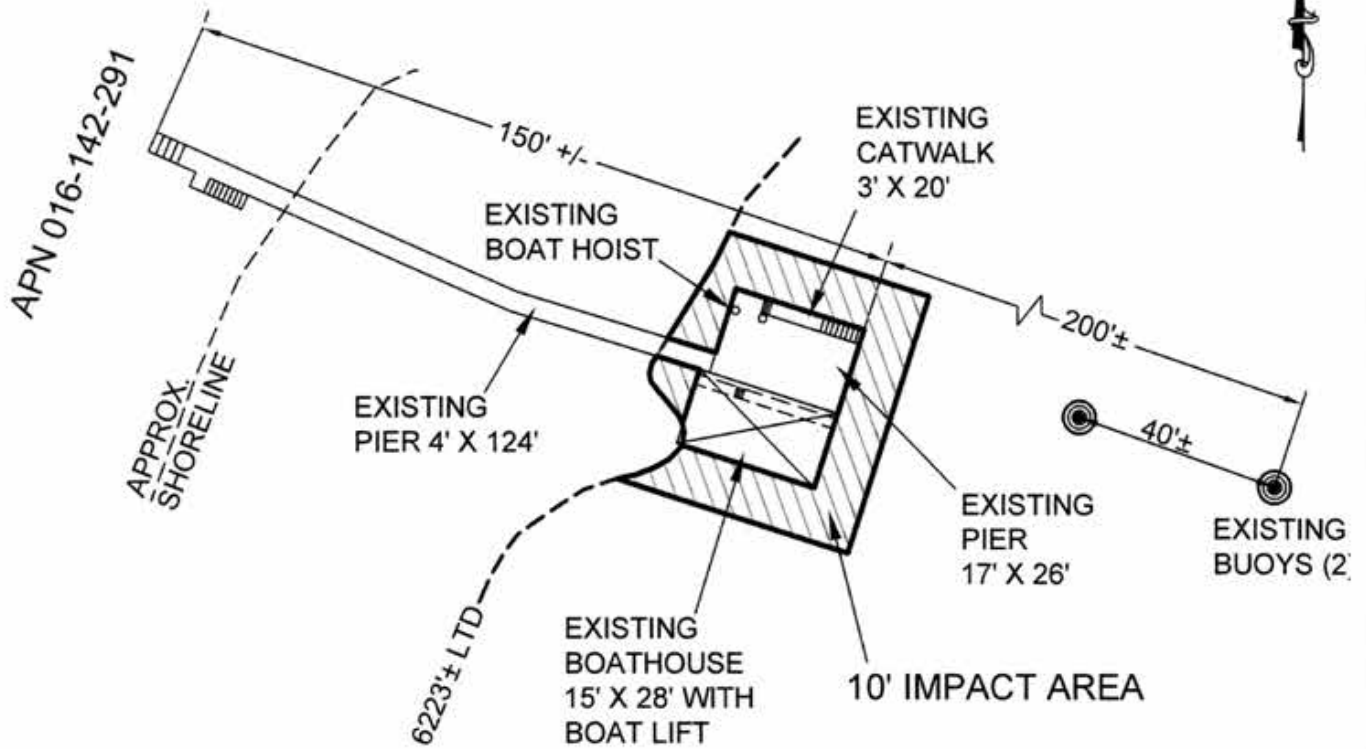
LAND DESCRIPTION PLAT  
PRC 3868.1, BREDT 1993 LIVING TRUST  
EL DORADO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



LAKE

TAHOE

8645 BEACH LANE, NEAR TAHOMA

NO SCALE

# LOCATION



LAKE  
TAHOE

MAP SOURCE: USGS QUAD

# Exhibit B

PRC 3868.1  
 BREDT 1993 LIVING TRUST  
 APN 016-142-291  
 GENERAL LEASE-  
 RECREATIONAL USE  
 EL DORADO COUNTY



SITE

TS 10/15/13

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.