

**CALENDAR ITEM
C27**

A 1
S 1

12/02/13
PRC 4066.1
W. Hall

**ACCEPTANCE OF A QUITCLAIM DEED AND ISSUANCE OF A GENERAL LEASE –
RECREATIONAL USE**

LESSEES:

R.T. Nahas Company, a California Corporation; Ronald C. Nahas, Successor Trustee under The Nahas Revocable Trust U/D/T December 30, 1985; Ronald C. Nahas; Robert W. Nahas; Randall E. Nahas; Rachelle (Shelly) N. Aldean and Robin N. Stevenson.

LESSEES/APPLICANTS:

John Stumpf and Ruth Stumpf, Trustees of the Stumpf Family Trust.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 1870 North Lake Boulevard, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift and two mooring buoys.

LEASE TERM:

10 years, beginning May 30, 2013.

CONSIDERATION:

\$2,058 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 the amount of no less than \$1,000,000 per occurrence.

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years of the adoption of a Final Environmental

CALENDAR ITEM NO. **C27** (CONT'D)

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 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 ordinance issues.

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.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcel adjoining the lease premises.
2. On April 17, 2006, the Commission authorized a General Lease - Recreational Use with R.T. Nahas Company, a California Corporation; Ronald C. Nahas, Successor Trustee under The Nahas Revocable Trust U/D/T December 30, 1985; Ronald C. Nahas; Robert W. Nahas; Randall E. Nahas; Rachelle (Shelly) N. Aldean and Robin N. Stevenson, for an existing pier, boat lift and two mooring buoys. That lease expires on December 11, 2015.
3. On May 30, 2013, ownership of the upland was conveyed to John Stumpf and Ruth Stumpf, Trustees of the Stumpf Family Trust. The Lessees have executed a Quitclaim Deed to the State of California, releasing all interest in Lease No. PRC 4066.1. Applicants are now applying for a new General Lease - Recreational Use.
4. Staff recommends the acceptance of the Quitclaim Deed and issuance of a new 10-year General Lease – Recreational Use.
5. **Acceptance of Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

CALENDAR ITEM NO. **C27** (CONT'D)

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of Quitclaim Deed: Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of a New Lease: 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).

CALENDAR ITEM NO. **C27** (CONT'D)

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:

1. Authorize acceptance of a Quitclaim Deed, effective May 29, 2013, of Lease No. PRC 4066.1, a General Lease – Recreational Use, issued to R.T. Nahas Company, a California Corporation; Ronald C. Nahas, Successor Trustee under The Nahas Revocable Trust U/D/T December 30, 1985; Ronald C. Nahas; Robert W. Nahas; Randall E. Nahas; Rachelle (Shelly) N. Aldean and Robin N. Stevenson.

2. Authorize issuance of a General Lease – Recreational Use to John Stumpf and Ruth Stumpf, Trustees of the Stumpf Family Trust, beginning May 30, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift and two mooring buoys 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 \$2,058, 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 the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4066.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 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 boat lift lying adjacent to those parcels described in Grant Deed recorded May 30, 2013 as Document Number 2013-0052865 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 Grant Deed recorded May 30, 2013 as Document Number 2013-0052865 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/23/2013 by the California State Lands Commission Boundary Unit.



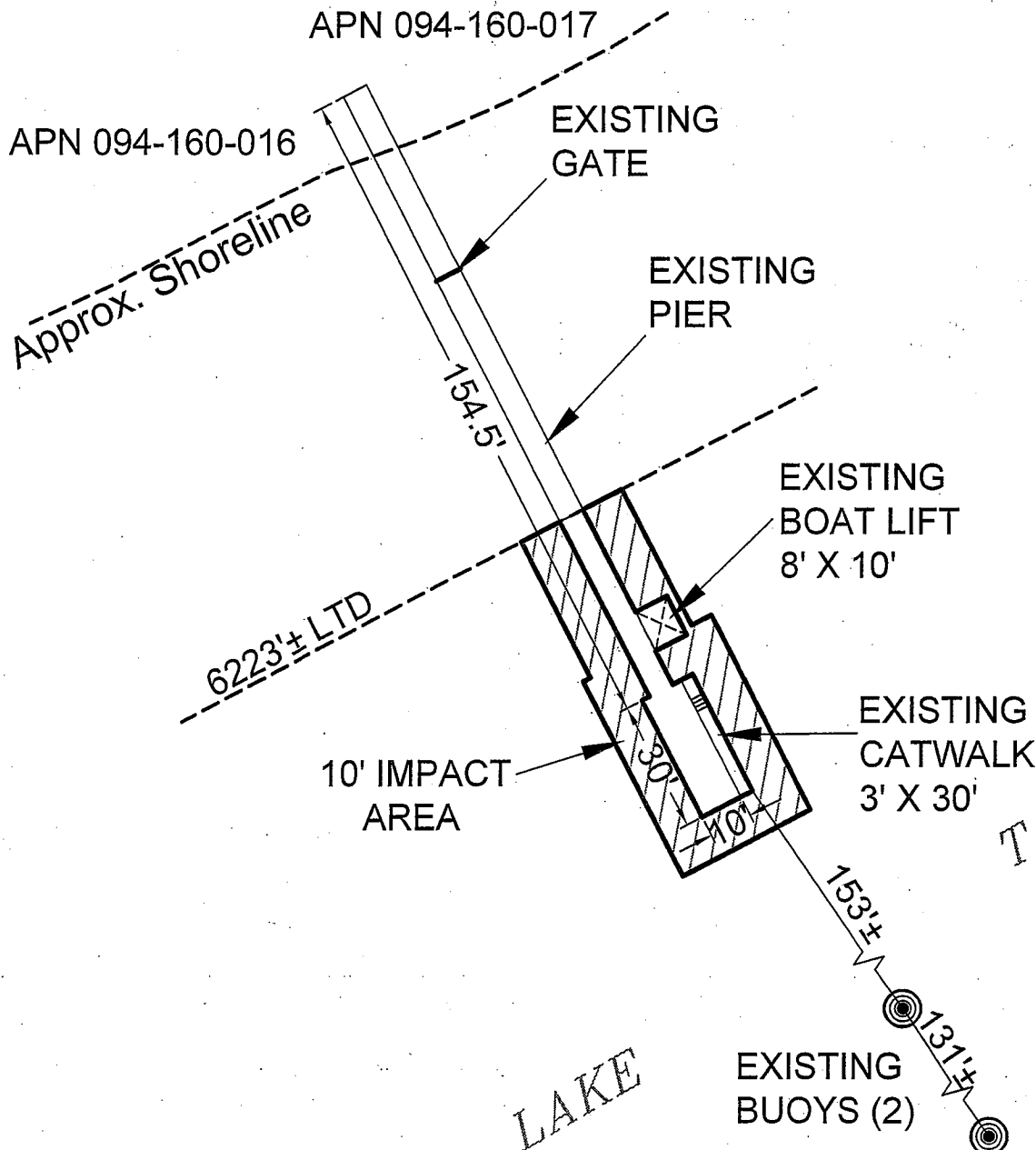


EXHIBIT A

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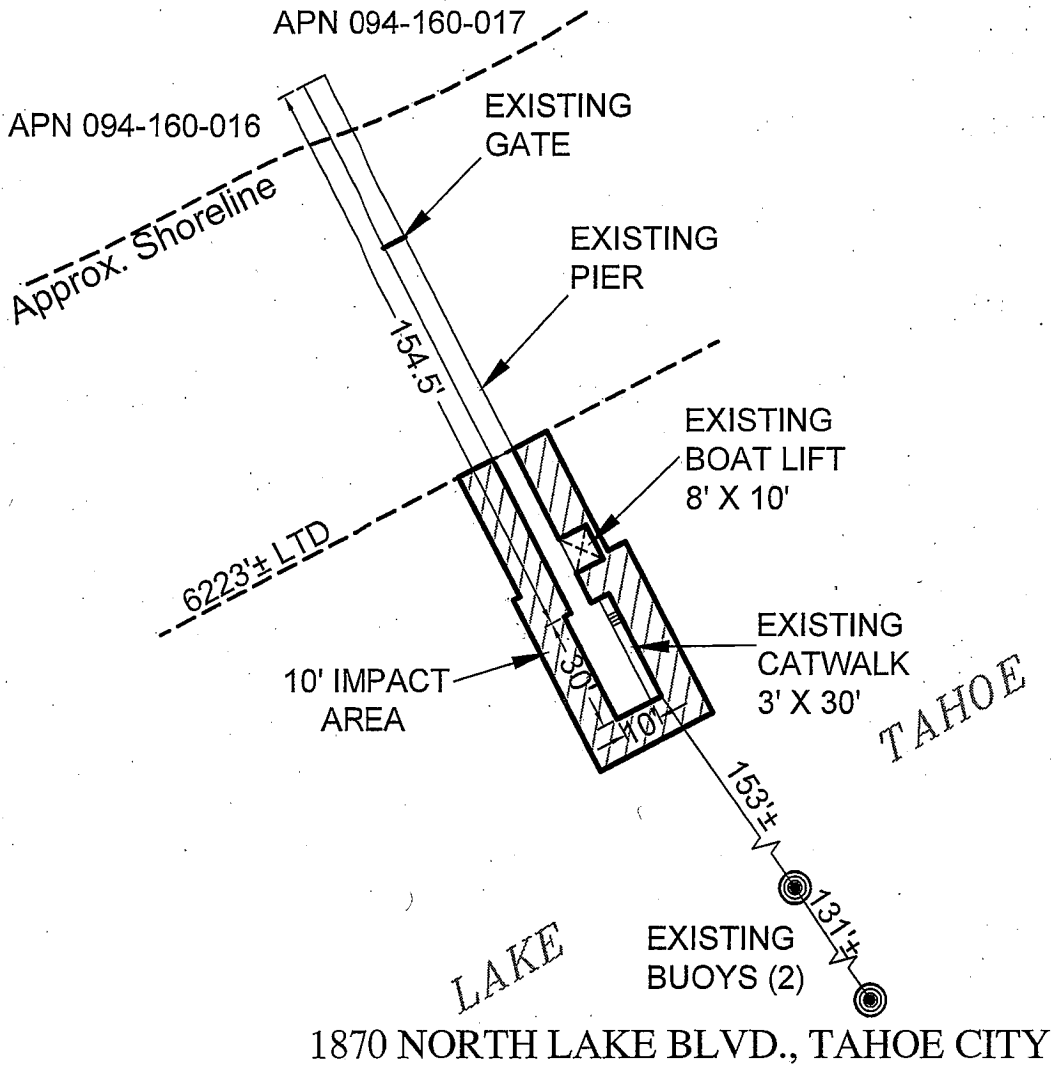
LAND DESCRIPTION PLAT
 PRC 4066.1, STUMPF TRUSTEES
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



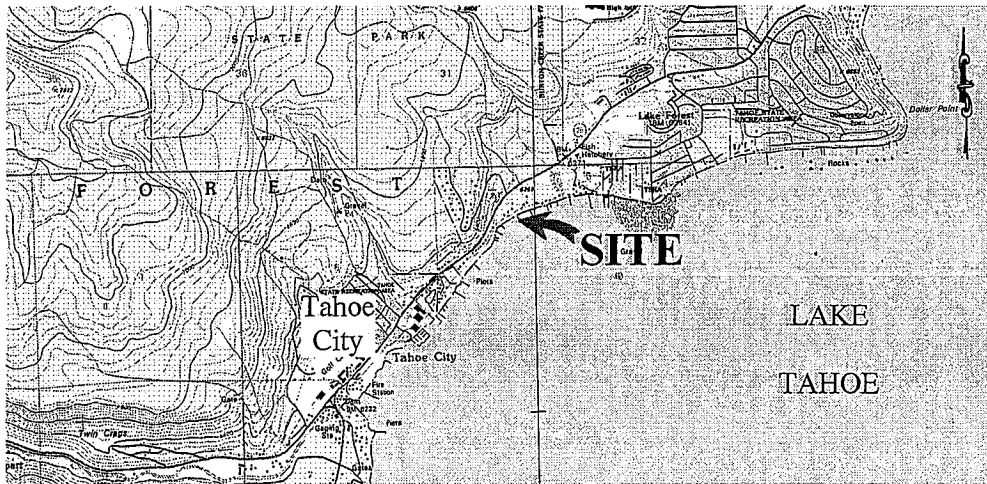
NO SCALE

SITE



NO SCALE

LOCATION



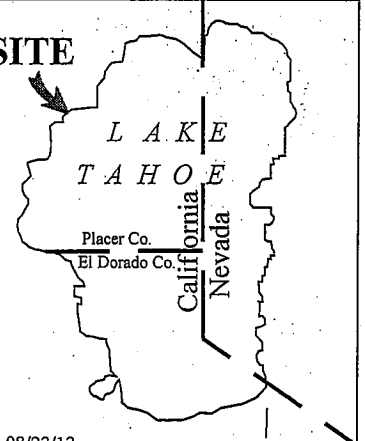
MAP SOURCE: USGS QUAD

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 4066.1
 STUMPF TRUSTEES
 APN 094-160-016 & 017
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

SITE



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