

**CALENDAR ITEM
C43**

A	1	12/02/13
		W 26702
S	1	S. Paschall

CORRECTION TO GENERAL LEASE – RECREATIONAL USE

LESSEE:

Colleen Kimball, Trustee of the Survivor's Trust of the Kimball Family Trust dated January 2, 2003, and Colleen Kimball, Trustee of the Decedent's Trust of the Kimball Family Trust dated January 2, 2003.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 6918 Pomin Avenue, near Tahoma, Placer County.

AUTHORIZED USE:

Use and maintenance of two existing mooring buoys.

LEASE TERM:

3 years, 6 months, 11 days, beginning September 20, 2013, ending March 31, 2017.

CONSIDERATION:

\$754 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:

The proposed lease contains a provision requiring the Lessee to 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 FEIS. In September 2010, the U.S. District

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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.

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland parcel adjoining the lease premises.
2. On September 20, 2013, the Commission authorized issuance of a General Lease – Recreational Use to the Lessee for use and maintenance of two existing mooring buoys for a term ending March 31, 2017, which will coincide with the expiration of Lease No. PRC 5277.9, the Lessee's Recreational Pier Lease for the existing pier. Staff has since been made aware that the buoys were not aligned correctly as depicted on the exhibits.
3. Staff recommends that the Commission approve this item to correct the misalignment of the buoys, all other terms and conditions of the prior authorization and lease remain unchanged and in effect.
4. The staff recommends that the Commission find that the subject correction of lease 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).

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

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject correction of lease 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 Resource Code section 21065 and California Code of Regulations, Title 14, section 15378.

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AUTHORIZATION:

Authorize the correction to the exhibits to a General Lease – Recreational Use to Colleen Kimball, Trustee of the Survivor's Trust of the Kimball Family Trust dated January 2, 2003, and Colleen Kimball, Trustee of the Decedent's Trust of the Kimball Family Trust dated January 2, 2003, for a term of 3 years, 6 months, and 11 days, beginning September 20, 2013 and expiring March 31, 2017, for two existing mooring buoys as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; all other terms and conditions of the prior authorization and lease remain unchanged and in effect.

EXHIBIT A

W 26702

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 8, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of Placer, State of California, and more particularly described as follows:

PARCELS 1 & 2 – BUOYS

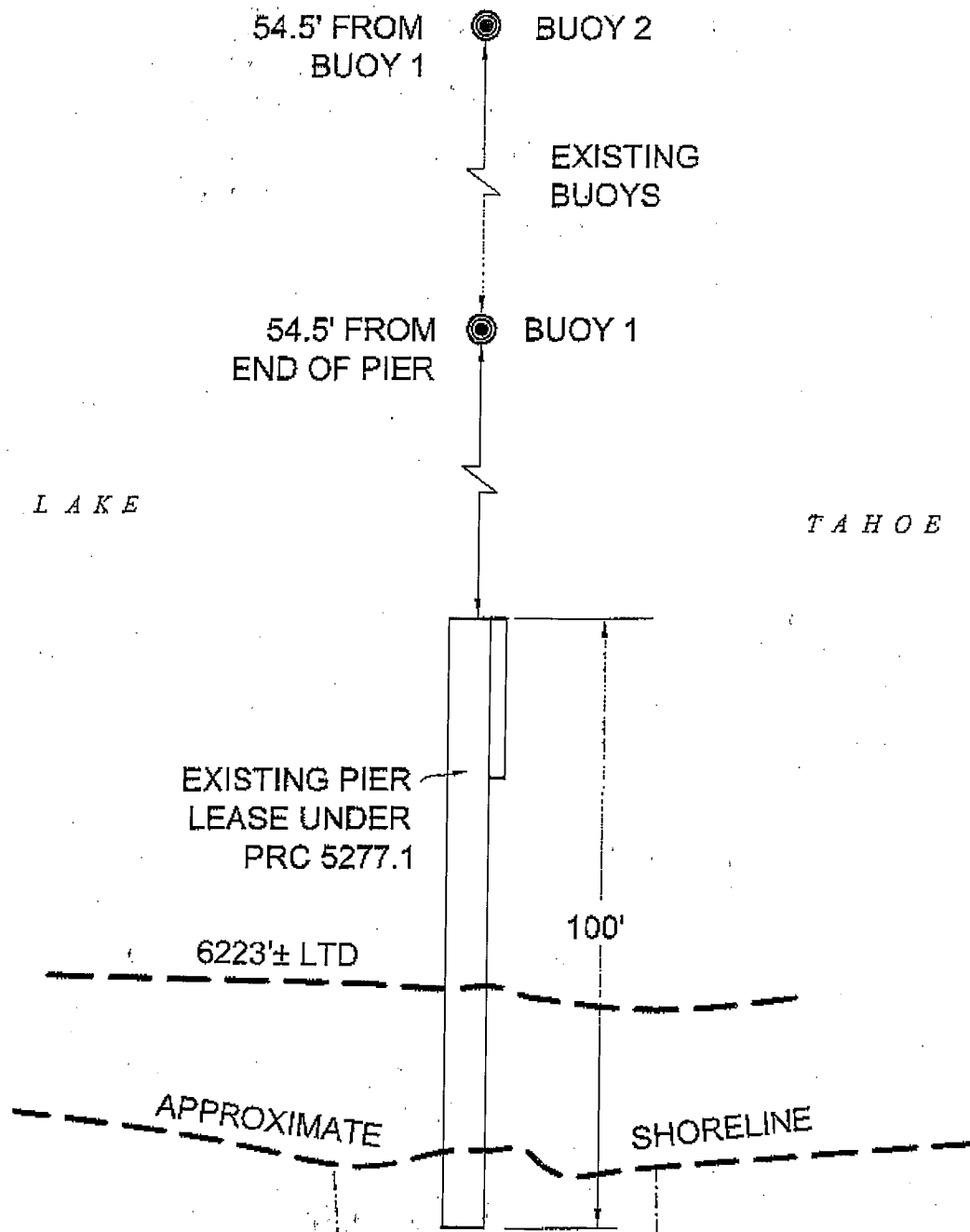
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in Exhibit "A" of that Trust Transfer Deed recorded September 30, 2005 as Document 2005-0131581 of Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared August 2, 2013 by the California State Lands Commission Boundary Unit.





APN 098-200-032

EXHIBIT A



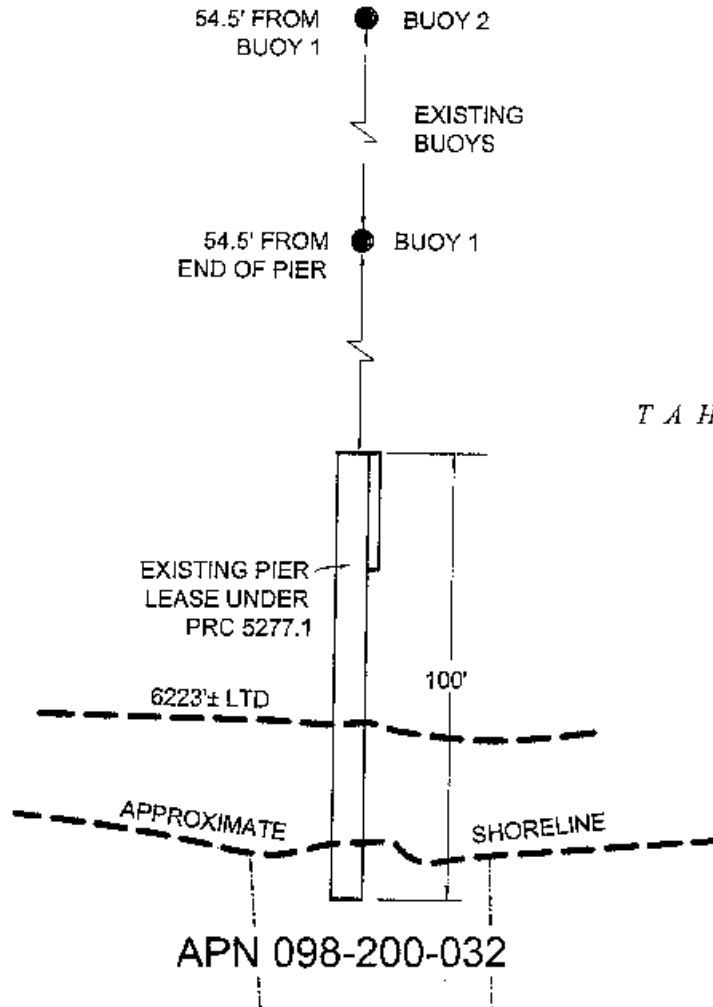
NO SCALE

SITE



L A K E

T A H O E



6918 POMIN AVENUE, NEAR TAHOMA

NO SCALE

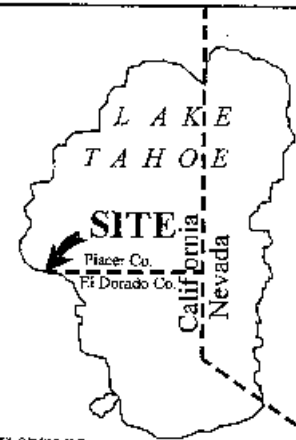
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W26702
 KIMBALL TRUST
 APN 098-200-032
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.