

**CALENDAR ITEM
C27**

A 1
S 1

08/15/14
PRC 4311.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Linda N. Davis, Scott E. Bohannon, Robert Webster, Alida C. Latham, and Alvin T. Levitt, Trustees of the David D. Bohannon and Ophelia E. Bohannon 1988 Irrevocable Trust for Issue dated October 22, 1988

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3655 Idlewild Way, near Tahoe Pines, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning August 10, 2014.

CONSIDERATION:

\$1,383 per year, with an annual Consumer Price Index (CPI) adjustment.

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 Applicants 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 Court invalidated the

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

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 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 February 17, 2005, the Commission authorized a 10-year Recreational Pier Lease to Frances B. Nelson, David D. Bohannon, II and Robert Webster, Trustees of the David D. Bohannon and Ophelia E. Bohannon Revocable Living Trust dated February 3, 1972, and amended and restated on October 22, 1988, for an existing pier. That lease expired on August 9, 2014. On April 3, 2014, the upland was deeded to Linda N. Davis, Scott E. Bohannon, Robert Webster, Alida C. Latham, and Alvin T. Levitt, Trustees of the David D. Bohannon and Ophelia E. Bohannon 1988 Irrevocable Trust for Issue dated October 22, 1988. The Applicants are now applying for a General Lease – Recreational Use.
3. The Applicants' mooring buoys have been in Lake Tahoe for many years but were not previously authorized by the Commission. Staff recommends bringing the placement of the Applicants' two mooring buoys under lease, subject to the Applicants obtaining TRPA permit authorization as required in the lease.
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.

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

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.

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 Linda N. Davis, Scott E. Bohannon, Robert Webster, Alida C. Latham, and Alvin T. Levitt, Trustees of the David D. Bohannon and Ophelia E. Bohannon 1988 Irrevocable Trust for Issue dated October 22, 1988, beginning on August 10, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier previously authorized by the Commission, and use and maintenance of 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 \$1,383, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4311.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 36, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and two catwalks lying adjacent to those parcels described in Grant Deed recorded April 3, 2014 as Document Number 2014-0020655-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCEL 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded April 3, 2014 as Document Number 2014-0020655-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 06/09/2014 by the California State Lands Commission Boundary Unit.





APN 085-190-001

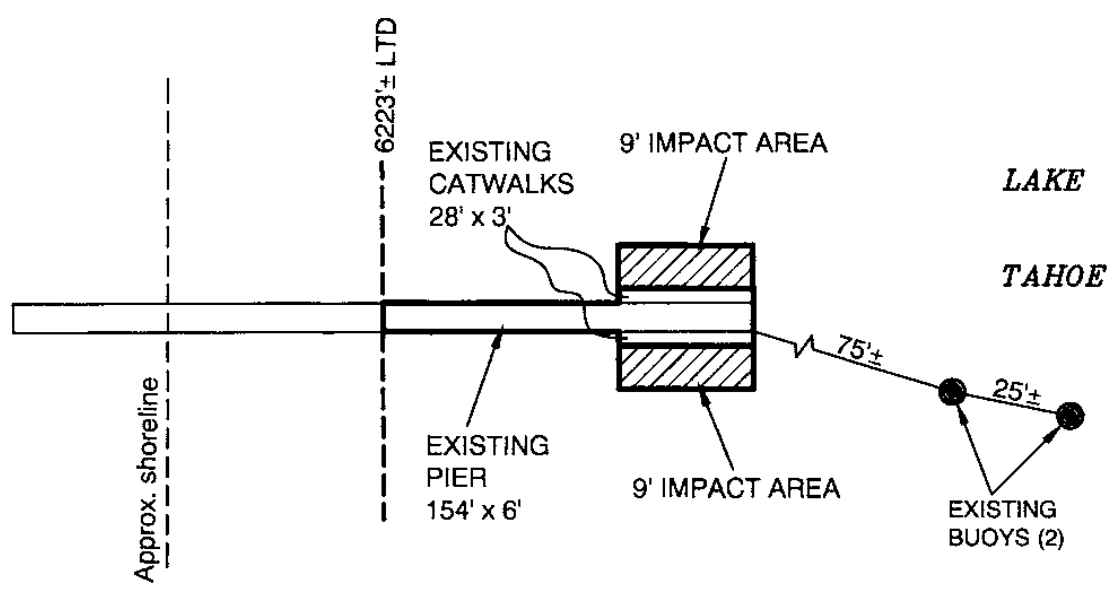


EXHIBIT A

Page 2 of 2

TS 06/09/14

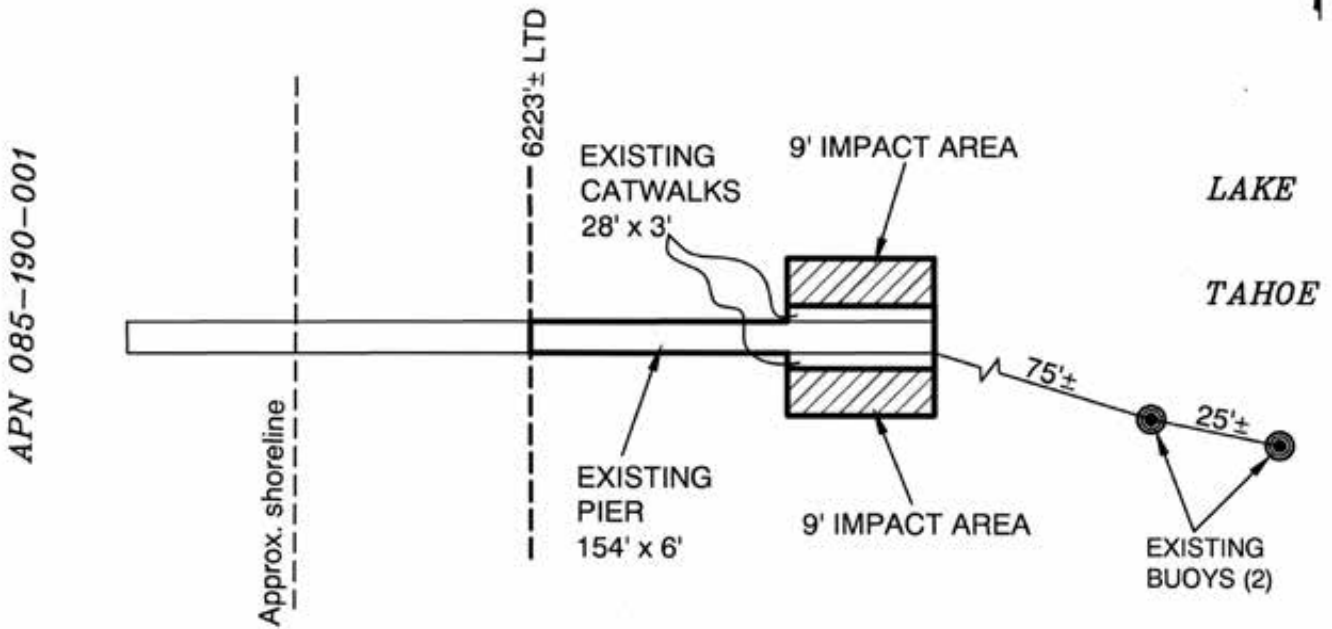
LAND DESCRIPTION PLAT
PRC 4311.1, BOHANNON TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



3655 IDLEWILD WAY, NEAR TAHOE PINES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4311.1
 BOHANNON TRUST
 APN 085-190-001
 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.