

**CALENDAR ITEM
C41**

A 1
S 1

04/23/15
W 26123
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Virginia Feuchter, Trustee of the Residual Trust created under the Robert Feuchter and Virginia Feuchter Family Trust dated December 11, 1991; and Virginia Feuchter, Trustee of the Survivor's Trust created under the Robert Feuchter and Virginia Feuchter Family Trust dated December 11, 1991

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 672 Olympic Drive, Tahoe City, Placer County.

AUTHORIZED USE:

Use and maintenance of two existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 23, 2015.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption 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, the Lessee must remove the buoys.

CALENDAR ITEM NO. **C41** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The Applicant's two mooring buoys have been in Lake Tahoe for many years but were not previously authorized by the Commission. Staff recommends bringing the existing mooring buoys under lease.
3. On October 8, 2011, Chapter 585, Statutes of 2011, became law. The law became effective on January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5, which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011, through the remaining term of that lease. If a lease in effect on July 1, 2011, expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application was submitted to the Commission on October 24, 2005, the lease meets the statutory requirements for an exception to the enacted changes to section 6503.5 of the Public Resources Code for the term of this 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

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

CALENDAR ITEM NO. **C41** (CONT'D)

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 Virginia Feuchter, Trustee of the Residual Trust created under the Robert Feuchter and Virginia Feuchter Family Trust dated December 11, 1991; and Virginia Feuchter, Trustee of the Survivor's Trust created under the Robert Feuchter and Virginia Feuchter Family Trust dated December 11, 1991, beginning April 23, 2015, for a term of 10 years, for the 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; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26123

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 8 fractional Section 7, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, 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 that Quitclaim Deed recorded December 10, 1997 as Document 97-0078376 of Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 18, 2015 by the California State Lands Commission Boundary Unit.



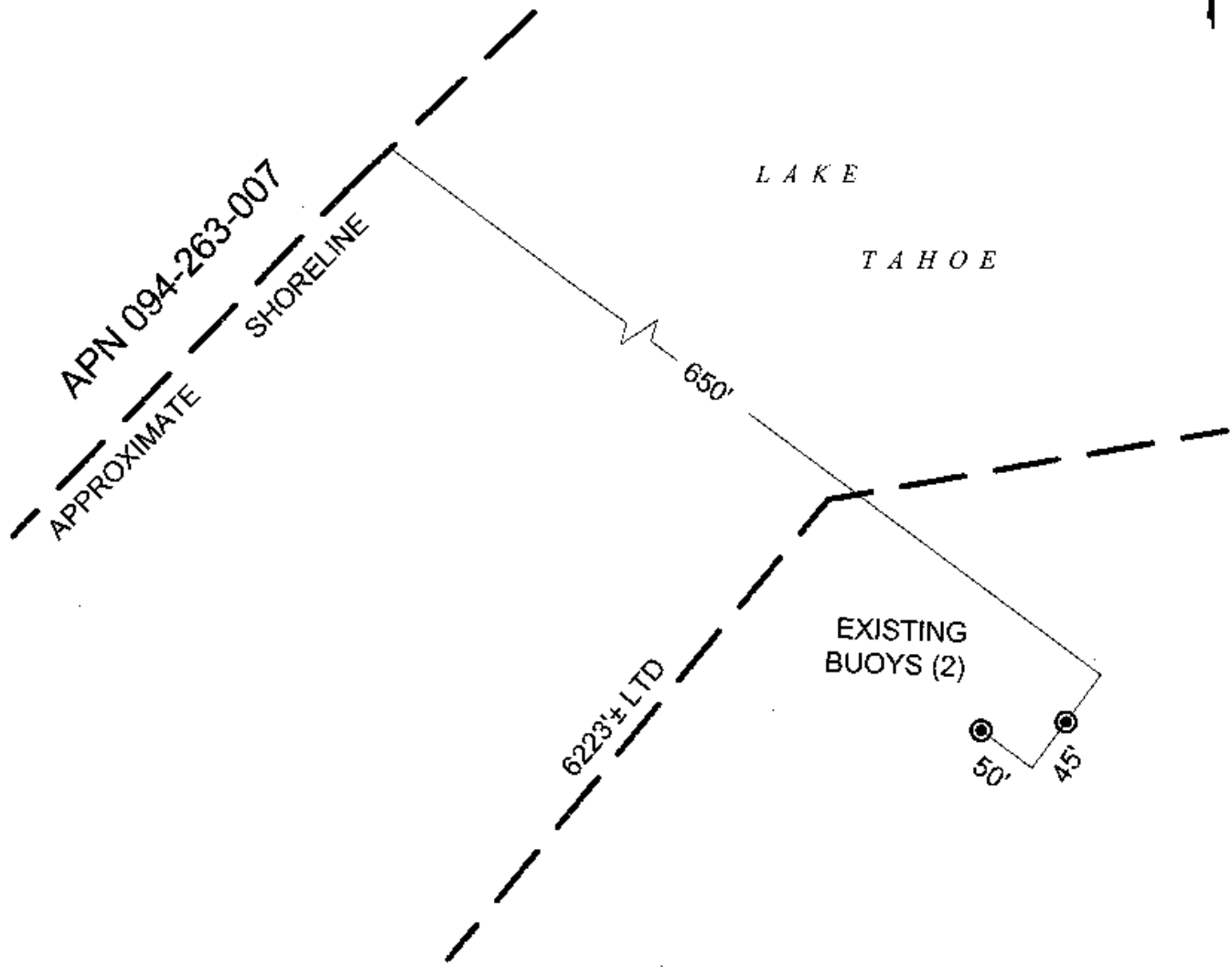


EXHIBIT A

Page 2 of 2

MJJ 3/18/15

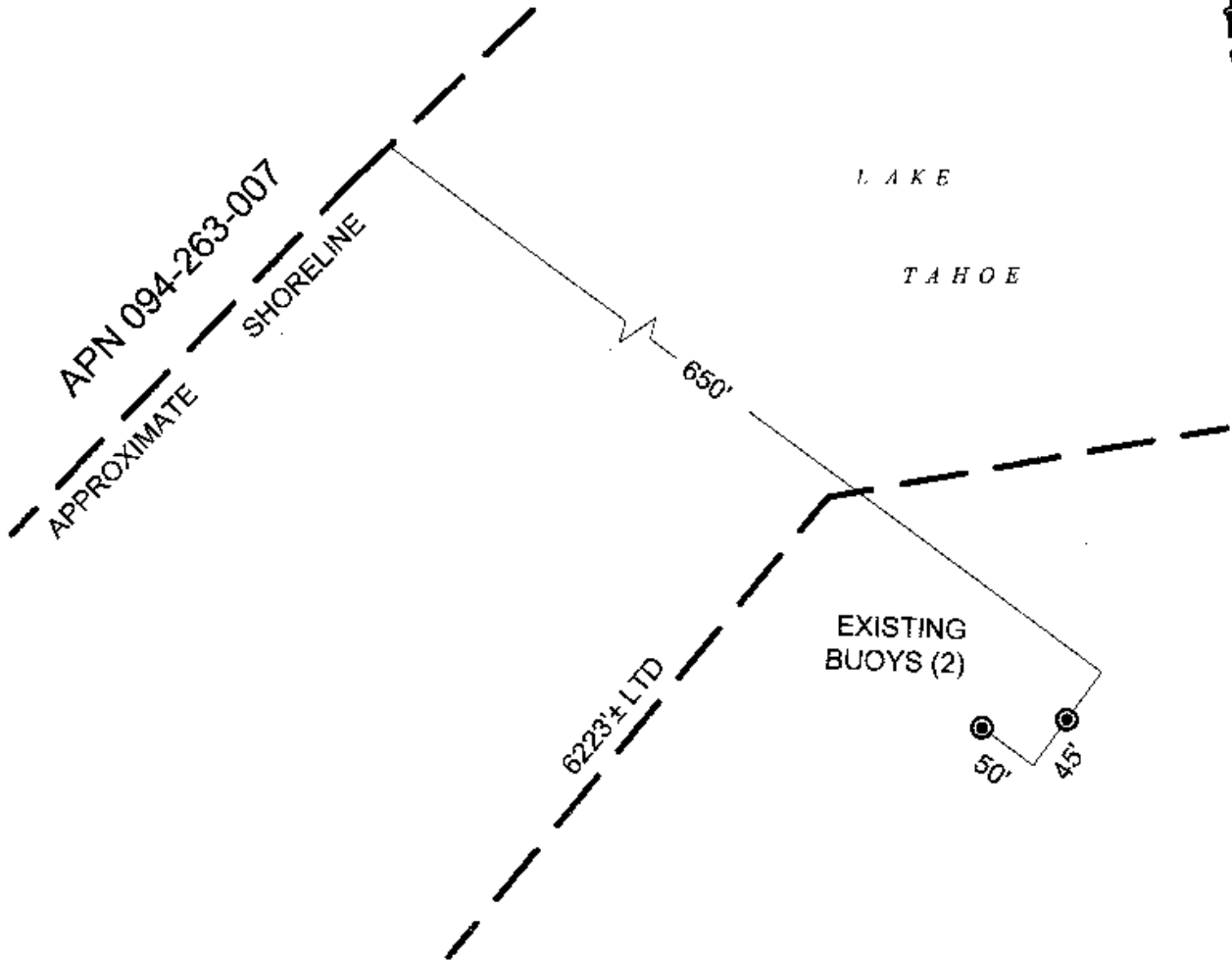
LAND DESCRIPTION PLAT
W 26123, FEUCHTER
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

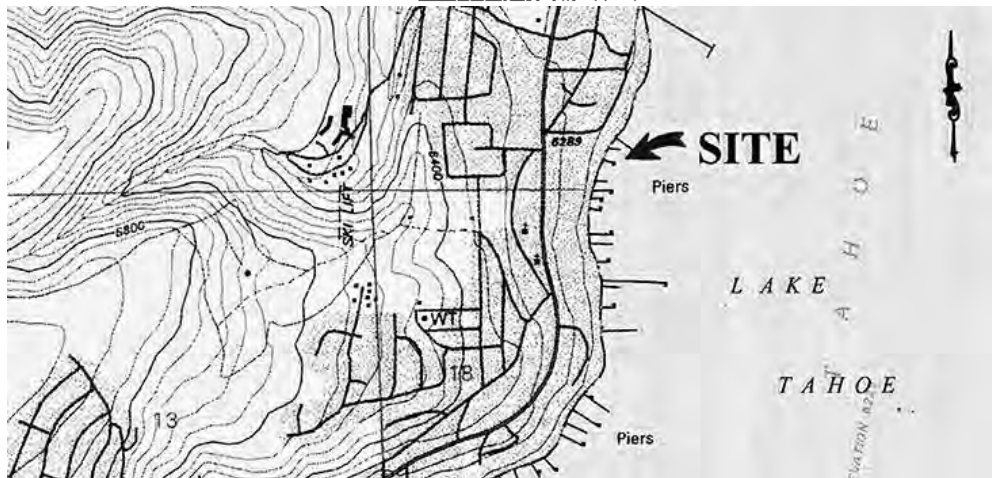
SITE



672 OLYMPIC DRIVE, NEAR TAHOE CITY

NO SCALE

LOCATION

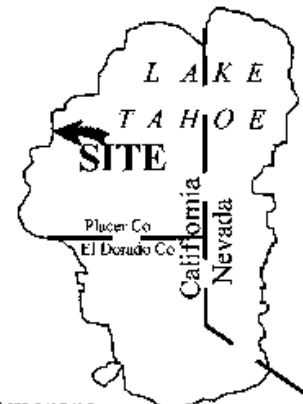


MAP SOURCE: USGS QUAD

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 26123
FEUCHTER
APN 094-263-007
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJJ 3/18/15