

**CALENDAR ITEM
C16**

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S 1

12/18/15
PRC 8179.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Maureen Mullarkey-Miller, as Trustee of The Maureen T. Mullarkey 2001 Trust as Amended and Restated December 16, 2010

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8710 Brockway Vista Avenue, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning June 1, 2016.

CONSIDERATION:

\$754 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. 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 (FEIS) 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, they must remove the buoys.
2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining

CALENDAR ITEM NO. C16 (CONT'D)

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 26, 2006, the Commission authorized a 10-year Recreational Pier Lease to Maureen T. Mullarkey-Miller, Trustee of The Maureen T. Mullarkey 2001 Trust dated June 5, 2001. Since that time, ownership of the upland parcel was deeded to Maureen Mullarkey-Miller, as Trustee of The Maureen T. Mullarkey 2001 Trust as Amended and Restated December 16, 2010. That lease expires on May 31, 2016. The Applicant is now applying for a General Lease – Recreational Use.
3. 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.

4. 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).

CALENDAR ITEM NO. **C16** (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:

Authorize issuance of a General Lease – Recreational Use to Maureen Mullarkey-Miller, as Trustee of The Maureen T. Mullarkey 2001 Trust as Amended and Restated December 16, 2010, beginning June 1, 2016, for a term of 10 years, for the continued use and maintenance of 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; annual rent in the amount of \$754, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8179.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 fractional Section 19, Township 16 North, Range 18 East, MDM., as shown on Official Government Township Plat approved January 29, 1875 County of Placer, State of California, and more particularly described as follows:

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those lots as described in Exhibit "A" of that Grant Deed recorded July 25, 2013 as Document 2013-0074260 in Official Records of said County.

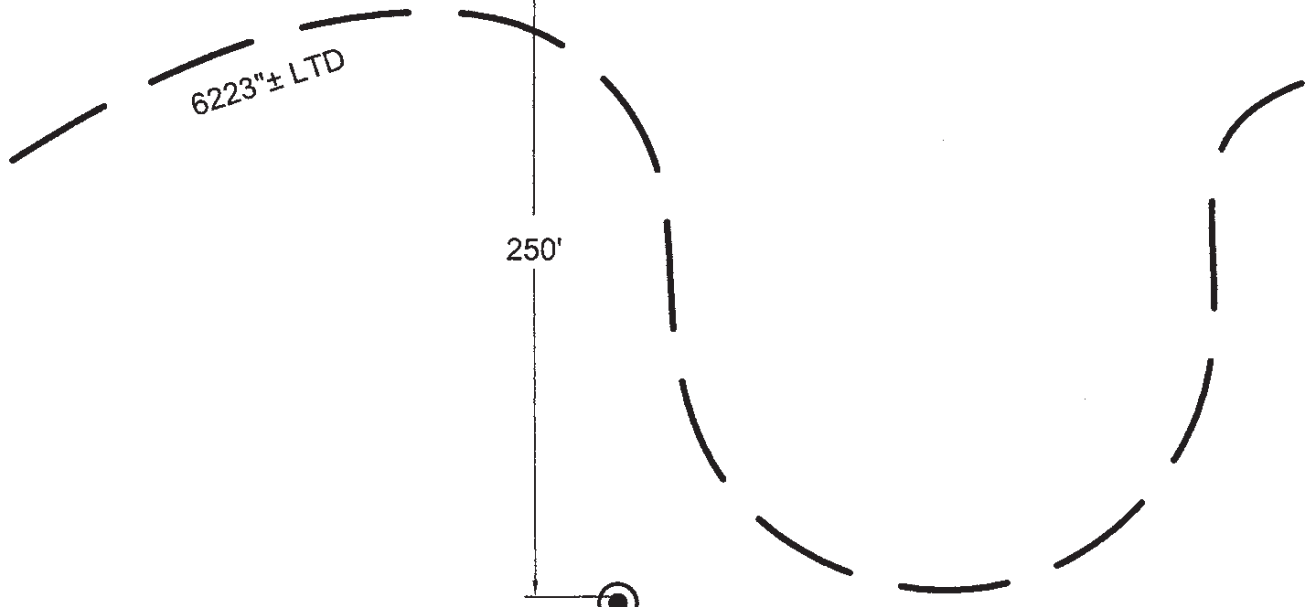
Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 2, 2015 by the California State Lands Commission Boundary Unit.



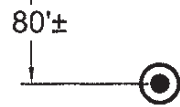
APN 090-141-040



6223'± LTD

250'

EXISTING BUOYS (2)



80'±

L A K E

T A H O E

EXHIBIT A

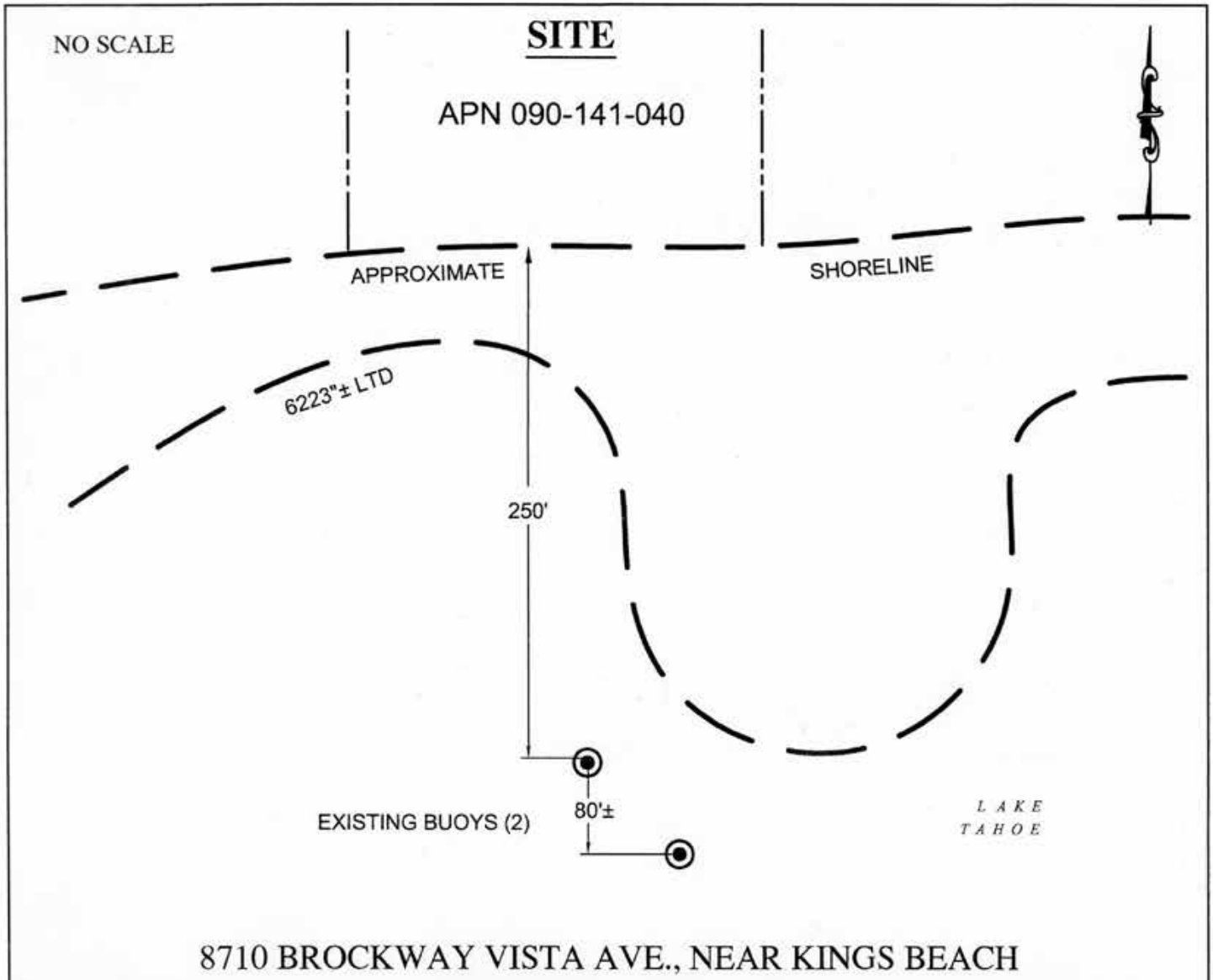
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LAND DESCRIPTION PLAT
PRC 8179.1, MULLARKEY-MILLER TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





8710 BROCKWAY VISTA AVE., NEAR KINGS BEACH



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

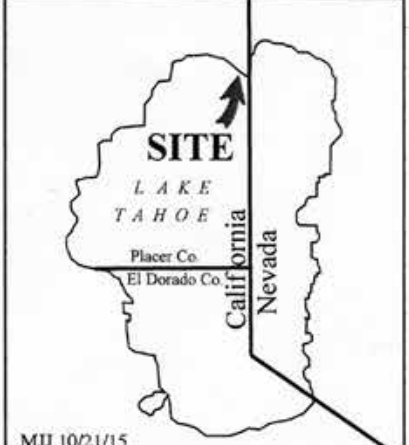
PRC 8179.1

MULLARKEY-MILLER TRUST

APN 090-141-040

GENERAL LEASE - RECREATIONAL USE

PLACER COUNTY



MJJ 10/21/15