

**CALENDAR ITEM
C19**

A 5
S 1

12/18/15
PRC 8637.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Samuel M. Livermore, Trustee of the SML 2012 Trust U/A/D 12/4/2012;
Samuel M. Livermore, Trustee of the MRL 2012 Trust U/A/D 12/4/2012; David
P. Livermore, Trustee of the Jennifer B. Livermore 2012 Dairy Creek Trust U/A/D
12/3/2012; Norman B. Livermore III, Trustee of the Whitney M. Livermore 2012
Trust U/A/D 12/5/2012; Pauline L. Jeffers, Trustee of the MSJ 2012 Trust U/A/D
12/3/2012; and Pauline L. Jeffers, Trustee of the ABJ 2012 Trust U/A/D
12/3/2012

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 321 Paradise Flat Lane, near
Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of four existing mooring buoys on two
contiguous littoral parcels.

LEASE TERM:

10 years, beginning October 1, 2015.

CONSIDERATION:

\$1,508 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

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

CALENDAR ITEM NO. **C19** (CONT'D)

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

OTHER PERTINENT INFORMATION:

1. The Applicant owns the uplands, Assessor's Parcel Numbers (APN) 017-041-21 and 017-041-29, adjoining the lease premises.
2. On October 20, 2005, the Commission authorized a 10-year General Lease – Recreational Use to Samuel M. Livermore, as Trustee of the Samuel M. Livermore 1993 Trust, Established Under Trust Agreement Dated April 7, 1993; Norman B. Livermore III, as Trustee of the Norman B. Livermore 1994 Trust, Established Under The Trust Agreement Dated August 31, 1994; Pauline L. Jeffers, as Trustee of the Pauline Jeffers Revocable Living Trust, Established Under The Trust Agreement Dated March 31, 1995; and David P. Livermore, Trustee of the David P. Livermore Revocable Trust on February 6, 1998. That lease expired on September 30, 2015. Since then, the upland ownership transferred to the Applicant, who is now applying for a General Lease – Recreational Use for the continued use and maintenance of two existing mooring buoys adjacent to APN 017-041-21 and two adjacent to APN 017-041-29 .
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.

CALENDAR ITEM NO. **C19** (CONT'D)

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 Samuel M. Livermore, Trustee of the SML 2012 Trust U/A/D 12/4/2012; Samuel M. Livermore, Trustee of the MRL 2012 Trust U/A/D 12/4/2012; David P. Livermore, Trustee of the Jennifer B. Livermore 2012 Dairy Creek Trust U/A/D 12/3/2012; Norman B. Livermore III, Trustee of the Whitney M. Livermore 2012 Trust U/A/D 12/5/2012; Pauline L. Jeffers, Trustee of the MSJ 2012 Trust U/A/D 12/3/2012; and Pauline L. Jeffers, Trustee of the ABJ 2012 Trust U/A/D 12/3/2012, beginning October 1, 2015, for a term of 10 years, for the continued use and maintenance of four 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 \$1,508, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8637.1

LAND DESCRIPTION

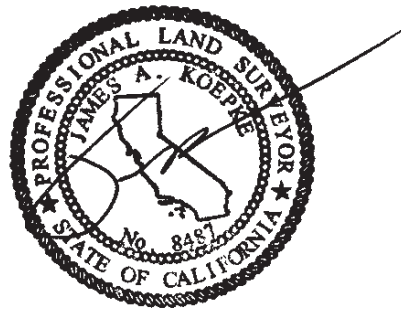
Four (4) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 fractional Section 4, Township 13 North, Range 17 East, MDM., as shown on Official Government Township Plat approved May 19, 1875 County of El Dorado, State of California, and more particularly described as follows:

Four (4) circular parcels of land, being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to those parcels as described in Exhibit A of that Grant Deed recorded January 4, 2013 as Document 2013-0000300 in Official Records of said County.

Accompanying plat is hereby made part of this description.

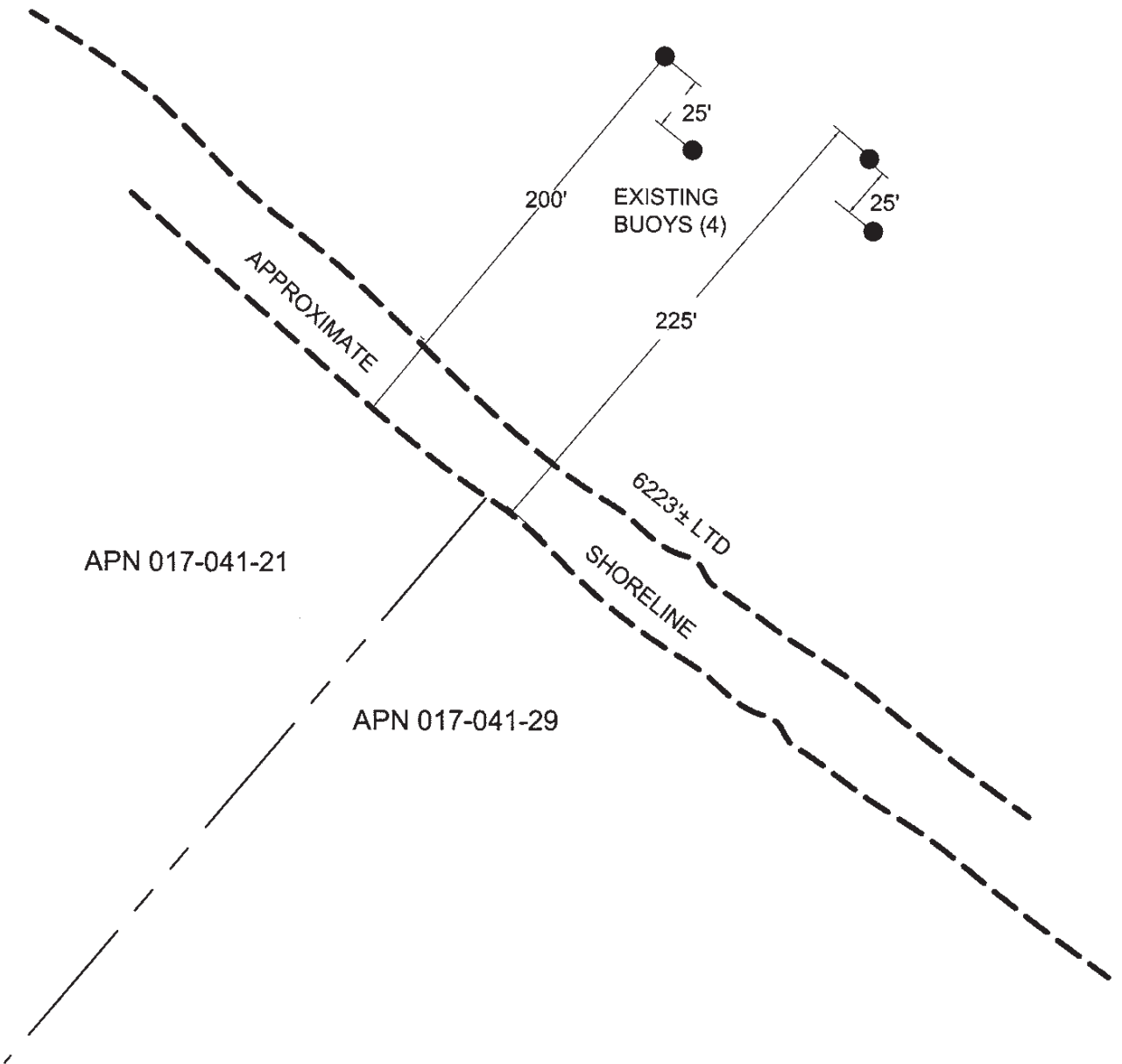
END OF DESCRIPTION

Prepared September 15, 2015 by the California State Lands Commission Boundary Unit.



L A K E

T A H O E



EXISTING BUOYS (4)

APPROXIMATE

6223± LTD

SHORELINE

APN 017-041-21

APN 017-041-29

EXHIBIT A

Page 2 of 2

MJJ 09/15/15

LAND DESCRIPTION PLAT
 PRC 8637.1, LIVERMORE TRUST
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



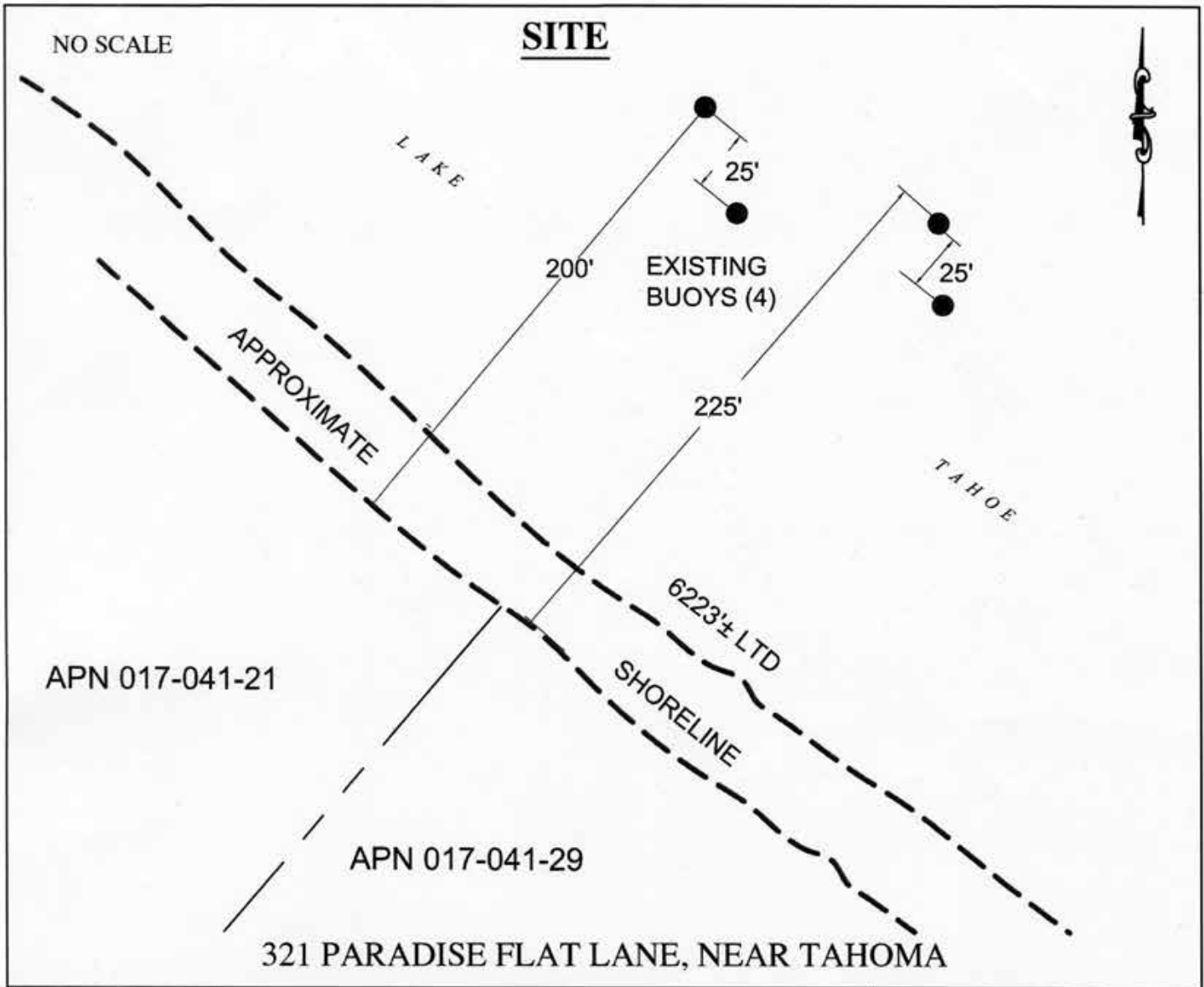


Exhibit B

PRC 8637.1

LIVERMORE TRUST

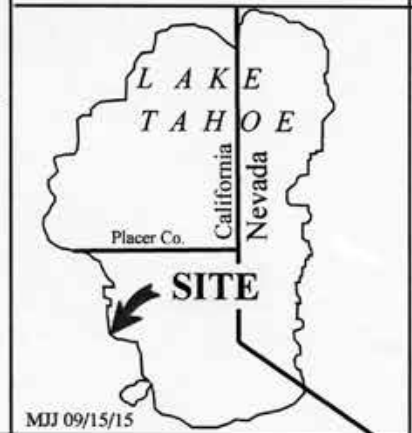
APN 017-041-21 &

APN 017-041-29

GENERAL LEASE -

RECREATIONAL USE

EL DORADO 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.