

**CALENDAR ITEM  
C02**

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02/07/17  
PRC 5353.1  
M.J. Columbus

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEE:**

Mark B. Nelson, Trustee of the Wilborn Children's Trust and Lorie L. Wilborn,  
Trustee of the Nelson Heritage Trust

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 4200 North Lake Boulevard, near  
Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and two boat hoists.

**LEASE TERM:**

10 years, beginning January 26, 2012.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during  
the lease term. Pursuant to this provision, staff conducted a review of the rent  
under this lease and recommends rent be revised from \$1,145 to \$596 per year,  
effective January 26, 2017.

**PROPOSED AMENDMENT:**

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit  
B, Site and Location Map, with the attached Exhibit A, Land Description, and  
Exhibit B, Site and Location Map (for reference purposes only); all other terms  
and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5;  
California Code of Regulations, title 2, section 2000, subdivision (b).

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**Public Trust and the State's Best Interests Analysis:**

On January 26, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Mark B. Nelson, Trustee of the Wilborn Children's Trust and Lorie L. Wilborn, Trustee of the Nelson Heritage Trust, for an existing pier and two boat hoists ([Calendar Item C10, January 26, 2012](#)). That lease will expire on January 25, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,145 to \$596 per year based changes to the impact area for the pier and application of the Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area.

The recommended action will not substantially interfere with Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of rent are not projects as defined by the California Environmental Quality Act, because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed amendment and revision of rent for Lease No. PRC 5353.1 will not substantially interfere with the Public Trust needs and

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values at this location, at this time and for the foreseeable term of the lease; are consistent with the common law Public Trust Doctrine and are in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 5353.1, a General Lease – Recreational Use, effective January 26, 2017, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 5353.1 from \$1,145 to \$596 per year, effective January 26, 2017.

**EXHIBIT A**

**PRC 5353.1**

**LAND DESCRIPTION**

A parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 fractional Section 28, Township 16 North, Range 17 East, MDBM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

All those lands underlying an existing pier and two (2) boat hoists adjacent to those parcels described in Exhibit "A" of that Grant Deed recorded January 12, 2010 in Document 2010-0002159 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

Accompanying plat is hereby made part of this description

**END OF DESCRIPTION**

Prepared September 26, 2016 by the California State Lands Commission Boundary Unit.



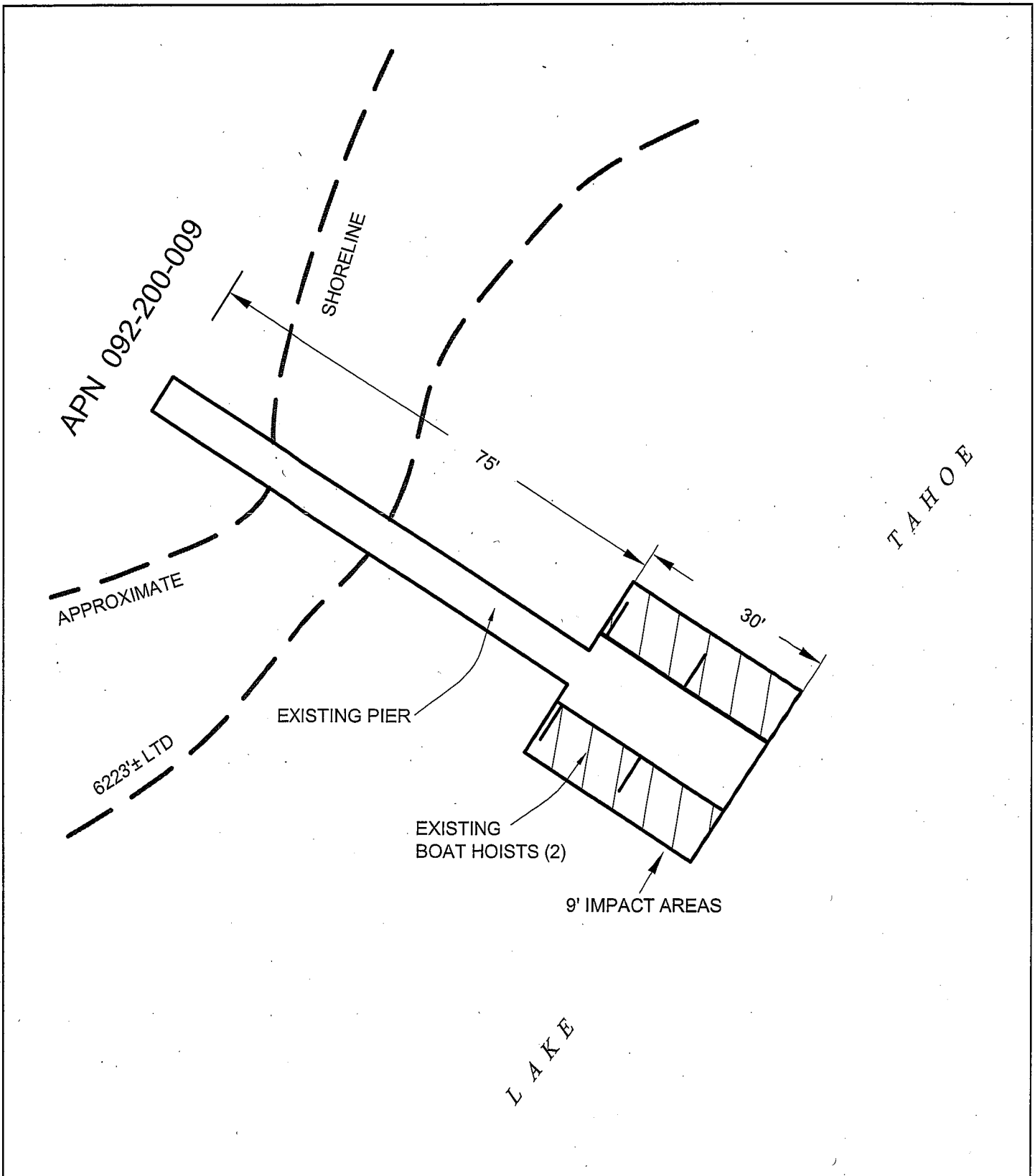


EXHIBIT A

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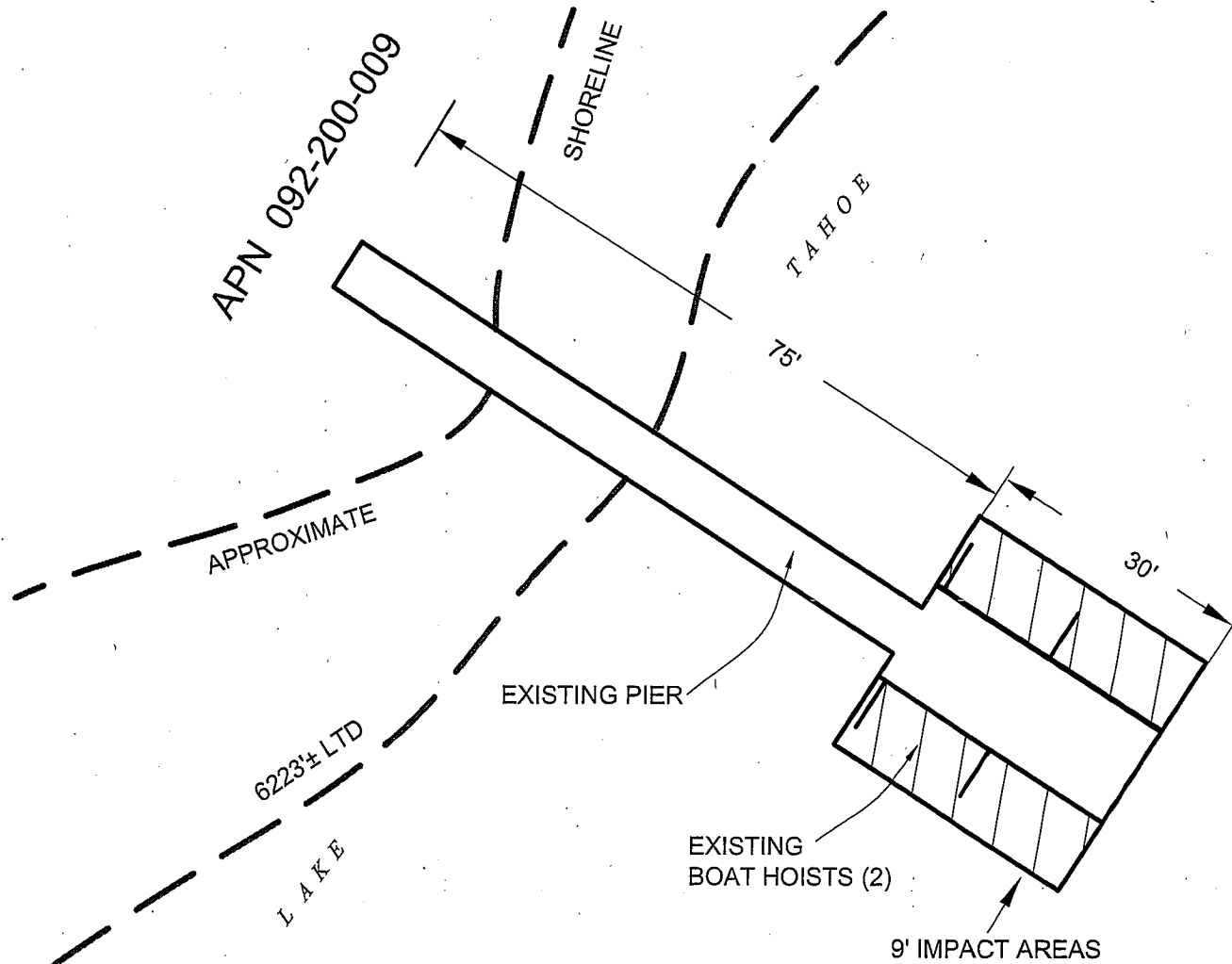
LAND DESCRIPTION PLAT  
 PRC 5353.1  
 NELSON TRUSTEE & WILBORN TRUSTEE  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

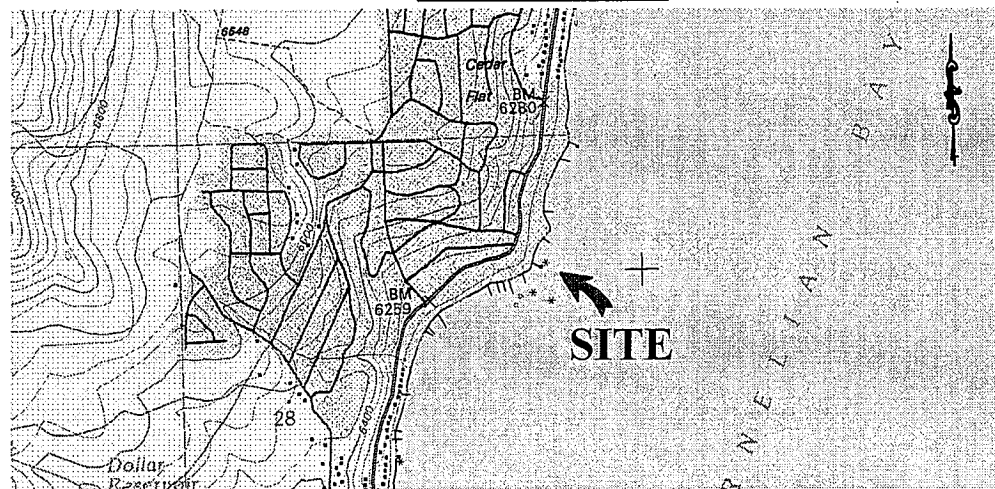
### SITE



4200 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

### LOCATION

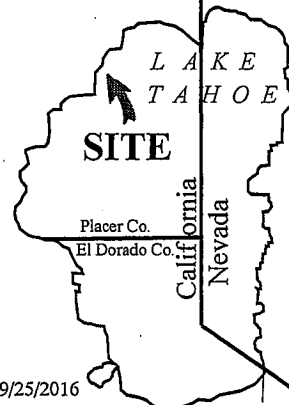


MAP SOURCE: USGS QUAD

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

PRC 5353.1  
 NELSON TRUSTEE &  
 WILBORN TRUSTEE  
 APN 092-200-009  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MIJ 9/25/2016