

**CALENDAR ITEM
C50**

A 4
S 1

10/22/09
WP 8366.9 and W 26369
B. Terry

**AMENDMENT OF A RECREATIONAL PIER LEASE AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Marc P. Desautels, Trustee of the Desautels 2000 Trust

APPLICANT:

Heigh Ho, LLC

EXISTING AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 9902 and 9922 Lake Street, near Kings Beach, Placer County.

EXISTING AUTHORIZED USE:

Continued use and maintenance of four existing mooring buoys.

EXISTING LEASE TERM:

Ten years, beginning February 1, 2002.

EXISTING CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5

PROPOSED AMENDMENT OF RECREATIONAL PIER LEASE NO. PRC 8366.9:

Amend the description of the Lessee's property to 9922 Lake Street (Assessor Parcel No. 090-324-004) and amend the authorized improvements to include two existing mooring buoys adjacent to 9922 Lake Street, Placer County, and as shown on Exhibit A.

ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE (W 26369):

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 9902 Lake Street, near Kings Beach, Placer County.

CALENDAR ITEM NO. **C50** (CONT'D)

PROPOSED AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys as shown on the attached Exhibit B.

PROPOSED LEASE TERM:

Ten years, beginning October 22, 2009.

PROPOSED CONSIDERATION:

\$680 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. The Lessee and Applicant individually own the two upland properties that adjoin the lease premises.
2. On January 30, 2002, the Commission authorized a Recreational Pier Lease with Marc P. Desautels, Trustee of the Desautels 2000 Trust, for four existing mooring buoys with two of the buoys located adjacent to 9902 Lake Street (APN 090-324-002) and the other two buoys adjacent to 9922 Lake Street (APN 090-324-004). The existing lease will expire on January 31, 2012.
3. On July 3, 2007, Mr. Desautels transferred ownership in the uplands located at 9922 Lake Street (APN 090-324-004) to Heigh Ho, LLC. Since the uplands have been transferred, Mr. Desautels has applied to amend Recreational Pier Lease No. PRC 8366.9 to remove the two existing mooring buoys adjacent to 9922 Lake Street and Heigh Ho, LLC, has applied for a General Lease – Recreational Use for the two existing buoys adjacent to 9902 Lake Street.
4. Heigh Ho, LLC, does not qualify for rent-free status because it does not own the littoral property as a natural person pursuant to Public Resources Code section 6503.5. Additionally, as the upland property was transferred to Heigh Ho on July 3, 2007, staff is recommending the Commission accept rent for the two mooring buoys in the amount of \$1,530 for the period of July 3, 2007, through October 21, 2009.
5. **Amendment of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California

CALENDAR ITEM NO. **C50** (CONT'D)

Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a “project” as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

6. **Issuance of General Lease – Recreational Use:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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. Site and Location Map for Amendment of Lease No. PRC 8366.9
- B. Site and Location Map for Issuance of a General Lease – Recreational Use - W 26369

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AMENDMENT OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A NEW LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14,

CALENDAR ITEM NO. **C50** (CONT'D)

CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8366.9, TO IDENTIFY THE DESCRIPTION OF THE LESSEE'S PROPERTY AS 9922 LAKE STREET (APN 090-324-004) AND TO AMEND THE AUTHORIZED IMPROVEMENTS TO INCLUDE TWO EXISTING MOORING BUOYS ADJACENT TO 9922 LAKE STREET, PLACER COUNTY, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.
2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO HEIGH HO, LLC, BEGINNING OCTOBER 22, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF TWO EXISTING MOORING BUOYS ADJACENT TO 9902 LAKE STREET, (APN 090-324-002), PLACER COUNTY, AS SHOWN ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$680, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.
3. AUTHORIZE ACCEPTANCE OF RENT FROM HEIGH HO, LLC, IN THE AMOUNT OF \$1,530 FOR THE PERIOD OF JULY 3, 2007 THROUGH OCTOBER 21, 2009, AND WAIVE ANY PENALTY AND INTEREST THAT MAY HAVE ACCRUED.