

**CALENDAR ITEM  
C31**

A 4  
S 1

03/29/12  
WP 8250.9  
C. Hudson

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Frank Slooman and Brenda Slooman, Trustees of the Slooman Living Trust dated September 8, 1999

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

Sovereign land in Lake Tahoe, adjacent to 5090 West Lake Boulevard, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning March 29, 2012.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

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

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) 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. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the

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Commission pending resolution of the TRPA FEIS and amended ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On November 27, 2000, the Commission authorized a Recreational Pier Lease with Earl W. Koberlein and Barbara L. Koberlein. That lease expired on September 30, 2010. On October 15, 2009, ownership of the upland parcel was deeded to Frank Slooman and Brenda Slooman, Trustees of the Slooman Living Trust dated September 8, 1999. The Applicants are now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective 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.

The Applicants qualify for rent-free status because the application was submitted by the Applicants to the Commission prior to March 31, 2011, and therefore, meets the statutory requirements for an exception from rent.

4. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of 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).

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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 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 Frank Slooman and Brenda Slooman, Trustees of the Slooman Living Trust dated September 8, 1999, beginning March 29, 2012, 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; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8250.9**

**LAND DESCRIPTION**

Two (2) circular parcels of submerged land, in the bed of Lake Tahoe, lying adjacent to fractional Section 1, Township 14 North, Range 16 East, Mount Diablo Base & Meridian as shown on the Official Government Township Plat approved September 11, 1907 County of Placer, State of California, and more particularly described as follows:

**PARCELS 1 & 2 – BUOYS**

Two (2) parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to Parcel One and Two as described in Exhibit “A” of that Grant Deed recorded October 15, 2009 in Document 2009-0088672-00 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

**END OF DESCRIPTION**

Prepared February 8, 2012 by the California State Lands Commission Boundary Unit





L A K E

T A H O E

260'±

EXISTING BUOYS (2)

146'±

APN 097-122-027

APPROXIMATE

SHORELINE

623'± LTD

P

L

### EXHIBIT A

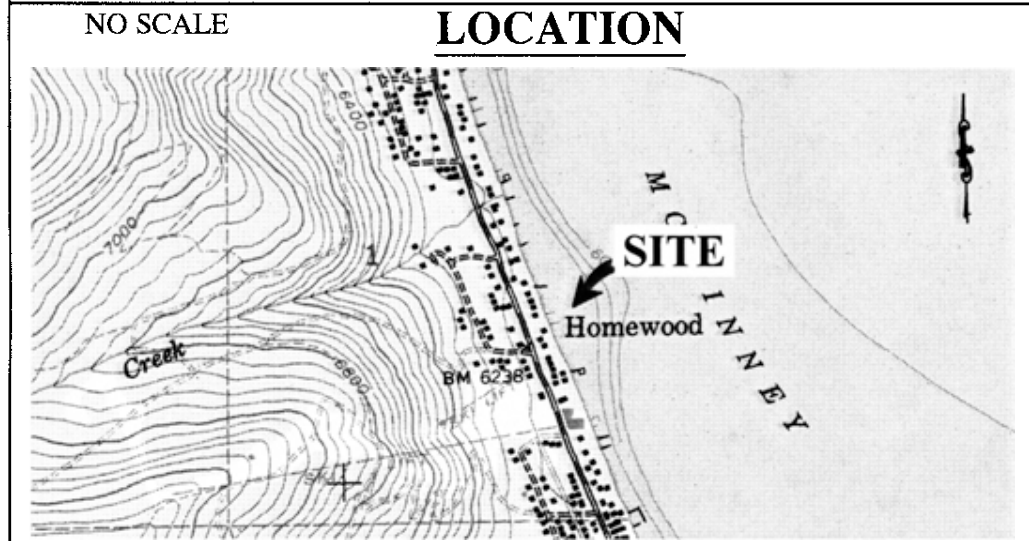
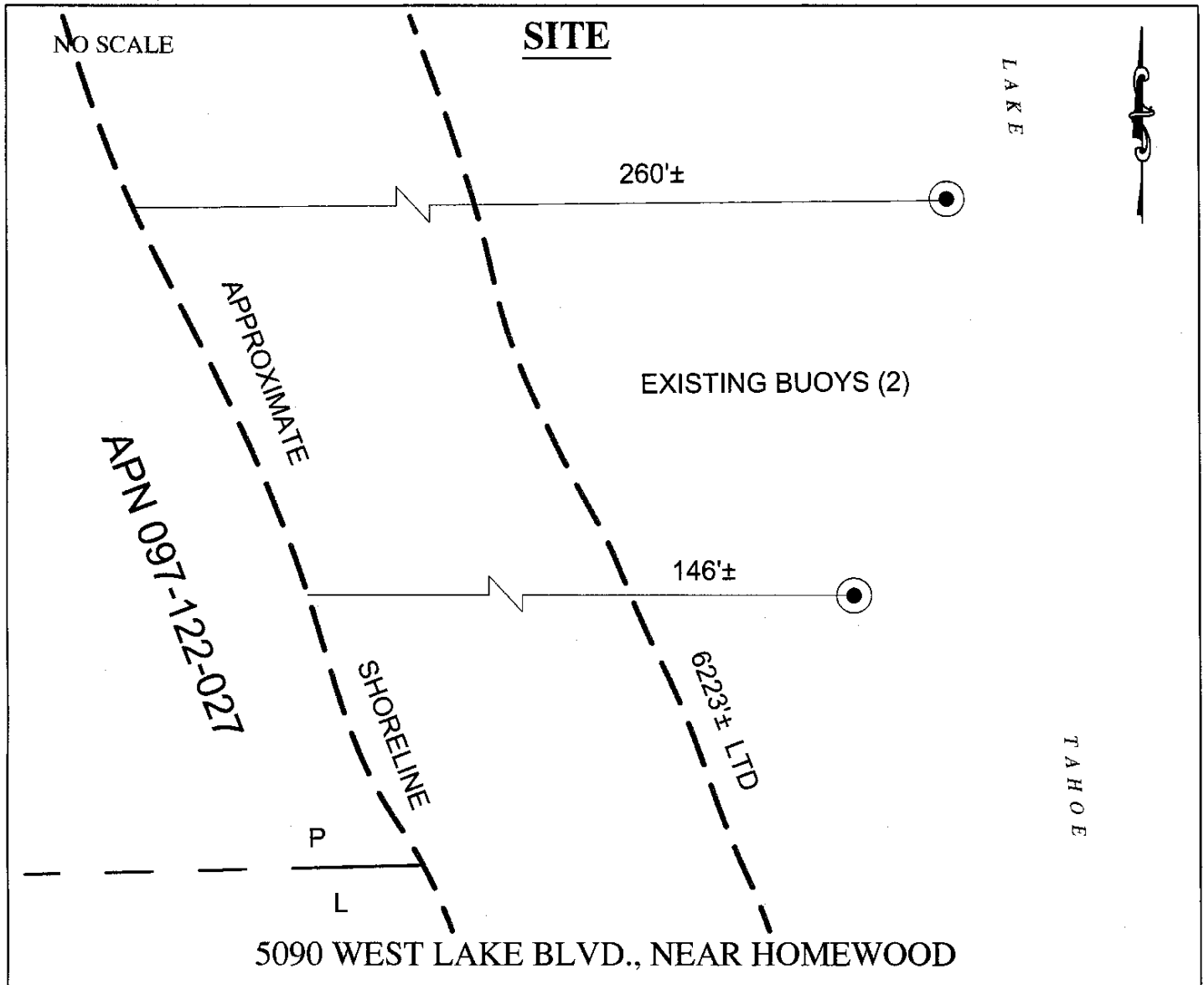
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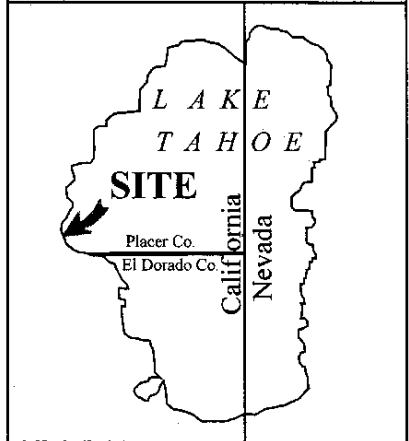
LAND DESCRIPTION PLAT  
PRC 8250.9, SLOOTMAN TRUSTEES  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION





**Exhibit B**  
 PRC 8250.9  
 SLOOTMAN TRUSTEES  
 APN 097-122-027  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER 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.