

**CALENDAR ITEM
C25**

A 4
S 1

12/05/12
PRC 8147.1
C. Hudson

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Hutchens Family Limited Partnership, a California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8405 Meeks Bay, near
Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and one mooring
buoy previously authorized by the Commission and use and maintenance of one
existing mooring buoy not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 5, 2012.

CONSIDERATION:

\$2,071 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:

Insurance:

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

Other:

The proposed lease contains a provision requiring the Applicant 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

CALENDAR ITEM NO. **C25** (CONT'D)

Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 8, 2000, the Commission authorized a Recreational Pier Lease with Brian T. Mullins and Marianne W. Mullins. That lease expired on January 31, 2010. On May 25, 2001, the upland parcel was deeded to Hutchens Family Limited Partnership, a California Limited Partnership. The Applicant is now applying for a new General Lease – Recreational Use.
3. Staff is recommending that the Commission accept rent in the amount of \$8,408 for the period beginning December 5, 2007 to December 4, 2012, for the Applicant's occupation without a lease. The Applicant did not qualify for rent-free status pursuant to the original definition of Public Resources Code section 6503.5 in effect at this time.
4. The two existing mooring buoys have been in Lake Tahoe for many years, but one mooring buoy was not previously authorized by the Commission. Staff recommends bringing the Applicant's additional existing mooring buoy under lease, subject to the Applicant obtaining TRPA permit authorization.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

6. 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. **C25** (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:

1. Authorize acceptance of rent in the amount of \$8,408 for the period of December 5, 2007 through December 4, 2012.

2. Authorize issuance of a General Lease – Recreational Use to Hutchens Family Limited Partnership, a California Limited Partnership, beginning December 5, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and one mooring buoy previously authorized by the Commission and use and maintenance of one existing mooring buoy not previously authorized by the Commission 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 \$2,071, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 8147.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and boat lift lying adjacent to Parcel Two as described in Exhibit “A” of that Grant Deed recorded May 25, 2001 as Document Number 2001-0031251 of Official Records of said County.

TOGETHER WITH a ten (10) foot use area.

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

PARCELS 2 & 3 – BUOYS

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 1, 2012 by the California State Lands Commission Boundary Unit.

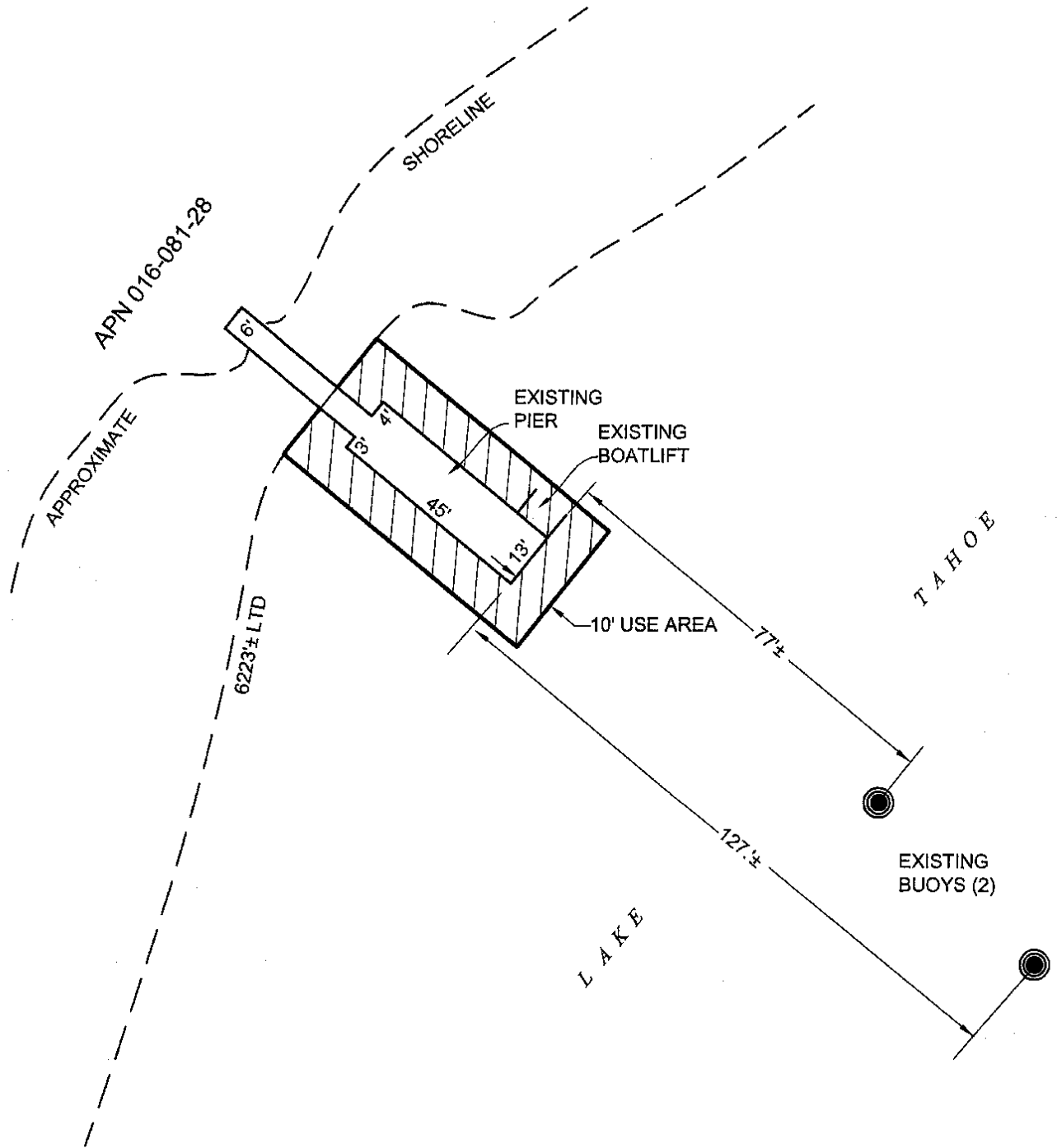


EXHIBIT A

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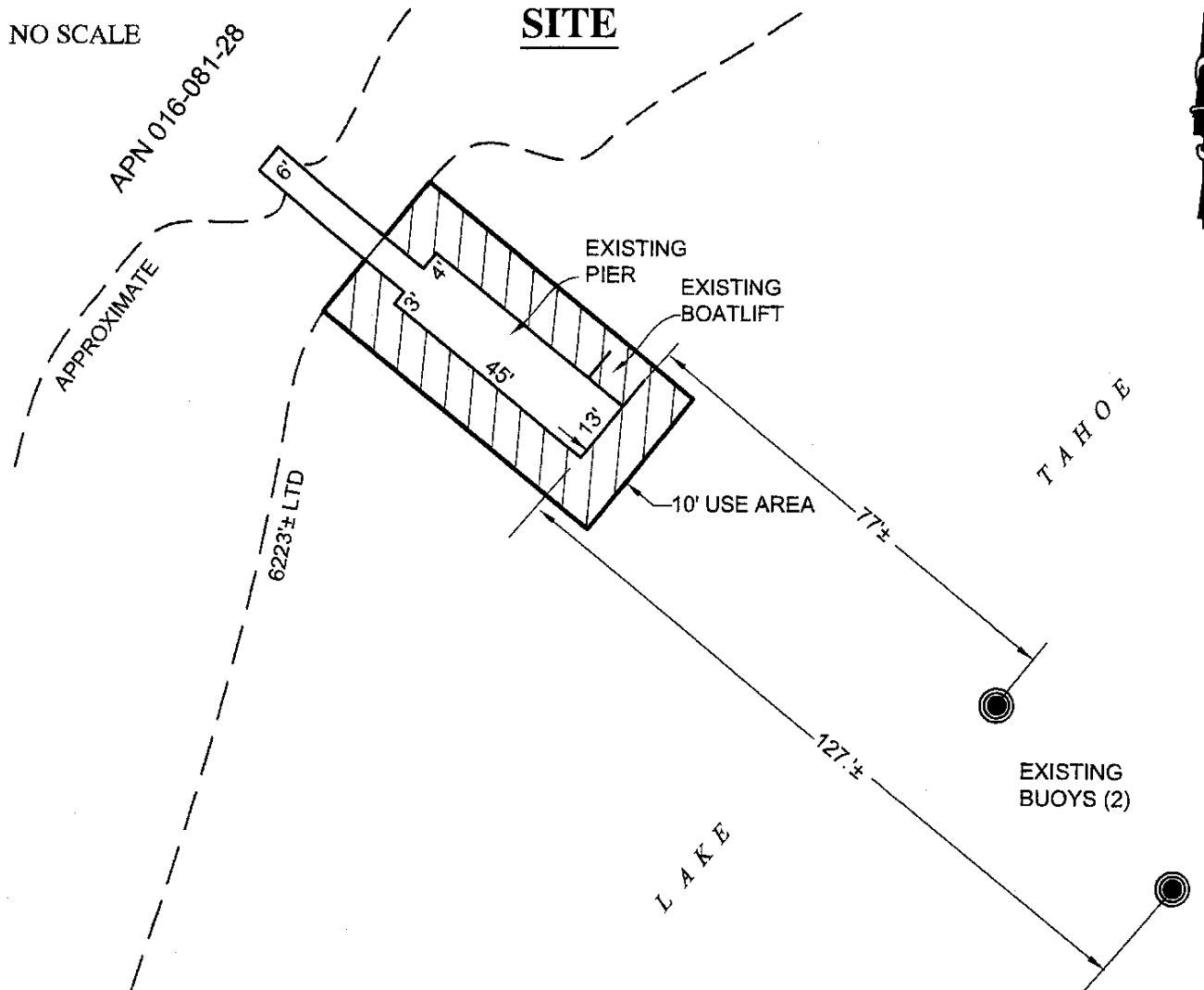
LAND DESCRIPTION PLAT
 PRC 8147.1, HUTCHENS FAMILY LP
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



8405 MEEKS BAY AVE. NEAR TAHOMA

NO SCALE

LOCATION

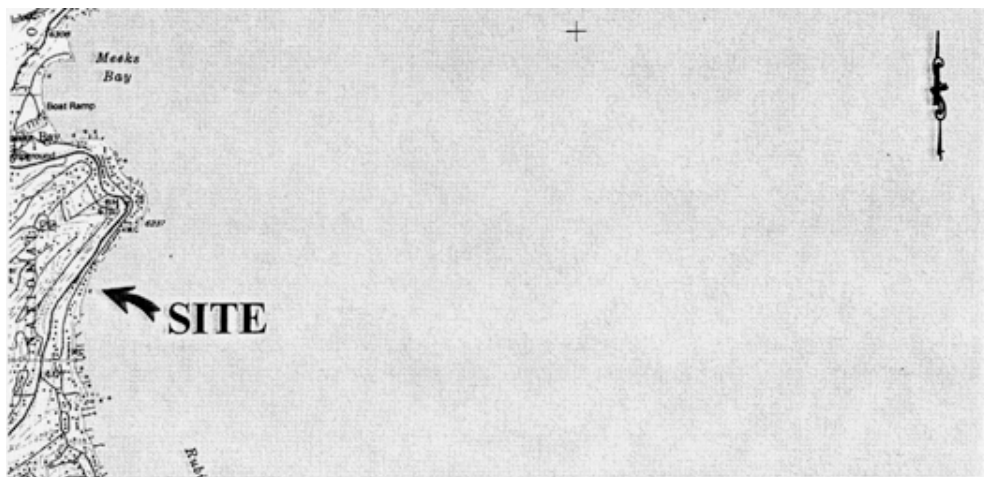
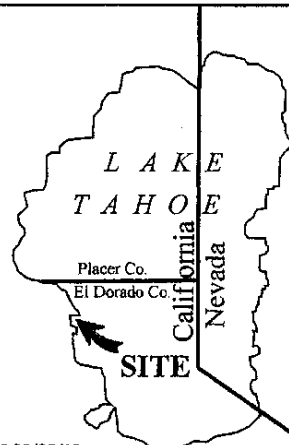


Exhibit B

PRC 8147.1
 HUTCHENS FAMILY LP
 APN 016-081-28
 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.