

**CALENDAR ITEM
C09**

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02/09/16
PRC 8692.1
M. Schroeder

AMENDMENT OF LEASE

LESSEE:

Scott T. Hanson and Valerie A. Hanson, Trustees of the Scott T. Hanson and Valerie A. Hanson Revocable Trust dated April 1, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8355 Meeks Bay Avenue, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys.

LEASE TERM:

10 years, beginning July 23, 2012.

CONSIDERATION:

\$986 per year, with an annual Consumer Price Index adjustment.

PROPOSED AMENDMENT:

Amend the Lease to authorize the extension of the existing pier; include additional special lease provisions related to construction and public access; revise the annual rent from \$932 to \$986 effective July 23, 2016; and 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:

Statutory Authority:

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

CALENDAR ITEM NO. **C09** (CONT'D)

Public Trust and State's Best Interests Analysis:

The subject facilities are for the docking and mooring of boats. Recreational boating is a water-dependent use that is generally consistent with the common law public trust doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Public Resources Code 6503.5). The adjacent upland parcel is privately owned and developed with a residence. The subject structures are privately owned and maintained.

The existing pier averages 15 feet wide and is approximately 29 feet long. There has been a pier in this location for many years. The immediate area of the existing pier is sharply sloped and rocky with large boulders. The proposed amendment would authorize the lessee to extend the existing pier by approximately 150 square feet.

Expansion of the pier in this location will have a minimal impact on public trust needs. The upland development limits public access in this area, as does the sharply sloped and rocky terrain. The public access within the public trust easement is continual under the pier; however, access is limited due to large boulders. In addition, the large boulders significantly limit navigability of the area. Expansion of the pier will not result in a permanent alteration of the land, will not alienate the State's fee interest, or permanently impair public rights because the Lessee is required to remove all improvements when the lease is terminated. The proposed expansion will be constructed by a barge from the lake in order to minimize impacts. The Lessee must comply with the requirements of the Tahoe Regional Planning Agency, United States Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and the California Department of Fish and Wildlife.

The proposed expansion is reasonable in scope considering the low water levels in Lake Tahoe. The current pier is almost entirely above the elevation of 6223 feet Lake Tahoe Datum (LTD). The proposed expansion will extend the pier out to nearly 6219 feet LTD, increasing the pier's utility during low water conditions. Commission staff believes the proposed expansion will not substantially interfere with public trust needs at this location, at this time, or for the foreseeable term of the proposed lease. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law public trust doctrine and in the best interests of the State.

CALENDAR ITEM NO. **C09** (CONT'D)

OTHER PERTINENT INFORMATION:

1. The Lessee owns the upland adjoining the lease premises.
2. On April 26, 2013, the Commission authorized a 10-year General Lease – Recreational Use with Scott T. Hanson and Valerie A. Hanson, Trustees of the Scott T. Hanson and Valerie A. Hanson Revocable Trust dated April 1, 1998. That lease will expire on July 22, 2022.
3. The Lessee is applying to amend the lease to extend the existing pier, which measures 29 feet long by 15 feet wide. The proposed work will be a 10-foot wide by 15-foot long expansion of the pier with a 3-foot by 16-foot fixed catwalk along the length of the extension. The proposed pier extension will be constructed from the Lake via barge.
4. The Lessee has agreed to provide continuous public access within the Public Trust Easement by allowing the public to pass and repass under the pier.
5. Staff recommends the issuance of this amendment as it promotes Strategy 1.1 of the Commission’s Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission’s jurisdiction. This amendment is also consistent with Strategy 1.3 of the Commission’s Strategic Plan to promote, expand, and enhance appropriate public use and access to and along the State’s inland and coastal waterways.
6. 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 14, section 15301, subdivision (e)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. 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. **C09** (CONT'D)

APPROVALS OBTAINED:

Tahoe Regional Planning Agency

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
Lahontan Regional Water Quality Control Board
California Department of Fish and Wildlife

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 14, section 15301, example (e)(1).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the public's public trust needs and values at this location, is consistent with the common law public trust doctrine, and is in the best interests of the State.

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 the amendment of Lease No. PRC 8692.1, a General Lease – Recreational Use, effective February 9, 2016, to authorize the extension of the existing pier; to include special provisions related to construction and public access; to revise the annual rent from \$932 to \$986 effective July 23, 2016; and 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 will remain in effect without amendment.

EXHIBIT A

PRC 8692.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 29, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and proposed extension of the pier with catwalk lying adjacent to those parcels described in Grant Deed recorded September 28, 2012 as Document Number 2012-0049565-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCEL 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded September 28, 2012 as Document Number 2012-0049565-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

This description is based on Applicant provided design pier plan for a proposed extension of the existing pier, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

Prepared 01/05/2016 by the California State Lands Commission Boundary Unit.



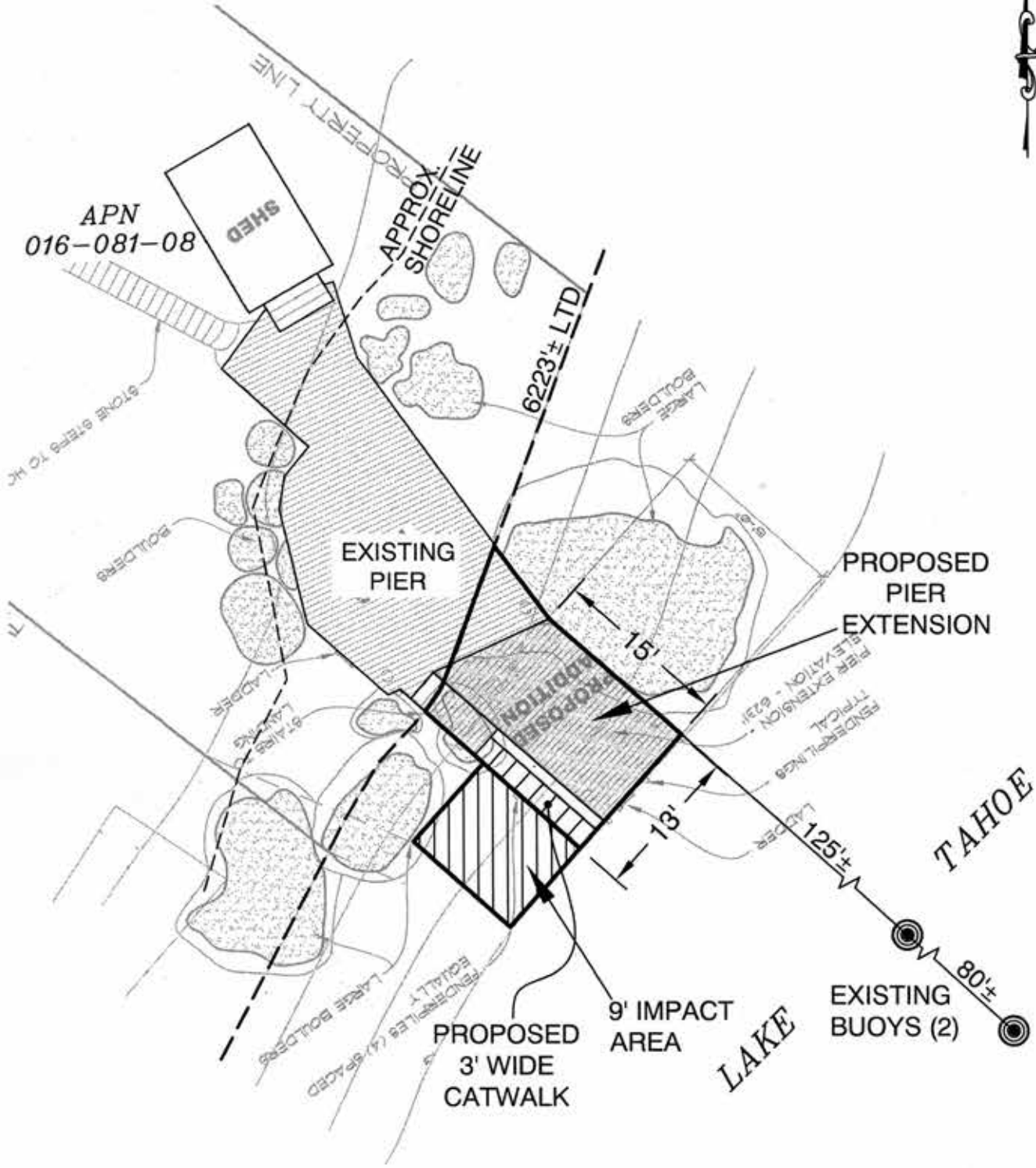


EXHIBIT A

Page 2 of 2

TS 01/05/16

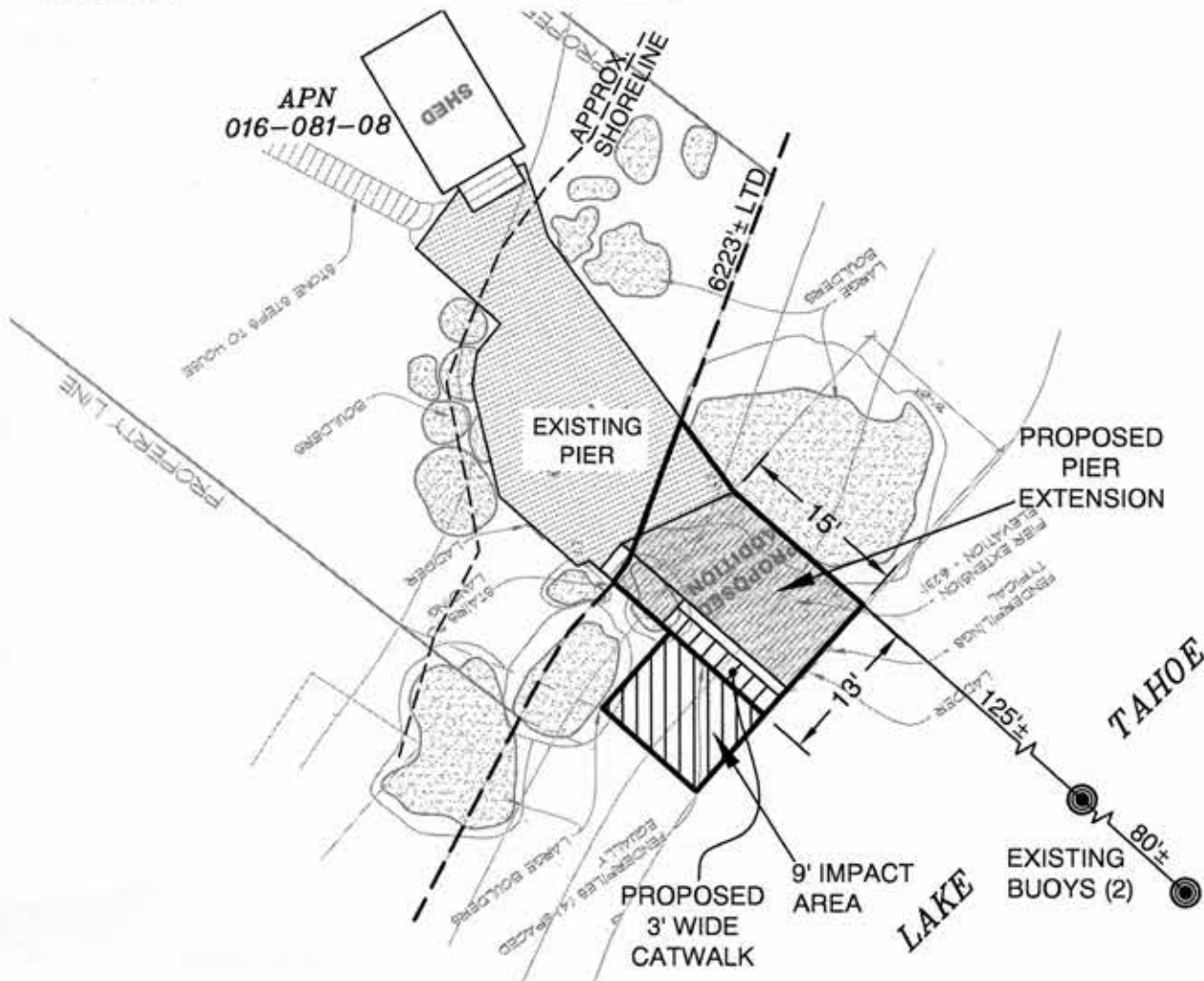
LAND DESCRIPTION PLAT
 PRC 8692.1, HANSON TRUSTEES
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



8355 MEEKS BAY AVENUE, RUBICON 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 8692.1
 HANSON TRUSTEES
 APN 016-081-08
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



TS 01/05/16