

**CALENDAR ITEM
C03**

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S 1

10/13/16
PRC 3775.1
M.J. Columbus

AMENDMENT OF LEASE AND AUTHORIZATION TO RELOCATE BUOY FIELD

LESSEE:

Tri-Association, a California nonprofit mutual benefit corporation
P.O. Box 88
Tahoma, CA 96142

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7001 West Lake Boulevard, near
Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 38 mooring buoys, two
marker buoys, and swim line.

LEASE TERM:

10 years, beginning March 5, 2012.

CONSIDERATION:

\$887 per year, with the State reserving the right to fix a different rent periodically
during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to:

1. Delete Exhibit A, Land Description, and Exhibit B, Site and Location Map;
2. Include the attached Exhibit A, Land Description, and the attached Exhibit B, Site and Location Map;

All other terms and conditions of the lease shall remain in effect without
amendment.

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STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

Public Trust and State's Best Interests Analysis:

Applicant owns or has permission to use the upland adjoining the lease premises. The subject buoys 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 (Pub. Resources Code, § 6503.5). The subject facilities are privately owned and maintained. The adjacent upland parcels are privately owned and developed subdivisions.

On March 29, 2012, the Commission authorized a General Lease – Recreational Use to Tri-Association (Association) for a pier, 38 mooring buoys, two marker buoys, and a swim line ([Calendar Item 51, March 29, 2012](#)). The Lease will expire on March 4, 2022. The Lessee is now applying for an Amendment of Lease No. PRC 3775.1 to relocate the 38 mooring buoys and two marker buoys. The buoy field has existed in this location for many years, but was not arranged in an orderly pattern. The proposed amendment will relocate the buoys into an orderly grid within the projection line of Lessee's property. The new configuration will reduce interference with buoys maintained by adjacent property owners.

Any relocation of the buoy field must be authorized in writing by the Commission pursuant to Section 2, Paragraph 10 of the lease. Staff recommends that the Commission delegate authority to the Executive Officer or her designee to provide written permission for the Lessee to conduct the relocation of the existing buoy field, provided:

1. Lessee obtains all required permits,
2. Lessee complies with seasonal work restrictions or other permit conditions,
3. Lessee provides copies of all permits and notice that work will commence at least 15 days prior to any relocation work, and
4. Lessee provides Commission staff with photographs and a site plan drawing within 60 days of completing the relocation.

CALENDAR ITEM NO. **C03** (CONT'D)

The lease contains terms that minimize impacts to Public Trust values while the buoys are relocated. Commission staff believes the relocation will not substantially interfere with Public Trust needs at this time and at this location. Based on the above analysis, staff believes issuance of this amendment is consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with 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.
2. 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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

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

3. 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.

APPROVALS REQUIRED:

U.S. Coast Guard
Tahoe Regional Planning Agency
U.S. Army Corps of Engineers
California Department of Fish and Wildlife
Lahontan Regional Water Quality Control Board

EXHIBITS:

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

CALENDAR ITEM NO. **C03** (CONT'D)

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 2, Replacement or Reconstruction, California Code of Regulations, title 14, section 15302.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with Public Trust needs and values at these locations at this time, 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:

1. Authorize the amendment of Lease No. PRC 3775.1, a General Lease – Recreational Use, effective October 13, 2016, to delete Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); include the attached Exhibit A, Land Description, and the attached Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.
2. Delegate authority to the Executive Officer or her designee to provide written permission for the Lessee to conduct the relocation of the existing buoy field, provided:
 - a) Lessee obtains all required permits,
 - b) Lessee complies with seasonal work restrictions or other permit conditions,
 - c) Lessee provides copies of all permits and notice that work will commence at least 15 days prior to any relocation work, and
 - d) Lessee provides Commission staff with photographs and a site plan drawing within 60 days of completing the relocation.

EXHIBIT A

PRC 3775.1

LAND DESCRIPTION

Three parcels of submerged lands situate in the bed of Lake Tahoe, adjacent to Lots 1 and 2 of fractional Section 17, Township 14 North, Range 17 East, M.D.B.&M., as shown on official government township plat approved July 29, 1880, Counties of El Dorado and Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER AND BUOY FIELD

BEGINNING at the northerly terminus of that course described as N 21°19'40" E 669.02 feet as shown Amended Final Map A portion of Lot 1 of the northwest quarter of Section 17, Township 14 North, Range 17 East, Mt. Diablo Meridian, filed in Book H of Final Maps, at Page 66 on November 3rd, 1992, Official Records of El Dorado County; thence from said point of beginning N 30°39'40" E 550.00 feet; thence N 59°26'51" W 240.26 feet; thence S 33°44'10" W 560.00 feet to a point lying distant N 61°23'00" W 270.48 feet from said point of beginning; thence S 61°23'00" E 270.48 feet to the POINT OF BEGINNING.

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

PARCEL 2 & 3

Two circular parcels of land, each being 50 feet in diameter, underlying two USCG Marker buoys lying northeasterly of the herein above described Parcel 1.

END OF DESCRIPTION

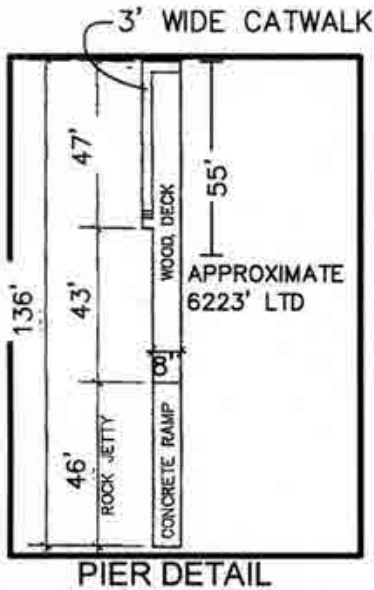
Prepared 6/28/2016 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

LAKE TAHOE



LEASE PARCEL 2 & 3
EXISTING USCG MARKER
BUOY x 2 (TYP)

LEASE PARCEL 1
PIER & BUOY FIELD

EXISTING MOORING
BUOY x 38
(TYP)

EXISTING SAFETY SWIM
LINE 150' LONG.

APPROXIMATE 6223' LTD

EXISTING PIER WITH
10' USE AREA
(SEE DETAIL)

APPROXIMATE
SHORELINE

7001 WEST LAKE BLVD., TAHOMA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3775.1
TRI ASSOCIATION
APN 015-351-01
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.