

**CALENDAR ITEM  
C07**

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06/22/17  
PRC 8555.1  
K. Connor

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Roy L. Wickland, as Trustee of the Wickland Marital Trust established September 25, 2012

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Lake Tahoe, adjacent to 9021 Lupine Lane, near Rubicon Bay, El Dorado County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing swim float and two mooring buoys.

*LEASE TERM:*

10 years beginning June 7, 2017.

*CONSIDERATION:*

\$1,131 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses.
3. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoys within 2 years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they may be required to remove the buoys.

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4. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

On August 22, 2008, the Commission authorized a 10-year General Lease – Recreational Use to Roy L. Wickland and Janet E. Wickland, Trustees for the Roy L. Wickland Family Trust dated 9-16-91, and R.L. Wickland, Inc., a Nevada Corporation ([Calendar Item C39, August 22, 2008](#)). That lease expired June 6, 2017. On July 13, 2013, ownership of the upland parcel was transferred to Roy L. Wickland, as Trustee of the Wickland Marital Trust established September 25, 2012. The Applicant is now applying for a General Lease – Recreational Use for the continued use and maintenance of an existing swim float and two mooring buoys. The swim float and two mooring buoys are privately owned and maintained.

The existing swim float and two mooring buoys are for water-related recreational activities including swimming and boating. Recreational swimming and boating are water-dependent activities and 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 do not significantly alter the land and the lease does not alienate the State's fee simple interest or permanently impair public rights. The swim float and two buoys have existed for many years at this location. Upon termination of the lease, the lessee may be required to remove all improvements and restore the lease premises to their original condition. Additionally, the swim float and two buoys occupy a relatively small area of the lake. Based on the foregoing, Commission staff believes that the swim float and two mooring buoys will not substantially interfere with Public Trust needs at this location, at this time or for the foreseeable term of the proposed lease.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to

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compensate the people of the State for the occupation of the public land involved. 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.

**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. 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 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.

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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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).

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**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 Trust needs and values at this location, at this time or for the foreseeable term of the lease; 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 issuance of a General Lease – Recreational Use to Roy L. Wickland, as Trustee of the Wickland Marital Trust established September 25, 2012; beginning June 7, 2017, for a term of 10 years, for the continued use and maintenance of an existing swim float and two 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; annual rent in the amount of \$1,131, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8555.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 4, Township 13 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1874, County of El Dorado, State of California, and more particularly described as follows:

**PARCEL 1 – SWIM FLOAT**

A parcel of land, underlying an existing swim float lying adjacent to those parcels described in the Grant Deed recorded August 16, 2007 as Document Number 2007-0053778-00 in Official Records of said County.

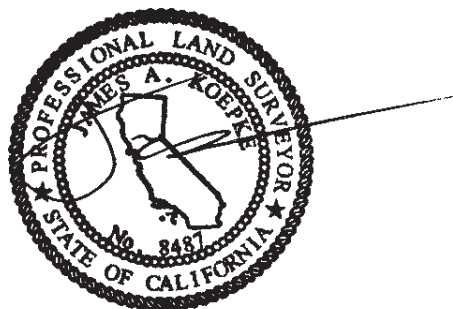
**PARCELS 2 & 3 (BUOYS)**

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those parcels described the Grant Deed recorded August 16, 2007 as Document Number 2007-0053778-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

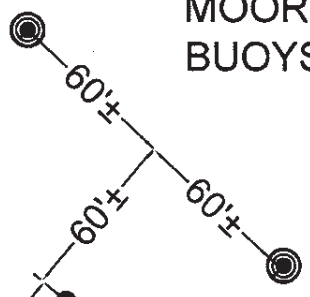
Prepared 11/17/2016 by the California State Lands Commission Boundary Unit.



LAKE

EXISTING  
MOORING  
BUOYS (2)

APPROX.  
SHORELINE



EXISTING  
SWIM FLOAT

100'±

LAKE

6223'± LTD

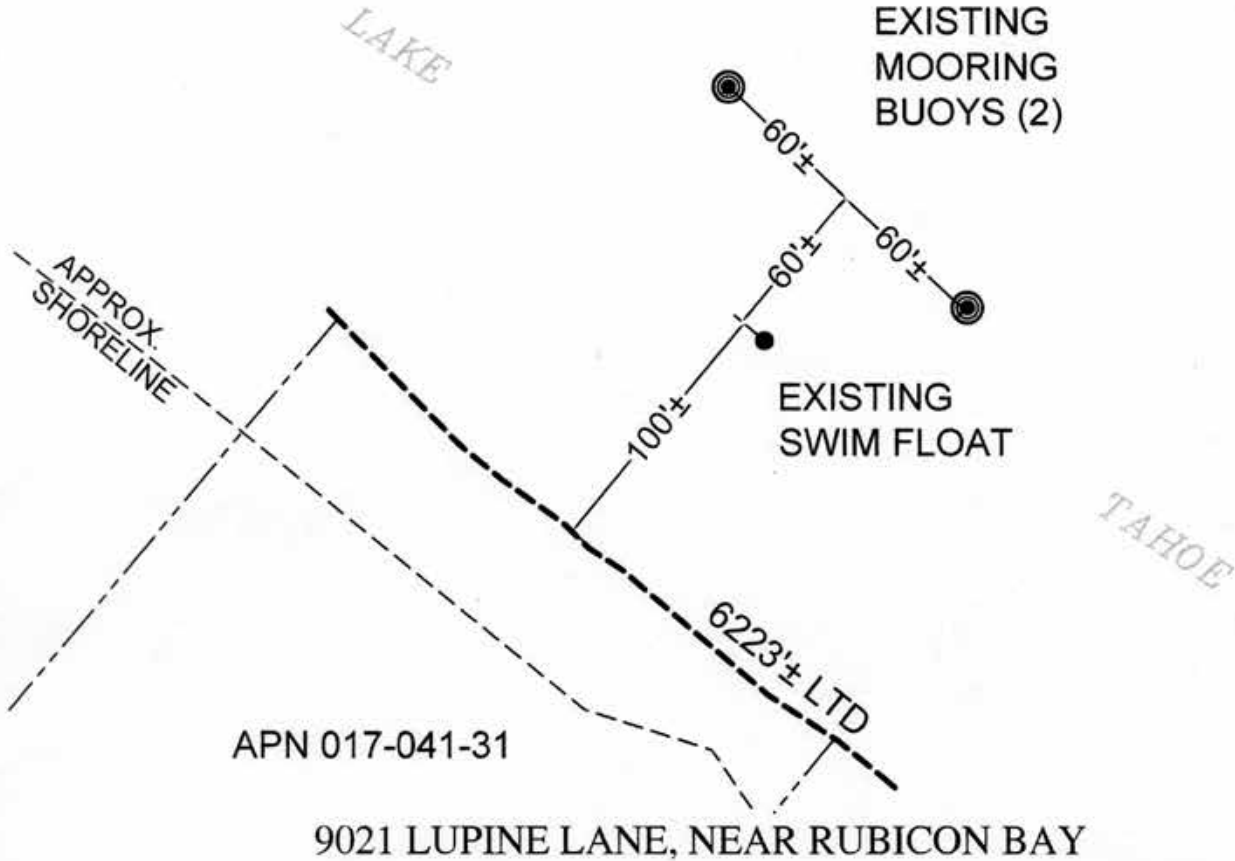
APN 017-041-31

### EXHIBIT A



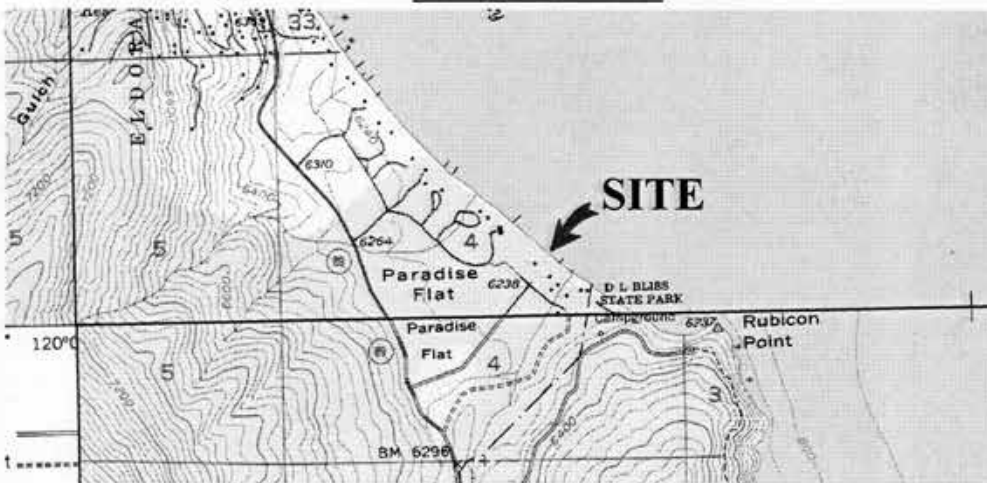
NO SCALE

# SITE



NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## **Exhibit B**

PRC 8555.1  
 WICKLAND TRUST  
 APN 017-041-31  
 GENERAL LEASE -  
 RECREATIONAL USE  
 EL DORADO COUNTY



**SITE**

RPF 11/17/16

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.