

**CALENDAR ITEM  
C20**

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06/22/17  
PRC 5728.1  
M. Schroeder

**TERMINATION AND ISSUANCE OF A  
GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

Luis Parrague and Sharon Parrague

**APPLICANT:**

Robert G. Bussey and Barbara G. Bussey, Trustees of the Robert G. Bussey and Barbara G. Bussey Family Trust dated March 14, 2002

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Lake Tahoe, adjacent to 3115 West Lake Boulevard, Tahoe City, Placer County.

*AUTHORIZED USE:*

Continued use and maintenance of one existing mooring buoy.

*LEASE TERM:*

10 years, beginning June 22, 2017.

*CONSIDERATION:*

\$377 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.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

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

On February 22, 2013, the Commission authorized a 10-year General Lease – Recreational Use for one existing mooring buoy to Luis Parrague and Sharon Parrague ([Calendar Item C29, February 22, 2013](#)). The lease will expire on October 11, 2022.

On June 4, 2014, the upland was deeded to Robert G. Bussey and Barbara G. Bussey. Thereafter, on March 17, 2016, the upland parcel was deeded to Robert G. Bussey and Barbara G. Bussey, Trustees of the Robert G. Bussey and Barbara G. Bussey Family Trust dated March 14, 2002. The Applicant is applying for issuance of a new lease for the continued use and maintenance of the existing mooring buoy.

On June 21, 1977, the Tahoe Regional Planning Agency (TRPA) issued a permit for the mooring buoy adjacent to the upland parcel. The TRPA permit is currently valid.

Staff recommends termination of the existing lease because the Lessee abandoned the lease by selling the upland property and mooring buoy without notifying Commission staff and executing a lease quitclaim deed. Staff also recommends that the Commission accept compensation for the unauthorized occupation of State land in the amount of \$1,146 for the period beginning June 4, 2014, through June 21, 2017, the day before the new lease becomes effective.

Applicant owns the upland adjoining the lease premises. The mooring buoy is used for recreational boating. 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 buoy has existed for many years at this location. The buoy is located directly lakeward of the upland property and occupies a relatively small area of Lake Tahoe.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

CALENDAR ITEM NO. **C20** (CONT'D)

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 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 is 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. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Staff recommends that the Commission find that issuance of the lease 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).

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

4. 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

CALENDAR ITEM NO. **C20** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that issuance of the lease 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).

**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, and 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 termination, effective June 21, 2017, of Lease No. PRC 5728.1, a General Lease – Recreational Use, issued to Luis Parrague and Sharon Parrague.
2. Authorize acceptance of compensation in the amount of \$1,146 for unauthorized occupation of State land for the period beginning June 4, 2014, through June 21, 2017.
3. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning June 22, 2017, for a term of 10 years, for the continued use and maintenance of an existing mooring buoy, 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 \$377, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 5728.1**

**LAND DESCRIPTION**

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 25, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

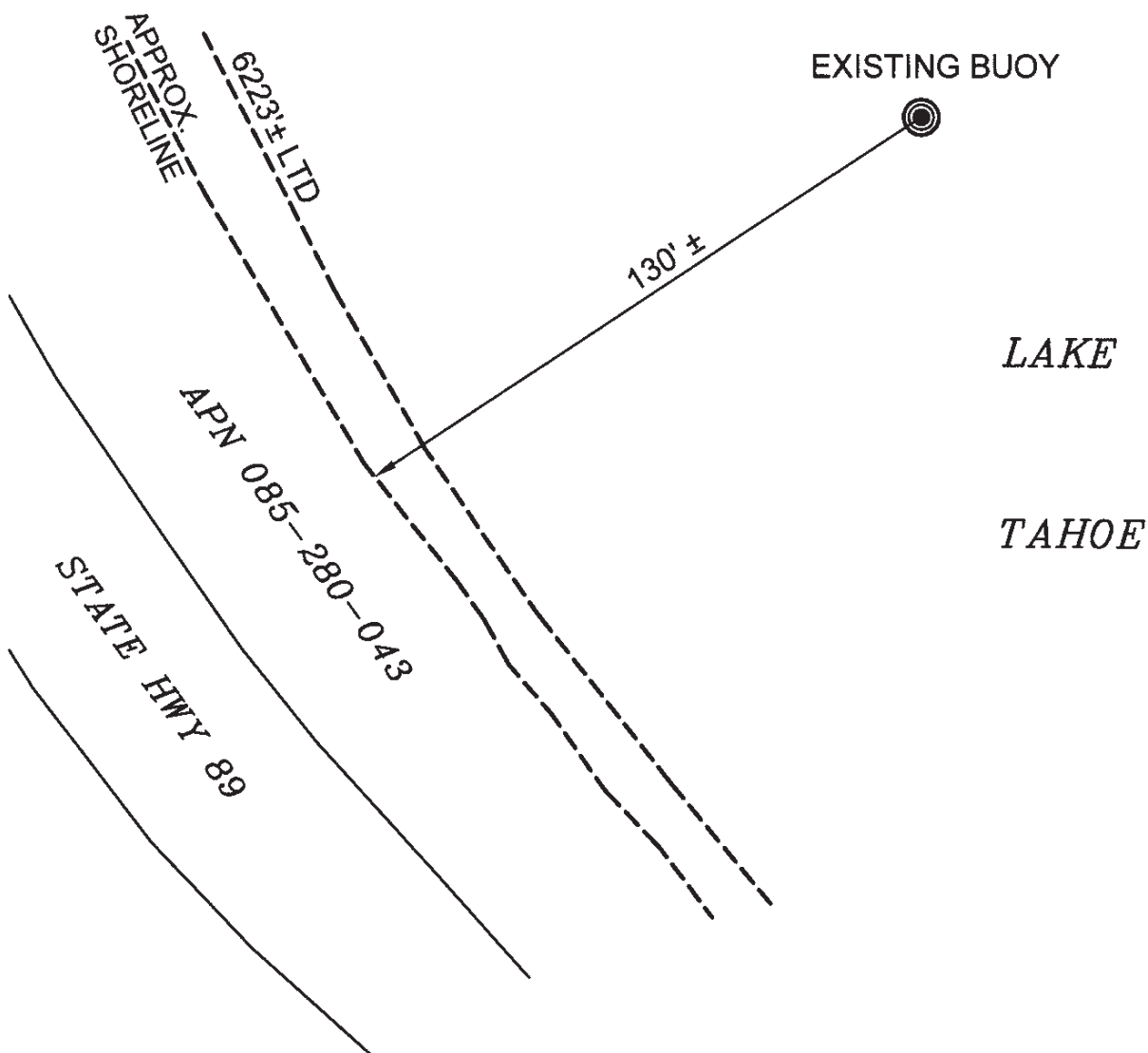
A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to that parcel described in Grant Deed recorded March 17, 2016 as Document Number 2016-0018457-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 09/13/2016 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

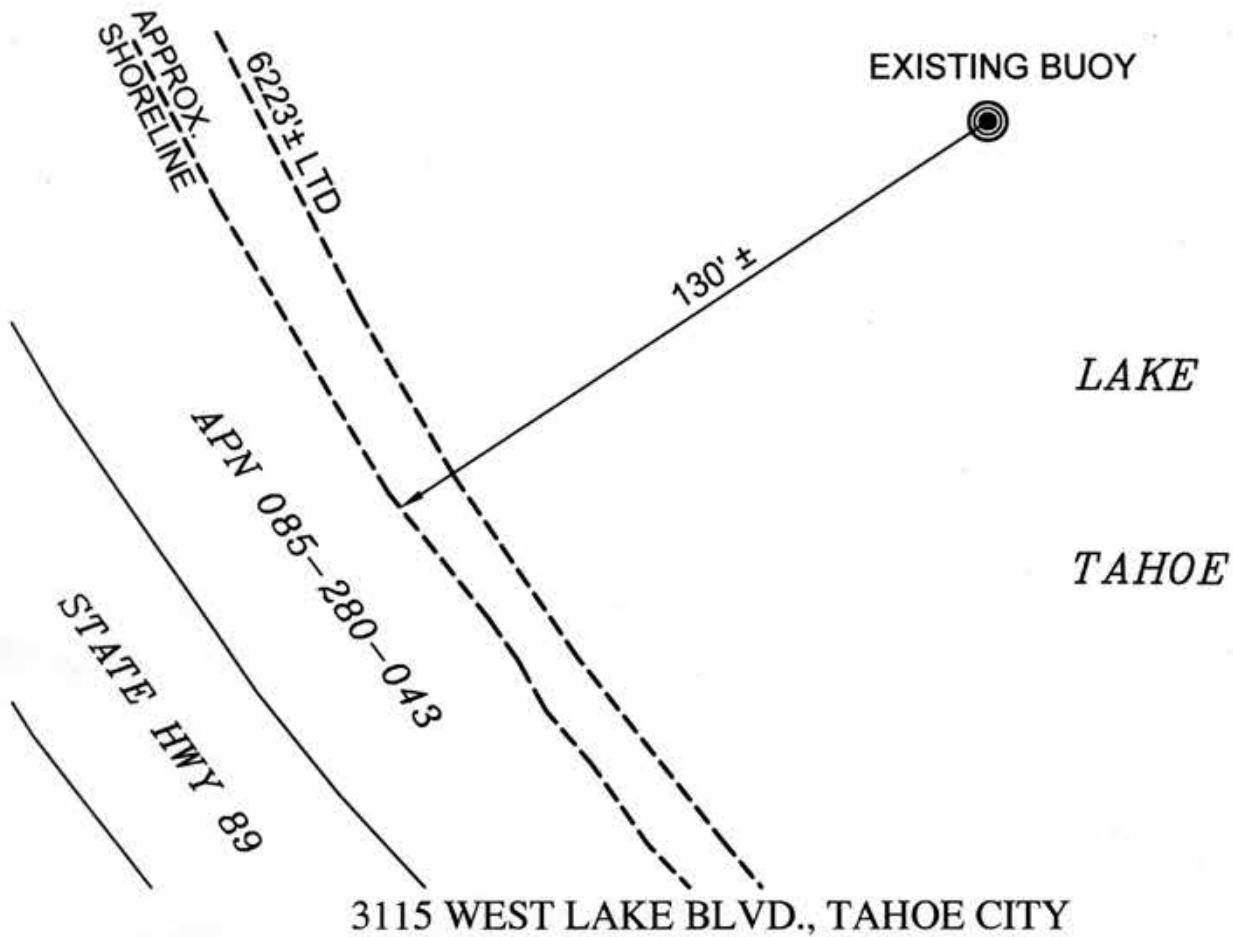
LAND DESCRIPTION PLAT  
PRC 5728.1, BUSSEY TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

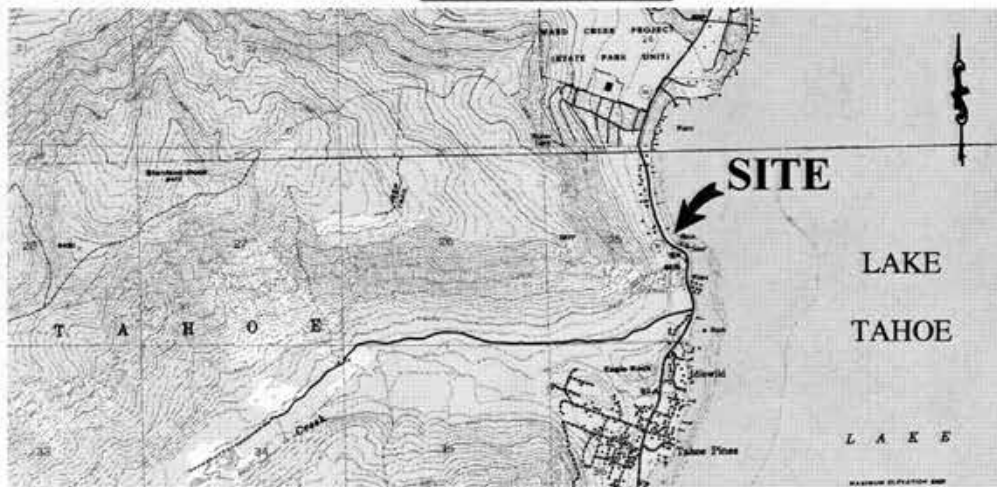
# SITE



3115 WEST LAKE BLVD., TAHOE CITY

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# **Exhibit B**

PRC 5728.1  
 BUSSEY TRUST  
 APN 085-280-043  
 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.

TS 09/13/16