

**STAFF REPORT
C33**

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10/19/17
PRC 6863.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Roger B. Primm, Trustee of the Revised and Restated Roger B. Primm Family Trust U/D/T January 30, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3115 Jameson Beach Road, near South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning October 1, 2012.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$1,054 per year to \$872 per year, effective October 1, 2017.

PROPOSED AMENDMENT:

Amend the lease to 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:

Authority:

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

Public Trust and the State's Best Interests Analysis:

On September 20, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Roger B. Primm, Trustee of the Revised and

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Restated Roger B. Primm Family Trust U/D/T January 30, 1990, for an existing pier and two mooring buoys ([Item C20, September 20, 2013](#)). That lease will expire on September 30, 2022.

The existing lease requires the payment of annual rent to compensate the people of the State for the use of sovereign land. Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,054 per year to \$872 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions 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).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 6863.1 will not substantially interfere with the Public Trust needs and values at this

STAFF REPORT NO. **C33** (CONT'D)

location, at this time or for the foreseeable term of the lease, and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 6863.1, a General Lease – Recreational Use, effective October 1, 2017, to 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).
2. Approve the revision of rent for Lease No. PRC 6863.1 from \$1,054 per year to \$872 per year, effective October 1, 2017.

EXHIBIT A

PRC 6863.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 6, Township 12 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk lying adjacent to that parcel described in Grant Deed recorded April 20, 1999 as Document Number 99-0025324-00 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

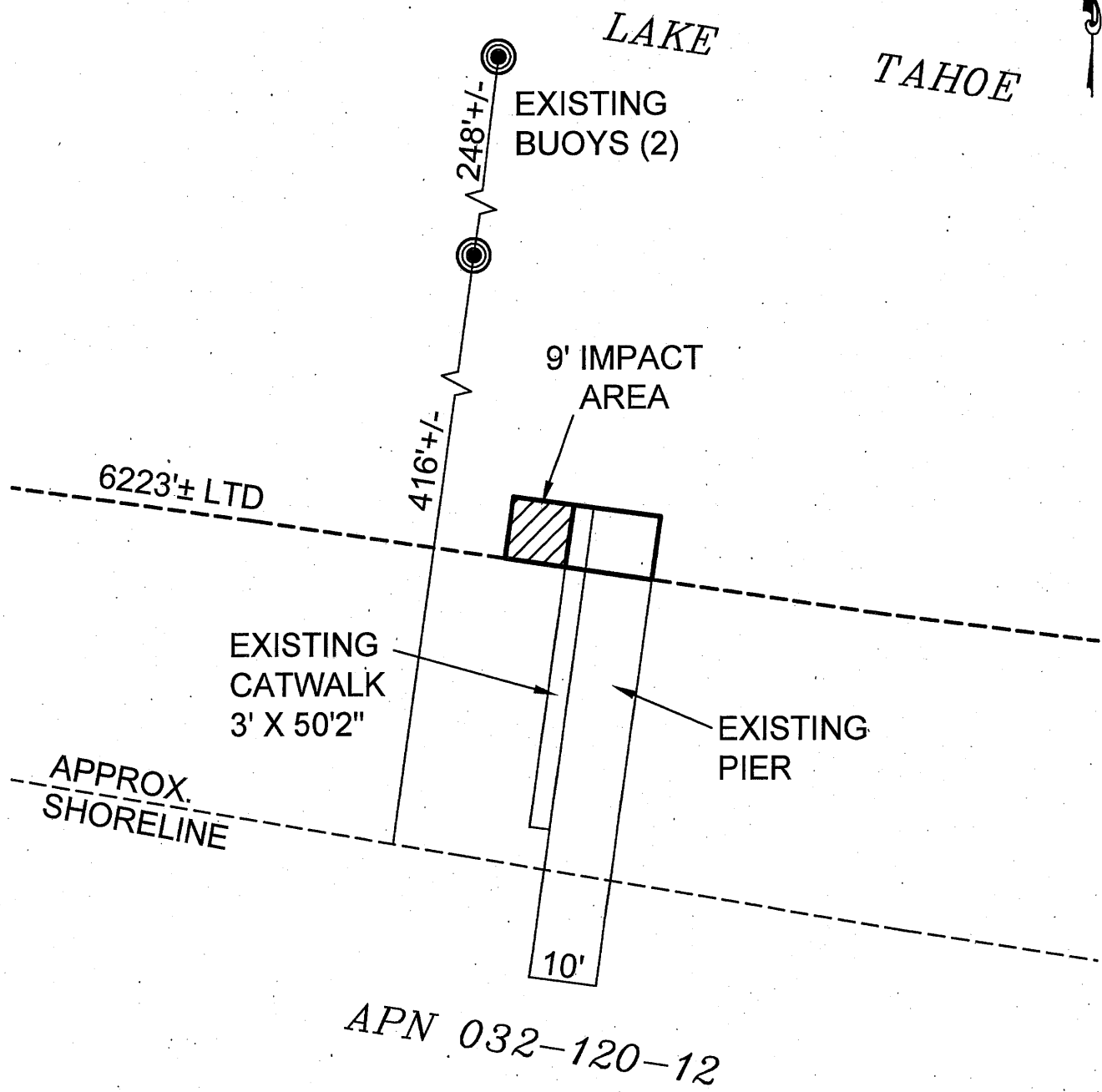
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded April 20, 1999 as Document Number 99-0025324-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/31/2017 by the California
State Lands Commission Boundary Unit.





APN 032-120-12

EXHIBIT A

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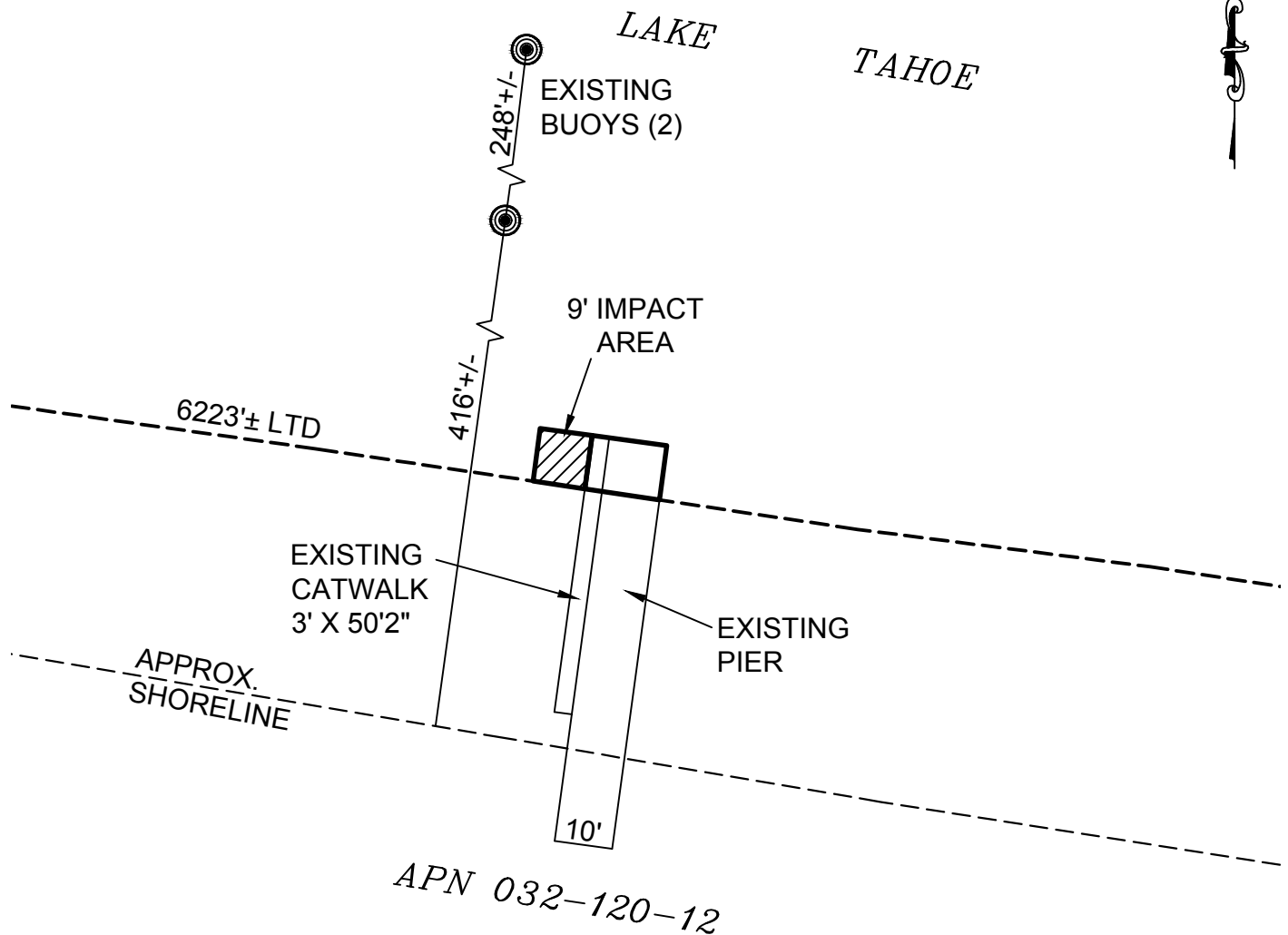
LAND DESCRIPTION PLAT
PRC 6863.1, PRIMM
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



3115 JAMESON BEACH ROAD, SOUTH LAKE TAHOE

NO SCALE

LOCATION

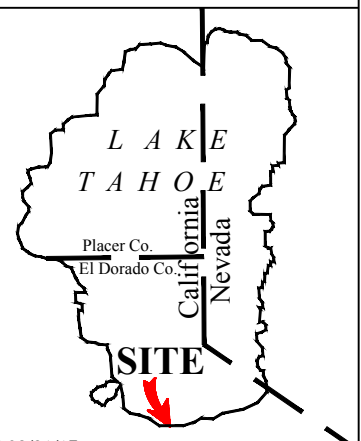


MAP SOURCE: USGS QUAD

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 6863.1
PRIMM
APN 032-120-12
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



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