

**CALENDAR ITEM
C42**

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04/23/14
PRC 3883.1
B. Terry

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

LESSEES:

Robert McNeil and Carole Joyce McNeil, Trustees of the Robert and Carole McNeil 1993 Trust dated February 3, 1993

APPLICANT:

Carole J. McNeil, Trustee of the Robert and Carole McNeil 2000 Trust dated November 15, 2000

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Numbers (APN) 090-320-001 and 090-320-002, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission and use and maintenance of three existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 23, 2014.

CONSIDERATION:

\$4,246 per year, with the State reserving the right to fix a different rent periodically during the least term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of

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a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. TRPA is presently evaluating its response. At such time as additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the two upland contiguous parcels adjoining the lease premises, APN 090-320-001 and 090-320-002.
2. On May 10, 2007, the Commission authorized a Recreational Pier Lease with Robert McNeil and Carole Joyce McNeil, Trustees of the Robert and Carole McNeil 1993 Trust dated February 3, 1993. That lease will expire on June 14, 2014. On November 4, 2012, the McNeils transferred the trust to Carole J. McNeil, Trustee of the Robert and Carole McNeil 2000 Trust dated November 15, 2000. The Applicant is now applying to terminate the existing lease and requesting a General Lease - Recreational Use for the continued use and maintenance of the existing pier previously authorized by the Commission and use and maintenance of three existing mooring buoys not previously authorized by the Commission.
3. The pier and two of the three existing mooring buoys are adjacent to APN 090-320-002 and one existing mooring buoy is adjacent to APN 090-320-001.
4. The mooring buoys have been in Lake Tahoe for many years. The staff is recommending authorization of the existing mooring buoys, subject to the McNeil's obtaining TRPA permit authorization.

CALENDAR ITEM NO. **C42** (CONT'D)

5. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

5. **Issuance of Lease:** The staff recommends that the Commission find that this activity 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.

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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C42** (CONT'D)

Issuance of Lease: 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 (a)(2).

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 of Lease No. PRC 3883.9, a Recreational Pier Lease, effective April 22, 2014, issued to Robert McNeil and Carol Joyce McNeil, Trustees of the Robert and Carol McNeil 1993 Trust dated February 3, 1993.

2. Authorize issuance of a General Lease – Recreational Use to Carole J. McNeil, Trustee of the Robert and Carole McNeil 2000 Trust dated November 15, 2000, beginning April 23, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier previously authorized by the Commission and use and maintenance of three existing mooring buoys not previously authorized by the Commission 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 \$4,246 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3883.1

LAND DESCRIPTION

Four parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 30, Township 16 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved January 2, 1875, County of Placer, State of California, more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing rock-crib pier and catwalks lying adjacent to those parcels described in Grant Deed recorded September 1, 1998 as Document Number 98-0069700 in Official Records of said County.

TOGETHER WITH a 9 foot impact area.

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

PARCELS 2 thru 4 – BUOYS

Three circular parcels of land, each being 50 feet in diameter, underlying three existing buoys lying adjacent to those parcels described in Grant Deed recorded September 1, 1998 as Document Number 98-0069700 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 11/07/2013 by the California State Lands Commission Boundary Unit.



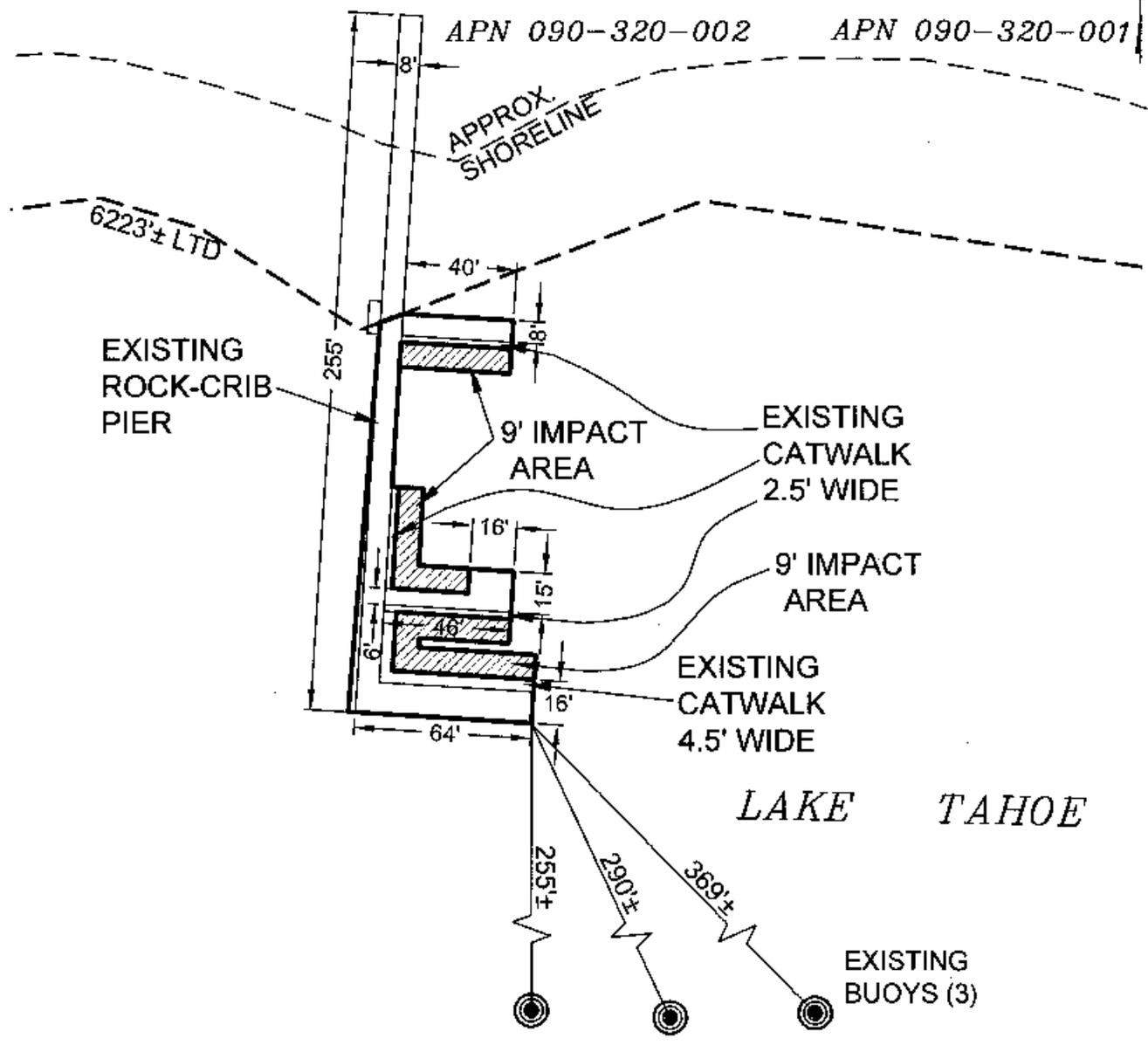


EXHIBIT A

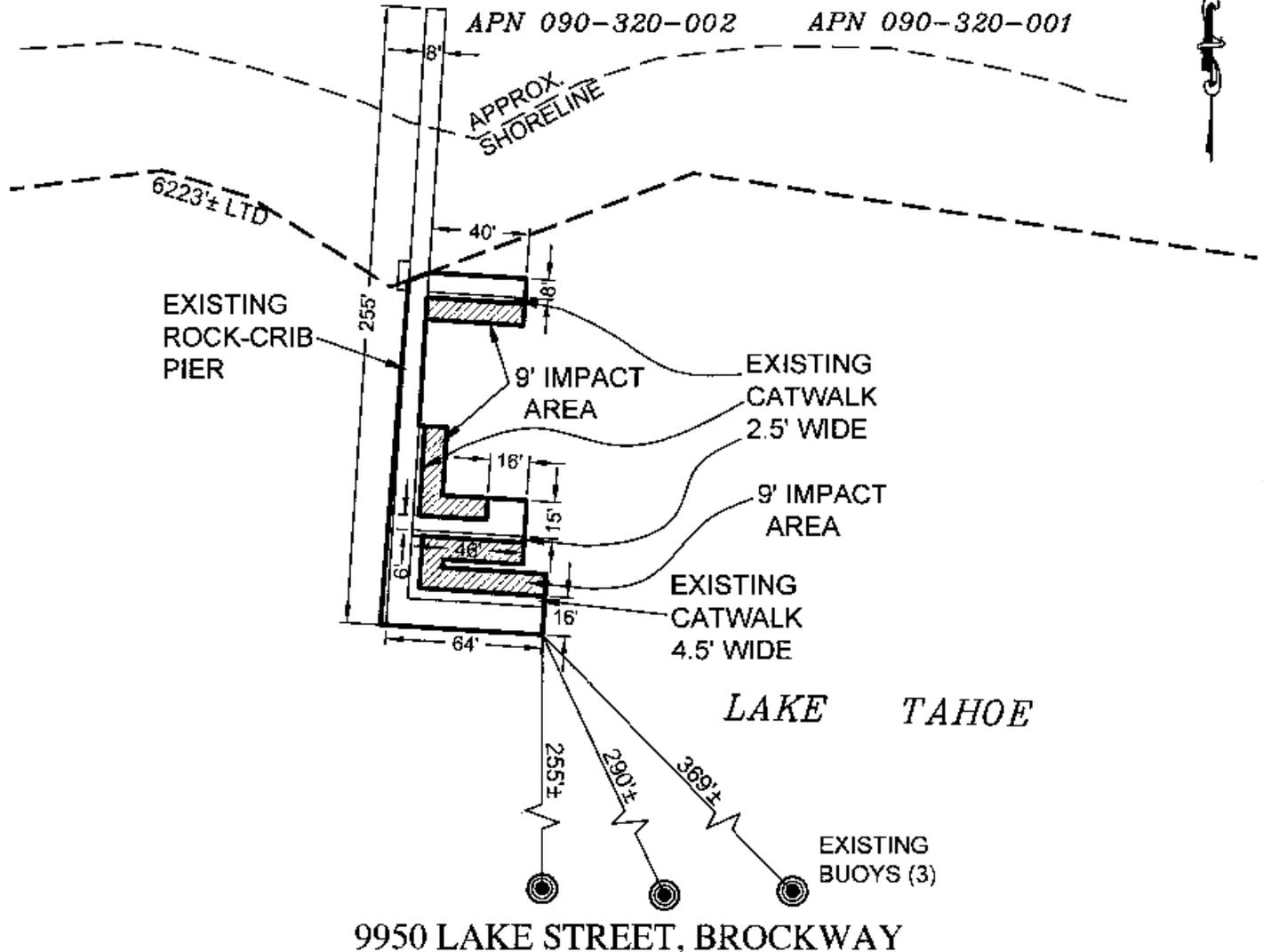
LAND DESCRIPTION PLAT
 PRC 3883.1, MCNEIL
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



NO SCALE

LOCATION

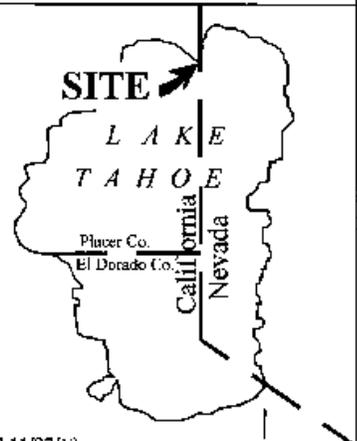


MAP SOURCE: USGS QUAD

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 3883.1
 MCNEIL
 APNs 090-320-001 & -002
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



TS 11/07/13