

**CALENDAR ITEM
C16**

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S 1

06/21/13
W 26678
M.J. Columbus

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Karen Stone McCown, Trustee of the Karen Stone McCown Revocable Trust Agreement dated May 11, 1990, Amended and Restated August 13, 2003.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 255 Drum Road, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of one existing mooring buoy.

LEASE TERM:

10 years, beginning October 5, 2012.

CONSIDERATION:

\$377 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years of the adoption of 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. When additional information is available, Commission staff will advise the

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Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

2. On October 5, 2012, a boundary line adjustment was recorded with the County of El Dorado which split a larger upland parcel adjoining the lease premises into two separate parcels, Assessor's Parcel # (APN) 016-300-63 and 016-300-62. Karen Stone McCown, Trustee of the Karen Stone McCown Revocable Trust Agreement dated May 11, 1990, Amended and Restated August 13, 2003, owns both parcels and had a lease with the Commission for an existing pier, boathouse, and two mooring buoys under Lease No. PRC 4469.9. That lease expired February 28, 2012. Because of the boundary line adjustment, one of the previously approved mooring buoys under PRC 4469.9 is located adjacent to the new upland property, APN 016-300-62. The Applicant is now applying for a General Lease – Recreational Use to authorize the mooring buoy adjacent to APN 016-300-62.

A new application for Lease No. PRC 4469.1 is also before the Commission at the June 21, 2013 meeting for the existing pier, boathouse, and one mooring buoy adjacent to APN 016-300-63.

3. 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 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 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.

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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).

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 Karen Stone McCown, Trustee of the Karen Stone McCown Revocable Trust Agreement dated May 11, 1990, Amended and Restated August 13, 2003, beginning October 5, 2012, for a term of 10 years, for the continued use and maintenance of one 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 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

W 26678

LAND DESCRIPTION

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 20 Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – BUOY

One (1) circular parcel of land, being 50 feet in diameter underlying one (1) existing buoy lying adjacent to that Parcel as described in Exhibit "A" of that Grant Deed, recorded October 5, 2012 as Document Number 2012-0050881 of Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared April 29, 2013 by the California State Lands Commission Boundary Unit.



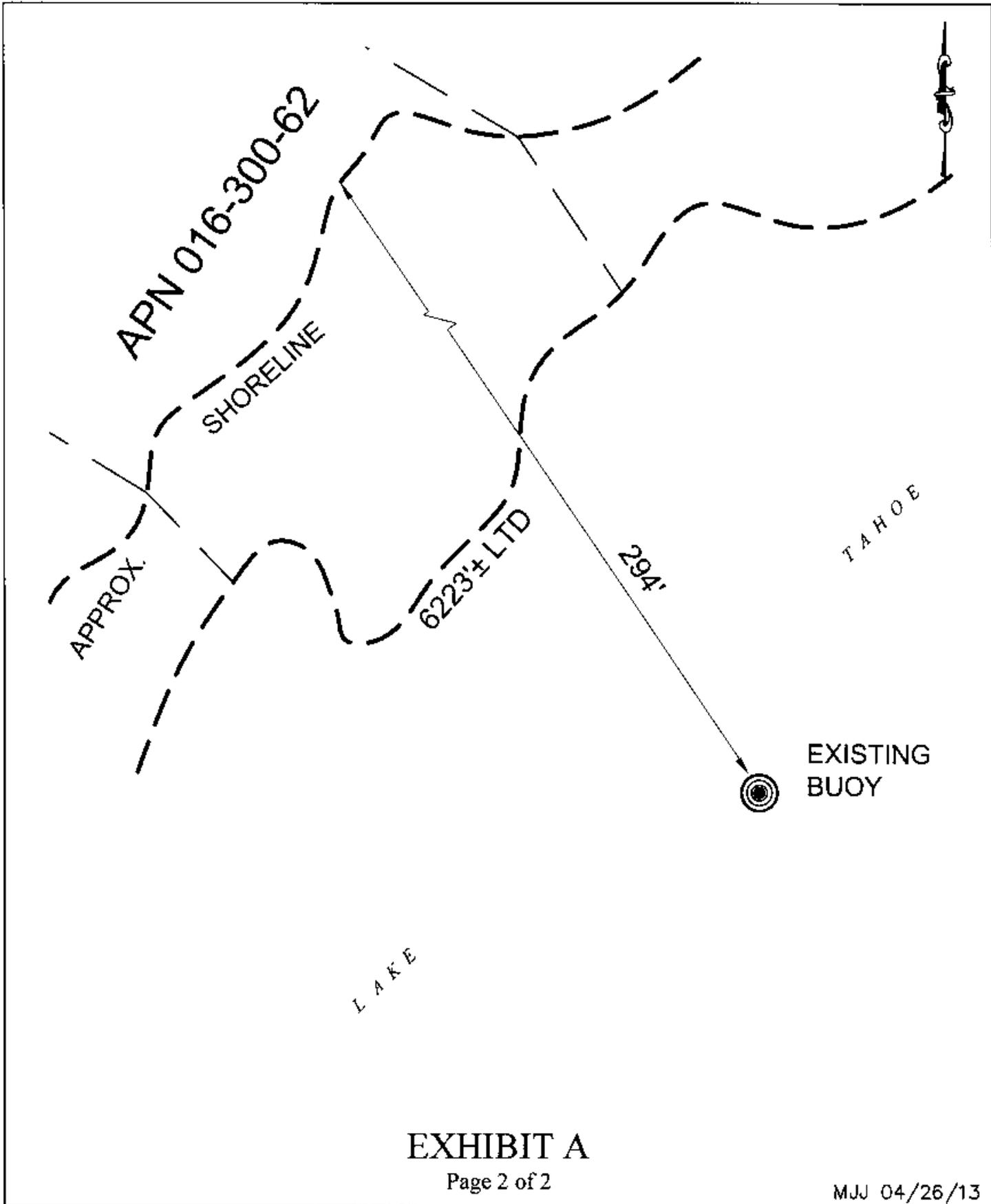


EXHIBIT A

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LAND DESCRIPTION PLAT
 W 26678, MCCOWN TRUST
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



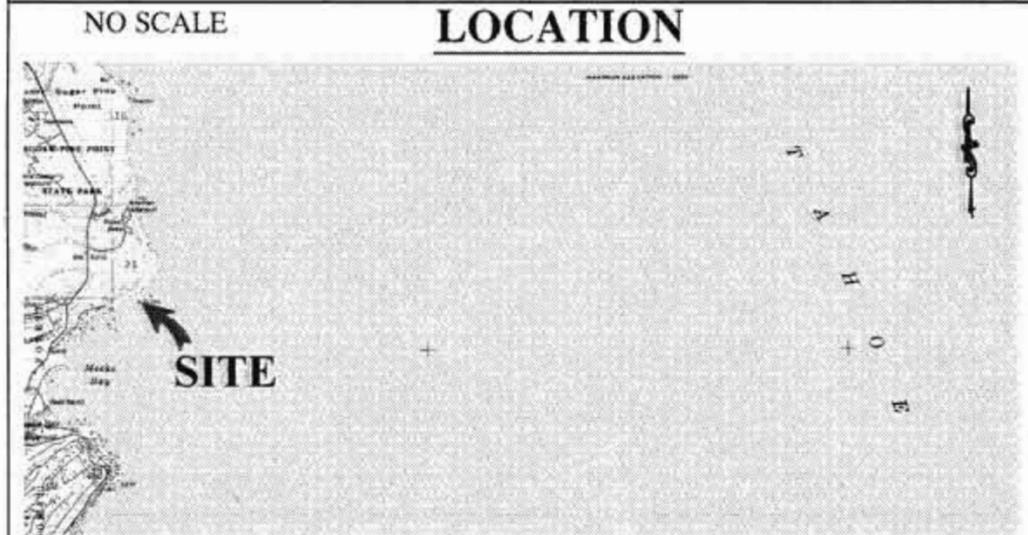
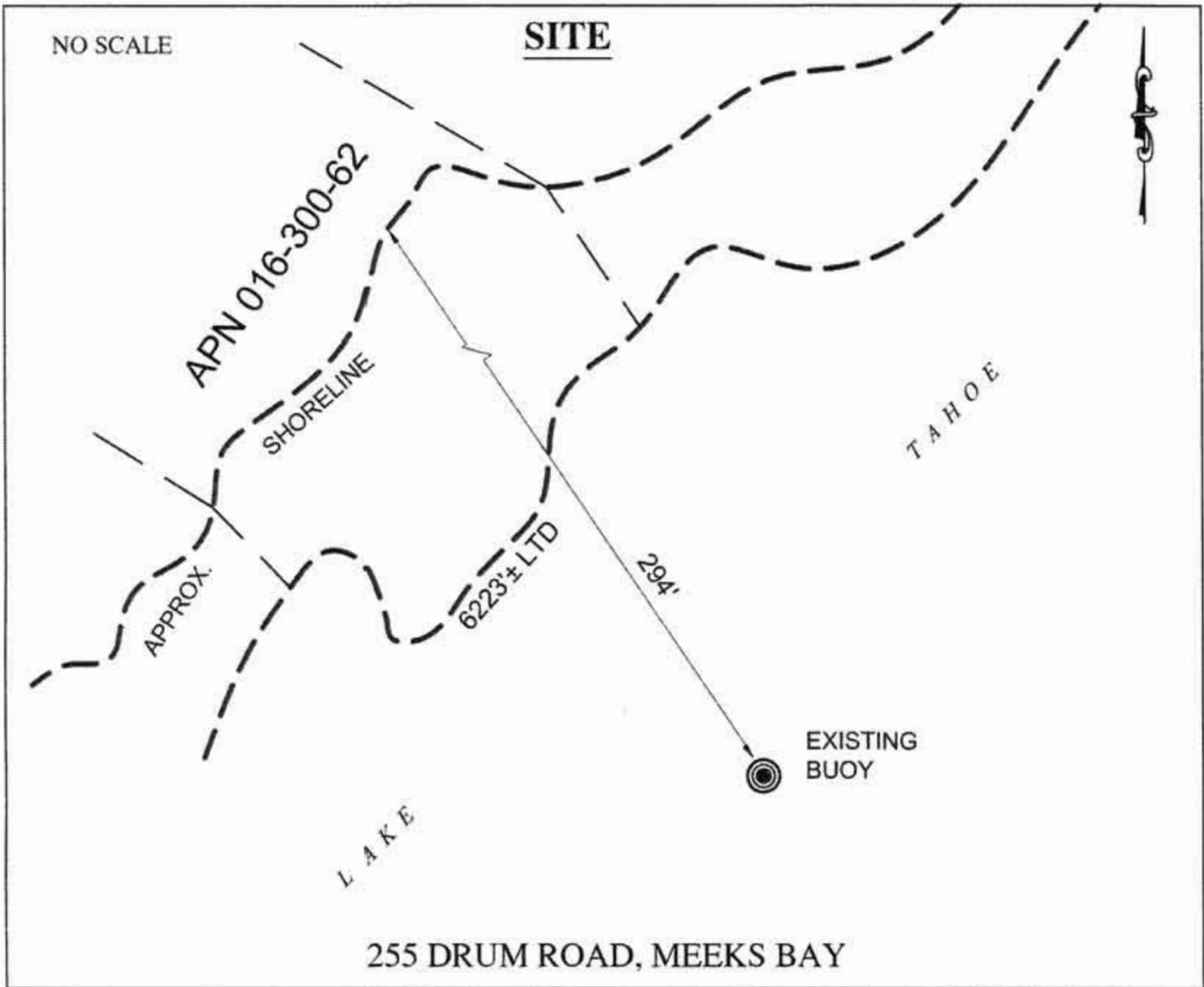


Exhibit B
 W 26678
 MCCOWN TRUST
 APN 016-300-62
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



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.