CALENDAR ITEM
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A 1 08/15/14
PRC 1617.1
S 1 M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:
Peter F. Snook and Judith L. Snook, as Trustees of the Snook Family Revocable Trust, dated April 11, 2000

AREA, LAND TYPE, AND LOCATION:
Sovereign land in Lake Tahoe, adjacent to 4688 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:
Continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission; and use and maintenance of an existing boat lift and sundeck with stairs not previously authorized by the Commission.

LEASE TERM:
10 years, beginning December 2, 2013.

CONSIDERATION:
Pier, Boathouse with Boat Lift, and Two Mooring Buoys: No monetary consideration pursuant to Public Resources Code section 6503.5.

Sundeck with stairs: $1,140 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:
1. The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after 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 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 TRPA or any other regulatory agency for the improvements authorized by the Commission.

3. The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50 percent of the base value of the sundeck, then the sundeck with stairs must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

2. On January 29, 1999, the Commission authorized a 10-year Recreational Pier Lease to Peter F. Snook and Judith L. Snook. That lease expired on August 9, 2008. On May 19, 2000, the upland property was deeded to Peter F. Snook and Judith L. Snook, as Trustees of the Snook Family Revocable Trust, dated April 11, 2000. The Applicants are now applying for a General Lease – Recreational Use.

3. On October 8, 2011, Chapter 585, Statues of 2011 became law. The law became effective on January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5, which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:

A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and

B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application was submitted to the Commission on March 4, 2011, the lease meets the statutory requirements for an exception to the enacted changes to section 6503.5 of the Public Resources Code for the term of this lease. However, the sundeck with stairs is subject to rent.

4. The sundeck with stairs and the boat lift in the boathouse have been in Lake Tahoe for many years, but were not previously authorized by the Commission. Staff recommends including the Applicants' sundeck with stairs and boat lift in the lease.

5. The proposed lease was on the agenda for the December 2, 2013 Commission meeting, but was removed at the Applicants' request. Applicant agreed at that time that the beginning date of the lease would remain December 2, 2013.

6. 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.

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:

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 Peter F. Snook and Judith L. Snook, as Trustees Of The Snook Family Revocable Trust, dated April 11, 2000, beginning December 2, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission, and use and maintenance of an existing boat lift and a sundeck with stairs 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; no monetary consideration for the pier, boathouse with boat lift, and two mooring buoys pursuant to Public Resources Code section 6503.5; annual rent for the sundeck with stairs in the amount of $1,140 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 1617.1

LAND DESCRIPTION

Three parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk, boat house with a boat lift and sun deck with stairs lying adjacent to that parcel described in Trust Transfer Deed recorded May 19, 2000 as Document Number 2000-0034700-00 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.

PARCELS 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 Trust Transfer Deed recorded May 19, 2000 as Document Number 2000-0034700-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/28/2014 by the California State Lands Commission Boundary Unit.

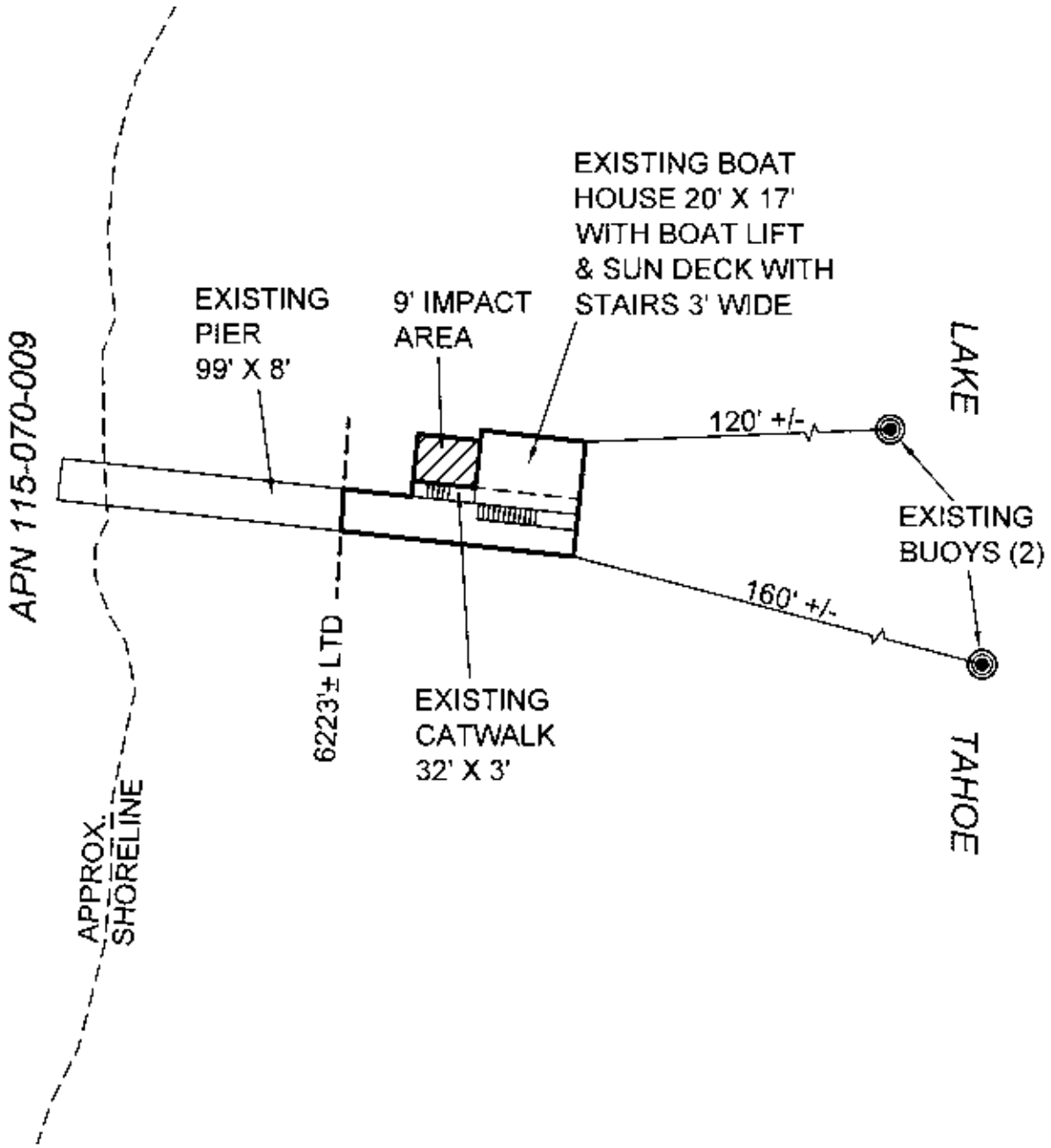

EXHIBIT A

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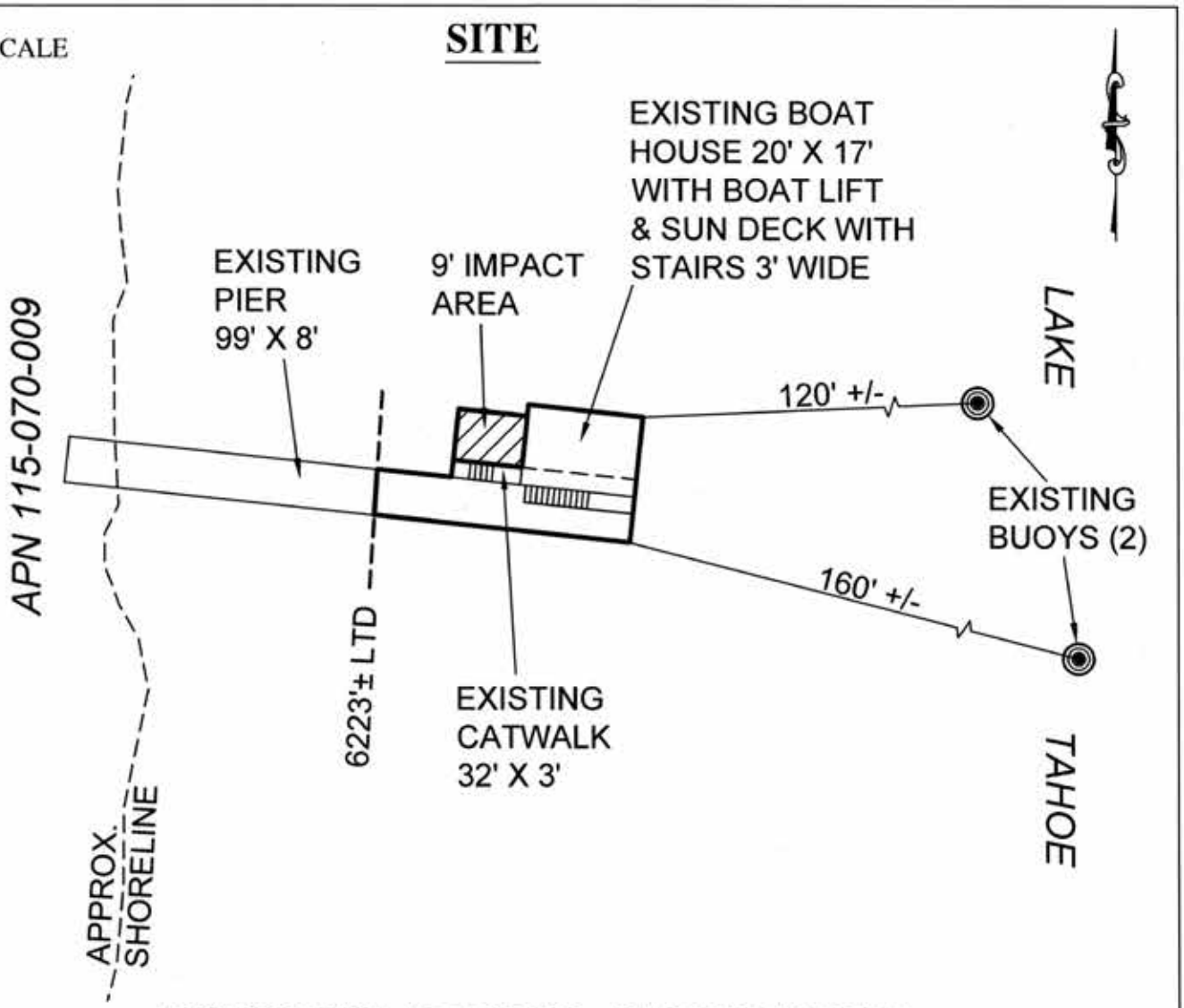
LAND DESCRIPTION PLAT PRC 1617.1, SNOOK PLACER COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

SITE



4688 NORTH LAKE BLVD., CARNELIAN BAY

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 1617.1
SNOOK
APN 115-070-009
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY

TS 01/28/14