

MINUTE ITEM

This Calendar Item No. C40 was approved as Minute Item No. 40 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

**CALENDAR ITEM
C40**

A 4
S 1

04/17/06
PRC 7877 WP 7877.1
J. McComas

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Shelby Best Family Partners, L. P., a California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys as shown on Exhibit A.

LEASE TERM:

Ten years, beginning January 1, 2006.

CONSIDERATION:

\$186 per annum, 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 with coverage no less than \$1,000,000.

Other:

This lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On February 27, 1996, the Commission authorized a Recreational Pier Lease with Carl E. Best and Shelby E Best. That lease expired on

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December 31, 2005. Ownership to the upland land was transferred to Shelby Best Family Partners, L. P., a California Limited Partnership, by a Grant Deed recorded on March 26, 2004. Applicant does not qualify for a rent free Recreational Pier Lease pursuant to Public Resources Code 6503.5, as Applicant does not own the upland property as a natural person. The Applicant is now applying for a new General Lease - Recreational Use.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

APPROVALS REQUIRED:

Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO SHELBY BEST FAMILY PARTNERS, L. P., A CALIFORNIA LIMITED PARTNERSHIP, OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING JANUARY 1, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION OF \$186 PER ANNUM, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE NO LESS THAN \$1,000,000.

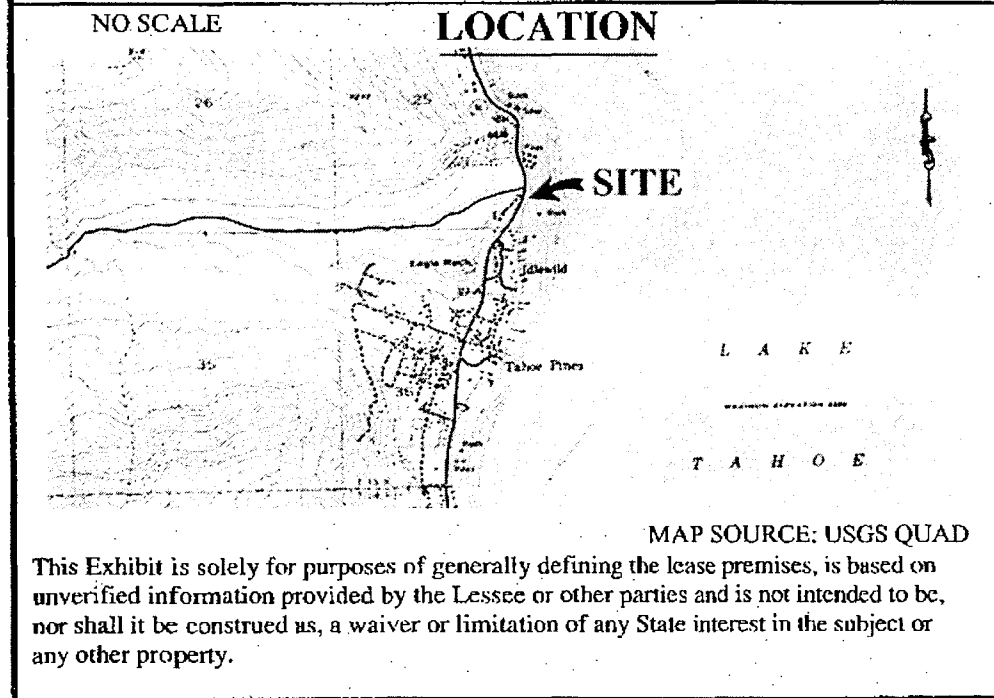
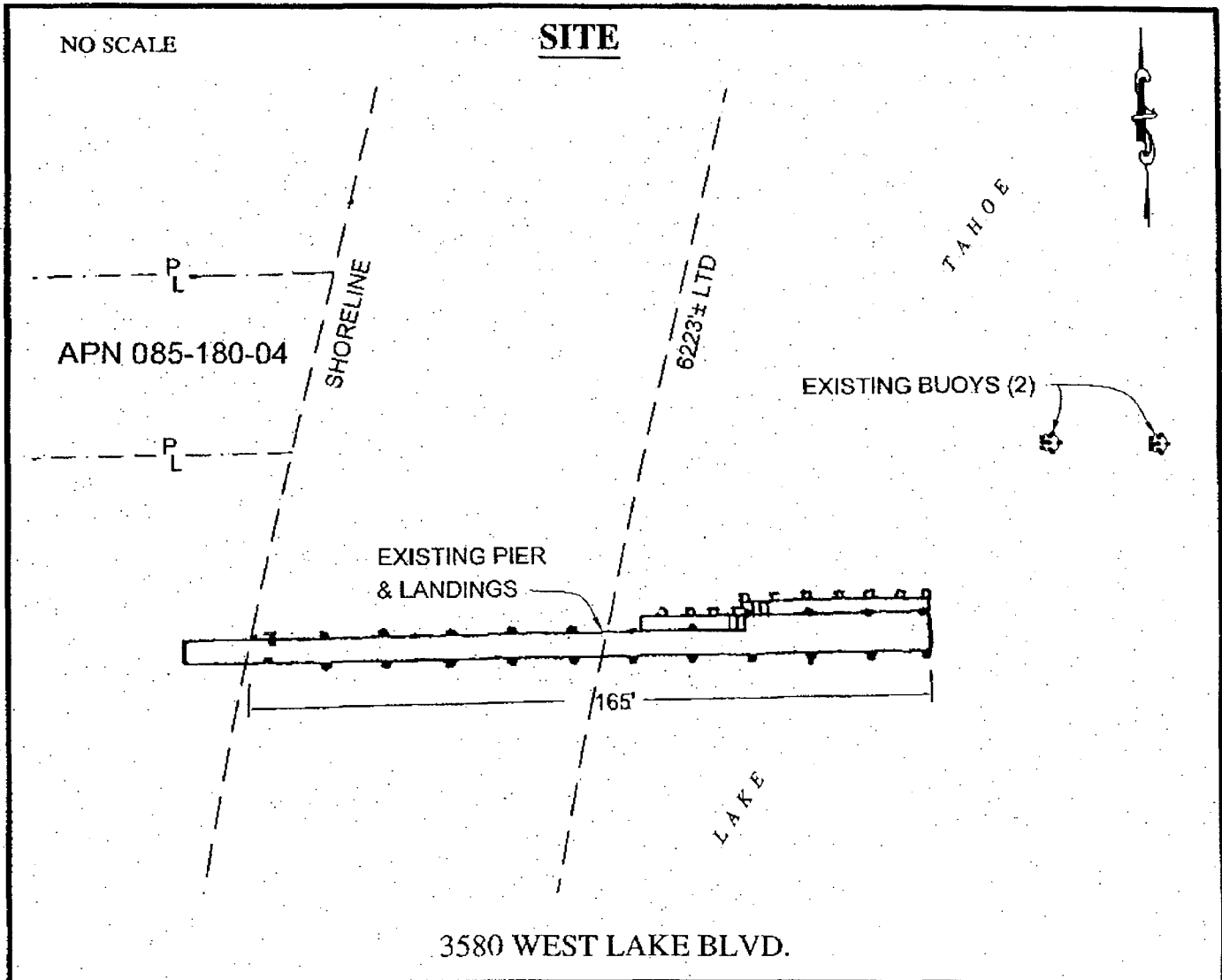


Exhibit A

WP7877.1

SHIELBY BEST
FAMILY PARTNERSHIP

APN 085-180-004

GENERAL LEASE

RECREATIONAL USE

PLACER COUNTY

LAKE
TAHOE

SITE

Placer Co.
El Dorado Co.

California
Nevada

M1/03/06

000174

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