

**CALENDAR ITEM
C31**

A 1
S 1

04/26/13
W 26656
M. Hays

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Dan Best II, in Trust, for the Benefit of Brenda Payne Cooley, William Ashley Payne and Robert Best Payne under the Barbara Best Payne Testamentary Trust; Dan G. Best II, as Trustee under the Brenda Best Weaver Testamentary Trust; Dan G. Best II, Trustee of the Dan G. Best II Revocable Living Trust under Declaration of Trust Dated October 7, 1993; Dan G. Best II, as Sole Trustee of the "Best Exempt Credit Trust"; and Dan G. Best II, as Sole Trustee of the "Best Survivor's Trust"

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4940, 4950, and 4960 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Use and maintenance of four existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

5 years, 11 months, and 14 days, beginning April 26, 2013 and ending April 8, 2019.

CONSIDERATION:

\$1,508 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 the amount of no less than \$1,000,000.

Other:

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 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

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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 ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own three upland parcels adjoining the lease premises.
2. The Applicants' four existing mooring buoys have been in Lake Tahoe for many years but were not previously authorized by the Commission. Staff recommends bringing the placement of the Applicants' existing mooring buoys under lease, subject to the Applicants obtaining TRPA permit authorization as required in the lease. For purposes of the proposed lease, two existing mooring buoys will be authorized adjacent to 4940 West Lake Boulevard; one existing mooring buoy authorized adjacent to 4950 West Lake Boulevard; and one existing mooring buoys authorized adjacent to 4960 West Lake Boulevard.
3. At the request of the Applicants, the expiration of this lease will coincide with the expiration of Lease No. PRC 5828.9, a Recreational Pier Lease authorized by the Commission on April 9, 2009. That lease, which authorized construction of a pier, continues to be rent free pursuant to Public Resources Code section 6503.5. At the time of expiration, the leases will be combined under one lease.
4. 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.

5. 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.

CALENDAR ITEM NO. **C31** (CONT'D)

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 Dan Best II, in Trust, for the Benefit of Brenda Payne Cooley, William Ashley Payne and Robert Best Payne under the Barbara Best Payne Testamentary Trust; Dan G. Best II, as Trustee under the Brenda Best Weaver Testamentary Trust; Dan G. Best II, Trustee of the Dan G. Best II Revocable Living Trust under Declaration of Trust Dated October 7, 1993; Dan G. Best II, as Sole Trustee of the "Best Exempt Credit Trust"; and Dan G. Best II, as Sole Trustee of the "Best Survivor's Trust" beginning April 26, 2013, for a term of 5 years, 11 months, and 14 days, ending on April 8, 2019, for the use and maintenance of four 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 \$1,508, with the State reserving the right to fix a different rent periodically during the lease term; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

W 26656

LAND DESCRIPTION

Four (4) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 1, Township 14 North, Range 16 East, MDM., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, and more particularly described as follows:

PARCEL 1, 2, 3 & 4 – BUOYS

All those lands underlying Four (4) circular parcels of land, being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to those Lots as described in that Grant Deed recorded June 14, 2005 as Document Number 2005-0074664-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared December 28, 2012 by the California State Lands Commission Boundary Unit.



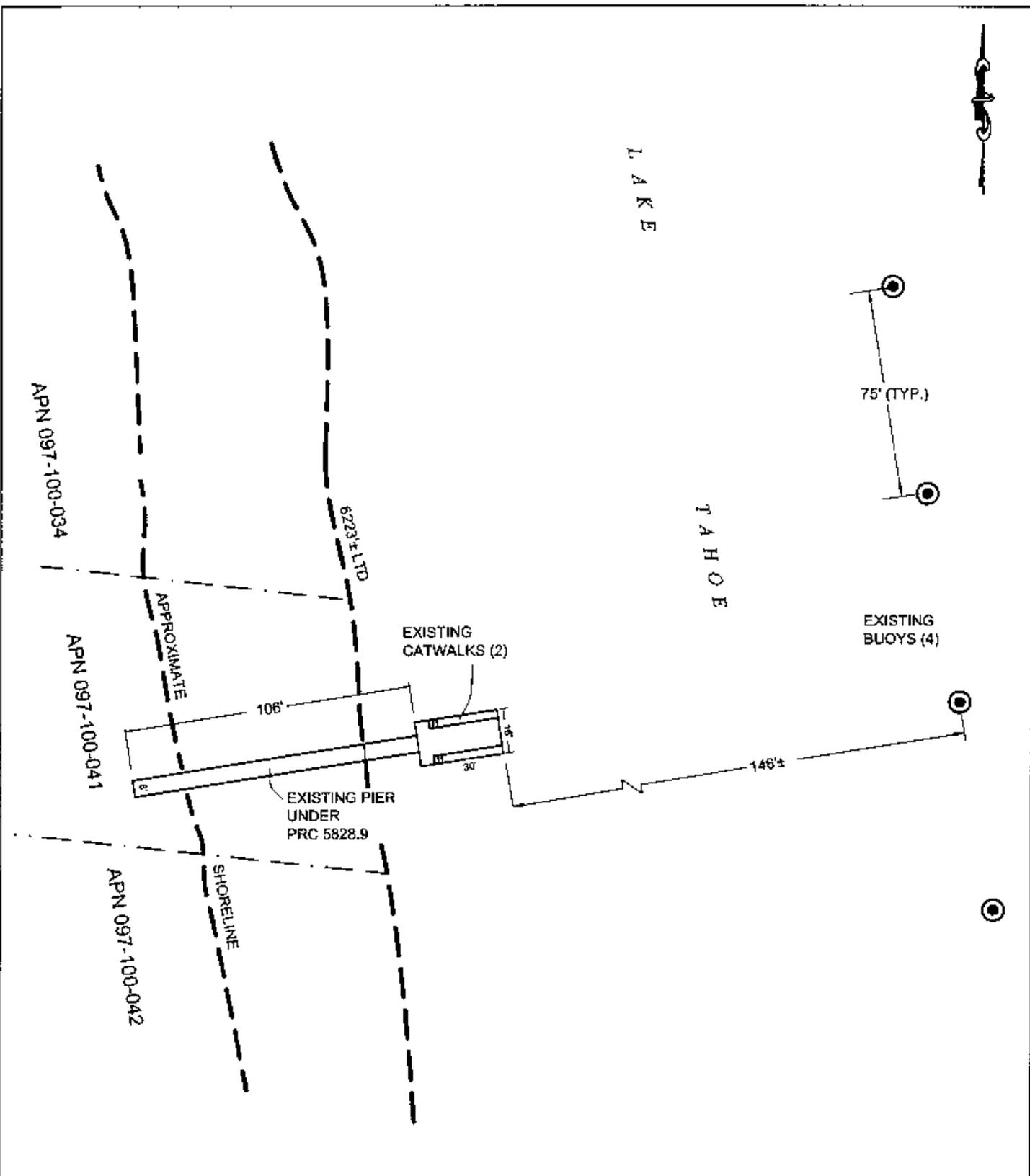


EXHIBIT A

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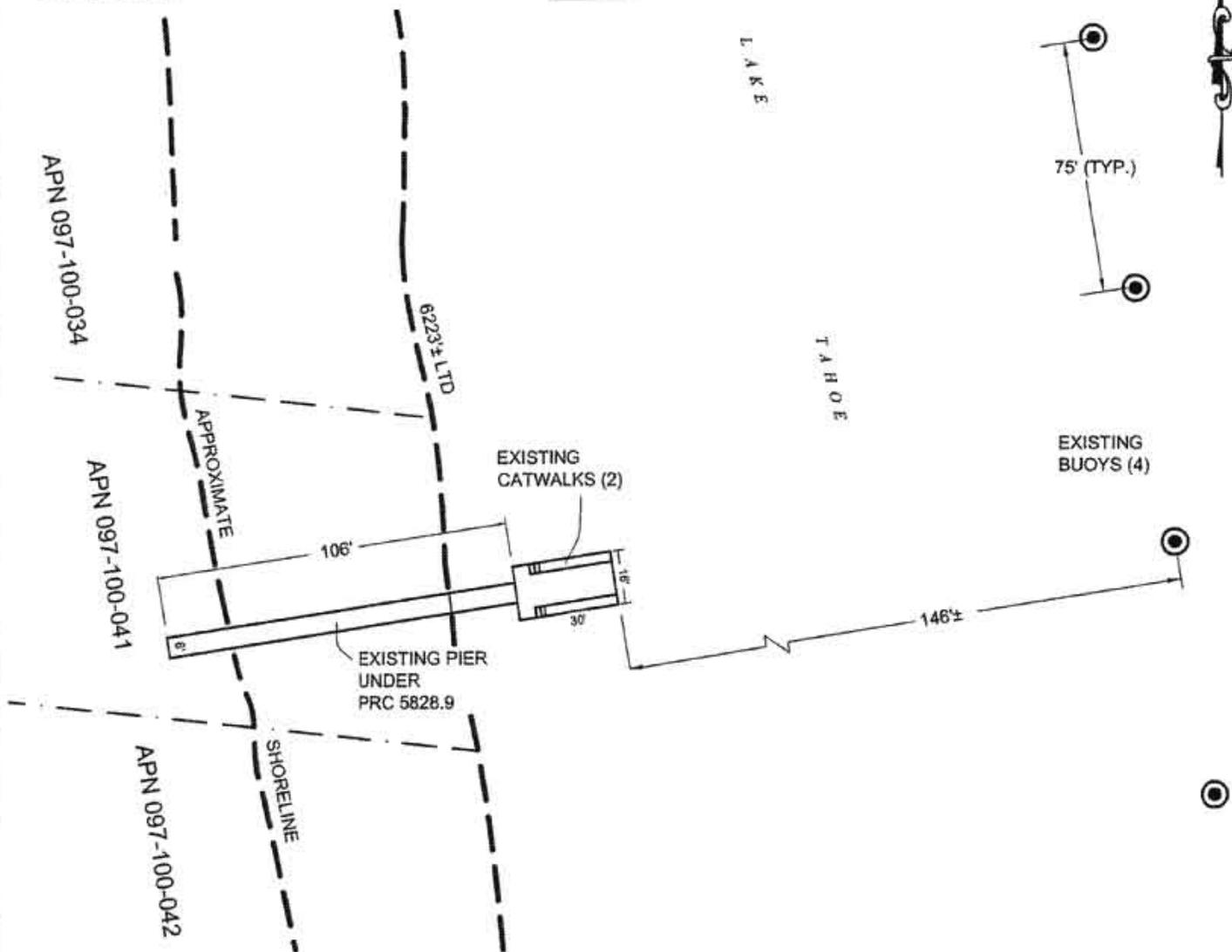
LAND DESCRIPTION PLAT
W 26656, BEST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

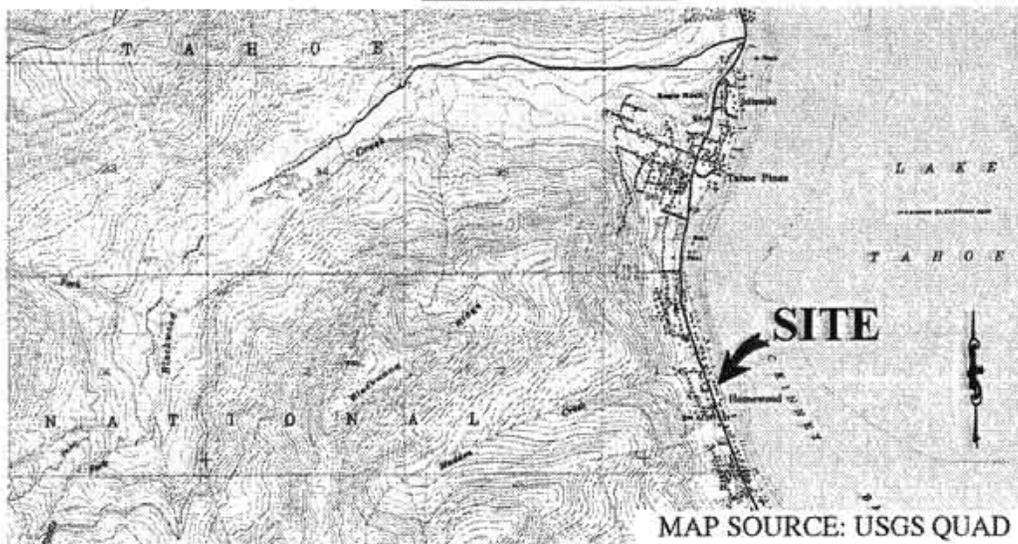
SITE



4940, 4950 & 4960 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26656

BEST

APN 097-100-034, 041 & 42

GENERAL LEASE -

RECREATIONAL USE

PLACER COUNTY



MJ 3/14/2013

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.