

**CALENDAR ITEM
C29**

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S 1

04/23/14
PRC 2457.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Donna L. Benner, Trustee of the Ramseier-Benner Family Trust dated February 2, 1990; and Donna L. Benner, Trustee of the Donna L. Benner Qualified Personal Residence Trust Agreement dated January 17, 2000

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5310 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning March 23, 2013.

CONSIDERATION:

\$1,143 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 Applicant 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

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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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 2, 2003, the Commission authorized a 10-year Recreational Pier Lease to Roger I. Ramseier, Trustee for the Roger I. Ramseier Qualified Personal Residence Trust Agreement dated January 17, 2000 and Donna L. Benner, Trustee of the Donna L. Benner Qualified Personal Residence Trust Agreement dated January 17, 2000, for an existing pier, replacement of an existing boat hoist with a boat lift, and two mooring buoys. That lease expired on March 22, 2013. Roger I. Ramseier passed away in September 2013. Subsequently, Donna L. Benner became the successor trustee of Roger Ramseier's trust and thereby deeded his interest in the upland to Donna L Benner, Trustee of the Ramseier-Benner Family Trust dated February 2, 1990. The Applicant is now applying for a General Lease – Recreational Use.
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

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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 Donna L. Benner, Trustee of the Ramseier-Benner Family Trust dated February 2, 1990; and Donna L. Benner, Trustee of the Donna L. Benner Qualified Personal Residence Trust Agreement dated January 17, 2000, beginning March 23, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys 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 \$1,143 per year, 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 of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 2457.1

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, adjustable catwalk and boat lift lying adjacent to that parcel described in Gift Grant Deed recorded December 23, 2013 as Document Number 2013-0116414-00 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 Gift Grant Deed recorded December 23, 2013 as Document Number 2013-0116414-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/03/2014 by the California State Lands Commission Boundary Unit.



APN 115-020-006

APPROX.
SHORELINE

ROCKY AREA

6223'± LTD

9' IMPACT
AREA

EXISTING
PIER 8' x 65'

EXISTING
ADJUSTABLE
CATWALK
3' X 30'

EXISTING
BOAT LIFT
& IMPACT
AREA 10'X9'

215'±

EXISTING
BUOYS (2)

75'±

LAKE

TAHOE

EXHIBIT A

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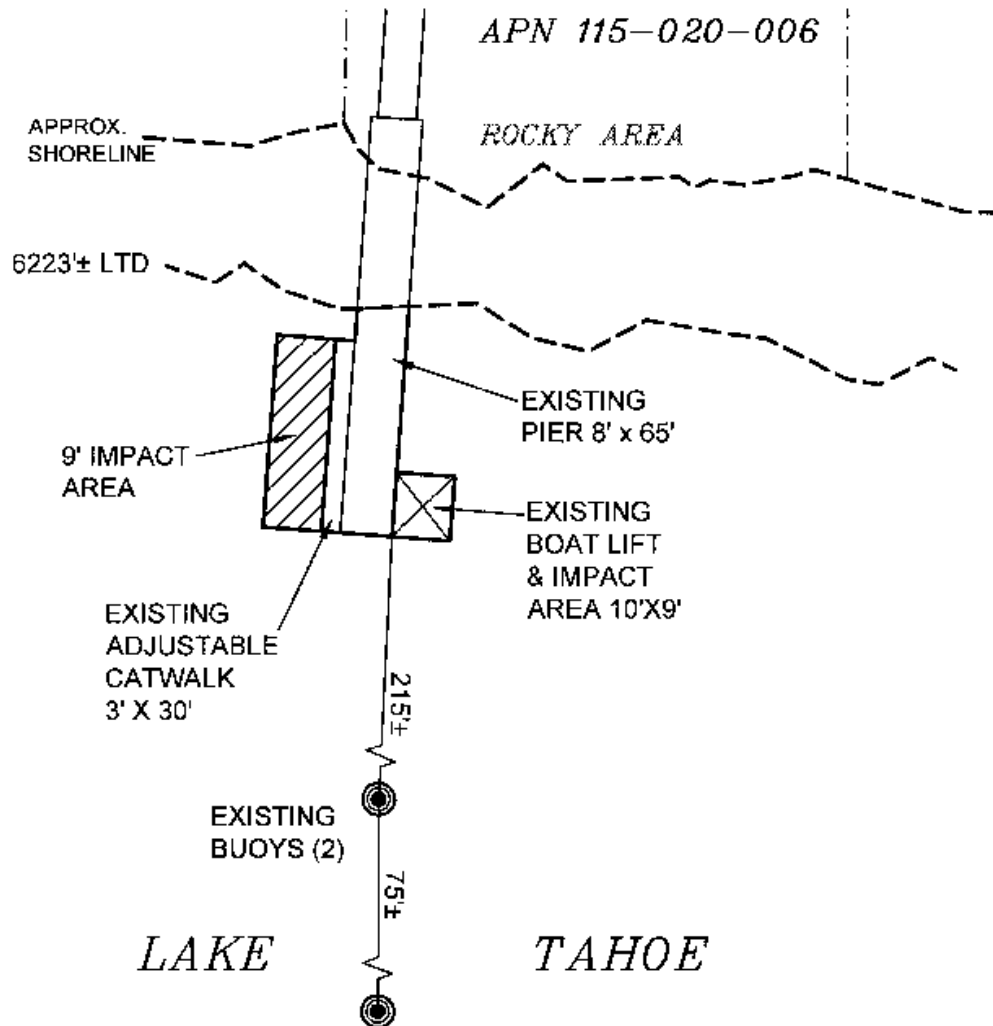
LAND DESCRIPTION PLAT
PRC 2457.1, RAMSEIER - BENNER TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

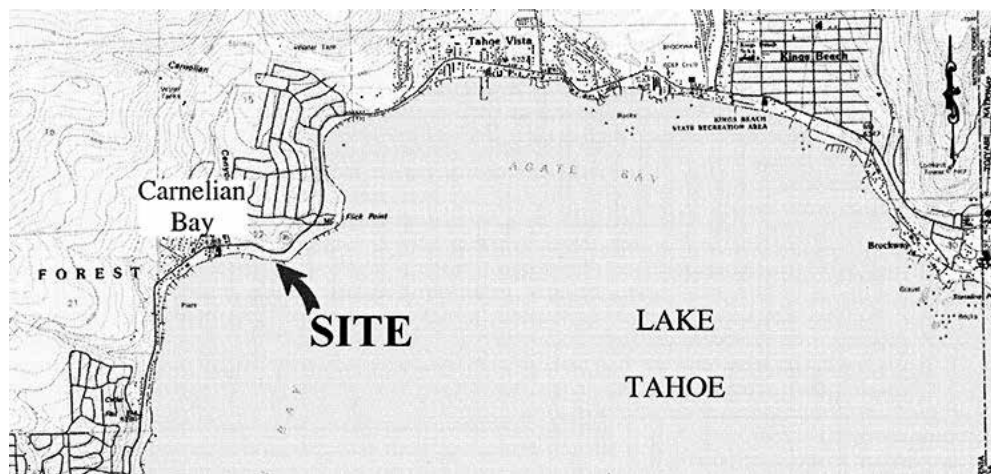
SITE



5310 NORTH LAKE BOULEVARD, NEAR CARNELIAN BAY

NO SCALE

LOCATION



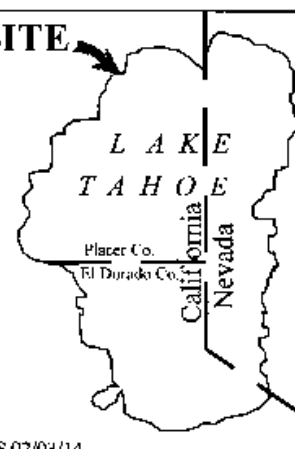
MAP SOURCE: USGS QUAD

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 2457.1
 RAMSFIER - BENNER TRUST
 APN 115-020-006
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

SITE



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