

MINUTE ITEM

This Calendar Item No. C10 was approved as Minute Item No. 10 by the California State Lands Commission by a vote of 3 to 0 at its 6-2-03 meeting.

**CALENDAR ITEM
C10**

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06/02/03
PRC2457

S 1

WP 2457.9

M. Hays

**TERMINATION AND ISSUANCE OF A
RECREATIONAL PIER LEASE**

LESSEES:

Roger I. Ramseier and Donna L. Benner, Trustees of the Ramseier-Benner Family Trust Dated February 2, 1990

APPLICANTS:

Roger I. Ramseier, Trustee of 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
P. O. Box 716
Carnelian Bay, CA 96140

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys and the proposed replacement of an existing boat hoist with a boat lift.

LEASE TERM:

Ten years, beginning March 23, 2003.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000.

Other:

This lease is conditioned on the Applicants 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. On June 27, 2000, the Commission authorized a ten year Recreational Pier Lease with Roger I. Ramseier and Donna L. Benner, Trustees of the Ramseier-Benner Family Trust Dated February 2, 1990. That lease expires on March 22, 2008.
2. The Lessees advised the Commission that they deeded the littoral land to Roger I. Ramseier, Trustee of the Roger I. Ramseier Qualified Personal Residence Trust Agreement and Donna L. Benner, Trustee of the Donna L. Benner Qualified Personal Residence Trust Agreement.
3. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Applicants are now applying for a new Recreational Pier Lease for the previously authorized existing pier, mooring buoys and the proposed boat lift.
4. **Termination of existing lease:**
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. **Issuance of a new lease:**
Pier and Buoys
Pursuant to the Commission's delegation of authority and the State CEQA

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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.

Boat Lift

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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

6. 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 OBTAINED:

Tahoe Regional Planning Agency (pier and boat lift)
United States Army Corps of Engineers
California Department of Fish and Game

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

June 24, 2003

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

NEW LEASE:

PIER AND BUOYS

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).

BOAT LIFT

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

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 THE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 2459.9 AUTHORIZED JUNE 27, 2000.

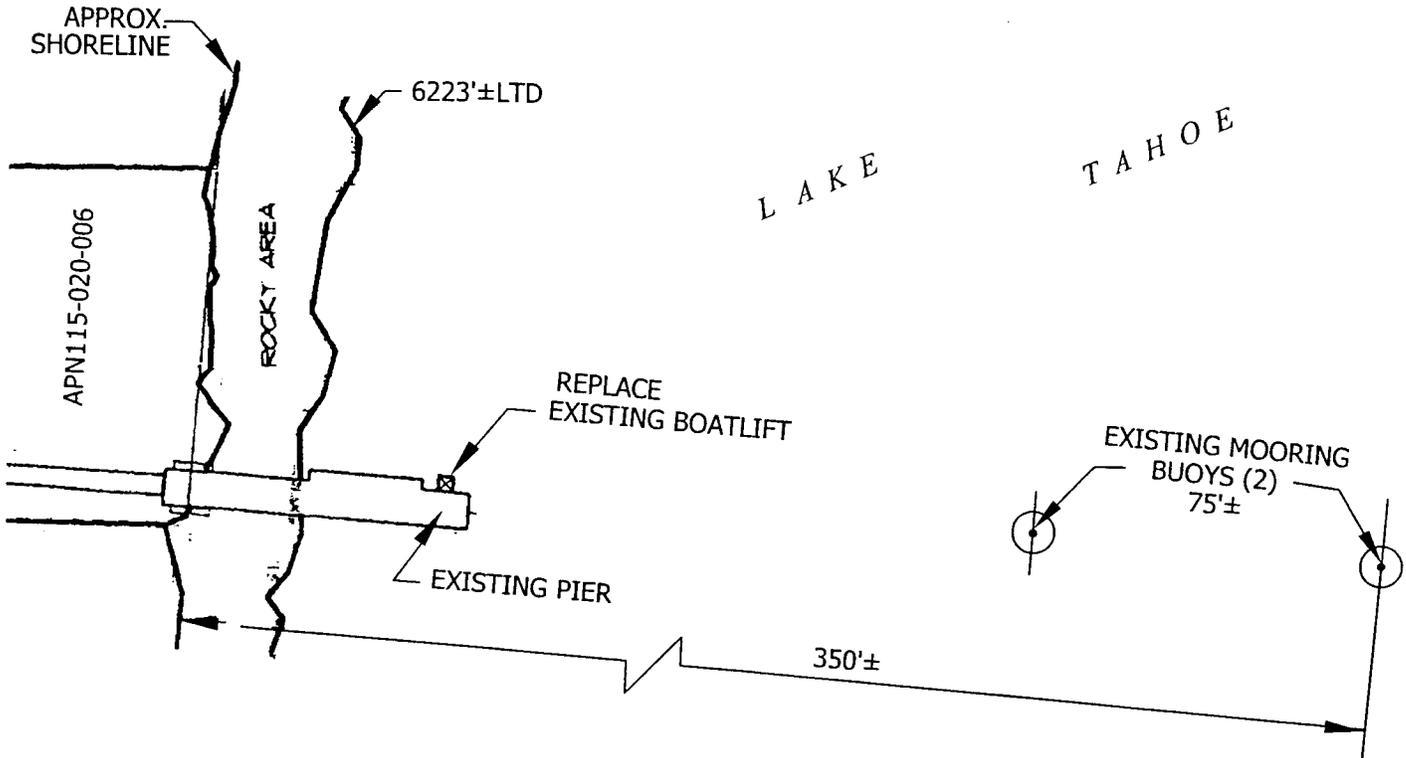
AUTHORIZE ISSUANCE TO ROGER I. RAMSEIER, TRUSTEE OF THE ROGER I. RAMSEIER QUALIFIED PERSONAL RESIDENCE TRUST

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AGREEMENT DATED JANUARY 17, 2000 AND DONNA L. BENNER, TRUSTEE OF THE DONNA L. BENNER QUALIFIED PERSONAL RESIDENCE TRUST AGREEMENT DATED JANUARY 17, 2000 OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING MARCH 23, 2003, FOR AN EXISTING PIER AND TWO MOORING BUOYS, AND THE REPLACEMENT OF AN EXISTING BOAT HOIST WITH A BOAT LIFT ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

SITE



5310 NORTH LAKE BLVD., CARNELIAN BAY

NO SCALE

LOCATION

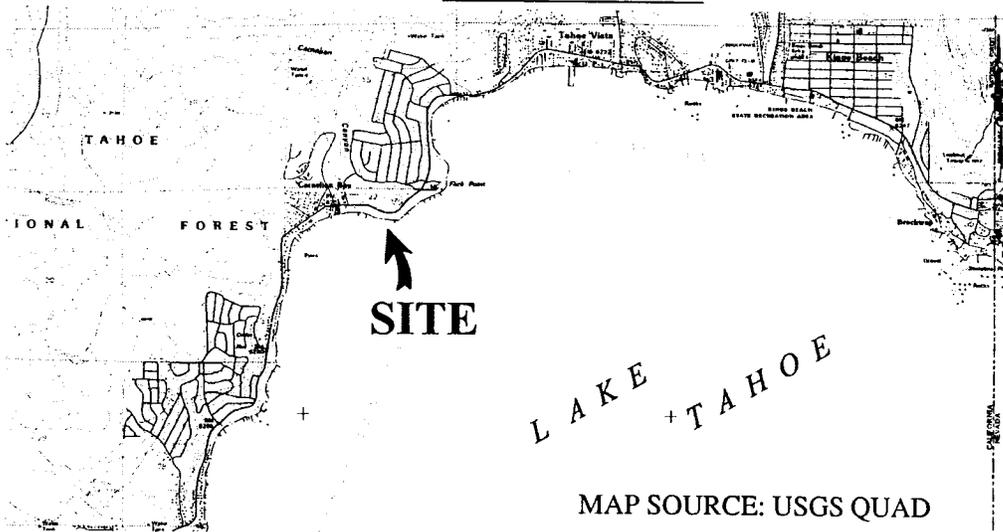
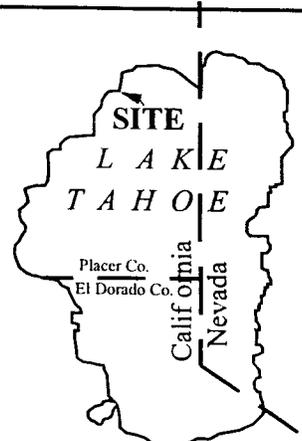


Exhibit A

WP2457.9
 RAMSEIER-BENNER
 APN 115-020-006
 LAKE TAHOE
 PLACER 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.

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