

MINUTE ITEM

This Calendar Item No. 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 2
to 0 at its 8/25/77
meeting.

MINUTE ITEM

8/25/77
GDG

25. EXTENSION OF GENERAL LEASE, RIGHT-OF-WAY USE; CALIFORNIA
BLUE VALLEY, INC., TRUSTEE - WP 4945

During consideration of Calendar Item 25, attached, Mr. James F. Trout, Manager, Land Operations, explained the item giving background regarding another six-month extension and how staff was working on a permanent solution regarding this problem; he further explained that it was now an environmental problem.

Mr. Terry A. Roach, attorney, representing the California Blue Valley, Inc., and Investors Diversified Services, which is also serviced by the facility, appeared. The main purpose for Mr. Roach's appearance was to clarify his understanding of the item.

Mr. Trout further explained that the application is really a domestic water supply and not a fire flow pipeline. Mr. Roach requested that the record be amended to read that the total flow of the system is 1350 GPM and not 2000 GPM as indicated on the Calendar.

Upon motion duly made and carried Calendar Item 25 was approved without objection by a vote of 2-0, amended as follows:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FINDS THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZES THE ISSUANCE TO CALIFORNIA BLUE VALLEY, INC., TRUSTEE, OF A 6-MONTH GENERAL LEASE - RIGHT-OF-WAY USE; FROM SEPTEMBER 4, 1977; IN CONSIDERATION OF THE MINIMUM RENT IN AMOUNT OF \$100; THE PROVISION OF A \$1,500 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 FOR PROPERTY DAMAGE; FOR THE TEMPORARY MAINTENANCE OF ONE 8-INCH DIAMETER INTAKE PIPELINE CAPABLE OF PROVIDING 1350 GPM FOR FIRE PROTECTION PURPOSES ONLY; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Calendar Item (6 pages)

A 3

S 3

8/77
WP 4945
Gordon
PRC 4945

CALENDAR ITEM

25.

EXTENSION OF GENERAL LEASE
RIGHT-OF-WAY USE

APPLICANT: California Blue Valley, Inc., Trustee
c/o Laue, Roach and Hawkins
207 North Pine Street
Nevada City, California 95959

AREA, TYPE LAND AND LOCATION:
An 0.035 acre parcel of submerged land
in the northwest corner of Donner Lake,
Nevada County.

LAND USE: Temporary maintenance of one 8" diameter
intake pipeline capable of providing 2,000
GPM for fireflow protection.

TERMS OF LAST EXTENDED TEMPORARY EMERGENCY LEASE:

Period: 4 months from May 4,
1977.

Surety bond: \$1,500.

Public liability insurance: \$300,000 per
occurrence for bodily
injury and \$50,000 for
property damage.

Consideration: \$100

TERMS OF PROPOSED REPLACEMENT LEASE:

Period: 6 additional months from
September 4, 1977.

Public liability insurance: \$300,000 per
occurrence for bodily
injury and \$50,000 for
property damage.

The lease is entered into by both
parties without prejudice to their respective
claims of boundary.

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S 3

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CONSIDERATION: \$100.

BASIS FOR CONSIDERATION:

\$100 minimum annual rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is trustee of the subject fire control system and easement across the upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6 Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3.
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. Minute Item 8, dated August 29, 1974, authorized the execution of temporary emergency Right-of-Way PRC 4945.1, to Donner Pines, Inc., for a water intake pipeline capable of providing 2,000 GPM for fire protection purposes only, with a term of no longer than 6 months; provided that the lease would not be renewed unless affirmative action has been taken for a more permanent solution at the end of 6 months.
2. In considering the approval of the fourth additional 6-month term granted at their meeting of October 28, 1976, the Commission expressed the desire that a decisive solution of this transaction be found.
3. As a permanent solution of this transaction, applicant, Investors Diversified Services, a littoral owner, Blue Valley Realty, Inc., a littoral owner, and Donner Lake Utility Company have entered into an agreement to transfer title of the subject pipeline facility to said utility company as a permanent asset for utility purposes.

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Pursuant to amended regulations of the Public Utility Commission, said utility company is now required to provide fire flow protection with its existing domestic water service system.

Said utility company also desires an additional backup potable water source at the subject upland site to supplement its existing potable water source, being a well at the west end of Donner Lake.

As a condition of the said agreement to transfer said title to said utility company, the present lessee and the littoral owners have agreed to adapt, by reconstruction, the subject existing fire flow system so that it provides filtered potable water meeting purity standards of the California State Department of Health.

Except for burying a small portion of the existing pipeline which now lies exposed on the beach, all reconstruction activity will be carried out on the adjacent upland. Upon completion of the project, said utility company proposes to tie in the subject pipeline system with its existing service line.

Without the fire flow protection provided by this lease, upland improvements and the environment in the area will exist without fire flow protection; thus, constituting a fire hazard to the general area. The Truckee Fire Protection District of Nevada County concurs with the intent and purpose of this activity. The completed proposed project will be subject to their approval. It appears execution of the proposed plan will contribute to the public benefit.

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However, before a final solution of the proposed activity may be had, an additional 6-month extension is required to analyze and assess all environmental impacts of the proposed project.

4. For this transaction, an Environmental Impact Report is not required. It is within the purview of 2 Cal. Adm. Code 2907, Class 1(B) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE PUBLIC RESOURCES CODE.

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3. AUTHORIZE THE ISSUANCE TO CALIFORNIA BLUE VALLEY, INC., TRUSTEE, OF A 6-MONTH GENERAL LEASE - RIGHT-OF-WAY USE; FROM SEPTEMBER 4, 1977; IN CONSIDERATION OF THE MINIMUM RENT IN AMOUNT OF \$100; THE PROVISION OF A \$1,500 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILLY INJURY AND \$50,000 FOR PROPERTY DAMAGE; FOR THE TEMPORARY MAINTENANCE OF ONE 8-INCH DIAMETER INTAKE PIPELINE CAPABLE OF PROVIDING 2,000 GPM FOR THE FIRE PROTECTION PURPOSES ONLY; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

STATE OF CALIFORNIA - STATE LANDS COMMISSION

PERMIT NO. _____

Section 4

LAND DESCRIPTION

WP 4945

A strip of submerged land 20 feet wide in the State owned bed of Donner Lake, Nevada County, California, said strip being 10 feet on each side of the following described centerline:

BEGINNING at a point on the easterly line of Parcel 1, S 29° 49' 00" E, 10.24 feet from the intersection of the said easterly line of Parcel 1 and the southerly line of Donner Pass Road as shown on the map of Donner Village Unit One, filed in Book 5 of Maps, page 13, Nevada County Records; thence westerly along a line parallel with and 10 feet distant southerly of said southerly line of Donner Pass Road on a curve to the left having a radius of 1,550.00 feet and a central angle of 12° 35' 39" for a distance of 340.71 feet; thence S 60° 11' 00" W, 103.00 feet to a point that lies 57 feet from the westerly line of said Parcel 1; thence S 19° 08' 17" E, 258 feet, more or less, to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Donner Lake.

END OF DESCRIPTION

Prepared M. L. Shaffer Checked B. M. Hill

Reviewed John W. Hill Date 9/21/76