

**CALENDAR ITEM
C01**

A 4, 3
S 1

10/22/09
W 8670.154
R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:

William John Forni and Marilyn A. Forni; William C. Rubach and Renetta E. Rubach; Robert Clement Tarter and Jeanne Lee Tarter, Trustee of the Tarter Family Trust dated July 27, 1982; and William T. Sullivan and Mary Ellen Sullivan

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Donner Lake, adjacent to 13081 Donner Pass Road, near the town of Truckee, Nevada County.

AUTHORIZED USE:

Removal of existing wood pilings and the construction, use, and maintenance of a pier as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 22, 2009.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance of no less than \$500,000.

Other:

Applicants acknowledge that a portion of the existing deck exists within the State administered Public Trust easement between the locations of the ordinary high water mark and the low water mark of Donner Lake as those locations existed prior to any structures. The Applicants agree not to block or otherwise prohibit the public from passing and re-passing within the Public Trust easement to access adjacent property subject to the Public Trust easement.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

CALENDAR ITEM NO. **C01** (CONT'D)

2. The proposed pier will be built within the same footprint as an existing pier that was built in the 1960's which was not previously authorized by the Commission. Under other agency approvals, the existing pier was recently removed. The Applicants believed that the existing pier did not extend beyond the low water mark of Donner Lake, elevation 5,933.8 feet, NVGD (1929). However, upon review of the site plan drawings, Commission staff confirmed that the proposed pier would extend onto State-owned sovereign land and the Applicants are now applying for a Recreational Pier Lease.
3. The proposed pier will be constructed of wood decking material and have ten concrete footings reinforced with steel. The pier will be 42.75 feet long and nine feet wide. Construction will occur between September 15 and December 31 to comply with California Department of Fish and Game requirements at Donner Lake.
4. Applicants qualify for a Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling.
5. 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 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15300.

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

Town of Truckee
U.S. Army Corps of Engineers
California Department of Fish and Game
Lahontan Regional Water Quality Control Board

CALENDAR ITEM NO. **C01** (CONT'D)

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 23, 2009

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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(c)(1).

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 OF A TEN-YEAR RECREATIONAL PIER LEASE TO WILLIAM JOHN FORNI AND MARILYN A. FORNI; WILLIAM C. RUBACH AND RENETTA E. RUBACH; ROBERT CLEMENT TARTER AND JEANNE LEE TARTER, TRUSTEE OF THE TARTER FAMILY TRUST DATED JULY 27, 1982; AND WILLIAM T. SULLIVAN AND MARY ELLEN SULLIVAN, BEGINNING OCTOBER 22, 2009, FOR A TERM OF TEN YEARS, FOR THE REMOVAL OF EXISTING WOOD PILINGS, AND THE CONSTRUCTION, USE, AND MAINTENANCE OF A PIER AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.