

**CALENDAR ITEM
C09**

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S 1

10/22/09
W 8670.94
B. Terry

RECREATIONAL PIER LEASE

APPLICANTS:

Alta Mae Lund, as to a Life Estate; and Jerome Lund, as Trustee of the trust established under the Will of George O. Lund for the benefit of Alta Mae Lund as to the remainder

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Donner Lake, adjacent to 15310 South Shore Drive, near the Town of Truckee, Nevada County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing pier and construction of a pier addition 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 in the amount of no less than \$500,000.

Other:

The public will be allowed to pass and re-pass around the landward end of the pier to provide continuous shoreline access to the Public Trust Easement below elevation 5,935.8, NGVD (1929).

OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.
2. The pier was constructed by the previous owners of the uplands sometime prior to 1975 and was not previously authorized by the Commission. In 1998, the Applicants purchased the upland property and have applied for

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a Recreational Pier Lease for the retention of the existing pier and proposed construction of a seven-foot by ten-foot pier addition with two steel pilings, located on the east side of the existing pier. The steel pilings will be driven in by an amphibious pile driver vehicle. All other construction will be completed with hand tools or hand held power tools. No heavy equipment will be involved. Construction on the lease premises is anticipated to start by November 1, 2009 and be completed by October 31, 2010, or as prescribed by other permitting agencies.

3. Applicants qualify for a Recreational Pier Lease because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff 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 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. 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:

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

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 22, 2009

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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 ALTA MAE LUND, AS TO A LIFE ESTATE; AND JEROME LUND, AS TRUSTEE OF THE TRUST ESTABLISHED UNDER THE WILL OF GEORGE O. LUND FOR THE BENEFIT OF ALTA MAE LUND AS TO THE REMAINDER, BEGINNING OCTOBER 22, 2009, FOR THE RETENTION, USE, AND MAINTENANCE OF AN EXISTING PIER AND CONSTRUCTION OF A PIER ADDITION, 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.