

**CALENDAR ITEM
C01**

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12/06/16
PRC 8645.1
S. Avila

GENERAL LEASE – RECREATIONAL USE

LESSEE:

Jay E. Price and Paula E. Stahl

APPLICANT:

Jay Price and Paula Price Trustees of the Jay and Paula Price Family Trust
dated November 16, 2005

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Donner Lake, adjacent to 13615 Donner Pass
Road, near the town of Truckee, Nevada County.

AUTHORIZED USE:

Use and maintenance of an existing pier and boat lift.

LEASE TERM:

10 years, beginning December 6, 2016.

CONSIDERATION:

\$1,130 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.

2. Lessee shall not store any personal items or construct any improvements in the Public Trust easement that may impair the public uses.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1 and 6503.5;
California Code of Regulations, title 2, section 2000, subdivision (b).

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

Public Trust and State's Best Interests Analysis:

On December 8, 2005, the Commission authorized the issuance of a Recreational Pier lease to Jay E. Price and Paula E. Stahl for a term of 10 years ([Calendar Item C19, December 8, 2005](#)). That lease expired on December 7, 2015. On December 14, 2015, ownership of the upland parcel was transferred to Jay Price and Paula Price Trustees of the Jay and Paula Price Family Trust dated November 16, 2005. The Applicant is now applying for a new lease.

Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). The subject facilities consisting of a pier and boat lift are privately owned and maintained. The Applicant owns the upland adjoining the lease premises and has applied for a General Lease – Recreational Use to authorize the subject facilities.

The pier and boat lift have existed for many years at this location. The subject facilities are built on pilings located on a flat part of the shore. The adjacent upland is sloped.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, Commission staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and

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

resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

2. Staff recommends that the Commission accept compensation for the unauthorized occupation of State land in the amount of \$1,125 for the period beginning December 8, 2015, the date the Applicant's prior lease ended, through December 5, 2016, the day before the new lease becomes effective.
3. The issuance of a lease 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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).

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, or for the foreseeable term of the lease, and is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

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:

1. Authorize acceptance of compensation in the amount of \$1,125 for the unauthorized occupation of State land for the period beginning December 8, 2015, through December 5, 2016.
2. Authorize issuance of a General Lease – Recreational Use to Jay Price and Paula Price Trustees of the Jay and Paula Price Family Trust dated November 16, 2005; beginning December 6, 2016, for a term of 10 years, for the use and maintenance of an existing pier and boat lift, 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 \$1,130 with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 8645.1

LAND DESCRIPTION

A parcel of land situated in the bed of Donner Lake, lying adjacent to Government Lot 2 of fractional Section 18, Township 17 North, Range 16 East, M.D.M., as shown on Official Government Township Plat approved December 20, 1865, a Nevada County, State of California, more particularly described as follows:

All those lands underlying an existing pier and boat lift lying adjacent to that parcel described in Quitclaim Deed recorded December 14, 2005 as Document Number 2005-0050006-00 Official Records of said County.

TOGETHER WITH any applicable impact areas(s).

EXCEPTING THEREFROM any portion lying landward of the low water mark of said Donner Lake.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/18/2016 by the California State Lands Commission Boundary Unit.



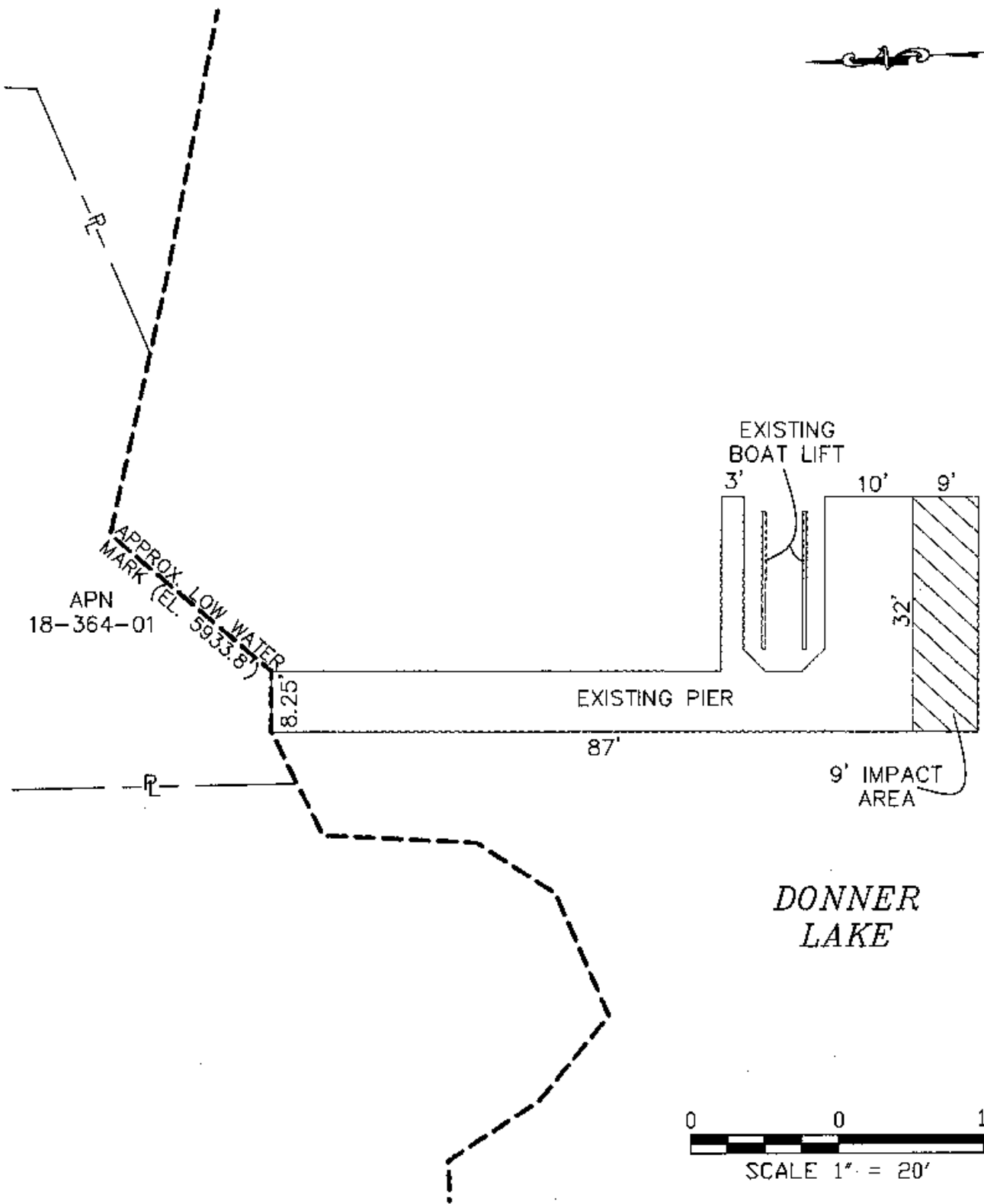
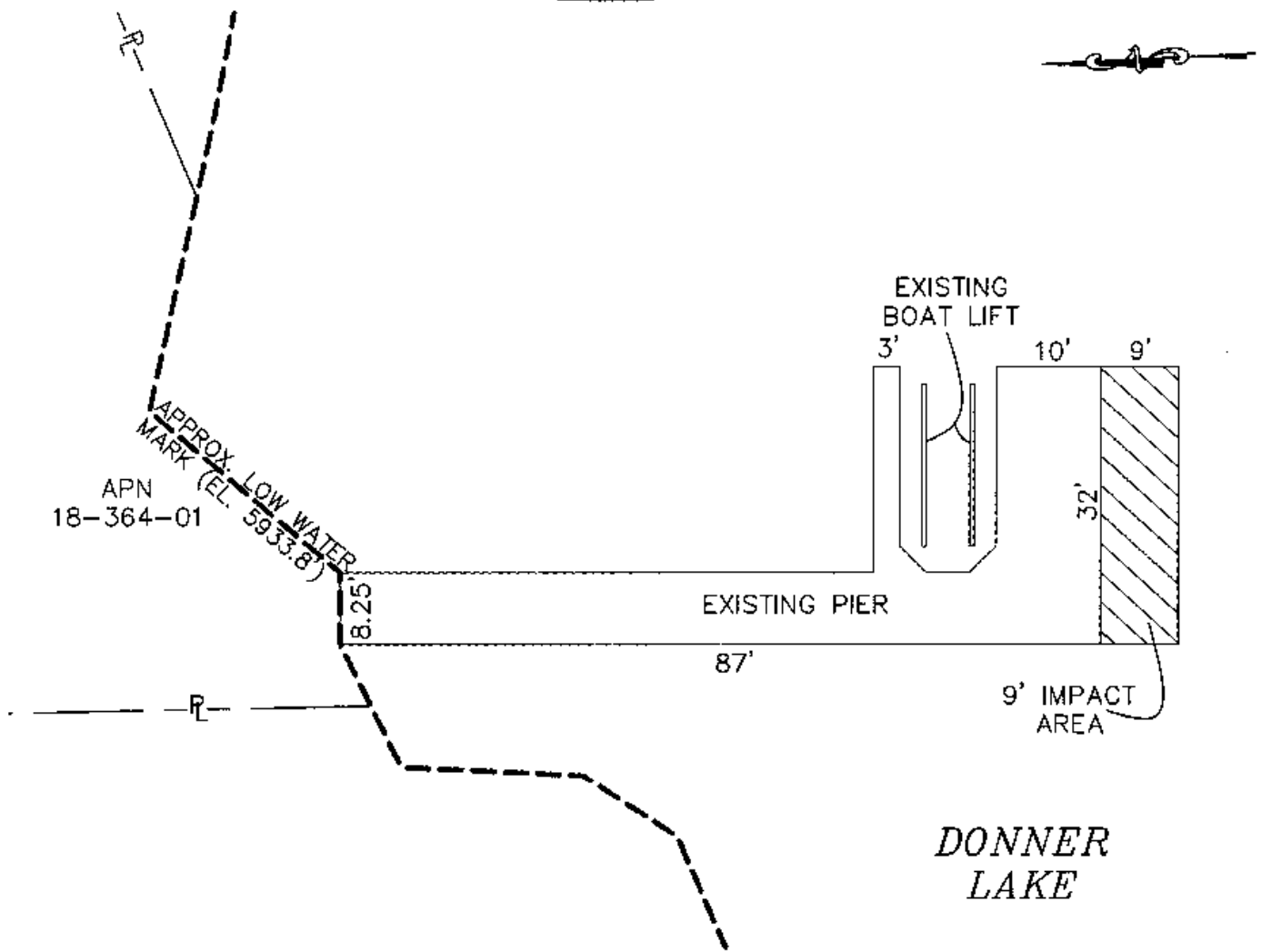


EXHIBIT A



SITE

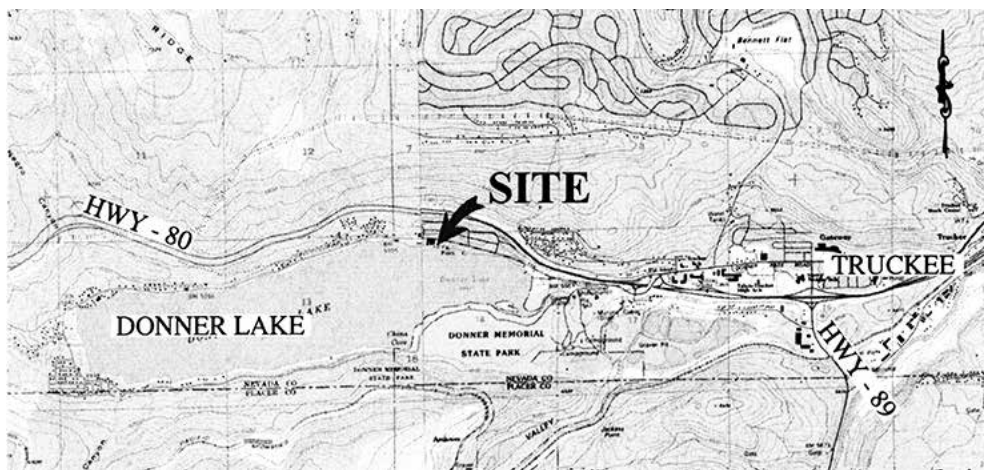
NO SCALE



13615 Donner Pass Road, Truckee

LOCATION

NO SCALE



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 8645.1
PRICE TRUST
APN 18-364-01
GENERAL LEASE -
RECREATIONAL USE
NEVADA COUNTY



MJF 10/18/16