

MINUTE ITEM

8/29/74
RCH
(MVB)

8. AUTHORIZATION FOR ISSUANCE OF A TEMPORARY EMERGENCY LEASE FOR A WATER INTAKE PIPELINE TO PROVIDE FIRE PROTECTION, DONNER LAKE, NEVADA COUNTY - W 20654, PRC 4945.1.

During consideration of Calendar Item 6 attached, Mr. E. N. Gladish, Executive Officer, State Lands Commission, advised the Commission that a petition had been received from the Property Owners of Weeks Tract, Donner Lake, Nevada County, dated August 24, 1974 (on file in the Office of the State Lands Commission and by reference made a part hereof). This petition protested the proposed emergency lease, and requested that the problem be turned over to the proper Nevada County authorities for immediate solution. Mr. Gladish explained that it was his understanding that the property owners and the local officials were presently working toward a long-term solution. He suggested that the Division send a follow-up letter to the Nevada County authorities transmitting a copy of the petition.

Appearance in Opposition:

Harold R. Christian, Chairman, Plug the Pipe Line Committee, Donner Lake Property Owners Association

Mr. Christian's main objective was to obtain a guarantee from the State Lands Commission that the pipeline will be removed from the lake at the end of six months. After a lengthy discussion, Acting Chairman Verne Orr suggested that the resolution be modified to specify that it is the present intention of the Commission not to renew the lease unless affirmative action has been taken for a more permanent solution at the end of six months.

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED FOR AN EMERGENCY PROJECT OF THIS TYPE UNDER THE PROVISIONS OF PRC 21172, AND 14 CAL. ADM. CODE 15071.
2. AUTHORIZES THE EXECUTION OF A TEMPORARY EMERGENCY LEASE TO DONNER PINES, INC., FOR NO LONGER THAN SIX MONTHS IN DURATION FOR THE INSTALLATION IN DONNER LAKE, NEVADA COUNTY, OF A TEMPORARY WATER INTAKE PIPELINE CAPABLE OF PROVIDING 2,000 GPM FOR FIRE PROTECTION PURPOSES ONLY; PROVIDED THAT LESSEE BE LIABLE FOR RETROACTIVE RENTAL AT THE RATE OF ONE CENT PER PIPELINE DIAMETER INCH PER LINEAL FOOT TO DATE OF SUCH LEASE; AND, PROVIDED FURTHER THAT THE LEASE WILL NOT BE RENEWED UNLESS AFFIRMATIVE ACTION HAS BEEN TAKEN FOR A MORE PERMANENT SOLUTION AT THE END OF SIX MONTHS.

Attachment:

Calendar Item 6 (2 pages)

CALENDAR ITEM

6.

8/74
RCH
(MVB)
W 20654

AUTHORIZATION FOR ISSUANCE OF A TEMPORARY EMERGENCY
LEASE FOR A WATER INTAKE PIPELINE TO PROVIDE FIRE PROTECTION

Donner Pines, Inc., is the owner and developer of Donner Pines West Condominiums and Donner Lake Village at Donner Lake, Nevada County. The developer has applied to the Division for a lease of State lands underlying the waters of Donner Lake in order to construct a permanent fire protection water intake pipeline and an 18-slip marina. The upland pipeline has already been laid under the authority of the Nevada County Planning Agency. In February, 1974, the developer's request for a negative declaration in lieu of an environmental impact report in order to expedite construction of the proposed development was denied on the basis that it did not qualify as an emergency project since no improvements had been built at that time. Currently, an environmental impact report on this subject is in circulation for review and comment. It relates to a permanent installation. The required circulation time under CEQA, as amended, will end on October 5, 1974. The earliest possible date for Commission action would be the November meeting.

On August 7, 1974, a fire occurred at Donner Pines West Condominiums, destroying 3 condominiums and damaging one other. These had been constructed in April and May of 1974 in spite of the insufficiency of the fire protection system. The water flow provided by the current water system, which provides both fire protection and domestic water was approximately one-third of that necessary to adequately control this type of fire. The additional water flow necessary was provided by laying hoses from the lake, uphill to the site of the fire a distance of approximately one-quarter mile. The time consumed in laying this pipeline is believed to have caused substantial additional damage. The Forest Service was called on alert because of the danger to nearby wildlands.

There are presently 31 other condominiums in the Donner Pines West Condominium program, either completed or under various stages of completion. The surrounding area includes residences, commercial operations, timber and wildlands, which are now protected by the smaller water system.

Damage to the condominiums would not have been as widespread if the water flow from the system proposed by Donner Pines, Inc., could have been available. As the area is currently in the driest time of the year, it is critical to the lake area that sufficient water flow be available, especially in light of the increased population and use.

There remains, under CEQA guidelines, as amended, over three months before any Commission action could be taken on the proposed permanent pipeline. During this time severe damage could result due to the inadequacy of the current fire protection facilities.

A temporary pipeline or flexible hose with a sump screen or other device for the protection of fish, connected to the pipeline laid by Donner Pines would suffice to provide the water flow necessary.

CALENDAR ITEM NO. 6. (CONTD)

EXHIBIT: A. 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 FOR AN EMERGENCY PROJECT OF THIS TYPE UNDER THE PROVISIONS OF PRC 21172, AND 14 CAL. ADM. CODE 15071.
2. AUTHORIZE THE EXECUTION OF A TEMPORARY EMERGENCY LEASE TO DONNER PINES, INC., FOR NO LONGER THAN SIX MONTHS IN DURATION FOR THE INSTALLATION IN DONNER LAKE, NEVADA COUNTY, OF A TEMPORARY WATER INTAKE PIPELINE CAPABLE OF PROVIDING 2,000 GPM FOR FIRE PROTECTION PURPOSES ONLY; PROVIDED THAT LESSEE SHALL BE LIABLE FOR RETROACTIVE RENTAL AT THE RATE OF ONE CENT PER PIPELINE DIAMETER INCH PER LINEAL FOOT TO DATE OF SUCH LEASE; AND, PROVIDED FURTHER, THAT ISSUANCE OF SUCH TEMPORARY LEASE SHALL NOT BE CONSTRUED AS ANY INDICATION THAT A PERMANENT LEASE WILL BE ISSUED IN THE FUTURE.