

This Calendar item no. _____
was approved as Minute Item
no. 27 by the State Lands
Commission by a vote of 2
to 0 at its 10/28/76
meeting.

MINUTE ITEM

10/28/76
GDG

27. EXTENSION OF RIGHT OF WAY PERMIT - WP 4945.

During consideration of Calendar Item 27, attached, Mr. Robert C. Hight, Chief Counsel, explained the item. Mr. Richard Thomson, Commission-alternate, asked if there had been any previous requests for extensions. Mr. Hight said there had been three. Mr. Thomson asked if this would be the final request for an extension. Mr. Hight assured the Commission that staff would make every effort to encourage the parties involved to organize a unified fire protection district. He explained the Division is not directly involved in this matter other than that the pipeline is on State land. Mr. Thomson wanted to know if there was any real justification for this delay. Mr. Hight stated there are numerous districts and they are having difficulty in unifying. Mr. Thomson also wanted to know if there was any damage being done by this delay. Mr. James F. Trout, Manager, Land Operations, answered the question by stating that State lands were not being injured, but that the public is being disbenefitted by 1) the unsightly look of the pipeline laying on the surface of the beach; and 2) that it is somewhat of an impediment for passage along the beach.

With the understanding that future requests for extensions will not be approved if the Districts involved do not make a diligent effort to organize a unified fire protection district, the item was approved without objection.

Upon motion duly made and carried, the resolution as presented in Calendar Item 27, was adopted by a vote of 2-0.

Attachment: Calendar Item 27 (5 pages)

CALENDAR ITEM

10/76
WP 4945
GDG

27

EXTENSION OF RIGHT OF WAY PERMIT

APPLICANT: California Blue Valley, Inc., Trustee
c/o Larue & Francis
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-inch diameter intake pipeline capable of providing 2,000 GPM for fire protection purposes only.

TERMS OF PROPOSED REPLACEMENT PERMIT:
Period: 6 additional months from November 4, 1976.

Surety bond: \$1,500.

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

CONSIDERATION: \$100.

BASIS FOR CONSIDERATION: \$100 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is trustee of 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, 3, 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;

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provided that the lease will not be renewed unless affirmative action has been taken for a more permanent solution at the end of 6 months.

2. Alternatives being pursued for a more permanent solution to the existing fire hazard:

a. Granmer Engineering, Inc., P. O. Box 943, Grass Valley, California 95945, has entered into an agreement with Donner Lake Utility (DLUC), a licensed water purveyor at Donner Lake, to provide engineering services necessary to form a local assessment district for the purpose of financing the cost increasing the water supply and service in the area. The assessment district, if approved, will provide a more permanent solution to the existing fire hazard. However, this alternative is currently in a state of abeyance and progressing slowly.

b. Effective May 5, 1975, DLUC is charged by the authority of the Public Utilities Commission to provide for fire protection standards in its water system as set forth in amendment to PUC General Order 103, Decision No. 84334, dated April 15, 1975. Pursuant to the request of the Truckee Fire Protection District of Nevada County, consideration is being given to the feasibility of acceptance by DLUC of the ownership and operation of the subject intake facility for the time period required until DLUC's proposed master plan for expansion is completed. It is proposed in the master plan that DLUC's existing "West Beach" well will be the ultimate water source for fire flow protection and domestic use. Use of the subject intake facility would be terminated upon completion of the master plan.

In an action to further the concept of this alternative, Donner Pines, Inc., et al, have conveyed to California Blue Valley, Inc., in trust, the subject intake pipeline and the fire control system for operation and maintenance until such time that the system may be conveyed to DLUC or the nominee of the Truckee Fire Commission.

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By letters dated April 14, 1976, the Truckee Fire Commission has advised staff their engineer has approved and does confirm that the subject system conforms to the engineering standards required by the Truckee Fire District.

Further study of this concept is being pursued by applicant and DLUC to determine the benefits will, in fact, provide a more permanent solution to the existing fire hazard during the interim until KLUC's master plan for expansion is completed.

3. 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; 14 Cal. Adm. Code 15071; and 2 Cal. Adm. Code 2903(d).

4. 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 significant use category, Class B; 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 THE EMERGENCY TEMPORARY PIPELINE AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PUBLIC RESOURCES CODE 21172, 14 CAL. ADM. CODE 15071, AND 2 CAL. ADM. CODE 2903(d).
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE ISSUANCE TO CALIFORNIA BLUE VALLEY, INC., TRUSTEE, OF A 6-MONTH RIGHT OF WAY; FROM NOVEMBER 4, 1976; IN CONSIDERATION OF THE MINIMUM RENT IN THE AMOUNT OF \$100; THE PROVISION OF A \$1,500 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE

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FOR BODILY 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 FIRE PROTECTION PURPOSES ONLY; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

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, 358 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. Shahr* Checked *R. W. Hill*
Reviewed *John K. F. [unclear]* Date *9/21/76*
J/S