

MINUTE ITEM

This Calendar Item No. C4
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 2
to 0 at its 9/14/88
meeting

CALENDAR ITEM

C04

09/14/88
W 8670.163 PRC 7241
Gordon

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S 1

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: James R. Loen, Roxanne B. Loen, John P. Kassis,
Elizabeth A. Kassis, and Gregory D. Thatch
906 "G" Street, Suite 620
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION: A 0.029-acre parcel of submerged land located
in Donner Lake at Truckee, Nevada County.

LAND USE: Construction and maintenance of a pier utilized
for recreational boating.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning
October 1, 1988.

Public liability insurance: Combined single
limit coverage of \$500,000.

Special: 1. The permit prohibits the
use of the facilities for
residential purposes.
2. The permit conforms to
the Lyon/Fogerty decision.

CONSIDERATION: \$252.80 per annum; with the State reserving the
right to fix a different rental on each
fifth anniversary of the permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

CALENDAR ITEM NO. C 04 (CONT'D)

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 02/27/89.

OTHER PERTINENT INFORMATION:

1. As the littoral upland is not improved with a single-family residence, this application does not currently fulfill the requirements of P.R.C. 6503.5 which provides rent-free status for a facility utilized for boat mooring purposes. It is Applicant's wish to complete construction of the project before the onset of winter during the period after Labor Day when Donner Lake is drained to its lowest annual level allowing exposure of the proposed project area.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 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 a Small Structure, 2 Cal. Adm. Code 2905(c)(1)).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

CALENDAR ITEM NO. C 04 (CONT'D)

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game,
Lahontan Regional Water Quality Control Board,
and the County of Nevada.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Local Government Comment

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF A SMALL STRUCTURE, 2 CAL. ADM. CODE 2905(c)(1).
2. AUTHORIZE ISSUANCE TO JAMES R. LOEN, ROXANNE B. LOEN, JOHN P. KASSIS, ELIZABETH D. KASSIS, AND GREGORY D. THATCH OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING OCTOBER 1, 1988; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$252.80, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR CONSTRUCTION AND MAINTENANCE OF A PIER UTILIZED FOR RECREATIONAL BOATING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

W8670.163

A parcel of land in the bed of Donner Lake, Nevada County, California, said parcel lying immediately beneath a proposed recreational pier, **TOGETHER WITH** a necessary use area extending 10 feet from said pier; said proposed pier being adjacent to 13800 South Shore Drive, Donner Lake, also being a portion of Lot 8 of the SE 1/4 of Section 13, T17N, R15E, MDM.

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

END OF DESCRIPTION

PREPARED BY BIU 1, JULY 28, 1988

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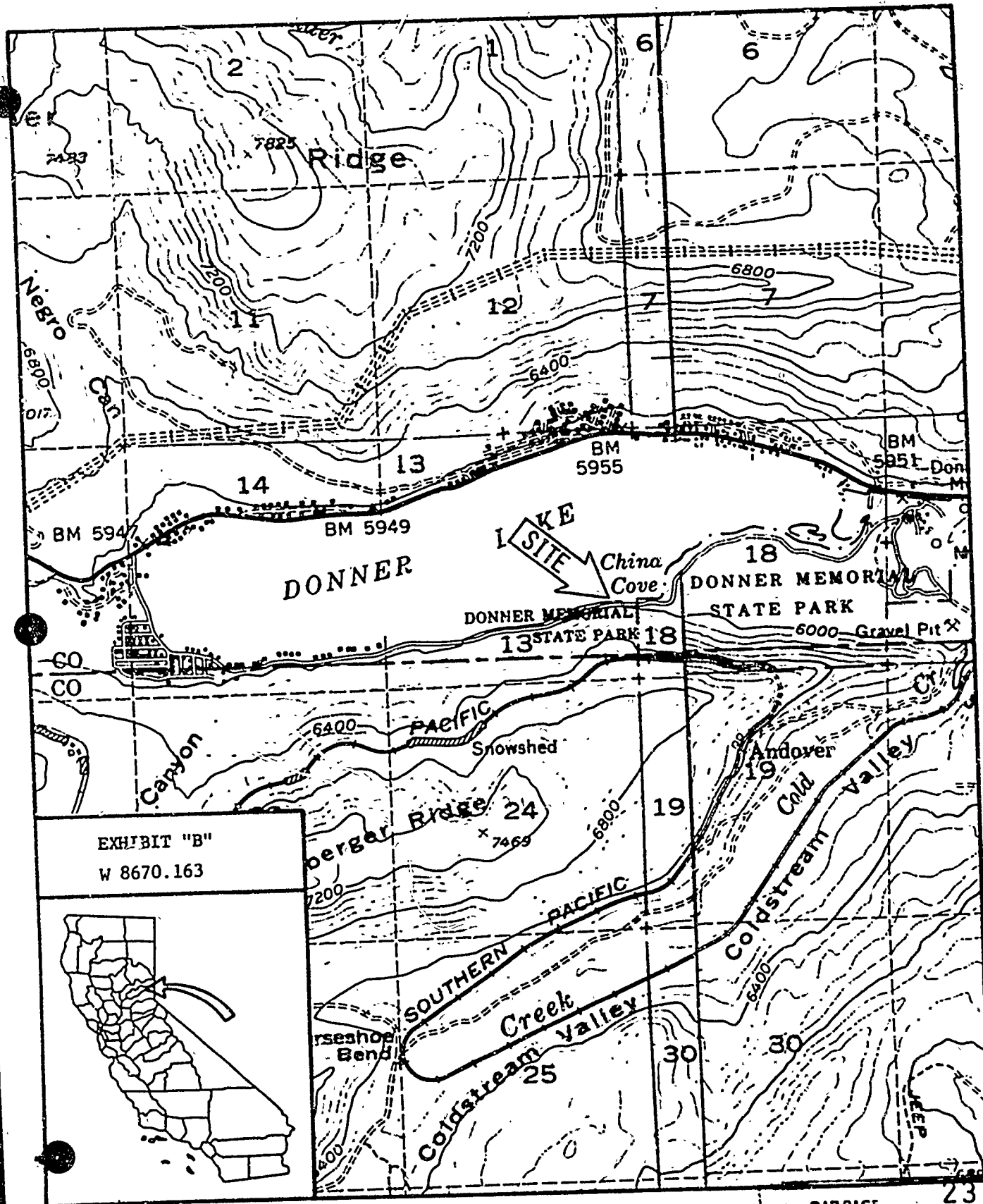


EXHIBIT "B"
W 8670.163



COUNTY OF NEVADA

PLANNING DEPARTMENT

Eric Rood Adm. Bldg.
950 Maidu Avenue
P.O. Box 6100
Nevada City, CA 95959-6100
(916) 265-1440

September 1, 1988

Mr. Gerald Gordon
State Lands Commission
1807 13th St.
Sacramento, CA 95814

Dear Mr. Gordon:

This will confirm our telephone conversation from today concerning Mr. James Loen's request to lease State owned land at Donner Lake. The purpose of the lease is to facilitate the construction of a pier. However, before agendizing this request before your Board, it is my understanding that a letter of non-objection must be received from Nevada County. The purpose of this letter is to provide that letter of non-objection.

While Nevada County has no objection to the proposed land lease, it must be understood that Mr. Loen must obtain the appropriate approvals from Nevada County before he constructs his pier. At present, Nevada County has not established policy on how piers and docks will be regulated on Donner Lake. At a minimum, approvals from all regulatory agencies having jurisdiction over Donner Lake and application for a building plan check and permit will be required.

We are hopeful that policy will be developed in the coming months.

Very truly yours,

Thomas A. Parillo, Planning Director

By Kerry Przepiorski
Kerry Przepiorski, Planner II

TAP:KP:jj

IGGKP9.1

EXHIBIT "C"

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