

CALENDAR ITEM

C09

MINUTE ITEM
This Calendar Item No. C09
was approved as Minute Item
No. 09 by the State Lands
Commission by a vote of 3
to 0 at its 5/26/94
meeting.

05/26/94
PRC 4945
Gordon

A 3
S 1

GENERAL LEASE - RIGHT-OF-WAY USE

LESSEE:

Donner Lake Water Company
P.O. Drawer 5172
Chico, California 95927-5172

AREA, TYPE LAND AND LOCATION:

A 0.033-acre parcel of submerged land located in Donner Lake
near Truckee, Nevada County.

LAND USE:

Maintenance and operation of an existing eight-inch
bifurcated fresh water intake pipeline which provides
1,350 GPM of fire flow protection and 185 GPM of
chlorinated, filtered potable water; plus an existing one-
inch fresh water discharge pipeline utilized in priming and
cooling the upland pump system.

PROPOSED LEASE TERMS:

Lease period:

15 years beginning September 4, 1992.

Public liability insurance:-

Combined single limit coverage of \$500,000.

Special:

- (1) The lease is conditioned on the consent of a littoral owner.
- (2) The lease prohibits the use of the facilities for residential purposes.
- (3) The lease conforms to the Lyon/Fogerty decision.
- (4) The lease requires the placement of two signs warning the public of all hazards of the buried and/or submerged pipelines.
- (5) The lease limits the capacity to divert potable water to 185 GPM and requires the prior written authorization of the staff of the Commission for any of lessee's actions that will impact said limitation.
- (6) The lease restricts the expansion of the intake system utilized for fire protection and limits such

service to existing adjacent structures, or their equivalent replacements, for which the system was initially constructed.

(7) Those portions of the pipelines lying exposed on the lake bed between the ordinary high and low water marks of the lake are required to be covered with natural material placed in accordance with the requirements of all agencies having jurisdiction.

(8) The lease is conditioned on the public's right of access along the shorezone up to the high water line of Donner Lake, being elevation 5,935.80 feet.

(9) The lease will be terminated when Lessee provides acceptable evidence Lessee qualifies for exemption from the lease pursuant to P.R.C. Section 6327.

CONSIDERATION:

\$1,186 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

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

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

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. This is an application to replace applicant's lease for the subject facilities which expired September 3, 1992. Applicant's primary purpose of operation is to develop, transport, handle and sell water to the general public in the vicinity of Donner Lake. The fire flow capacity of this facility provides protection to upland improvements located immediately adjacent to this intake system.

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2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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 1, Existing Facilities, 2 Cal. Code Regs. 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 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 activity is consistent with its use classification.

APPROVALS OBTAINED:

California Department of Fish and Game; Lahontan Regional Water Quality Control Board; and Town of Truckee.

FURTHER APPROVALS REQUIRED:

United States Army, Corps of Engineers; and State Lands Commission.

EXHIBITS:

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

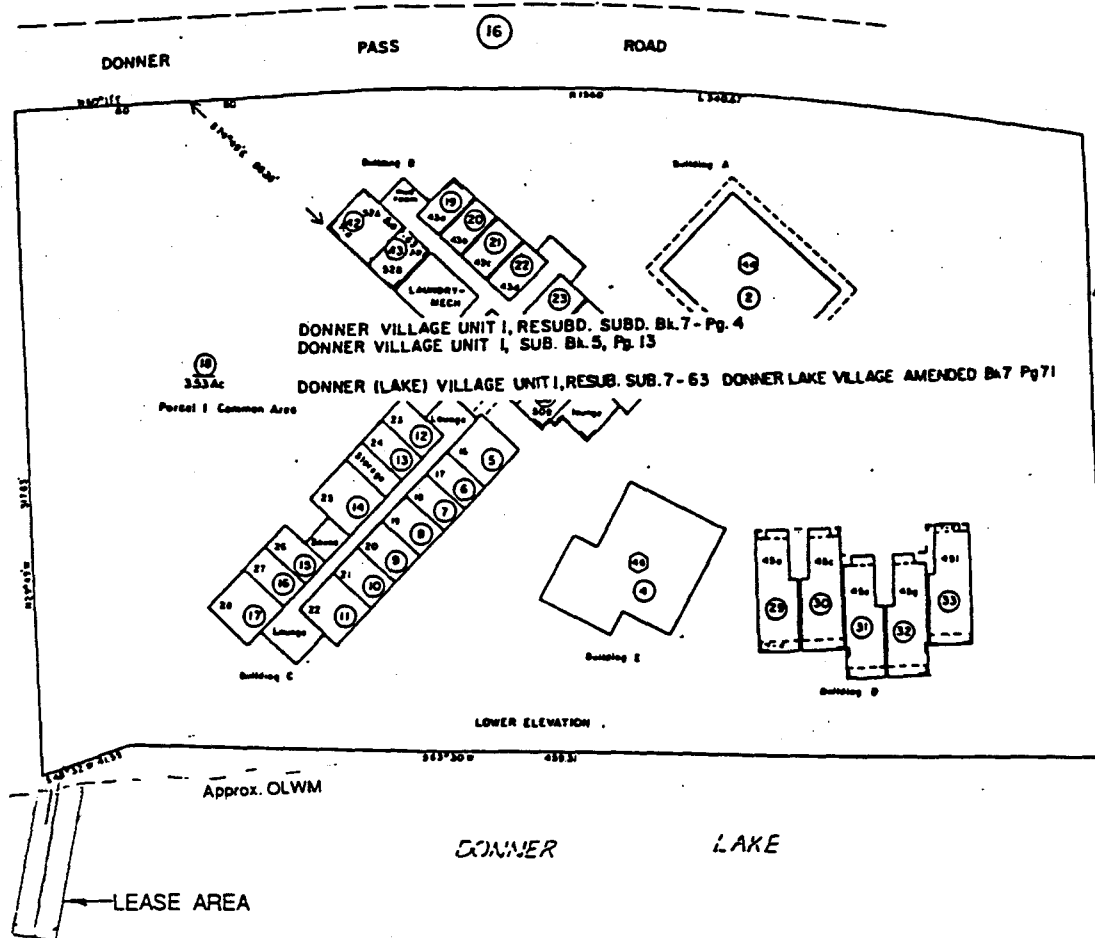
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO DONNER LAKE WATER COMPANY OF A 15-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING SEPTEMBER 4, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,186, WITH THE STATE RESERVING THE RIGHT TO FIX A

CALENDAR ITEM NO. C09 (CONT'D)

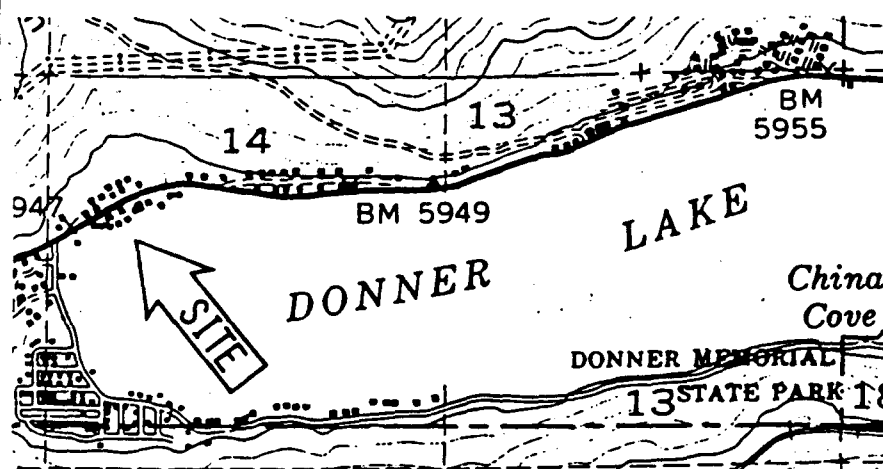
DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE;
PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE
LIMIT COVERAGE OF \$500,000; FOR MAINTENANCE AND OPERATION OF
AN EXISTING EIGHT-INCH BIFURCATED FRESH WATER INTAKE
PIPELINE WHICH PROVIDES 1,350 GPM OF FIRE FLOW PROTECTION
AND 185 GPM OF CHLORINATED, FILTERED POTABLE WATER; PLUS AN
EXISTING ONE-INCH FRESH WATER DISCHARGE PIPELINE UTILIZED IN
PRIMING AND COOLING THE UPLAND PUMP SYSTEM ON THE LAND
DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A
PART HEREOF.

POR NW 1/4 SEC. 14 T. 17 N., R. 15 E., M.D.B. & M.



NO SCALE

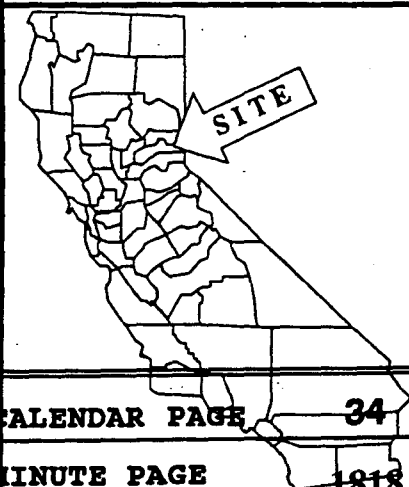
Location Map



NO SCALE

EXHIBIT "A"

PRC 4945
Fresh Water Intake
APN 17-460-18
Donner Lake
NEVADA COUNTY
Sheet 1 of 2 Sheets



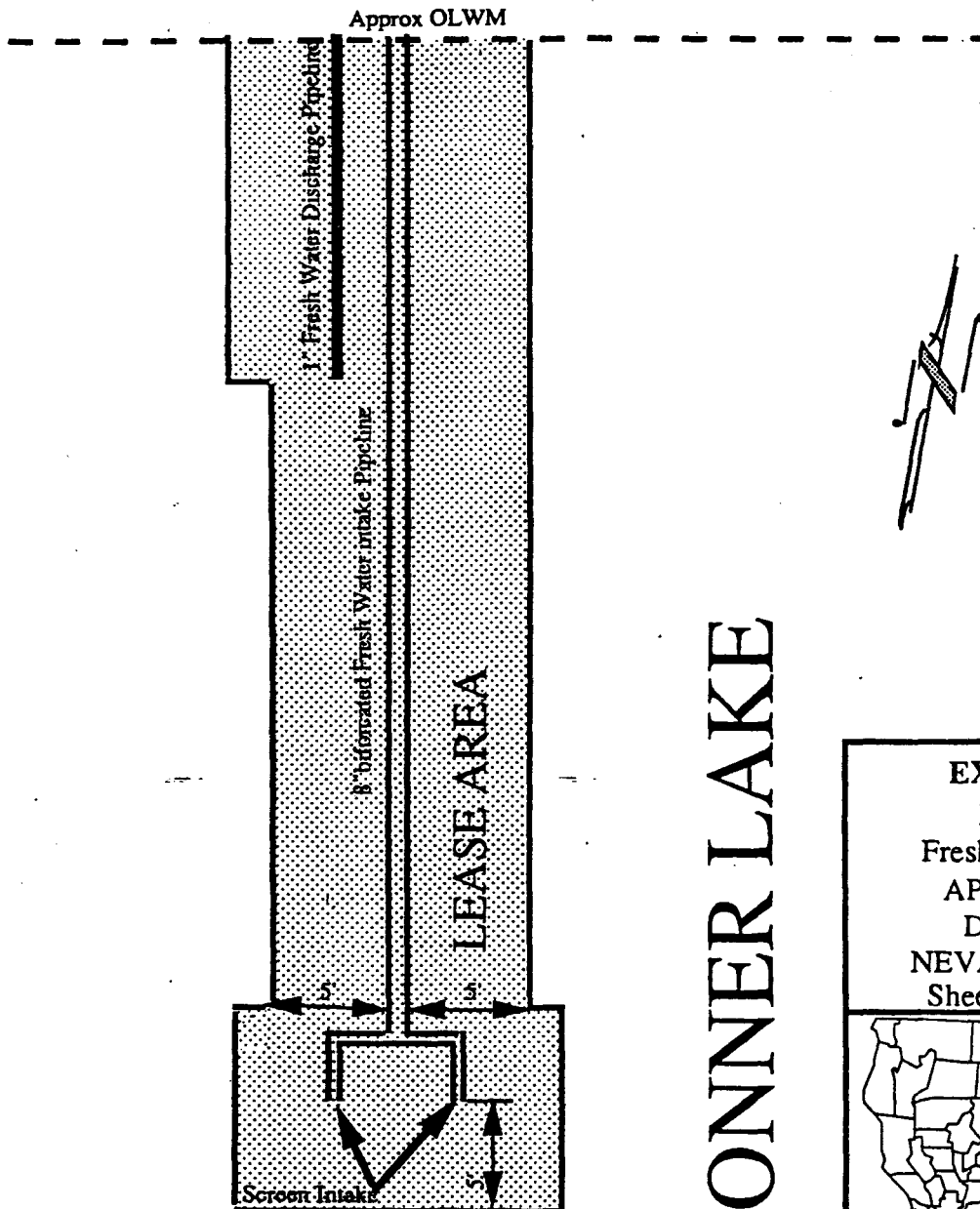
This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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DONNER LAKE

NO SCALE

EXHIBIT "A"

PRC 4945
Fresh Water Intake
APN 17-460-18
Donner Lake
NEVADA COUNTY
Sheet 2 of 2 Sheets



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Planning Division
(916) 582-7876



Building & Safety Division
(916) 582-7820

November 15, 1993

State Lands Commission
Attention: Gerald Gordon
1807 13th Street
Sacramento, CA 95814

Re: Permit Renewal for Donner Lake Intake

Owner: Donner Lake Utility Company
c/o Robert Fortino
Drawer 5172
Chico, CA 95927

Parcel No.: 17-460-18

Your Ref. No.: PRC 4945.1

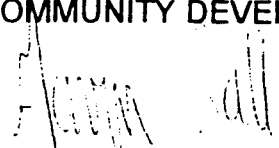
Dear Mr. Gordon: —

The Town of Truckee has received notice of the above-referenced activity in Donner Lake and has no objection to said project or to the issuance of a permit or lease by the State Lands Commission for such of sovereign lands.

If you have any questions, please contact me at (916) 582-7876 or (916) 582-7820.

Yours sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT


Gavin Ball
for John L. Libiez
Town Planner

JLL/GB/et

CLARK/DAUC 11/93

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