

**CALENDAR ITEM
C04**

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10/20/05

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PRC 8447 WP 8447.9
R. Barham

**TERMINATION AND ISSUANCE OF
RECREATIONAL PIER LEASE**

LESSEES:

Wesley F. Wood and Julie A. Wood

APPLICANTS:

Wesley F. Wood and Julie A. Wood, Trustees of the Wood Family Trust Under Declaration of Trust Dated September 4, 1997

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Donner Lake, near Truckee, Nevada County.

AUTHORIZED USE:

Construction of a recreational pier as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 20, 2005.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000.

OTHER PERTINENT INFORMATION:

1. Lessees own the upland property adjoining the lease premises.
2. On February 21, 2003, Lessees obtained Commission authorization for the removal, relocation and reconstruction of an existing pier. The existing pier has since been removed. Due to landward obstacles not previously taken into account, Lessees need to change the design and location of the proposed pier.

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3. Lessees have since transferred ownership of the upland to Wesley F. Wood and Julie A. Wood, Trustees of the Wood Family Trust Under Declaration of Trust Dated September 4, 1997. Staff is recommending termination of the existing lease and approval of a new lease.
4. Lessees qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
5. **Termination of existing lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, section 15060(c)(3) and 15378.

6. **Issuance of new lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
California Department of Fish and Game
Town of Truckee, Building Department

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APPROVALS REQUIRED:

Lahontan Regional Water Quality Control Board

EXHIBIT:

A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

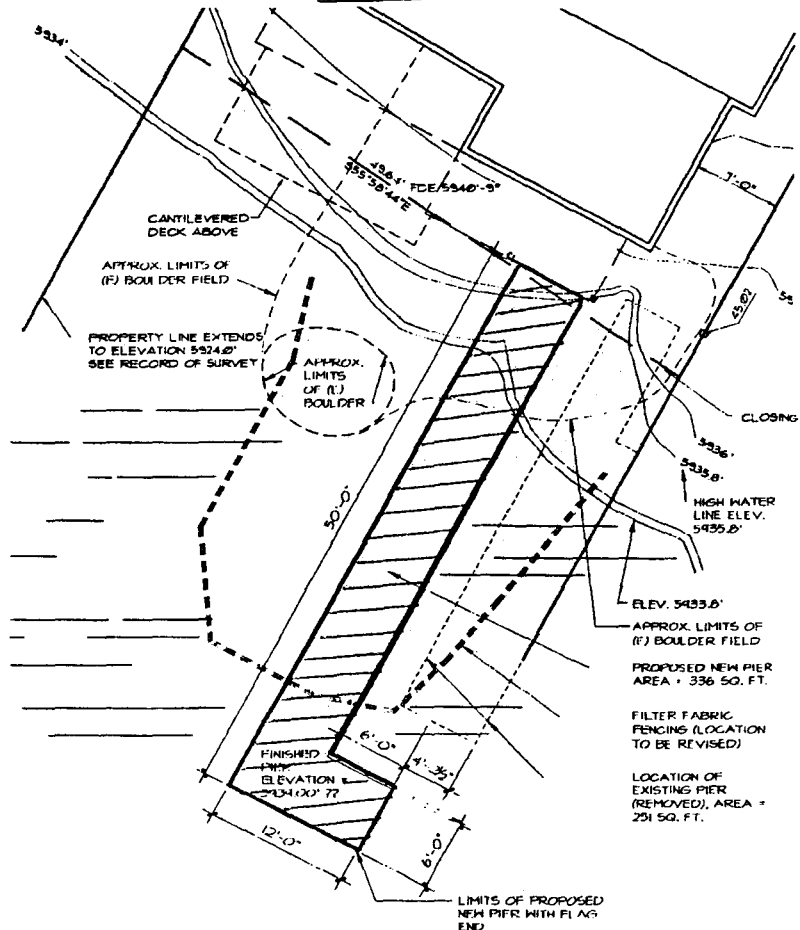
AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 8447.9, EFFECTIVE OCTOBER 20, 2005, ISSUED TO WESLEY F. WOOD AND JULIE A. WOOD, APPROVED BY THE COMMISSION ON FEBRUARY 21, 2003.

AUTHORIZE ISSUANCE TO WESLEY F. WOOD AND JULIE A. WOOD, TRUSTEES OF THE WOOD FAMILY TRUST UNDER DECLARATION OF TRUST DATED SEPTEMBER 4, 1997, OF A TEN YEAR RECREATIONAL PIER LEASE, BEGINNING OCTOBER 20, 2005, FOR

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THE CONSTRUCTION OF A RECREATIONAL PIER ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

SITE MAP



13131 Donner Pass Road

LOCATION MAP

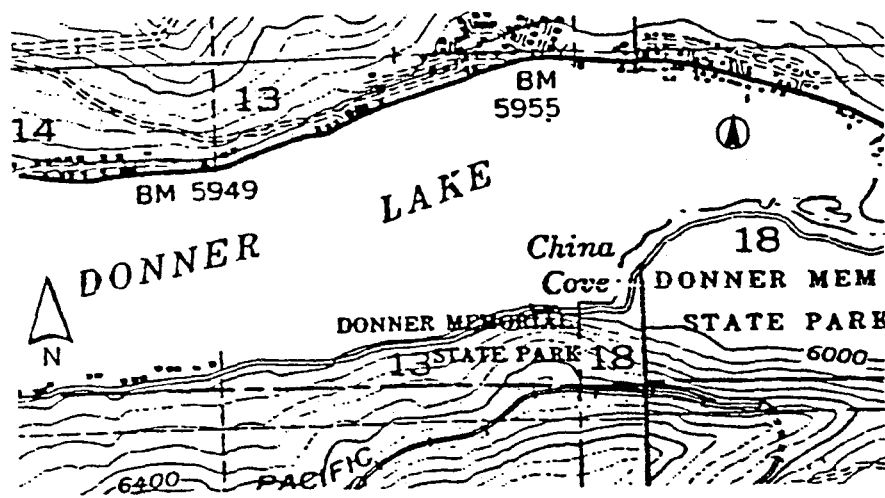


EXHIBIT A

WP 8447.9
APN 18-393-10
Donner Lake

NEVADA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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.

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