

MINUTE ITEM

This Calendar Item No. C12 was approved as Minute Item No. 12 by the California State Lands Commission by a vote of 3 to 0 at its 11-21-06 meeting.

CALENDAR ITEM

C12

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11/21/06

S 1

PRC 7901 WP 7901.1
R. Barham

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Donner Pines West Homeowners Association
15825 Donner Pass Road
Truckee, CA 96161

AREA, LAND TYPE, AND LOCATION:

0.033 acres, more or less, of sovereign lands in Donner Lake, near the town of Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, bridge, gazebo, ramp, and bank protection as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 21, 2006.

CONSIDERATION:

Recreational Use - \$98 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

Protective Structure Use - the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds it to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. On August 21, 1996, the Commission authorized a General Lease - Recreational Use to Donner Pines West Recreational Association. That lease expired on August 20, 2006. The upland property ownership has since transferred to the Applicant. Applicant is now applying for a new General Lease - Recreational and Protective Structure Use.
3. Applicant is a homeowners association comprised of 35 member lots, of which 97 percent of the member lots are owned by natural persons and qualify for rent free status pursuant to Public Resources Code section 6503.5. The annual rent for the floating boat dock, bridge, ramp, and a portion of the gazebo used as an access way from the bridge to the boat dock, is therefore prorated according to the percentage that does not qualify for rent-free status. The remaining portion of the gazebo does not qualify for rent free status because it is not used for the docking and mooring of boats pursuant to Public Resources Code section 6503.5.
4. 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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

5. 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.

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. C12 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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 ISSUANCE TO DONNER PINES WEST HOMEOWNERS ASSOCIATION OF A TEN-YEAR GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 21, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING BOAT DOCK, BRIDGE, RAMP, GAZEBO, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$98, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; CONSIDERATION FOR BANK PROTECTION: FOR THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND A FLOATING BOAT DOCK, RAMP, AND BRIDGE: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

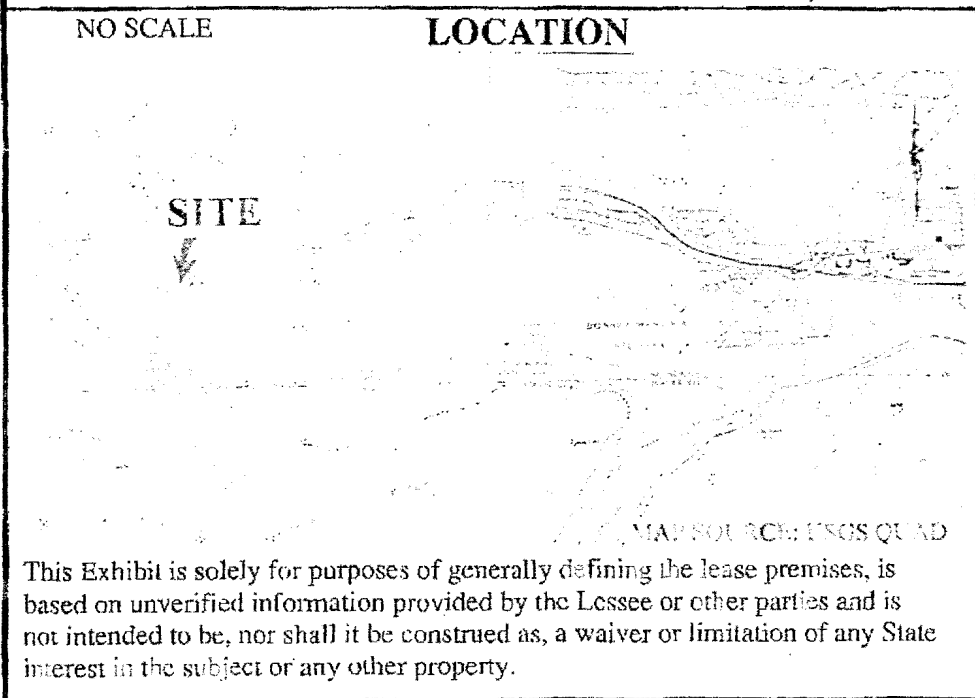
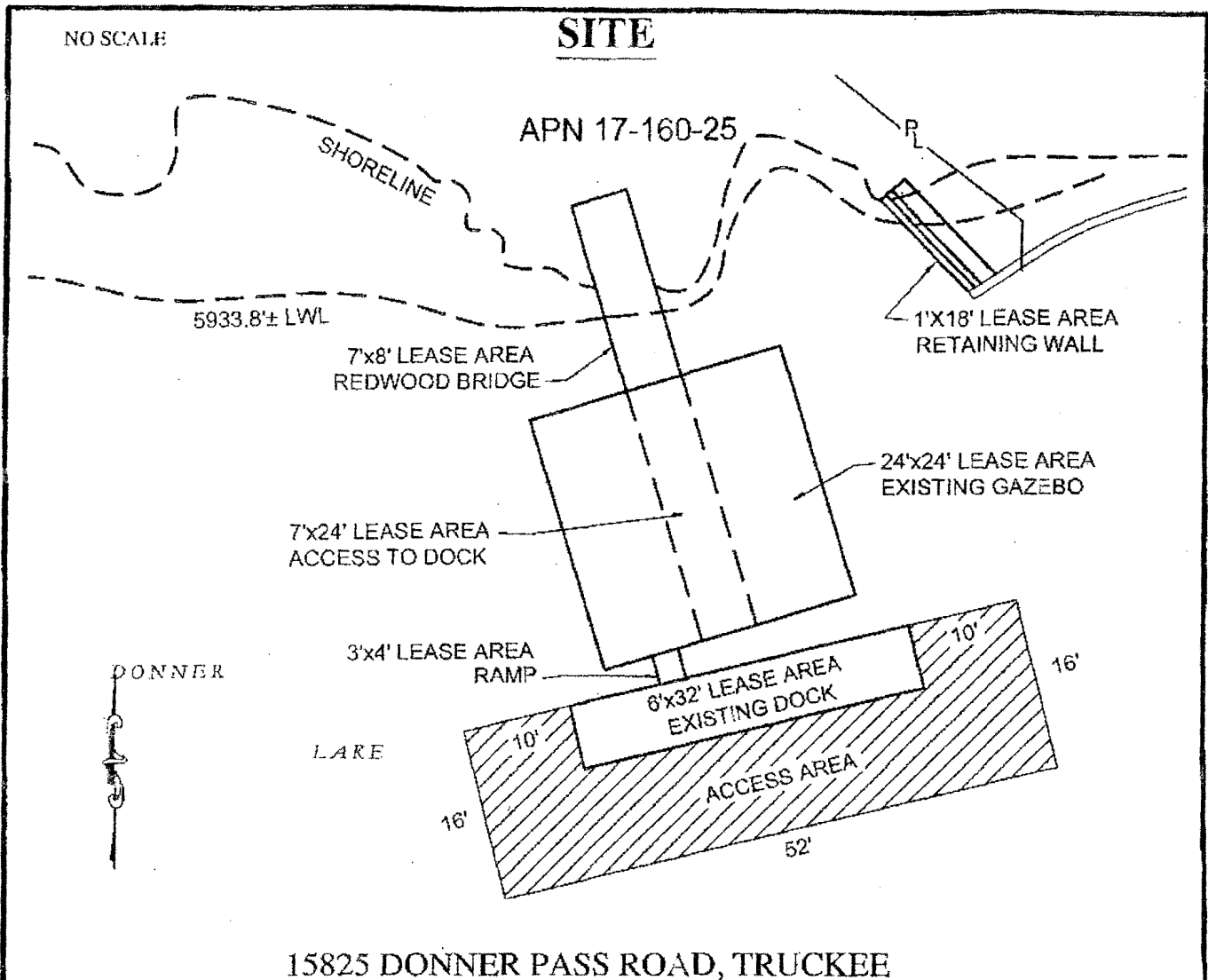


Exhibit A
 WP 7901.1
 APN 17-160-25
 DONNER PINES WEST
 RECREATIONAL ASSOC.
 GENERAL LEASE
 RECREATIONAL USE
 DONNER LAKE
 NEVADA COUNTY

SITE

MJ 08/06