

**CALENDAR ITEM  
C11**

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S 1

04/06/10  
W 26367  
B. Terry

**RECREATIONAL PIER LEASE**

**APPLICANTS:**

Dennis Sammut and Anne Sammut

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Donner Lake, adjacent to 13021 Donner Pass Road, near Truckee, Nevada County.

**AUTHORIZED USE:**

Retention, use, maintenance, and partial reconstruction of an existing pier and installation of a boatlift and one additional piling as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning April 6, 2010.

**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 \$500,000.

Other:

The public will be allowed to pass and re-pass around the landward end of the pier to provide continuous shoreline access to the Public Trust Easement below elevation 5935.8 feet, NGVD (1929).

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. The Applicants obtained ownership of the upland property on December 22, 1993. The existing pier was constructed sometime prior to 1993 by a prior owner and was not previously authorized by the Commission. Applicants are now applying for a Recreational Pier Lease.

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3. The Applicants are proposing to do a partial reconstruction of the pier, which will include a slightly larger top deck area, within the same footprint of the existing pier. Pilings will be replaced in the same location, with one additional piling added to support the proposed boatlift. The steel pilings will be driven in by an amphibious vehicle. No vehicular traffic and/or storage of construction materials shall occur on the shoreline. Construction on the lease premises is anticipated to start once all permits have been issued for the project and all work completed by December 31, 2010, or as prescribed by other permitting agencies.
4. Applicants qualify for a Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling.
5. **Retention of Pier:** 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 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.

6. **Replacement of Decking and Pilings:** 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 CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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. **Boat Lift and Additional Piling:** 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 CEQA as a categorically

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exempt project. The project is exempt under Class 3, New Construction of Small Structures Title 14, California Code of Regulations, section 15303.

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

8. 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 CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVAL OBTAINED:**

California Regional Water Quality Control Board

**APPROVALS REQUIRED:**

California Department of Fish and Game  
Town of Truckee

**EXHIBIT:**

- A. Site and Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

July 6, 2010

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Retention of Pier:** Find that the activity is exempt from the requirements of 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).

**Replacement of Decking and Pilings:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt Project, Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations section 2905 (b).

**Boat Lift and Additional Piling:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of

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Regulations, section 15061 as a categorically exempt Project, Class 3, New Construction of Small Structures: Title 14, California Code of Regulations, section 15303.

**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 of a ten-year Recreational Pier Lease to Dennis Sammut and Anne Sammut, beginning April 6, 2010, for the retention, use maintenance, and partial reconstruction of an existing pier and the installation of a proposed boatlift and one additional piling as shown on Exhibit A attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$500,000.