

**CALENDAR ITEM
C01**

A 1
S 1

02/22/13
PRC 7547.1
G. Asimakopoulos

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

James R. Davenport and Susan M. Davenport, Co-Trustees under the James R. and Susan M. Davenport Family Trust dated July 15, 2004; Timothy Edward Rowe and Rose Mary Rowe; and Kim Gibson Rowe and Candice L. Rowe

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Donner Lake, adjacent to 13992 South Shore Drive, near the town of Truckee, Nevada County

AUTHORIZED USE:

Continued use and maintenance of an existing pier.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

\$930 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability Insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcel adjoining the lease premises.
2. On April 9, 2002, the Commission authorized a 10-year Recreational Pier Lease with James Richard Davenport and Susan Davenport, Timothy Edward Rowe and Rose Mary Rowe, and Kim Gibson Rowe and Candice L. Rowe. The lease expired on July 14, 2011. The Applicants are now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law took effect on January 1, 2012. This new law repeals section 6503.5 of

CALENDAR ITEM NO. **C01** (CONT'D)

the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:

- A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
- B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application and application fees were submitted to the Commission on July 20, 2011, the lease does not meet the statutory requirements for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code.

- 4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

- 5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C01** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to James R. Davenport and Susan M. Davenport, Co-Trustees under the James R. and Susan M. Davenport Family Trust Dated July 15, 2004; Timothy Edward Rowe and Rose Mary Rowe; and Kim Gibson Rowe and Candice L. Rowe, beginning February 22, 2013 for a term of 10 years, for the continued use and maintenance of an existing pier as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$930, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 7547.1

LAND DESCRIPTION

A parcel of land situated in the bed of Donner Lake, lying adjacent to Lot 8 of fractional Section 13, Township 17 North, Range 15 East, M.D.B.&M., as shown on Official Government Township Plat approved April 10, 1867, County of Nevada, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to that parcel described in Grant Deed recorded November 21, 2005 as Document Number 2005-0046477-00 Official Records of said County.

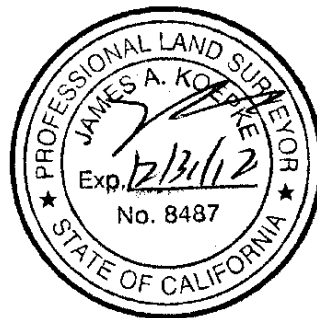
TOGETHER WITH a ten foot impact area.

EXCEPTING THEREFROM any portion lying landward of the low water mark elevation of 5933.8 feet of said Donner Lake.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 11/09/2012 by the California State Lands Commission Boundary Unit.



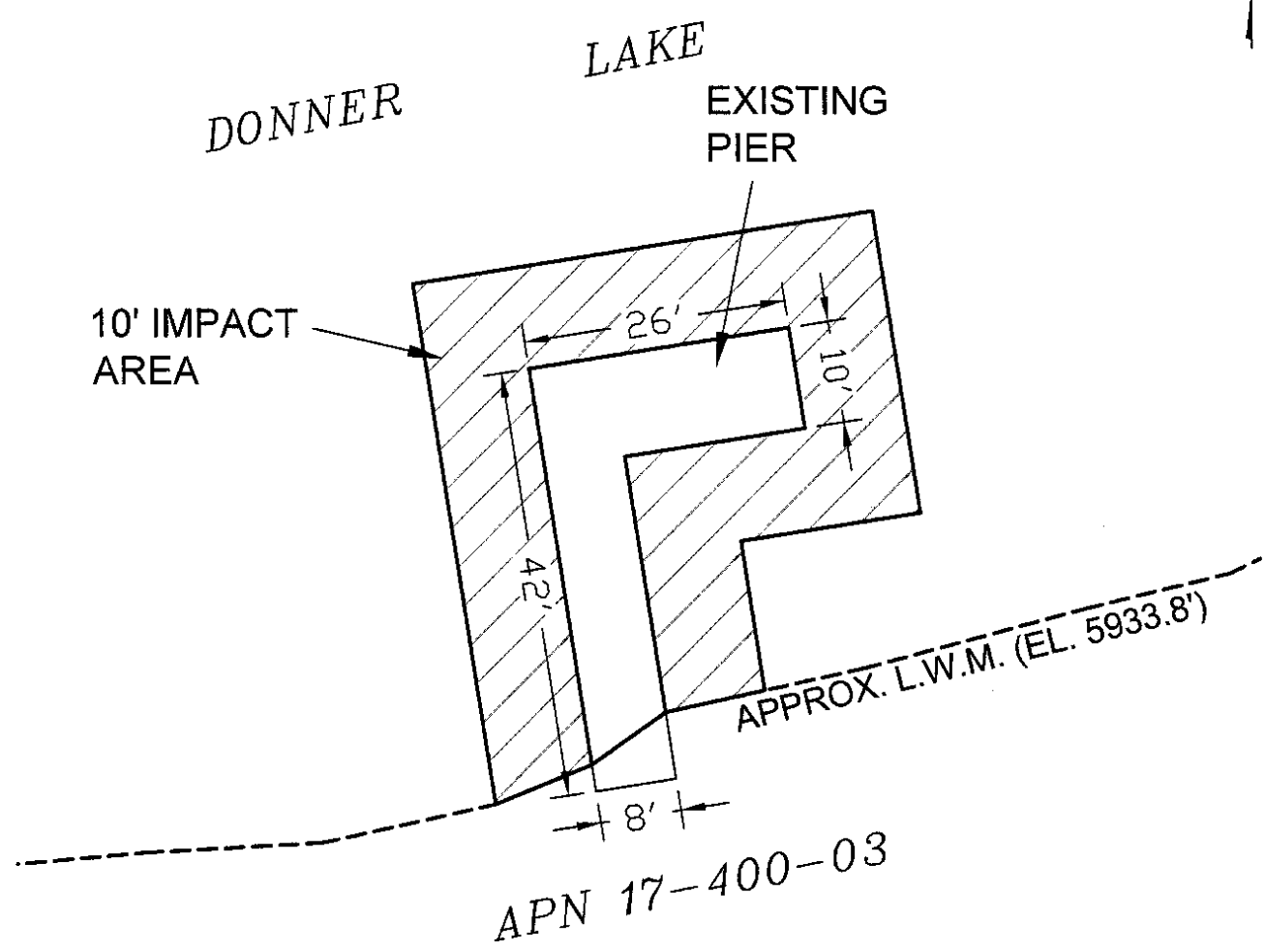


EXHIBIT A

Page 2 of 2

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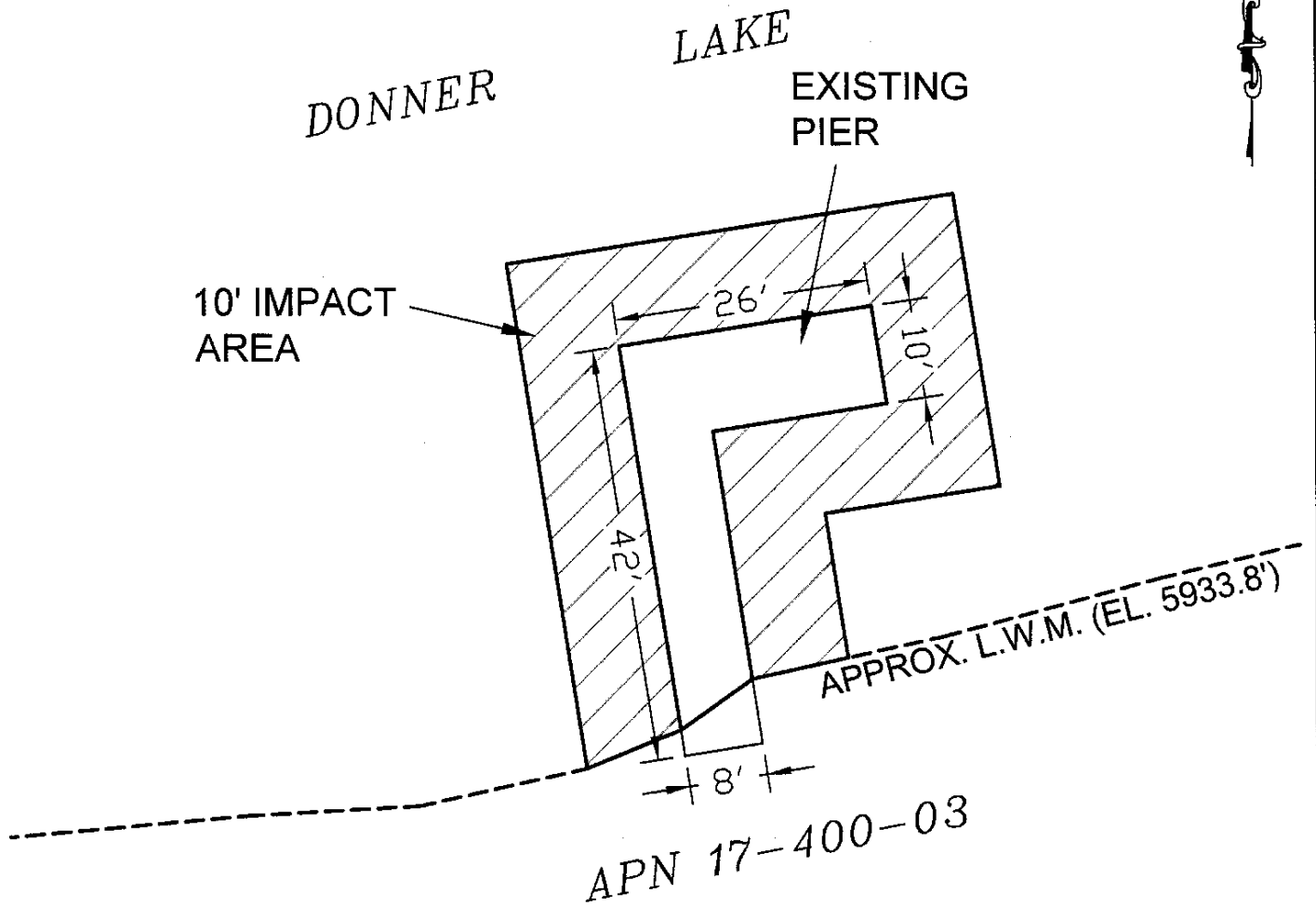
LAND DESCRIPTION PLAT
PRC 7547.1, DAVENPORT
NEVADA COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

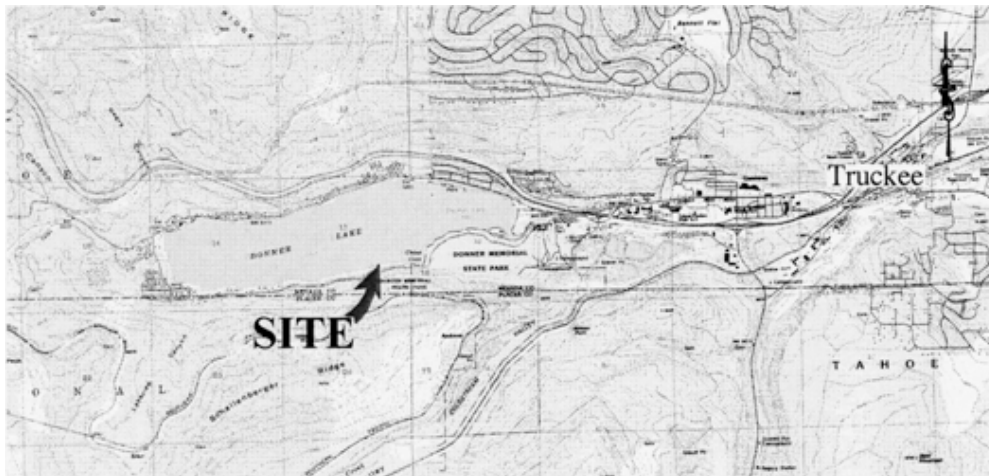
SITE



13992 SOUTH SHORE DRIVE, TRUCKEE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7547.1
 DAVENPORT
 APN 17-400-03
 GENERAL LEASE -
 RECREATIONAL USE
 NEVADA COUNTY



SITE

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