

**CALENDAR ITEM
C06**

A 1

09/20/13

S 1

W 8670.67
G. Asimakopoulos

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Brian J. McCullough

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Donner Lake, adjacent to 14976 South Shore Drive, near the town of Truckee, Nevada County.

AUTHORIZED USE:

Reconstruction, use, and maintenance of an existing pier, filled area, and flood wall not previously authorized by the Commission.

LEASE TERM:

10 years, beginning September 20, 2013.

CONSIDERATION:

\$917 per year, with the State reserving the right to fix a different rent periodically during the term of the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

Applicant acknowledges that a portion of the proposed reconstruction, filled area, and flood wall lie within the State administered Public Trust easement, which exists between the locations of the ordinary high water mark and the low water mark of Donner Lake. Applicant agrees to allow the public to pass and re-pass around the landward end of the pier to allow access to the Public Trust easement. Applicant further agrees to not block or otherwise prohibit the public from passing and re-passing across the Public Trust easement to access adjacent property subject to the Public Trust easement.

CALENDAR ITEM NO. **C06** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. Applicant has applied for a General Lease - Recreational Use to authorize the reconstruction of an existing pier. Reconstruction is scheduled to commence between November 1, 2013 and March 1, 2014, coinciding with the low-water level periods of Donner Lake. The anticipated completion date will be no longer than 30 days after commencement. The existing pier appears to have been constructed prior to 1980 and was not previously authorized by the Commission. Removal and reconstruction of the new pier will be performed by hand with no heavy equipment involved.
3. 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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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

4. 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.

APPROVALS OBTAINED:

Lahontan Regional Water Quality Control Board
California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
Town of Truckee

EXHIBITS:

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

CALENDAR ITEM NO. **C06** (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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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 Brian J. McCullough, beginning September 20, 2013, for a term of 10 years, for the reconstruction, use, and maintenance of an existing pier not previously authorized by the Commission 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 \$917 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 8670.67

LAND DESCRIPTION

A parcel of land situated in the bed of Donner Lake, lying adjacent to Government Lot 8 of fractional Section 14, Township 17 North, Range 15 East, M.D.B.&M., as shown on Official Government Township Plat approved April 10, 1867, also being adjacent to Lot 1 of the Block 1 of the Donner Lake Villa Tract No. 1 Subdivision as shown on the map filed October 2, 1922 in Book 1 of Maps at Page 34, Records of Nevada County, State of California, more particularly described as follows:

All those lands underlying a proposed pier lying adjacent to that parcel described in Grant Deed recorded January 28, 2010 as Document Number 20100002281 in Official Records of said County, and as depicted on the "McCullough Pier" map by Zachary Engineering, dated May 10, 2013.

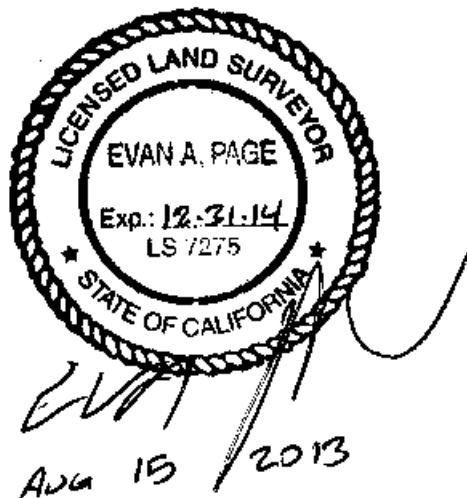
TOGETHER WITH a ten foot impact area.

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

Accompanying plat is hereby made part of this description.

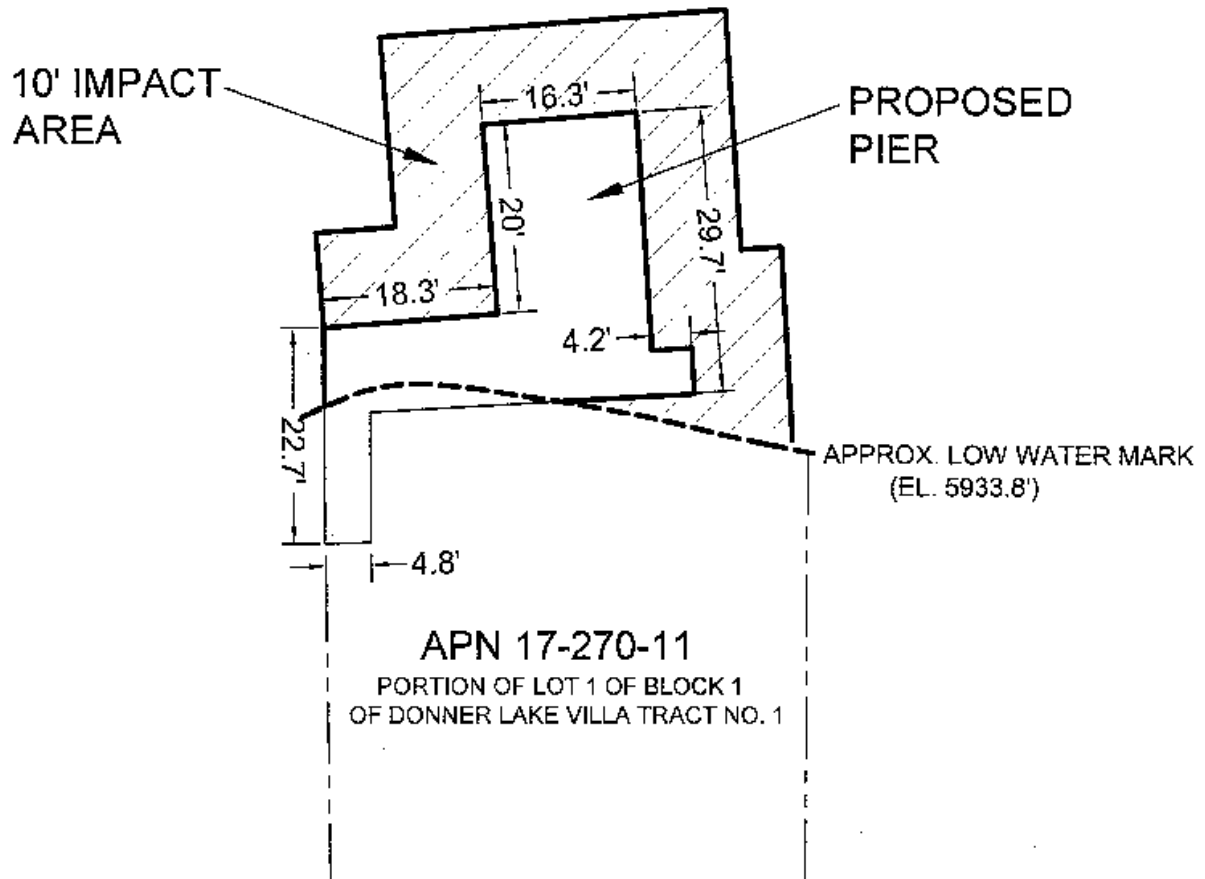
END OF DESCRIPTION

Prepared 08/13/2013 by the California State Lands Commission Boundary Unit.





DONNER LAKE



*LOCATION OF 5933.8', DATED MAY 9, 2010.
DETERMINED FROM DATA SHOWN ON
THE PIER PLANS AND BMP NOTES
"MCCULLOUGH PIER"
BY ZACHARY ENGINEERING

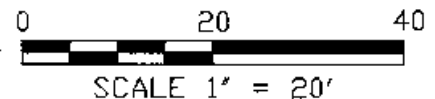


EXHIBIT A

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LAND DESCRIPTION PLAT
W 8670.67, MCCULLOUGH
NEVADA COUNTY

CALIFORNIA STATE
LANDS COMMISSION



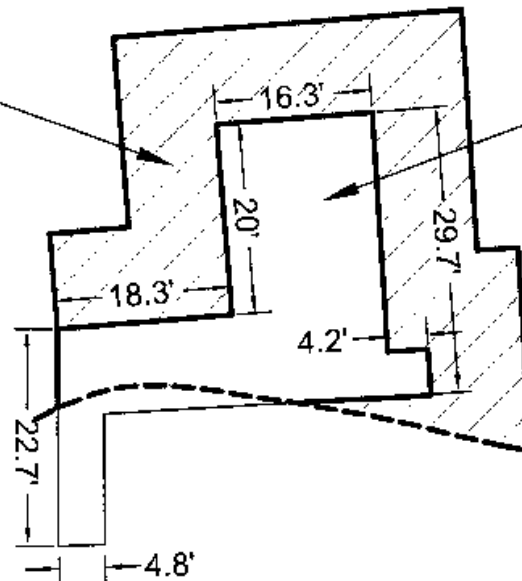
NO SCALE

SITE

DONNER LAKE



10' IMPACT
AREA



PROPOSED
PIER

APPROX. LOW WATER MARK
(EL. 5933.8')

APN 17-270-11
PORTION OF LOT 1 OF BLOCK 1
OF DONNER LAKE VILLA TRACT NO. 1

14976 SOUTH SHORE DRIVE, TRUCKEE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

W 8670.67
MCCULLOUGH
APN 17-270-11
GENERAL LEASE -
RECREATIONAL USE
NEVADA COUNTY



TS 08/14/13