

**CALENDAR ITEM
C03**

A 1
S 1

06/29/15
PRC 8538.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Merddyn E. Benard and Mark E. Benard, Trustees of the Mark Benard and Merddyn Benard Family Trust dated July 1, 1994

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Donner Lake, adjacent to 14822 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 October 1, 2014.

CONSIDERATION:

\$597 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On July 12, 2004, the Commission authorized a Recreational Pier Lease to Mark Benard and Merddyn Benard, Trustees of the Mark Benard and Merddyn Benard Family Trust dated July 1, 1994. That lease expired on September 30, 2014. The Applicant is now applying for a General Lease – Recreational Use.
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 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C03** (CONT'D)

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.

EXHIBITS:

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

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 Merddyn E. Benard and Mark E. Benard, Trustees of the Mark Benard and Merddyn Benard Family Trust dated July 1, 1994, beginning October 1, 2014, 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 \$597, with an annual Consumer Price Index adjustment; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8538.1

LAND DESCRIPTION

One parcel of submerged land situated in the bed of Donner Lake, lying adjacent to Lot 9 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, County of Nevada, State of California, more particularly described as follows:

All those lands underlying an existing pier lying adjacent to that parcel described in Grant Deed recorded October 30, 2008 as Document Number 2008-0026377-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of the Low Water mark on the shoreline of said Donner Lake.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 04/21/2015 by the California State Lands Commission Boundary Unit.



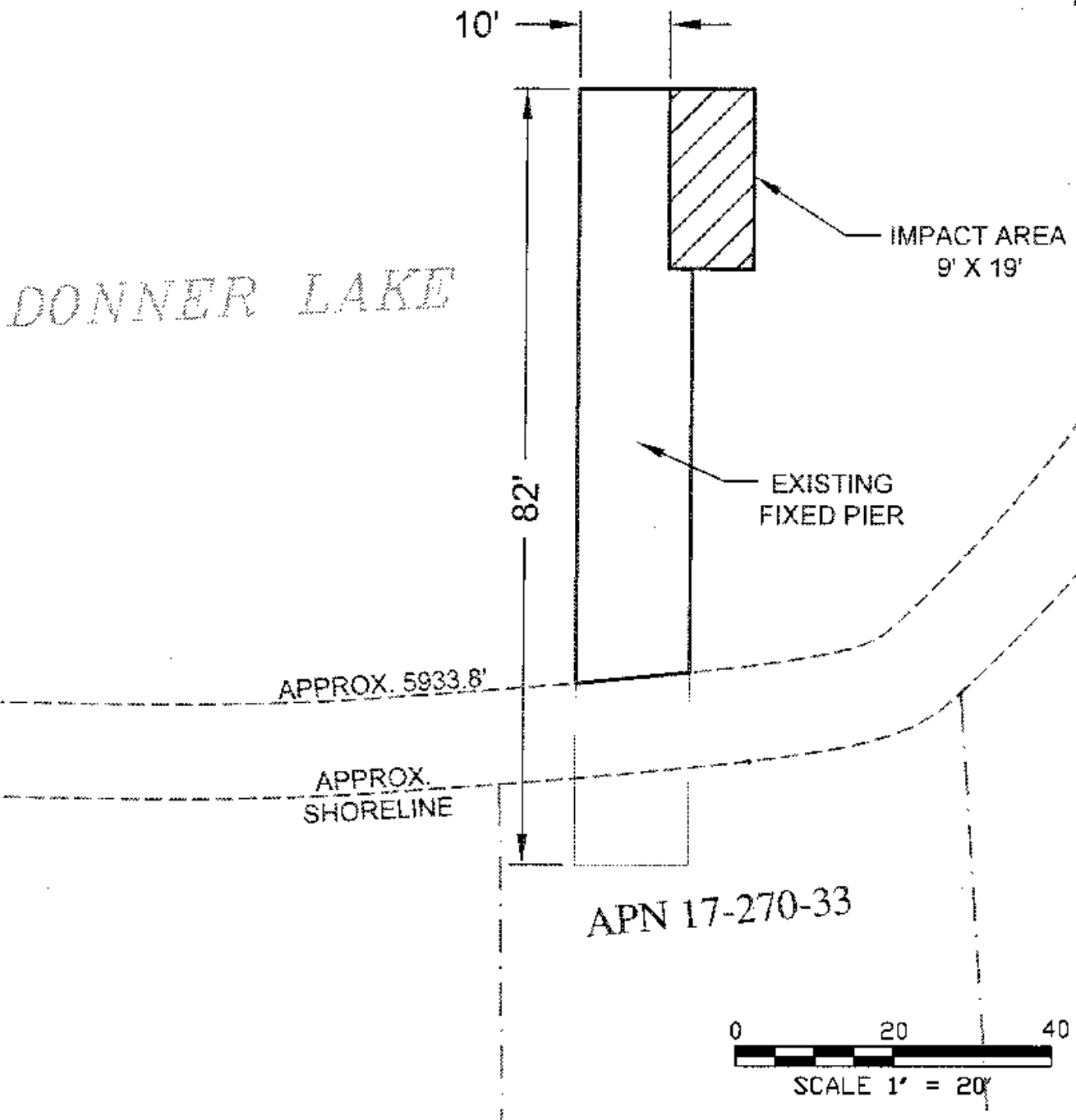


EXHIBIT A

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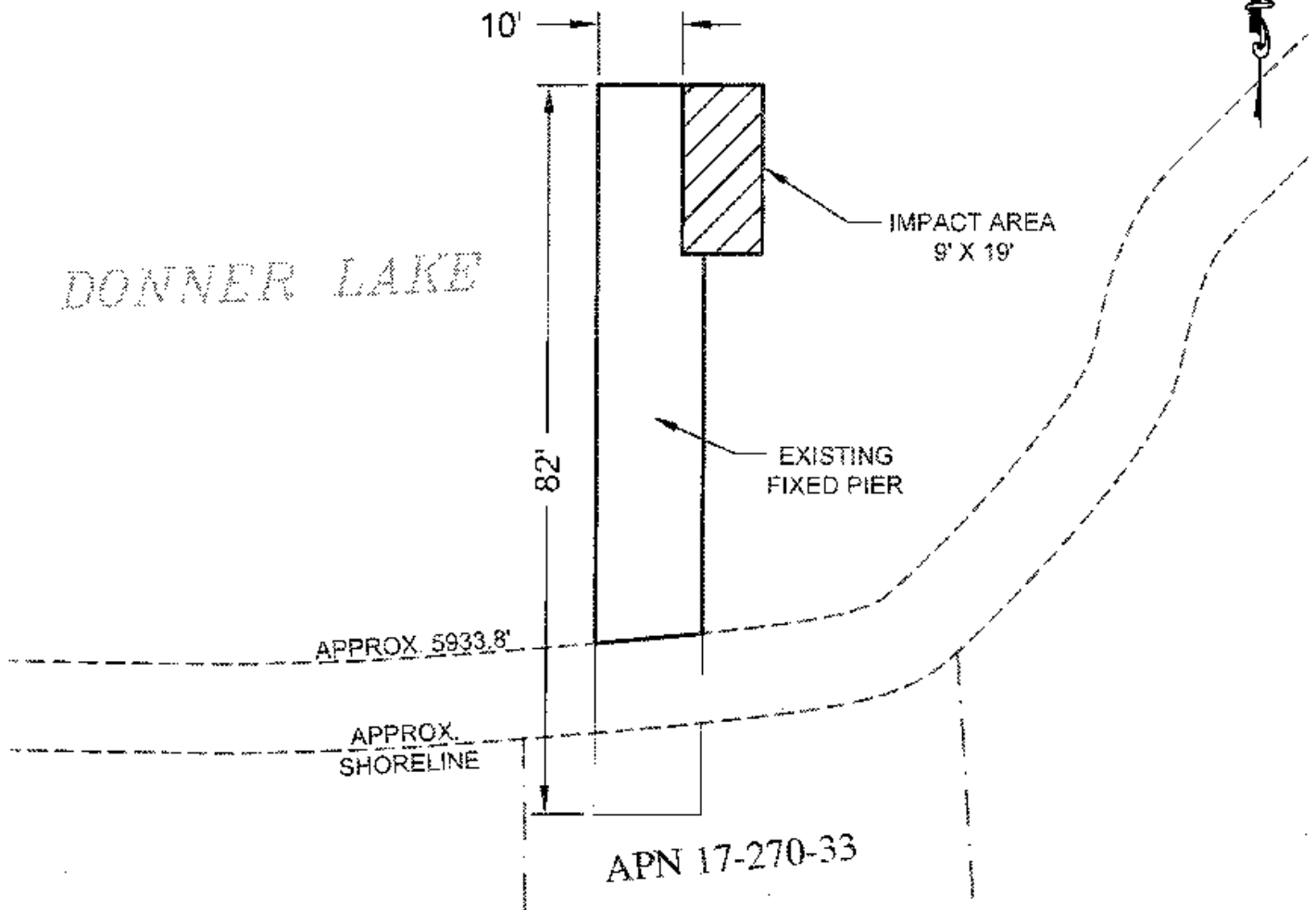
LAND DESCRIPTION PLAT
PRC 8538.1, BENARD
NEVADA COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

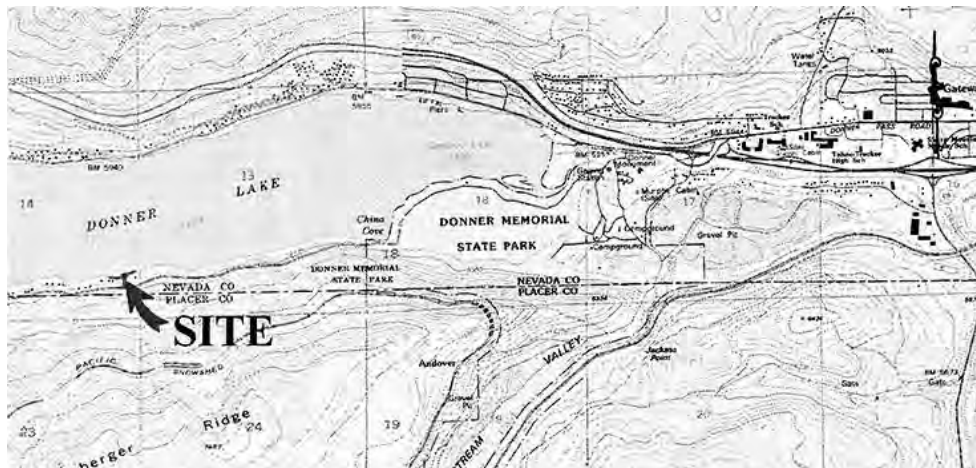
SITE



14822 SOUTH SHORE DRIVE, TRUCKEE, CA

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

PRC 8538.1
BENARD
APN 17-270-33
GENERAL LEASE -
RECREATIONAL USE
NEVADA COUNTY



RGB 04/20/15