

**STAFF REPORT  
C03**

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11/29/17  
PRC 3952.1  
M.J. Columbus

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

Truckee-Donner Recreation and Park District

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Donner Lake, adjacent to 15511 Donner Pass Road, near Truckee, Nevada County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing concrete boat launching ramp, two uncovered floating boat docks, raised boardwalk, and bank protection.

*LEASE TERM:*

20 years, beginning May 1, 2017.

*CONSIDERATION:*

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

*SPECIFIC LEASE PROVISIONS:*

Lessee agrees to the implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate. Lessee shall post the BMPs for "Guest Dock Users and Boaters" in prominent places within the Lease Premises. The Lessee shall provide the Commission a report on compliance with BMPs on the first anniversary of the Lease and every 3 years thereafter.

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**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;  
California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On May 23, 1968, the Commission authorized a 49-year Public Agency Permit to Truckee-Donner Recreation and Park District for the construction and operation of a boat launching facility ([Item C15, May 23, 1968](#)). On September 26, 1968, the Commission authorized an amendment of the lease to correct Exhibit A to include all the State land to be used ([Item C09, September 26, 1968](#)). On November 15, 1994, the Commission authorized an amendment of the lease to include two floating docks with two launch lanes; bank protection and bank restoration; the Americans with Disabilities Act (ADA)-compliant access; picnic area; and restroom ([Item C99, November 15, 1994](#)). On February 12, 1997, the Commission authorized a third amendment to include construction of a raised boardwalk ([Item C69, February 12, 1997](#)). The lease expired on April 30, 2017. The Applicant is applying for issuance of a General Lease – Public Agency Use for the continued use and maintenance of an existing concrete boat launching ramp, two uncovered floating boat docks, raised boardwalk, and bank protection.

During the processing of the application, staff was able to confirm that the ADA-compliant access ramp, picnic area, and restroom do not extend below the low water line and are not within the Commission's leasing jurisdiction. Consequently, a lease for these facilities is not required at this time.

The littoral parcel adjacent to the boat launching ramp, floating boat docks, raised boardwalk, and bank protection is owned by the Applicant and is known as the Donner Lake Boat Ramp. The existing facilities on the upland include vehicle parking, restrooms, ADA-compliant access, picnic areas, boardwalks, and a kiosk. The Applicant does not generate income from the facilities. The boat launching ramp and parking are subject to a minimal seasonal fee to assist with the cost of maintaining the facilities. Use of the other facilities are free to the public and provide multiple recreational facilities and access to Donner Lake.

The boat launching ramp, floating boat docks, raised boardwalk, and bank protection have existed for many years at this location and directly promote Public Trust needs. The facilities accommodate, promote, and support recreational boating, public access, and enjoyment of the State's

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sovereign land. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements and restore the lease premises to their original condition.

For all the reasons stated above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. 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.

3. 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

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**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).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**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 – Public Agency Use to Truckee-Donner Recreation and Park District; beginning May 1, 2017, for a term of 20 years, for the continued use and maintenance of an existing concrete boat launching ramp, two uncovered floating boat docks, raised boardwalk, and bank protection as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

**EXHIBIT A**

**PRC 3952.9**

**LAND DESCRIPTION**

A parcel of submerged land situate in the bed of Lake Donner, lying adjacent to Lot 2 fractional Section 14, Township 17 North, Range 16 East, MDM., as shown on Official Government Township Plat approved December 20, 1865 County of Nevada, State of California, and more particularly described as follows:

All those lands underlying an existing two uncovered floating boat docks and raised boardwalk adjacent to that parcel described in Exhibit A of that Grant Deed recorded August 27, 2013 in Document 20130024177 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of elevation 5933.8 feet on the shoreline of said Donner Lake.

Accompanying plat is hereby made part of this description.

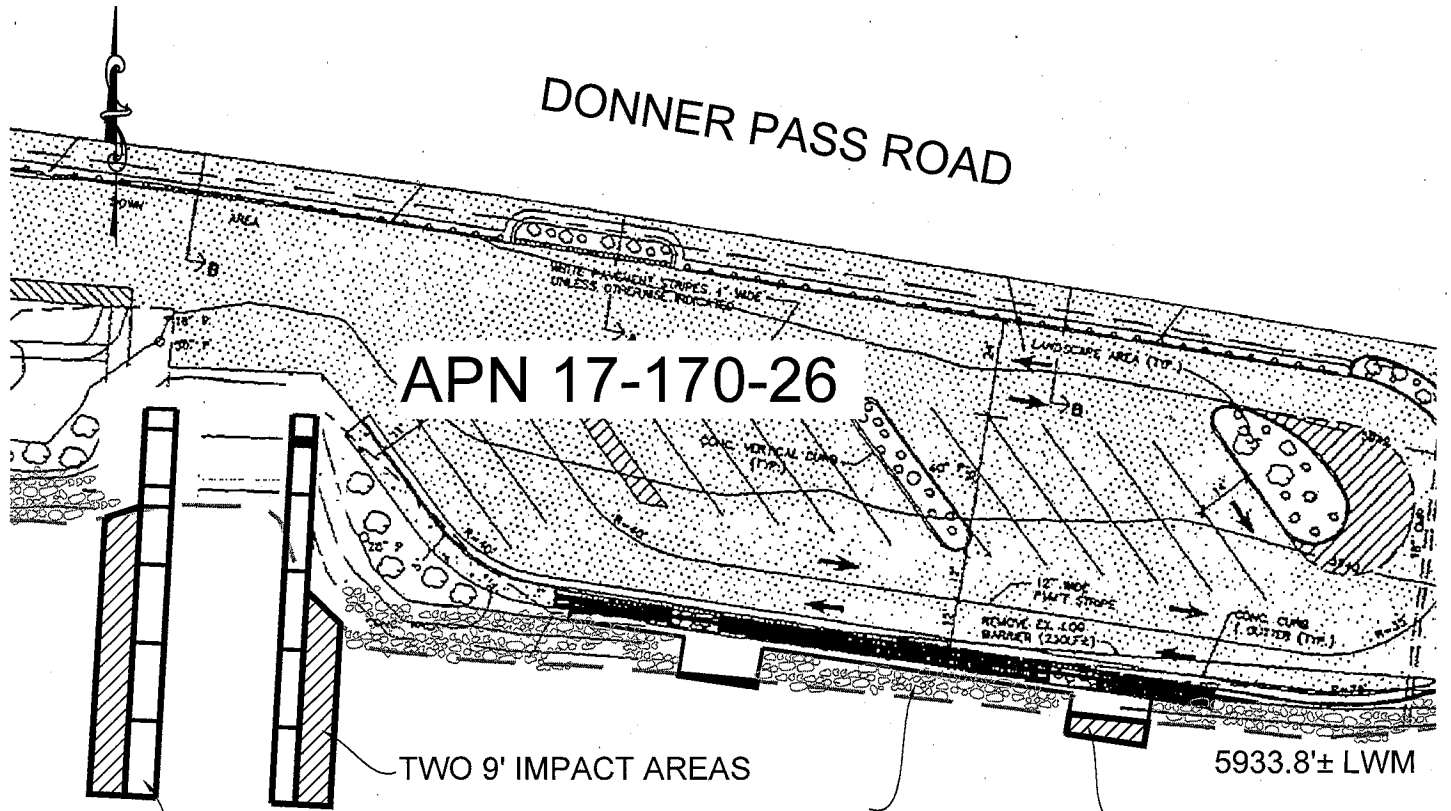
**END OF DESCRIPTION**

Prepared October 2, 2017 by the California State Lands Commission Boundary Unit.



DONNER PASS ROAD

APN 17-170-26



2 EXISTING UNCOVERED FLOATING BOAT DOCKS

TWO 9' IMPACT AREAS

BANK PROTECTION STRUCTURE

EXISTING RAISED BOARDWALK

5933.8± LWM

D O N N E R

L A K E

# EXHIBIT A

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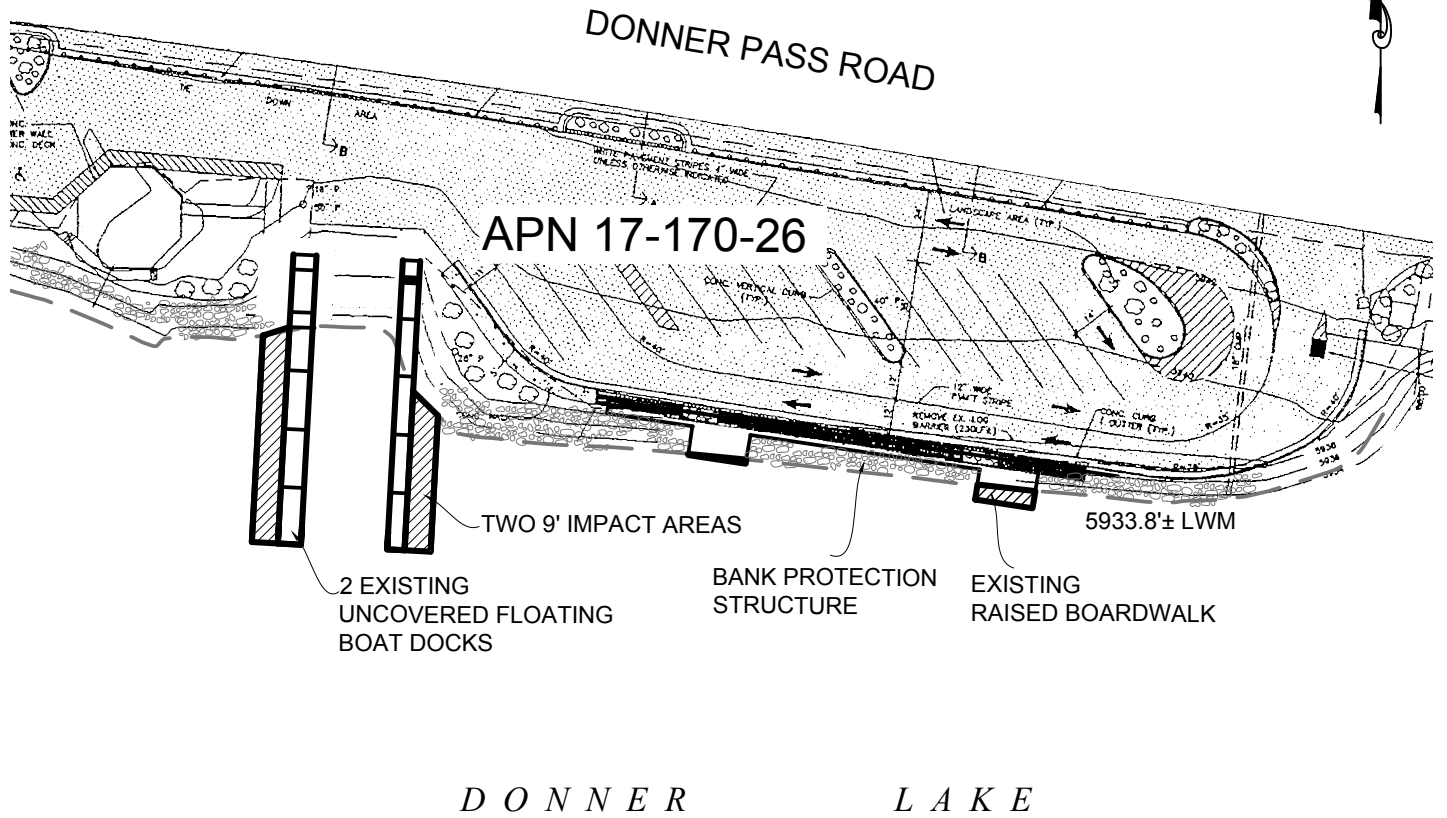
LAND DESCRIPTION PLAT  
 PRC 3952.9,  
 TRUCKEE DONNER RECREATION & PARK DIST.  
 NEVADA COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

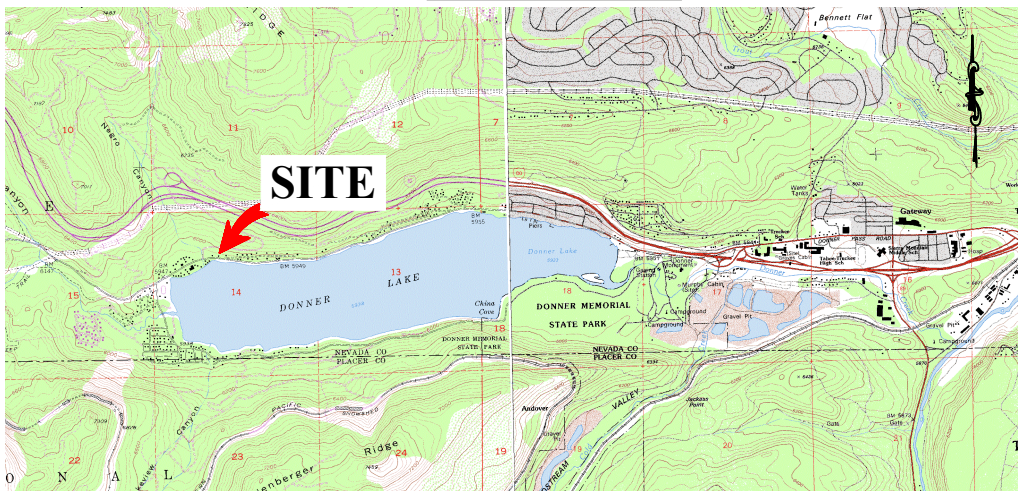
# SITE



15511 DONNER PASS ROAD, TRUCKEE

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 3952.9  
 TRUCKEE DONNER  
 RECREATION & PARK  
 DISTRICT  
 APN 17-170-26  
 GENERAL LEASE -  
 PUBLIC AGENCY  
 NEVADA COUNTY



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.

MJJ 9/22/17