

MINUTE ITEM

This Calendar item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 2
0 at its 3/2/92
meeting.

CALENDAR ITEM

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03/02/92
W 8670.115 PRC 7619
Gordon

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GENERAL PERMIT - RECREATIONAL USE

APPLICANT:

John E. McAmis and Renee McAmis
390 Honey Run Road
Chico, California 95928

AREA, TYPE LAND AND LOCATION:

A 0.027-acre parcel of submerged land located in Donner Lake
at Truckee, Nevada County.

LAND USE:

Construction and maintenance of a pier which is to be used
for recreational boating.

TERMS OF PROPOSED PERMIT:

Initial period:

Ten (10) years beginning March 2, 1992.

Public liability insurance:

Combined single limit coverage of \$500,000.

Special:

(1) The permit is conditioned on the consent of the
littoral owner.

(2) The permit prohibits the use of the facilities
for residential purposes.

(3) The permit conforms to the Lyon/Fogerty decision.

CONSIDERATION:

\$254 per annum; with the State reserving the right to fix a
different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is not the owner of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and estimated processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AE 884:

03/18/92

OTHER PERTINENT INFORMATION:

1. Applicant is not the littoral owner. The proposed pier will extend into Donner Lake from common area littoral lands vested in the Donner Lakeside Landing Homeowners Association. Applicant is a homeowner and member of the association. The proposed permit is subject to the written consent and approval of the littoral owner.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as EIR ND 590, State Clearinghouse No. 92023003. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b))

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's conclusion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

Lahontan Regional Water Quality Control Board and the County of Nevada.

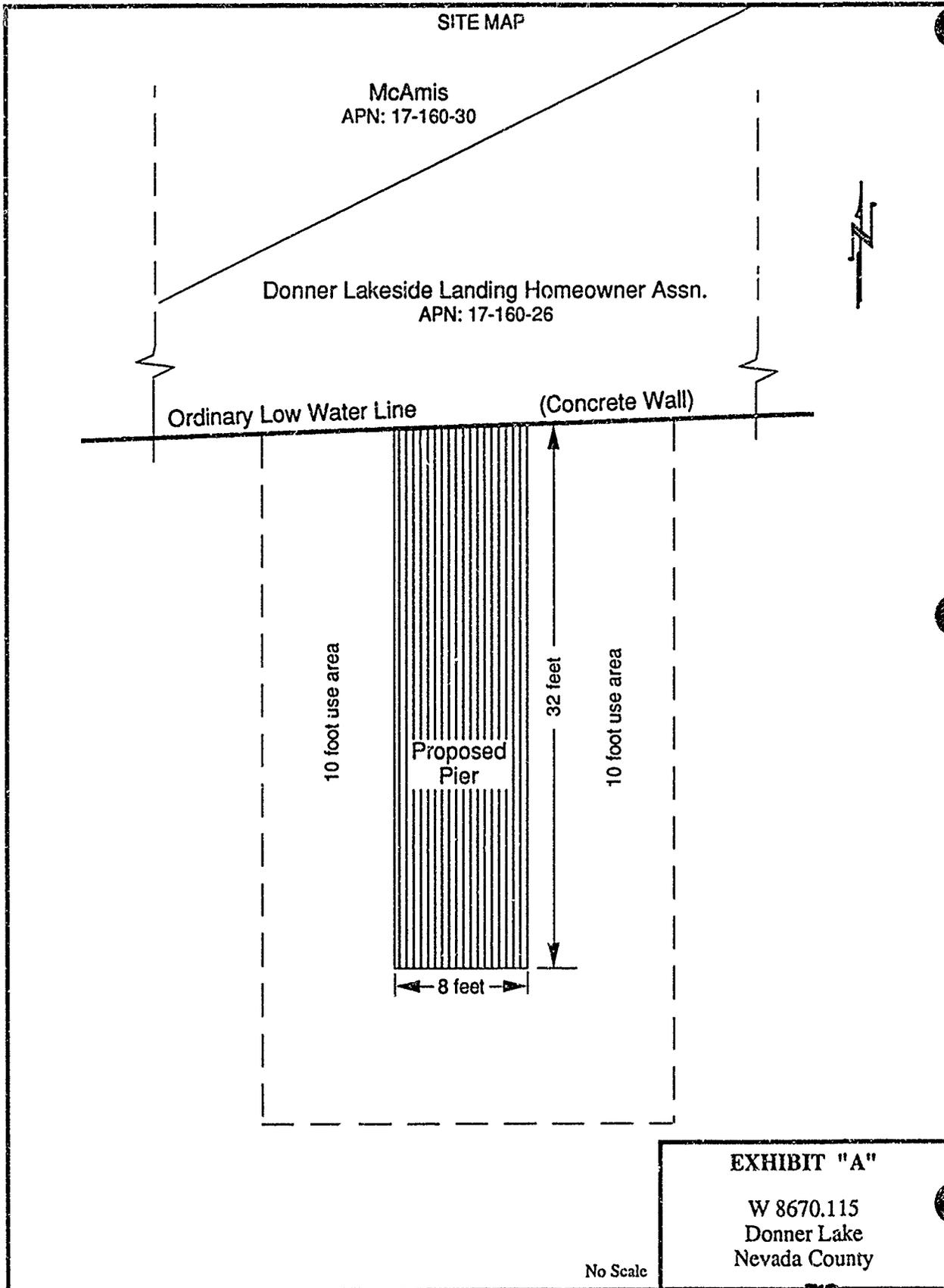
EXHIBITS:

- A. Land Description
- B. Location Map
- C. Proposed Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 580, STATE CLEARINGHOUSE NO. 92023003, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE PROPOSED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO JOHN E. McAMIS AND RENEE McAMIS A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE, BEGINNING MARCH 2, 1992, SUBJECT TO STAFF'S PRIOR RECEIPT OF THE LITTORAL OWNER'S WRITTEN CONSENT AND APPROVAL OF THIS PERMIT AND STRUCTURE; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$254, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000 FOR CONSTRUCTION AND MAINTENANCE OF A PIER UTILIZED FOR RECREATIONAL BOATING ON THE LAND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION



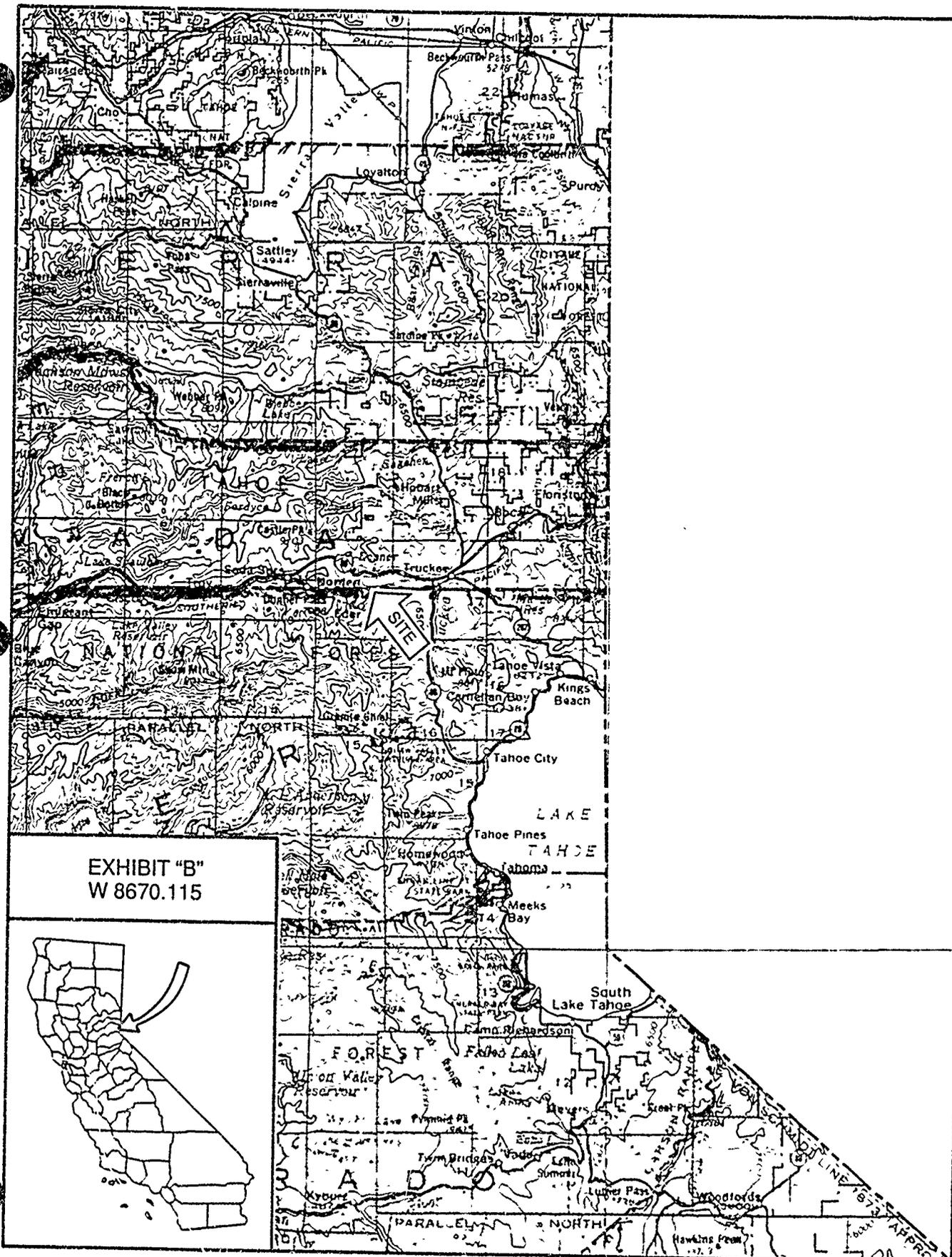


EXHIBIT "B"
W 8670.115



EXHIBIT "C"

REQUEST FOR SHORTENED REVIEW

Mc AMIS RECREATIONAL PIER

Exceptional Circumstances

This project is a proposed recreational pier at Donner Lake in Nevada County.

The staff of the State Lands Commission is requesting a Shortened Review pursuant to PRC Section 21091 because the project applicant is under severe time constraints with respect to his exercising available options.

The project applicant has received a Stream or Lake Alteration Permit (II-651-91) from the California Department of Fish and Game (CDFG). One of the conditions of this permit is that "work in the lake bed shall be conducted only in dry areas; concrete forms and concrete shall only be poured in leak proof forms in dry areas" (emphasis added). The CDFG permit also requires that construction be confined to the period March 1 through October 15.

Historically, the Sierra Pacific Power Company, which controls the storage and release of water from the dam at Donner Lake, has restricted the outflow from the lake on April 15. In a conversation with that agency on January 31, 1992, staff was advised that, because of the extreme drought conditions, the company will begin holding water in the lake on March 15, a month ahead of schedule. Due to the subsequent rise of the water level in the lake, the applicant will no longer be able to meet Fish and Game's condition regarding construction only in a dry area of the lake.

To ensure the applicant's ability to construct the facility in compliance with the conditions imposed by Fish and Game, the State Lands Commission must act on this application at its next meeting. While the meeting date has not yet been set, staff anticipates that a meeting will be set during the week of March 2, 1992.

A shortened review period of 21 days for the attached Initial Study/Proposed Negative Declaration will allow the Commission to consider the project and the applicant to meet the time constraints of the CDFG permit.

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Shortened Review Request Form

(To be filled out and signed by the Lead Agency and submitted with project documents to SCH)

To: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

From: State Lands Commission
Lead Agency
1807 13th Street
Address
Sacramento, CA 95814

Phone #: (916) 324-4715

SCH # _____

Contact: _____

Project Title: Mc Amis Recreational Area

Project Location: Donner Lake Nevada
City County

Explain "exceptional circumstances" (CEQA, Section 15205(d)) for requesting a shortened review:

PLEASE SEE ATTACHED

List state responsible & trustee agencies, as well as any agencies that have commented on the project (Send advance copies of the document to these agencies):

Department of Fish and Game
Truckee-Donner Recreation & Park District

As designated representative for the lead agency, I verify, in their behalf, that there is no "statewide, regional, or areawide significance" to this project.

Today's date: January 31 1992

DWIGHT E. SANDER
Print Name

Dwight E. Sander
Signature
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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
1607 - 13th Street
Sacramento, CA 95814

CHARLES WARR
Executive Officer

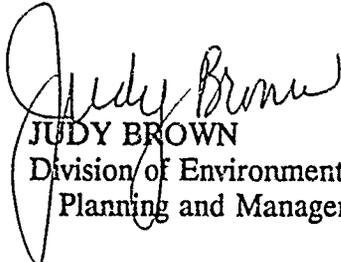
January 31, 1992
File: W 8670.115
ND 580

**NOTICE OF PUBLIC REVIEW OF A PROPOSED NEGATIVE DECLARATION
(SECTION 15073 CCR)**

A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project currently being processed by the staff of the State Lands Commission.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by February 24, 1992.

Should you have any questions or need additional information, please call the undersigned at (916) 324-4715.


JUDY BROWN
Division of Environmental
Planning and Management

Attachment

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STATE LANDS COMMISSION

LEC T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: W 8670.115
ND 580
SCH No. 92023003

Project Title: McAmis Recreational Pier

Proponent: John McAmis

Project Location: Northwest shore of Donner Lake, 15837 Lakeside Landing, adjacent to APN 17-160-12, Nevada County.

Project Description: Proposed construction of an 8' x 32' recreational dock on the northwest shore of Donner Lake. Ten wooden pilings will be used to support a wooden deck. Pilings will be attached to 2'6" concrete blocks. The blocks will be placed a minimum of 18" into the lake bed. Construction will occur on the dry lake bed as water levels permit.

Contact Person: Judy Brown Telephone: 916/324-4715

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Code Regulations).

Based upon the attached Initial Study, it has been found that:

this project will not have a significant effect on the environment.

mitigation measures included in the project will avoid potentially significant effects.

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

File Ref.: W 8670.115

I. BACKGROUND INFORMATION

A. Applicant: John McAmis
390 Honey Run Road
Chico, CA 95928

B. Checklist Date: 01 / 30 / 92

C. Contact Person: Judy Brown
Telephone: (916) 324-4715

D. Purpose: To construct a private dock for recreational purposes

E. Location: Northwest shore of Donner Lake, 15837 Lakeside Landing, adjacent
to APN: 17-160-12, Nevada County

F. Description: Proposed construction of an 8' X 32', open piling recreational
pier. Pilings will be attached to 2'6" concrete blocks and set in the
lake bed a minimum of 18". Construction will be performed on the dry

G. Persons Contacted: lake bed when water levels permit.

Pat O'Brien
Department of Fish and Game
Karry Przetiorski
Nevada County Planning

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

Table with 3 columns: Question, Yes, Maybe, No. Contains 7 rows of environmental impact questions with checkboxes.

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B. Air. Will the proposal result in:

- 1. Substantial air emissions or deterioration of ambient air quality?
- 2. The creation of objectionable odors?
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

C. Water. Will the proposal result in:

- 1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- 3. Alterations to the course or flow of flood waters?
- 4. Change in the amount of surface water in any water body?
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- 6. Alteration of the direction or rate of flow of ground waters?
- 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- 8. Substantial reduction in the amount of water otherwise available for public water supplies?
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?

D. Plant Life. Will the proposal result in:

- 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
- 2. Reduction of the numbers of any unique, rare or endangered species of plants?
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- 4. Reduction in acreage of any agricultural crop?

E. Animal Life. Will the proposal result in:

- 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?
- 2. Reduction of the numbers of any unique, rare or endangered species of animals?
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- 4. Deterioration to existing fish or wildlife habitat?

F. Noise. Will the proposal result in:

- 1. Increase in existing noise levels?
- 2. Exposure of people to severe noise levels?

G. Light and Glare. Will the proposal result in:

- 1. The production of new light or glare?

H. Land Use. Will the proposal result in:

- 1. A substantial alteration of the present or planned land use of an area?

I. Natural Resources. Will the proposal result in:

- 1. Increase in the rate of use of any natural resources?
- 2. Substantial depletion of any nonrenewable resources?

J. *Risk of Upset.* Does the proposal result in:

Yes Maybe No

- 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?
- 2. Possible interference with emergency response plan or an emergency evacuation plan?

K. *Population.* Will the proposal result in:

- 1. The alteration, distribution, density, or growth rate of the human population of the area?

L. *Housing.* Will the proposal result in:

- 1. Affecting existing housing, or create a demand for additional housing?

M. *Transportation/Circulation.* Will the proposal result in:

- 1. Generation of substantial additional vehicular movement?
- 2. Affecting existing parking facilities, or create a demand for new parking?
- 3. Substantial impact upon existing transportation systems?
- 4. Alterations to present patterns of circulation or movement of people and/or goods?
- 5. Alterations to waterborne, rail, or air traffic?
- 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- 1. Fire protection?
- 2. Police protection?
- 3. Schools?
- 4. Parks and other recreational facilities?
- 5. Maintenance of public facilities, including roads?
- 6. Other governmental services?

O. *Energy.* Will the proposal result in:

- 1. Use of substantial amounts of fuel or energy?
- 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?

P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities.

- 1. Power or natural gas?
- 2. Communication systems?
- 3. Water?
- 4. Sewer or septic tanks?
- 5. Storm water drainage?
- 6. Solid waste and disposal?

Q. *Human Health.* Will the proposal result in:

- 1. Creation of any health hazard or potential health hazard (excluding mental health)?
- 2. Exposure of people to potential health hazards?

R. *Aesthetics.* Will the proposal result in:

- 1. The obstruction of any scenic vista or view open to the public, or with the proposal result in the creation of an aesthetically offensive site open to public view?

S. *Recreation.* Will the proposal result in:

- 1. An impact upon the quality or quantity of existing recreational opportunities?

T. *Cultural Resources.*

Yes Maybe No

- 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?
- 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
- 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area?

U. *Mandatory Findings of Significance.*

- 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals?
- 3. Does the project have impacts which are individually limited, but cumulatively considerable?
- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures ~~described on an attached sheet~~ ^{Proposed.} have been added to the project. A NEGATIVE DECLARATION ~~will be prepared.~~ has been prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 01 31 / 92

Judy Brown
For the State Lands Commission
Judy Brown

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Project Description

This project proposes the construction of a 10 piling recreational pier, 8' wide by 32' in length, to be located waterward of APN: 17-160-12, 15837 Lakeside Landing, on the northwestern shore of Donner Lake, Nevada County.

The pier will be attached to the upland by a post and beam wood frame adjacent to the existing concrete retaining wall separating the lake from the upland. The pier pilings will be set in 2'6" steel drums filled with concrete which will rest in the lake bed. The holes for the pilings will be dug by hand tools to a minimum depth of 18". The pilings will be set in 2'6" steel drums filled with concrete prior to being placed into the lake bed. The deck will be constructed of wood material. The proposed construction will take place within Donner Lake at its lowest water level. The Department of Fish and Game will be notified prior to the commencement of construction. The pier pilings will not be treated with wood preservatives. No treated material will be used that might come in contact with the lake water.

Environmental Setting

The shore area of the proposed project site contains a concrete wall which fronts four lots within this area. The wall existed prior to applicant's acquisition of the upland property. Two other single-family dwellings exist along this segment of the shoreline to the west.

Immediately east of the proposed project site lies a vacant lot. Approximately 100 feet to the east of the proposed project location is a recreational pier and gazebo used by the Donner Pines West Recreation Association.

The Truckee-Donner Recreation District owns and operates a public day use area located approximately 260' to the west of the proposed project. Uses of the day area include, shoreline fishing, a delineated swimming area, power and manually-operated boats and floating devices, and sunbathing.

The existing recreational uses of the lake within the proposed project are seasonal and may include swimming, use of recreational floating devices, boating, shoreline fishing and trolling.

III. DISCUSSION OF ENVIRONMENTAL EVALUATION
MCAMIS RECREATIONAL PIER

A. Earth

1. Earth Conditions

The project involves construction of an 8' x 32' open piling recreational pier. This construction will not cause unstable earth conditions or changes in the geologic substructure of the project site.

2. Compaction, Overcovering of the Soil

The proposed pier pilings will be set in 2'6" steel drums filled with concrete which will cover and compact the soil where they rest on the bed of Donner Lake. This impact is not considered to be significant.

3. Topography

This project would not involve grading or the placement of fill upon the ground surface. There will be no impact to the existing topography of the project site.

4. Unique Features

This proposed project is designed with open construction to reduce impacts on the lake bed. The shore has been modified with a rock retaining wall. This project would not involve the placement of fill into the bed of Donner Lake. This project will not have an impact on unique features.

5. Erosion

The proposed pier is of open piling design. Pier pilings will be set in 2'6" steel drums filled with concrete which will rest in the lake bed. The construction and placement of this pier will not increase wind or water erosion of soils.

6. Siltation

The proposed project would be constructed on the dry lake bed during low water levels. Water level rise might cause minor siltation after the project is completed. Some minor prevailing currents may exist during normal lake levels but the accrual of silts will be minimal.