MINUTE ITEM
This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 2 to 0 at its 7-12-04 meeting.

# CALENDAR ITEM
# C03

A 3

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PRC 8538

07/12/04
W 25981
B. Young

## RECREATIONAL PIER LEASE

**APPLICANTS:**
Mark Benard and Merddyn Benard, Trustees of the Mark Benard and Merddyn Benard Family Trust dated July 1, 1994

**AREA, LAND TYPE, AND LOCATION:**
Sovereign lands in Donner Lake, Truckee, Nevada County.

**AUTHORIZED USE:**
Construction of a new recreational pier as shown on the attached Exhibit A.

**LEASE TERM:**
Ten years, beginning October 1, 2004.

**CONSIDERATION:**
No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**
Liability insurance with coverage of no less than $300,000.

**OTHER PERTINENT INFORMATION:**

1. Mark Benard and Merddyn Benard, Trustees of the Mark Benard and Merddyn Benard Family Trust dated July 1, 1994, are applying for a new Recreational Pier Lease for the construction of a pier. Applicants are natural persons and littoral landowners who have begun construction this spring of a single-family dwelling on the upland; therefore, Applicants qualify for a rent-free lease.

2. A pier, which was constructed by previous owners of the littoral parcel, exists to the west of the proposed new pier. The Applicants will remove the existing pier prior to constructing the new pier.

3. The California Department of Fish and Game has amended its original Lake-bed Alteration Agreement #1600-2003-5101-R2 to incorporate the removal of the pre-existing pier referenced in 2 above, Environmental Conditions, in addition to those required for the proposed pier, are required by the Amendment, specifically, the revised work period is now October 1, 2004, to December 15, 2004 and the work is further restricted to periods of low lake levels and dry weather. Additional operating restrictions are designed to prevent the transport of sediment into the lake and to "remove all construction debris and unneeded materials and equipment out of the lake-bed", and prevent any materials hazardous to aquatic life from being washed into Donner Lake during the authorized activities.

4. **Removal of Existing Pier: Pursuant** to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that removal of existing pier is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

   Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

5. **Proposed New Pier:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that construction of the new pier is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 opinion that the project, as proposed, is consistent with its use classification.

**APPROVAL OBTAINED:**
California Department of Fish and Game

**APPROVAL REQUIRED:**
Town of Truckee

**EXHIBIT:**
A. Location and Site Map

**PERMIT STREAMLINING ACT DEADLINE:**
August 5, 2004

**RECOMMENDED ACTION:**
IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING: (REMOVAL OF EXISTING PIER)**
FIND THAT REMOVAL OF EXISTING PIER IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

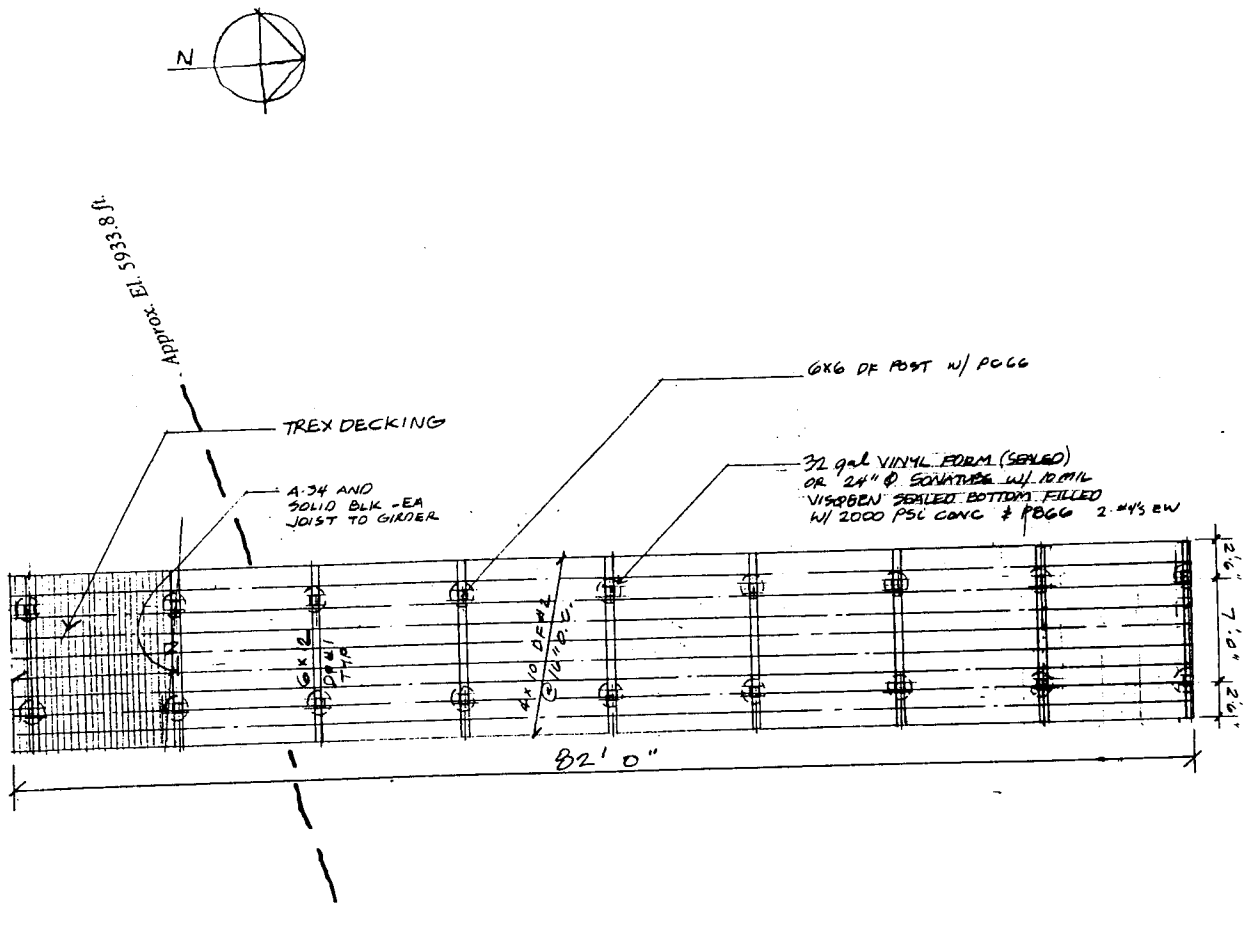
**PROPOSED NEW PIER:**
FIND THAT CONSTRUCTION OF THE NEW PIER IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

**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 SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE REMOVAL OF THE EXISITNG PIER, AND AUTHORIZE ISSUANCE TO MARK BENARD AND MERDDYN BENARD, TRUSTEES OF THE MARK BENARD AND MERDDYN BENARD FAMILY TRUST DATED JULY 1, 1994, OF A RECREATIONAL PIER LEASE, BEGINNING OCTOBER 1, 2004, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION OF A NEW RECREATIONAL PIER AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE WITH COMBINED SINGLE LIMIT COVERAGE OF $300,000.

# SITE MAP




**14822 South Shore Drive**

## LOCATION MAP

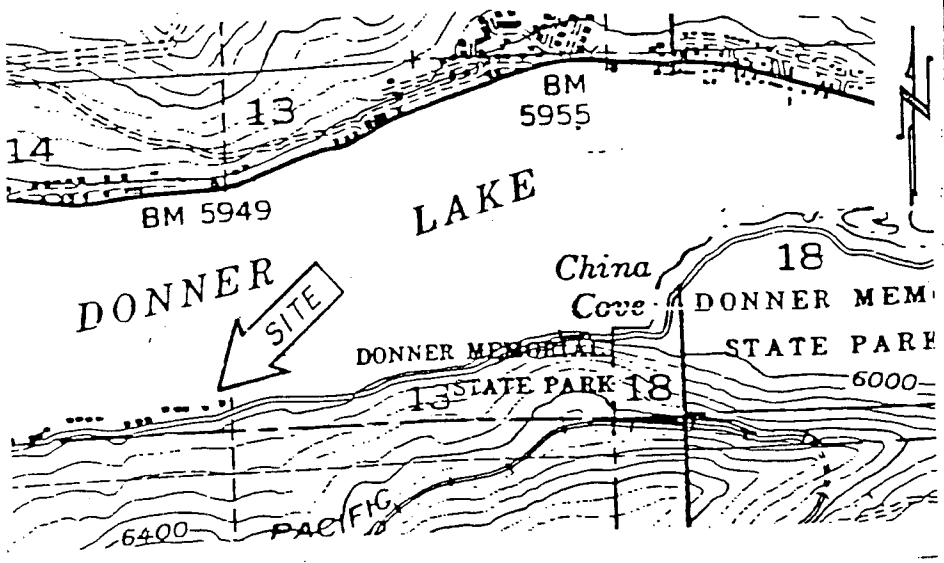



**EXHIBIT A**
**W 8670.54**
**APN 17-271-17**
**Donner Lake**
**NEVADA COUNTY**

This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.