

MINUTE ITEM

This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to 4 at its 12/9/04 meeting.

**CALENDAR ITEM
C39**

A 3
S 1

PRC 8585

12/09/04
W 8670.15
B. Young

RECREATIONAL PIER LEASE

APPLICANTS:

Mark Scott Cunningham and Judith Rachael Klein

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Donner Lake, Truckee, Nevada County.

AUTHORIZED USE:

Removal of an existing recreational pier and construction of a new recreational pier as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 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 Scott Cunningham and Judith Rachael Klein are applying for a new Recreational Pier Lease for the removal of an existing recreational pier and construction of a new recreational pier. Applicants are natural persons who have improved the littoral land with and use the upland for a single family dwelling. Applicants qualify for a rent-free lease.
2. **Removal of an 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 this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor alteration to land; Title 2, California Code of Regulations, section 2905 (d)(3).

CALENDAR ITEM NO. C39 (CONT'D)

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

3. **Construction of 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 this activity 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.

4. 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.

APPROVALS OBTAINED

U.S. Army Corps of Engineers, California Department of Fish and Game and California Water Quality Control Board, Lahontan Region

FURTHER APPROVALS REQUIRED

Town of Truckee

EXHIBIT:

- A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:

December 19, 2004

CALENDAR ITEM NO. C39 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

REMOVAL OF EXISTING PIER: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, NEW CONSTRUCTION OF MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(3).

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

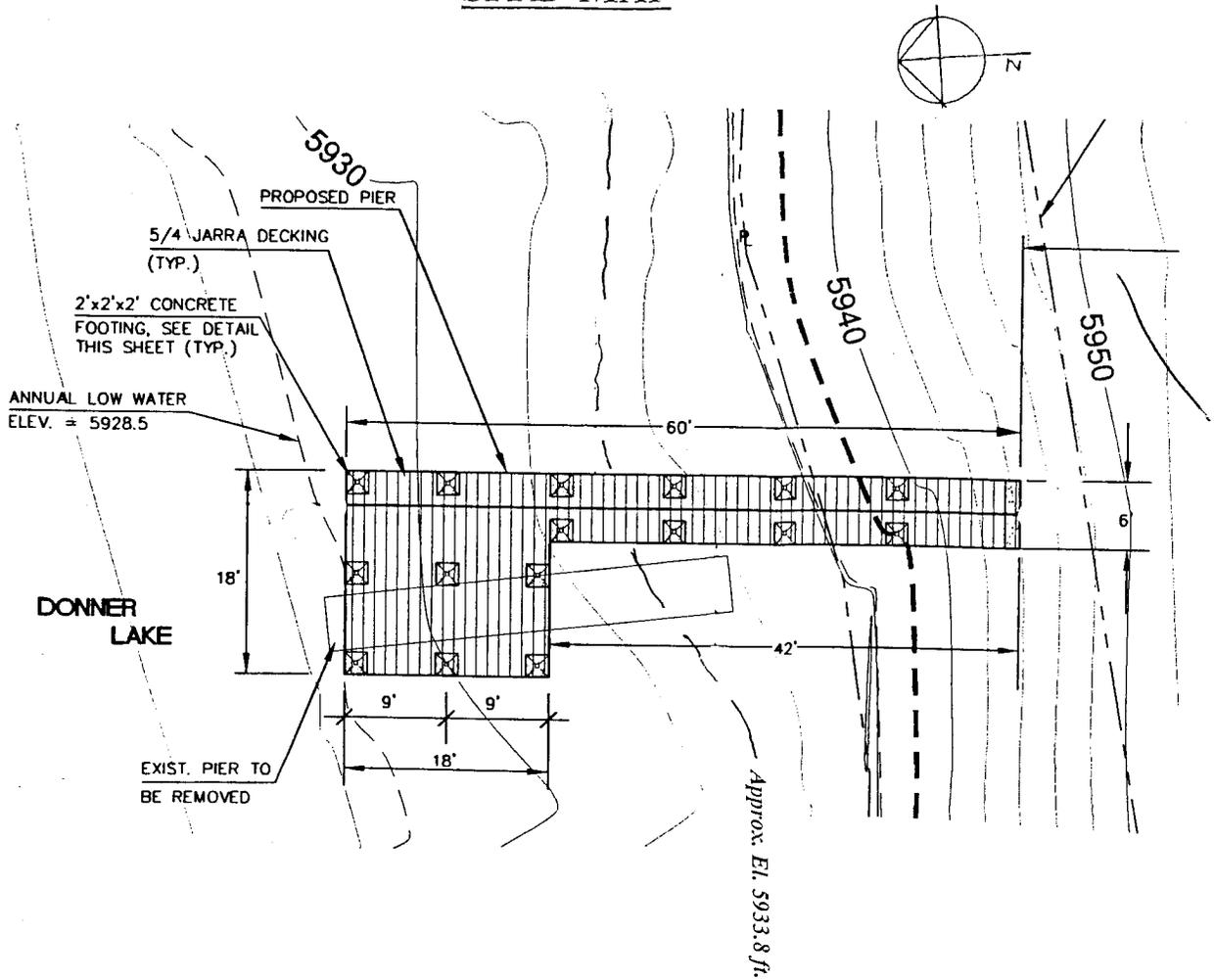
SIGNIFICANT LANDS INVENTORY FINDING:

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 ISSUANCE TO MARK SCOTT CUNNINGHAM AND JUDITH RACHAEL KLEIN, OF A RECREATIONAL PIER LEASE, BEGINNING DECEMBER 1, 2004, FOR A TERM OF TEN YEARS, FOR THE REMOVAL OF AN EXISTING PIER AND CONSTRUCTION OF A NEW RECREATIONAL PIER 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



14130 South Shore Drive

LOCATION MAP

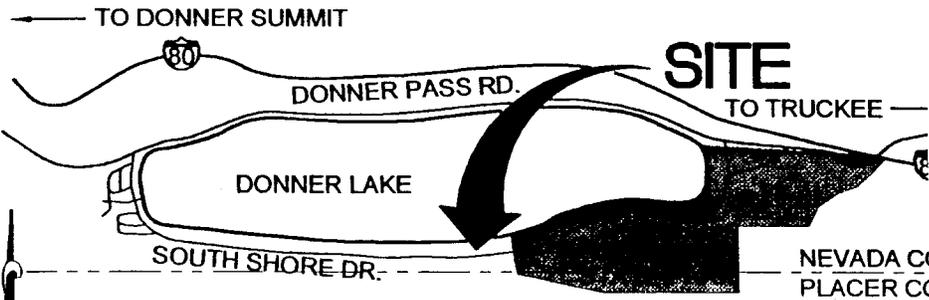


EXHIBIT A
W 8670.15
APN 17-390-04
Donner Lake
NEVADA COUNTY



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.

BY 10/04