

**CALENDAR ITEM
C10**

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10/20/05
PRC 7807 WP 7807.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANT:

Bernard A. Newcomb, Trustee of the Bernard A. Newcomb Living Trust Dated January 29, 1997

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Donner Lake, near Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of an existing recreational pier previously authorized by the Commission as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 15, 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. On November 15, 1994, the Commission authorized a lease with Ronald Watkins. That lease expired on November 14, 2004. The property ownership has since transferred to Bernard A. Newcomb, Trustee of the Bernard A. Newcomb Living Trust Dated January 29, 1997, who is now applying for a new Recreational Pier Lease for the continued use and maintenance of an existing pier. Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single family dwelling. Applicant qualifies for a rent-free lease.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the

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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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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. 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.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO BERNARD A. NEWCOMB, TRUSTEE OF THE BERNARD A. NEWCOMB LIVING TRUST DATED JANUARY 29, 1997, OF A RECREATIONAL PIER LEASE, BEGINNING NOVEMBER 15, 2004, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF

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AN EXISTING 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 NO LESS THAN \$300,000.

