

**CALENDAR ITEM
C01**

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S 1

04/06/10
WP 7740.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANT:

Douglas C. Wallway

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Donner Lake, adjacent to 15849 Donner Pass Road, near the town of Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, floating boat dock and gangway and the retention of an existing covered boatlift as shown on the attached Exhibit A.

LEASE TERM:

Ten years beginning November 30, 2008.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance of no less than \$500,000.

Other:

Applicant agrees that a portion of the pier and retaining wall exists within the State administered Public Trust easement between the locations of the high water mark and the low water mark of Donner Lake as those locations last naturally existed. The Applicant agrees not to block or otherwise prohibit the public from passing and re-passing within the Public Trust easement to access adjacent property subject to the Public Trust easement.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. On February 8, 2000, the Commission authorized a Recreational Pier Lease with Douglas C. Wallway and Becky Wallway. That lease expired on November 29, 2008. On September 13, 2007, Becky Wallway deeded her interest in the upland property to Douglas C. Wallway, who is now applying for a new Recreational Pier Lease.
3. The covered boat lift has not been previously authorized but has been attached to the boat dock since original dock construction.
4. Applicant qualifies for a Recreational Pier Lease because he is a natural person who owns the littoral land that is improved with a single-family dwelling.
5. **Pier, Floating Boat Dock, and Gangway:** 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 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.

5. **Covered Boat Lift:** 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 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 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.

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Pier, Floating Boat Dock, and Gangway: Find that the activity is exempt from the requirements of 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).

Covered Boat Lift: Find that the activity is exempt from the requirements of 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 issuance of a ten-year Recreational Pier Lease to Douglas C. Wallway, beginning November 30, 2008, for the continued use and maintenance of an existing pier, floating boat dock, and gangway and the retention of an existing covered boat lift as shown on Exhibit A attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of \$500,000.