

MINUTE ITEM

This Calendar Item No. C12 was approved as Minute Item No. 12 by the State Lands Commission by a vote of 2 to 0 at its 5-27-76 meeting.

CALENDAR ITEM

C12

5/76

- W 8479 (PRC 1617)
- W 8576 (PRC 3559)
- W 8918 (PRC 5121)
- W 20301 (PRC 5128)
- W 20998 (PRC 5124)
- W 21102 (PRC 5125)
- W 21139 (PRC 5126)
- W 21145 (PRC 5127)
- W 1124.24 (PRC 5122)
- W 1124.210 (PRC 5123)
- WP 3541
- WP 3544
- WP 3550
- WP 3554
- WP 3569
- WP 3582
- WP 3657
- WP 3687
- WP 4097
- RO

RECREATIONAL PIER PERMITS

APPLICANTS: As listed on Exhibit "A" attached.

TERMS: Initial period: 5 years.
 Renewal option: None.
 Surety bond: None.
 Insurance: None.
 Filing Fee: \$25. (All)
 Expense Fee: \$250 (WP 3544, WP 3550, WP 3657, W 21102)

RENTAL: None (Section 6503, Public Resources Code).

PREREQUISITE TERMS:

Applicants are littoral landowners as defined in Section 6503, Public Resources Code.

OTHER PERTINENT INFORMATION:

1. W 8479, W 8576, WP 3554, WP 3544, WP 3541, WP 3550, WP 3582, WP 3657, WP 3569, and WP 3687 cover existing facilities which have been in place for a number of years under previously authorized permits. W 21102, W 1124.24, W 1124.210, W 8918, W 21145, W 21139, and W 20301 cover existing facilities which have not been under prior permit; all of the latter except W 8918 were brought under permit through trespass investigation. All facilities are in an acceptable state of repair and are therefore exempt from the requirements of CEQA, pursuant to PRC 21085; 14 Cal. Adm. Code 15100, and 2 Cal. Adm. Code 2907.
2. WP 4097 and W 20998 are proposed new floating structures.
3. The facilities are, or will be situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and are classified in a significant use category; Class B: Limited Use. Staff review indicates that there will be no significant

A 3,5,6,7,9
 S 1,2,3,13,36

CALENDAR ITEM NO. C12 (CONTD)

effect upon the identified environmental values. These are existing and proposed facilities for which no adverse comments have been received.

4. W 20998, WP 3554, W 21145, W 1124.24, WP 3541, WP 3582, W 21139, W 3569, W 21100, WP 3687 and W 20301, with existing and proposed facilities did not submit the \$250 expense fee, and the staff believes it is in the best interest of the State to waive the fee in view of present controversy.
5. W 1124.210, W 8918, W8479, WP 4097 and W 8576 Applications received prior to June 30, 1975.
6. When the expense fee was first initiated as a result of amendments to the rules and regulations of the State Lands Commission, the fee was asked for unequivocally by letter form. This demand elicited the fee from several applicants.

Subsequently, in an effort to encourage applications from Bethel Island and other areas having a large trespass workload, with Management's approval, staff was authorized to change the letter format to indicate that for willing applicants it could be recommended to the Commission that the \$250 fee be waived. Since that time, applicants relying on that encouragement to file their application, have sent them in, complete in every respect except for the expense fee, indicating their willingness to cooperate. The majority on the calendar this month are of this kind.

The staff recommends that it is in the State's best interest to waive the \$250 expense fee because:

- a. Applicants are willing to cooperate if a filing fee only is required; but will refuse to do anything at all if the \$250 is required. Staff has already experienced this during contact with prospective applicants.
- b. Applicants who have the \$250 on deposit, including those previously approved by the Commission, complied under protest. Others applied through an agent, who also complied under protest. These fees were submitted during the time it was demanded.

CALENDAR ITEM NO. C12 (CONTD)

in the Division's form letter; they are still held in suspense and can be re-funded.

- c. Article 2 (Section 2005[c]) of the Cal. Adm. Code clearly states that: "Expense fees may be waived where the Commission finds that it is in the best interest of the State." In these instances the staff believes it to be in the best interest of the State to waive said expense fee in order to bring the applicants under permit, reduce the number of trespasses and treat all such applicants impartially.
7. Permits covering structures in Lake Tahoe will include a condition subsequent that if any structure authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone Ordinance and if any alterations, repairs, or removal, required pursuant to said Ordinance is not accomplished within the designated time period, then the permit will be automatically terminated, effective upon notice by the State and the site shall be cleared pursuant to the terms thereof.

EXHIBITS: A. Applicants & Property Description.
 B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT ENVIRONMENTAL IMPACT REPORTS HAVE NOT BEEN PREPARED FOR THESE ACTIVITIES AS SUCH REPORTS ARE NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100; AND 2 CAL. ADM. CODE 2907.
2. DETERMINE THE GRANTING OF THE PERMITS WILL HAVE NO SIGNIFICANT EFFECTS UPON THE ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1, ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. DETERMINE THAT IT IS IN THE STATE'S BEST INTEREST TO WAIVE THE EXPENSE FEE OF \$250 FOR ALL APPLICANTS.
4. AUTHORIZE THE ISSUANCE OF 5-YEAR RECREATIONAL PIER PERMITS TO THE APPLICANTS LISTED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

DATA SHEET

645

RECREATIONAL PIER PERMITS FOR CALENDAR OF MAY, 1976

Date

W. O. NO.	APPLICANT	LOCATION	UPLAND PROPERTY DESCRIPTION
WP 3541	George R. Bosenquist 670 - 23rd Avenue San Francisco, CA 94121	Petaluma Creek Marin County	Lots 1 & 2, Hunters Club Tract at Black Point.
WP 3544	Henry M. Glick 12 Yale Circle Kensington, CA 94708	Lake Tahoe El Dorado County	Ptn. of Lot 2, Block A, Lakeside Subdivision.
WP 3550	Margaret S. Healy 300 Edgenhill Way San Francisco, CA 94127	Lake Tahoe Placer County	South 190 Ft. of Lot 26, Block B, Carnelian Bay Tract.
WP 3554	F. J. Coddington P. O. Box 970 Yerington, Nevada 89447	Lake Tahoe Placer County	Lot 9, Agate Bay Shore Subdivision.
WP 3582	Anna L. Jones 55 Havenwood Drive Novato, CA 94947	Petaluma Creek Marin County	That certain parcel of land as described in Deed recorded in Volume 383, page 267, O.R. Marin County.
W 8479 (FRC 1617.9)	Clark H. Harris 320 Gramercy Drive San Mateo, CA 94402	Lake Tahoe Placer County	Lot 26, Block B, Carnelian Bay Subdivision.
W 8576 (FRC 3559.9)	Marshall D. Kraus P. O. Box 207 Sacramento, CA 95801	Lake Tahoe Placer County	Lot 4, Block 1, Tahoe Pines Subdivision.
W 8916	Arnold E. Stamlar 2197 Garden Highway Sacramento, CA 95833	Sacramento River Sacramento County	Lot 46, Natocas Riverside Subdivision.
W 1124.24	Herbert D. Haworth 216 Ramona Avenue Piedmont, CA 94611	Lake Tahoe Placer County	Lot 33, Lake Forest Tract No. 2.

DATA SHEET

646

RECREATIONAL PIER PERMITS FOR CALENDAR OF MAY, 1976
Date

W. O. NO.	APPLICANT	LOCATION	UPLAND PROPERTY DESCRIPTION
W 1124.210	Ieland C. Nelson 136 Donald Drive Moraga, CA 94556	Lake Tahoe Placer County	Lot 24 of Larsen's Survey.
W 20998	Walter J. Weidman 3445 Garden Highway Sacramento, CA 95834	Sacramento River Sacramento County	Lot 7, Rio Tierra Subdivision.
W 21102	George J. Stathakis 21459 Saratoga Hills Road Saratoga, CA 95070	Lake Tahoe Placer County	Fractional Lot 4, Sunnyside Tract.
W 21139	Rosemary Harrison 4075 Garden Highway Sacramento, CA 95834	Sacramento River Sacramento County	Lot 15, Natomas Riverside Subdivision No. 2.
W 21145	John L. Moller 59 San Pablo Road San Rafael, CA 94903	Sacramento River Sacramento County	That certain parcel of land as described in Deed of Gift dated December 15, 1931.
WP 3657	W. H. Stevens 36 Castle Rock Drive Mill Valley, CA 94941	Lake Tahoe El Dorado County	Lots 12, 13 & 14, Block 2, Jameson Beach Tract.
WP 4097	William F. Urbano 16807 Bolero Lane Huntington Beach, CA 92649	Huntington Harbour Orange County	Lot 57, Tract 5264.
WP 3569	James H. DeWald 17051 Bolero Lane Huntington Beach, CA 92649	Huntington Harbour Orange County	Lot 31, Tract 5264.

DATA SHEET

RECREATIONAL PIER PERMITS FOR CALENDAR OF MAY 1976
Date

I. O. NO.	APPLICANT	LOCATION	UPLAND PROPERTY DESCRIPTION
WF 3687	Edward Harrison 165 Kenny Avenue Santa Cruz, CA 95065	Lake Tahoe Placer County	Lot 65, Lakeside Tract.
W 20301	Charles L. Collier Route 1, Box 29F Walnut Grove, CA 95690	Sacramento River Sacramento County	That certain parcel of land more particularly described in Deed recorded in Book 69-12-30, page 34, O.R. of Sacramento County.