

MINUTE ITEM

This Calendar Item No. C17
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
to 0 at its 8/26/76
meeting.

CALENDAR ITEM

8/76
W 8582
WP 3507
WP 3695
W 20606
W 21105
W 21129
RO

C17.

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 3507, WP 3695, W 21105)
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. WP 3507 and WP 3695 cover existing facilities which have been in place for a number of years under previously authorized permits. W 8582, W 20606, W 21105 and W 21129 cover existing facilities which have not been under prior permit, all of which were brought under application 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. The facilities are 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 effect upon the identified environmental values. These are existing facilities for which no adverse comments have been received.
3. When the expense fee was first initiated as a result of amendments to the rules and regulations of the State Lands Commission, and the fee was

A 1, 3, 5, 9
S 1, 2, 3

CALENDAR ITEM NO. C17. (CONTD)

asked for unequivocally by letter form. This demand elicited the fee from several applicants.

Subsequently, in an effort to encourage applicants 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 this encouragement to file their application, have sent them in complete in every respect except for the expense fee, indicating their willingness to cooperate.

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 in the Division's form letter; they are still held in suspense and can be refunded. A few of those already approved by the Commission are now in the process of being refunded.
- 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 those 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.

CALENDAR ITEM NO. C17. (CONTD)

4. 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 FOR RECREATIONAL PIER PERMITS.
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"

EXHIBIT "A"

DATA SHEET

RECREATIONAL FIER PERMITS FOR CALENDAR OF AUGUST 1976
Date

W. C. NO.	APPLICANT	LOCATION	UPLAND PROPERTY DESCRIPTION
W 20606	Herbert H. Putkey, Sr. 10639 Byrne Avenue Los Molinos, CA 96055	Sacramento River Tehama County	That certain parcel of land described in Contract of Sale No. 266152, recorded in Book 617, page 304, Official Records of Tehama County.
WP 3695	Kurt O. Hartwig 1212 Westway Drive Woodland, CA 95695	Lake Tahoe Placer County	Lot 18 & south 15' of Lot 19, Ridgewood Tract.
W 21105	Paul L. Scaglon 454 Vicente Avenue Berkeley, CA 94707	Lake Tahoe Placer County	Lot 3, Lakeview Subdivision No. 2.
W 8582	Geoffrey W. Coe P. O. Box 1793 Sausalito, CA 94965	Lake Tahoe Placer County	6½ Lot 18 & N½ Lot 19, Block "B", Carnelian Bay Subdv.
WP 3897	Victoria P. Nichols 45 Havenwood Drive Novato, CA 94947	Petaluma River Marin County	2 parcels of land as described in Quitclaim Deed dated April 3, 1972 and recorded in Book 2994, page 11, July 3, 1972, O.R. Marin County.
W 21129	John C. Stone 5517 Garden Highway Sacramento, CA 95833	Sacramento River Sacramento County	Lot 40, Natomas Riverside Subdivision No. 2.

1089