

MINUTE ITEM
This Calendar Item No. 09
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 2
to 0 at its 11-19-87
meeting.

CALENDAR ITEM

A 7
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C 09.

11/19/87
WP 4063 PRC 4063
J. Ludlow

TERMINATION OF RECREATIONAL PIER PERMIT AND
APPROVAL OF GENERAL PERMIT = RECREATIONAL USE

APPLICANT: Joe Massolo and Sons
Trucking Company, Inc.
367 West Rossi Street
Salinas, California 93901

AREA, TYPE LAND AND LOCATION:
A 0.090 acre of submerged land in Lake Tahoe,
El Dorado County.

LAND USE: Use and maintenance of an existing pier and
boathouse.

TERMS OF ORIGINAL PERMIT:

Initial period: Ten years beginning
September 18, 1978.

Consideration: Rent free pursuant to
PRC 6503.

TERMS OF PROPOSED PERMIT:

Initial period: Ten years beginning June 24,
1987.

Public liability insurance: Combined single
limit coverage of \$100,000.

CONSIDERATION: \$586 per annum; with the State reserving the
right to fix a different rental on each
fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

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APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and first year's annual rental have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

01/20/88.

OTHER PERTINENT INFORMATION:

1. As to the termination of the Recreational Pier Permit, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

2. As to the issuance of the General Permit - Recreational Use, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facility, 14 Cal. Adm. Code 15301.

Authority: P.R.C. 21064 and 14 Cal. Adm. Code 15300.

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3. As to the authorization for reconstruction of the existing pier, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 2, Replacement or Reconstruction, 2 Cal. Adm. Code 2905(b).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15306, and 2 Cal. Adm. Code 2905.

4. The Applicant, Joe Massola and Sons, has transferred title to the upland property into the name of the family corporation and, therefore, no longer qualifies for the rent-free status pursuant to PRC 6503. The Applicant also proposes to reconstruct the pier within the footprint of the existing pier and boathouse.
5. The permit is conditioned on Permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
6. The permit prohibits the use of the facilities for residential purposes.
7. The permit conforms to the Lyon/Fogerty decision.
8. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

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9. Lake Tahoe Application: The Commission at its meeting on November 27, 1978, suspended all leasing for new construction at Lake Tahoe, except for mooring buoys in designated areas. This action was taken pending completion of an EIR which addresses the cumulative impact of continued construction of piers in Lake Tahoe. The application herein is for the reconstruction and continued use of an existing pier in the lake, and therefore is not subject to the Commission's suspension of leasing activities for new construction.

APPROVALS OBTAINED:
Tahoe Regional Planning Agency.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE TERMINATION OF THE RECREATIONAL PIER PERMIT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AS TO THE ISSUANCE OF THE GENERAL PERMIT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITY, 14 CAL. ADM. CODE 15301.
3. AS TO THE AUTHORIZATION FOR RECONSTRUCTION OF THE EXISTING PIER, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION, 2 CAL. ADM. CODE 2905(b).
4. TERMINATE RECREATIONAL PIER PERMIT NO. PRC 4063, EFFECTIVE JUNE 23, 1987.

CALENDAR ITEM NO. C 09 (CONT'D)

5. AUTHORIZE ISSUANCE TO JOE MASSOLO AND SONS TRUCKING COMPANY, INC. OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING JUNE 24, 1987; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$586, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR THE USE AND MAINTENANCE OF A RECREATIONAL PIER AND BOATHOUSE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
6. AUTHORIZE THE RECONSTRUCTION OF THE EXISTING PIER PROVIDED ALL RECONSTRUCTION TAKE PLACE WITHIN THE FOOTPRINT OF THE EXISTING PIER AND BOATHOUSE.

EXHIBIT "A"

WP 4063

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of Lake Tahoe, El Dorado County, California, said parcel lying immediately beneath a dock, ramp, and boathouse adjacent to and waterward of the land described in the Grant Deed recorded July 18, 1977, in Book 1523, Page 462, Official Records of El Dorado County: TOGETHER WITH a necessary use area extending 10 feet from the extremities of said facilities.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Lake Tahoe.

END OF DESCRIPTION

REVISED JUNE 24, 1987 BY BOUNDARY INVESTIGATION UNIT 1.

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LAKE TAHOE



SITE
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