

MINUTE ITEM

This Calendar Item No. C11 was approved as Minute Item No. 11 by the State Lands Commission by a vote of 3 to 0 at its 7-22-76 meeting.

CALENDAR ITEM

C11.

RECREATIONAL PIER PERMITS

	7776	
WP	3312	
WP	3543	
WP	3573	
WP	3581	
WP	3583	
WP	3870	
W	21079	PRC 5158
W	21132	PRC 5155
W	21141	PRC 5156
W	21151	PRC 5157
W	21173	PRC 5159
	RO	

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 (W 21079)

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 3312, WP 3543, WP 3573, WP 3581, WP 3583, and WP 3870 cover existing facilities which have been in place for a number of years under previously authorized permits. W 21079, W 21132, W 21141, W 21151 and W 21173 cover existing facilities which have not been under prior permit, 4 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. Relying upon the Division staff's indication that the \$250 fee could be waived, none of

A 7, 7, 9, 73

S 1, 2, 13, 36

CALENDAR ITEM NO. 111, (CONTD)

the applicants except W 21079 submitted 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.

4. 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 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 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 in the Division's form letter; they are still held in suspense and can be 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 these instances the staff believes it to be in the best interest of the State to waive said

CALENDAR ITEM NO. C11 (CONTD)

expense fee in order to bring the applicants under permit, reduce the number of trespasses, and treat all such applicants impartially.

5. 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"

EXHIBIT "A"
DATA SHEET

RECREATIONAL PIER PERMITS FOR CALENDAR OF JULY, 1976

Date _____

A. O. NO.	APPLICANT	LOCATION	UPLAND PROPERTY DESCRIPTION
W 21132	Alvin D. Brown 3101 Garden Highway Sacramento, CA 95833	Sacramento River Sacramento County	S 1/2 of Lot 4, Azevedo River Subdivision.
WP 3583	Joseph L. Kalline 2131 Lake Street San Francisco, CA 94121	Petaluma River Marin County	That certain parcel of land as described in Deed recorded in Book 1036, page 372, Official Records of Marin County.
W 21141	Earl Van Ornum 5301 Garden Highway Sacramento, CA 95837	Sacramento River Sacramento County	Ftn. Lot 17, Natomas Elkhorn Subdivision.
WP 3312	Anthony Sotelo 3392 Gilbert Drive Huntington Beach, CA 92646	Huntington Harbour Orange County	Lot 16, Tract 4677.
WP 3543	Patricia D. Hanger 6010 Bullard Drive Oakland, CA 94611	Lake Tahoe El Dorado	That certain parcel of land described in Grant Deed recorded in Book 1370, page 315, Official Records of El Dorado County.
WP 3581	Philip N. Olson 7114 Pocket Road Sacramento, CA 95831	Sacramento River Sacramento County	That certain parcel of land described in Deed of Reconveyance recorded in Book 71 12 38, page 115, Official Records of Sacramento County.
W 21151	Mario Campi P. O. Box 451 Isleton, CA 95641	Sacramento River Sacramento County	That certain parcel of land described in Quitclaim deed recorded in Book 2124, page 139, Official Records of Sacramento County.
WP 3573	Donald G. Penkoff 16921 Bolero Lane Huntington Beach, CA 92649	Huntington Harbour Orange County	Lot 44, Tract 5264.
W 21079	Judith L. Phillips 220 Hartnell Place Sacramento, CA 95825	Lake Tahoe Placer County	That portion of land described in Deed recorded in Volume 1383, page 491, O.R. Placer County, lying landward of the ordinary high water mark.

