MINUTE ITEM

This Calendar Item No. C13. was approved as Minute Item No. 13 by the State Lands Commission by a vote of 3 to 0 at its 6-27-79 meeting.

CALENDAR ITEM

C13.

6/79
WP 2754
Gordon
PRC 2754

TERMINATION OF PERMIT PRC 2754.9
AND RECORDATION OF QUITCLAIM DEED
APPROVAL OF ADDENDUM
TO OPERATING AGREEMENT
ISSUANCE OF GENERAL PERMIT -
PUBLIC AGENCY USE

APPLICANTS: Department of Fish and Game, acting through the Wildlife Conservation Board, and Tahoe City Public Utility District
1416 Ninth Street
Sacramento, California 95814

Attention: A. G. Rutsch

LAKE TAHOE FISHING ACCESS OPERATOR:
Tahoe City Public Utility District
P. O. Box 333
Tahoe City, California 95730

AREA, TYPE LAND AND LOCATION:
A 0.59 acre parcel of submerged lands in Lake Tahoe at Lake Forest, Placer County.

LAND USE: Construction, reconstruction and maintenance of a public recreational boating facility consisting of 1 existing boat launching ramp, 1 existing pier, existing fill and 1 proposed floating dock and gangway secured by 2 proposed piles.

TERMS OF ORIGINAL PERMIT:
Initial period: 49 years from July 28, 1961. The permit is non-assignable.

Consideration: The public use and benefit for a boat launching ramp and dredged boat basin.

TERMS OF OPERATING AGREEMENT:
Project: Lake Tahoe Fishing Access.

CALENDAR PAGE 00058
MINUTE PAGE 1027

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Developer:	Wildlife Conservation Board.
Operator:	Tahoe City Public Utility District.
Initial period:	20 years from January 16, 1973.
Consideration:	No charges or fees may be imposed for launching boats or the privilege of fishing. Charges, fees or other collections made within the project area are subject to the approval of the State. A copy of the subject Operating Agreement is on file in the office of the State Lands Commission and by reference made a part hereof.

TERMS OF PROPOSED PERMIT:

Initial period:	49 years from January 16, 1979.
Public liability insurance:	$1,000,000 per occurrence for bodily injury and $50,000 for property damage. Combined single limit coverage $1,050,000.
Special:	1. The permit is conditioned on permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance. 2. The permit is entered into by all parties without prejudice to their respective claims of boundary.

3. The permittee covenants and agrees to notify permittor within 10 days in the event that any monetary fee or charge is made or required of the public for use of the leased lands, either directly or indirectly.

4. The Operating Agreement dated January 16, 1973, by and between the Wildlife Conservation Board and the Tahoe City Public Utility District relating to the "Lake Tahoe Fishing Access", so far as it concerns the State lands under this permit, is subject to the provisions of this permit.

5. The permittee hereby agrees that any signs or other types of printed notices published or installed to provide notification of the public use and benefit of the project as set forth herein, shall contain and reasonably display a statement to the effect that the State Lands Commission has contributed the lands underlying a portion of the project. Such statement may be as follows:

"A portion of the land required for this project was contributed by the State Lands Commission."

CONSIDERATION: The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicants are owners and/or operators of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be $5,200.

2. As owner of the adjacent upland, the Department of Fish and Game, acting through the Wildlife Conservation Board, has promoted the development of a recreation project identified as the "Lake Tahoe Fishing Access" with the Tahoe City Public Utility District, as operator of the facilities. The recent drought restricted the sole operable boating access to Lake Tahoe in the lake's north shore area to the subject existing facilities. The proposed floating dock and gangway are expected to relieve problems of congestion brought about by increased public useage of the existing facilities. Said dock will provide additional mooring space for the public while they await useage of the existing launching ramp. These are State Multiple - Use facilities to which a statewide public benefit accrues. Applicant requests

and staff recommends that the Commission's processing fee be waived in that the facilities are Multiple - Use, and provide for statewide use and benefit at no charge.

The Wildlife Conservation Board entered into a 20-year Operating Agreement dated January 16, 1973, whereby Tahoe City Public Utility District maintains, operates and manages the project. The agreement provides that no charges or fees may be imposed for launching boats or the privilege of fishing. Charges, fees or other collections made within the project area are subject to the approval of the State.

The Department of General Services approved the subject Operating Agreement February 6, 1973; however, said agreement failed to consider the interest and jurisdiction of the State Lands Commission. To mitigate the omission, the proposed Addendum to Operating Agreement makes said agreement subject to the convenants and conditions of this permit.

3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Classes 1B and 3A which exempt an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation, and new construction of small structures that will occupy no more than 3,000 square feet of State land including the area of use, respectively.

4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. A portion of the project is an existing facility for which no adverse comments have been received.

Staff has coordinated the proposed project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

5. 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 and Multiple - Use type facilities. This action was taken pending completion of an EIR which addresses the cumulative impact of continued construction of piers in Lake Tahoe. In that the facilities herein are for the continued use of a existing pier, and the proposed construction of a floating dock, gangway and 2 piles, that will not unnecessarily restrain public use, or create any measurable negative impact on identified habitat, staff recommends that this project be exempted from the suspension of leasing as set forth in the November 27, 1978 Minute Item.

APPROVAL REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lehontan Regional Water Quality Control Board, and the County of Placer. The proposed permit is conditioned on the approval of all agencies having jurisdiction. All of the above agencies have approved the project.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISION OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

2. WAIVE PAYMENT OF THE PROCESSING FEE REQUIRED FOR SUCH TRANSACTIONS IN CONSIDERATION OF THE STATEWIDE PUBLIC BENEFIT OF THIS PROJECT.

3. AUTHORIZE ACCEPTANCE AND RECORDATION OF A QUITCLAIM DEED TERMINATING THE DEPARTMENT OF FISH AND GAME'S INTEREST, EFFECTIVE THIS DATE, RELATIVE TO PERMIT, P.R.C. 2754.9, AUTHORIZED JULY 28, 1961.

4. FIND THAT GRANTING THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

5. AUTHORIZE THE EXECUTION AND APPROVAL OF THE ADDENDUM TO OPERATING AGREEMENT BY AND BETWEEN THE WILDLIFE CONSERVATION BOARD, THE TAHOE CITY PUBLIC UTILITY DISTRICT, AND THE STATE LANDS COMMISSION WHICH PROVIDES THAT THE OPERATING AGREEMENT DATED JANUARY 16, 1973 IS SUBJECT TO THE COVENANTS AND CONDITIONS OF THE FOLLOWING GENERAL PERMIT - PUBLIC AGENCY USE AGREEMENT.

6. AUTHORIZE ISSUANCE TO THE DEPARTMENT OF FISH AND GAME, ACTING THROUGH THE WILDLIFE CONSERVATION BOARD, AND TAHOE CITY PUBLIC UTILITY DISTRICT OF A 49 YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM JANUARY 16, 1979, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF $1,000,000 PER OCCURRENCE FOR BODILY INJURY AND $50,000 FOR PROPERTY DAMAGE, COMBINED SINGLE LIMIT COVERAGE $1,050,000, FOR CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF A PUBLIC RECREATIONAL BOATING FACILITY CONSISTING OF 1 EXISTING BOAT LAUNCHING RAMP, 1 EXISTING PIER, EXISTING FILL AND 1 PROPOSED FLOATING DOCK AND GANGWAY SECURED BY 2 PROPOSED PILES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 2754

A parcel of land in the bed of Lake Tahoe, Placer County, California described as follows:

COMMENCING at the southwest corner of Section 23, Township 16 North, Range 17 East, MDM; thence N 88° 45' E 1,058.94 feet; thence S 01° 00' W 762 feet to the POINT OF BEGINNING, thence along the following ten courses:

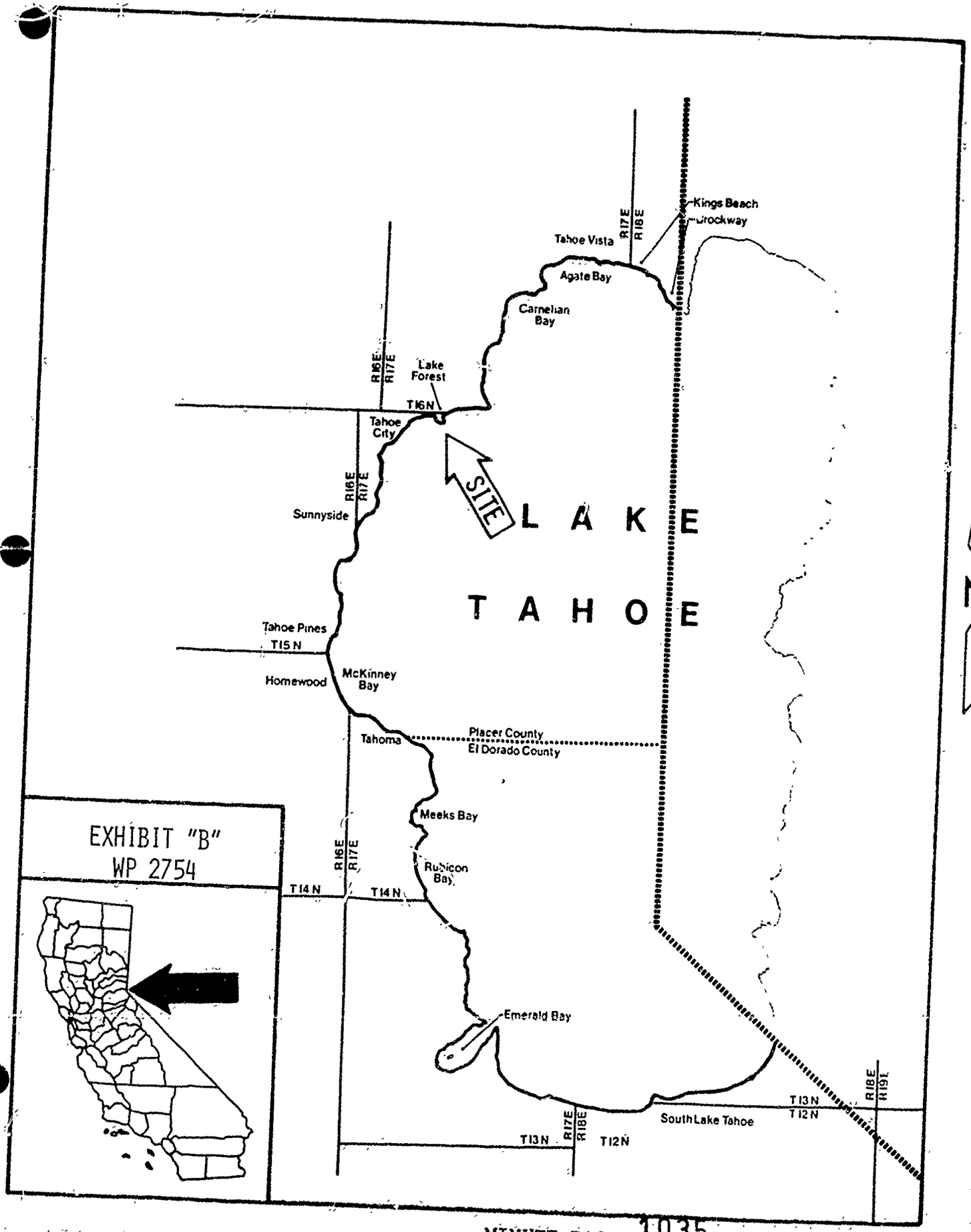
1. S 01° W 100 feet;
2. S 09° E 80 feet;
3. S 01° W 61 feet;
4. S 89° E 36 feet;
5. S 01° W 60 feet;
6. S 89° E 26 feet;
7. N 01° E 170 feet;
8. S 89° E 75 feet;
9. N 01° E 130 feet; thence,
10. N 89° W 150 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

Prepared Linn Robinson Checked H. W. Kunnecke

Reviewed Garry A. Weldon Date 3/26/79


Kings Beach
Brockway
Tahoe Vista
R17E
R18E
Agate Bay
Carnelian Bay
R16E
R17E
Lake Forest
T16N
Tahoe City
SITE
LAKE TAHOE
Sunnyside
Tahoe Pines
T15N
Homewood
McKinney Bay
Tahoma
Placer County
El Dorado County
Meeks Bay
Rubicon Bay
T14N
Emerald Bay
South Lake Tahoe
T13N
T12N
R19E
N
EXHIBIT "B"
WP 2754