

MINUTE ITEM

Minute item 23, meeting of 12/19/85 res.
by the State Lands
Commission by a vote of 2
to 0 at its 12/19/85
meeting.

Minute item 7, meeting of 7/25/85 res.

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MINUTE ITEM

23

12/19/85
WP 3905
Omand

Rescission of General Permit - Recreational Use -
and Issuance of General Permit - Recreational Use

During consideration of Calendar Item 23, attached,
Recommendation 4 was changed from "issuance" to "denial".

With that amendment, the following Resolution was approved by a
vote of 2-0:

THE COMMISSION:

1. FINDS 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 (BUOY) AND CLASS 2, RECONSTRUCTION (PIER), 2 CAL. ADM. CODE 2905(a)(2) AND 2905(b).
2. FINDS THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. RESCINDS THE COMMISSION'S AUTHORIZATION OF JULY 25, 1985, MINUTE ITEM C-07.
4. AUTHORIZES DENIAL, WITHOUT PREJUDICE, TO HOLLAND & MERCURIO, OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE.

CALENDAR ITEM

23

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12/19/85
WP 3905
Omand

RESCISSION OF GENERAL PERMIT - RECREATIONAL USE
NO. PRC 3905, AND ISSUANCE OF GENERAL PERMIT -
RECREATIONAL USE NO. PRC 3905

BACKGROUND:

On July 25, 1985, the Commission authorized the issuance of a General Permit - Recreational Use (Minute Item No. C-07) to Holland & Mercurio, a Nevada General Partnership; James Balsdon and George Montgomery, for the reconstruction of an existing pier and the maintenance of six mooring buoys in Lake Tahoe at Tahoe Pines, Placer County.

This project is no longer a joint venture, and separate applications have been filed by Mr. Balsdon and Mr. Montgomery for their respective buoys. Staff feels that it is in the best interest of the State to rescind the authorization of the Commission's July 25, 1985 action, and authorize the issuance of a General Permit - Recreational Use to Holland & Mercurio. This action will delete four of the six buoys previously authorized. The pier and two of the buoys project from the upland property owned by Holland & Mercurio.

The terms and conditions of the proposed permit will remain the same. The consideration will change from \$531.30 per annum to \$331.30 per annum.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

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CALENDAR ITEM NO. 23 (CONT'D)

2. 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 (Buoy) and Class 2, Reconstruction (Pier), 2 Cal. Adm. Code 2905(a)(2) and 2905(b).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. 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 (BUOY) AND CLASS 2, RECONSTRUCTION (PIER), 2 CAL. ADM. CODE 2905(a)(2) AND 2905(b).
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. RESCIND THE COMMISSION'S AUTHORIZATION OF JULY 25, 1985, MINUTE ITEM C-07.
4. AUTHORIZE ISSUANCE TO HOLLAND & MERCURIO, OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING JULY 25, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$331.30, 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 RECONSTRUCTION AND MAINTENANCE OF AN EXISTING PIER AND MAINTENANCE OF TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

WP 3905

Three parcels of submerged land in the bed of Lake Tahoe, Placer County, California, said parcels being described as follows:

PARCEL 1 - Pier

All that land lying immediately beneath a pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier, said pier being adjacent to and easterly of Lot 4A, Block 2, as shown on the map entitled "Resubdivision of a part of Tahoe Pines" filed for record in Book "D" of Maps, Page 37, Placer County Records.

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

PARCELS 2,3 - Buoys

Two circular parcels of submerged land, each 40 feet in diameter, adjacent to and easterly of above described Parcel 1

END OF DESCRIPTION

REVISED AUGUST 22, 1935, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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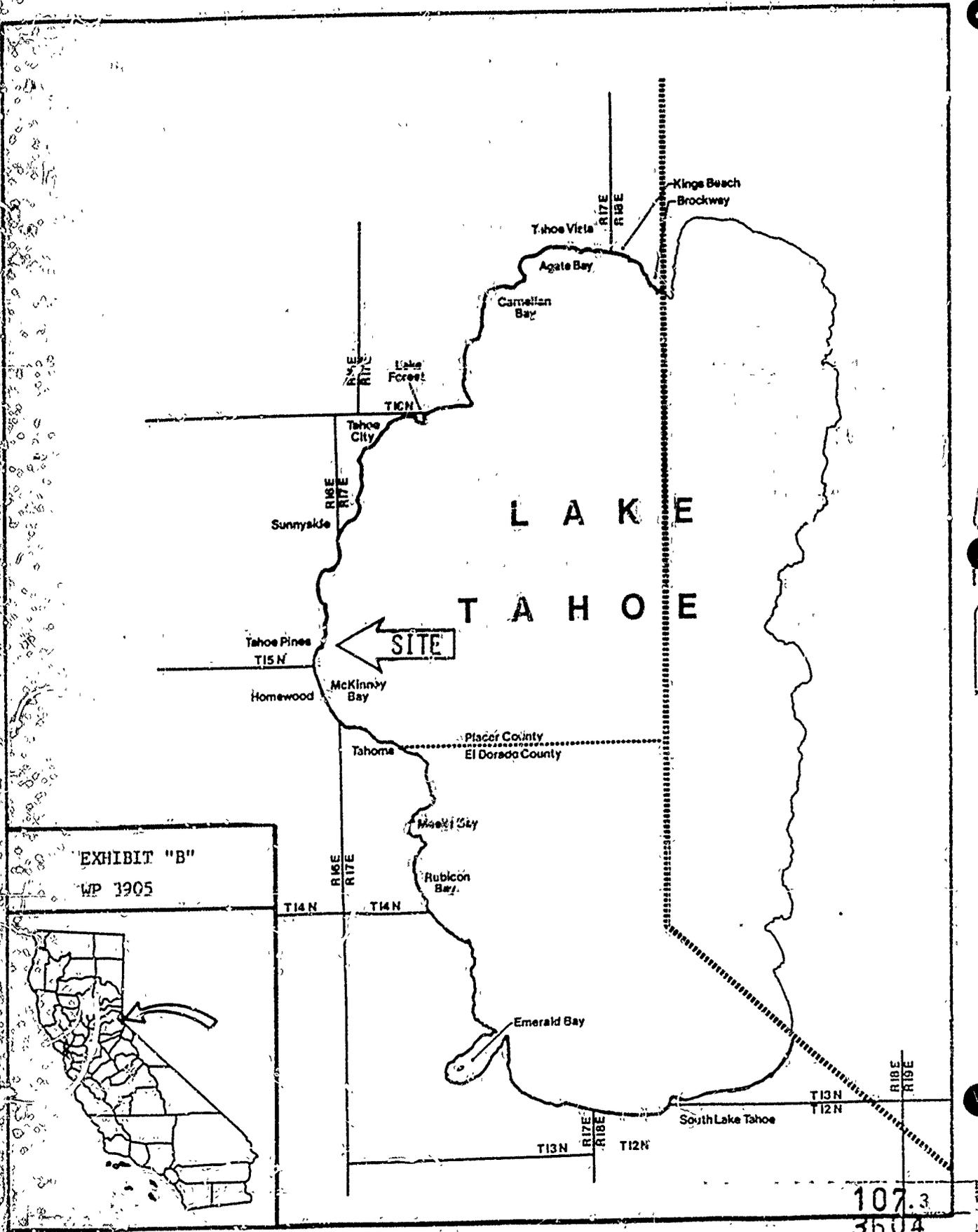


EXHIBIT "B"
WP 1905



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