MINUTE ITEM
This Calendar Item No. C17
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM

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10/23/86
W 23735 PRC 7018
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GENERAL PERMIT - RECREATIONAL USE

APPLICANTS: David F. Smith, M. D.
1757 Haggin Grove Way
Carmichael, California 95608

AREA, TYPE LAND AND LOCATION:
A 0.029-acre parcel of submerged land, 40 feet in diameter, containing 0.029 acre, in Lake Tahoe at Rubicon Bay, El Dorado County.

LAND USE: Maintenance of one existing mooring buoy utilized for recreational boating.

TERMS OF PROPOSED PERMIT:

Initial period: Ten years beginning August 7, 1985.

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

Special:

1. The permit conditions the utilization of the permit site on the consent of the littoral owners.

2. The permit is conditioned on permittee's conformance with the Shorezone Ordinance of Tahoe Regional Planning Agency.

3. The permit restricts the use of the facilities for residential purposes.

4. The permit conforms to the Lyon/Fogerty decision.

CONSIDERATION: $52.54 from August 7, 1985 through August 6, 1986; and $53 per annum, thereafter; 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.

APPLICANT STATUS:
Applicant is not the record owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has 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: 12/12/86.

OTHER PERTINENT INFORMATION:

1. The record owner of the littoral upland is International Trust Corporation, Trustee, on behalf of applicant.

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 Facilities, 2 Cal. Adm. Code 2905(a)(2).

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

3. 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 activity is consistent with its use classification.

APPROVALS OBTAINED:
None.

FURTHER APPROVALS REQUIRED:
Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and the County of El Dorado.

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 FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. AUTHORIZE ISSUANCE TO DAVID F. SMITH, M.D. OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING AUGUST 7, 1985; IN CONSIDERATION OF $52.54 FROM AUGUST 7, 1985 THROUGH AUGUST 6, 1986 AND $53 PER ANNUM, THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $100,000; FOR MAINTENANCE OF ONE EXISTING MOORING BUOY UTILIZED FOR RECREATIONAL BOATING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

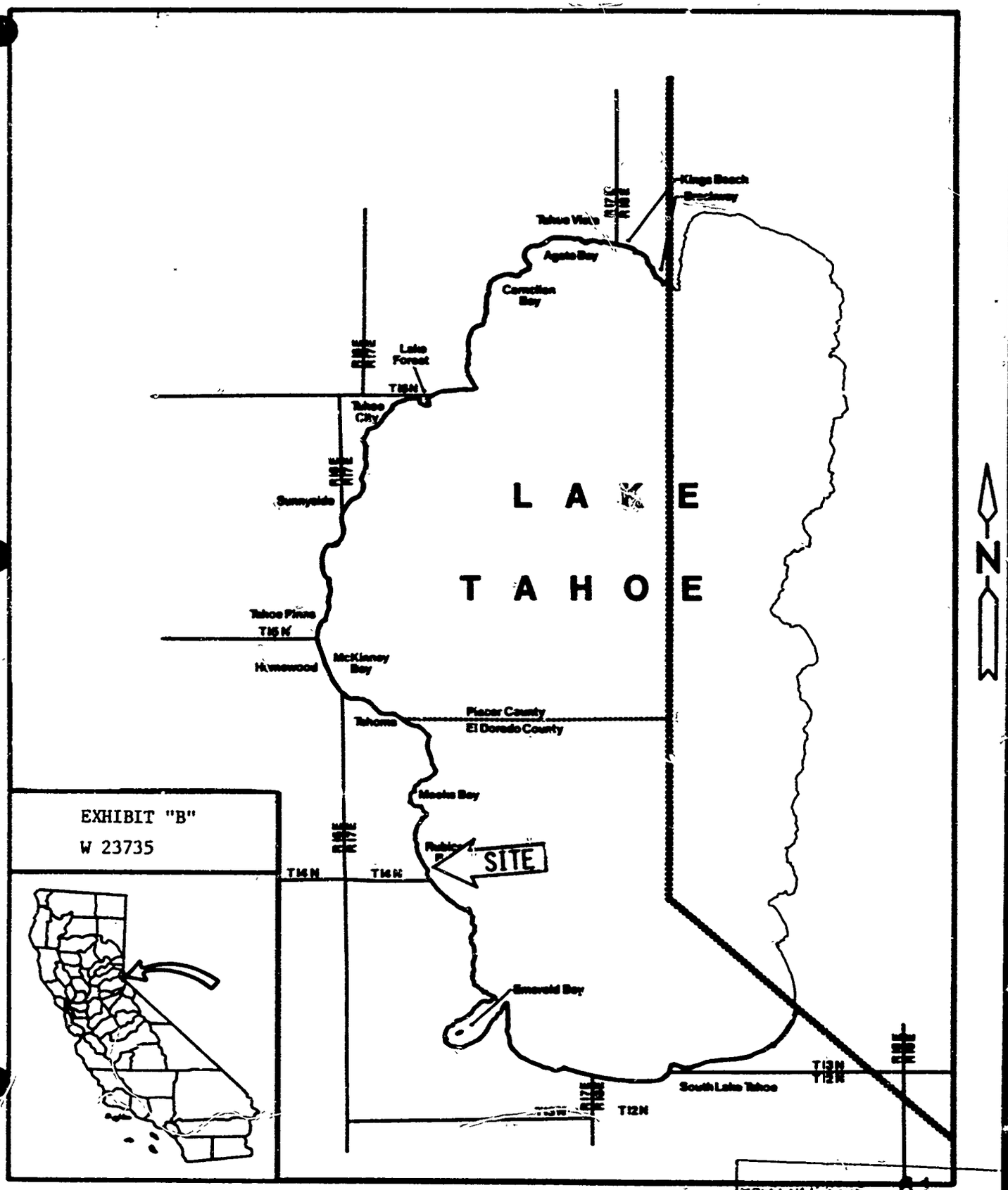
EXHIBIT "A"

LAND DESCRIPTION W 23735

A circular parcel of submerged land 40 feet in diameter in the bed of Lake Tahoe, El Dorado County, California, said parcel being adjacent to and northeasterly of Lot 15, Block "G", as shown on the map of "Rubicon Properties", said map being filed August 9, 1946, in Book "A" of Maps, Page 52 with the County Recorder of El Dorado County.

END OF DESCRIPTION

PREPARED FEBRUARY 7, 1986, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.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Agate Bay
Carnelian Bay
Lake Forest
T18N
Tahoe City
Sunnyside
Tahoe Pines
T15N
Homewood
McKinney Bay
Tahoma
Placer County
El Dorado County
Meeks Bay
SITE
T14N
T14N
Emerald Bay
South Lake Tahoe
T13N
T12N
T12N
EXHIBIT "B"
W 23735