MINUTE ITEM
This Calendar Item No. C21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM
C21 1

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10/23/86
WP 5300 PRC 5300
Gordon

TERMINATION OF GENERAL PERMIT - RECREATIONAL USE PRC 5300
AND ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Bay View Refuse Service, Inc.
P. O. Box 277
El Cerrito, California 94530

PERMITTEE: Bay Cities Refuse Service, Inc.
P. O. Box 277
El Cerrito, California 94530

AREA, TYPE LAND AND LOCATION:
A 0.033-acre parcel of submerged land, located in Lake Tahoe near Tahoma, Placer County.

LAND USE: Maintenance of an existing pier.

TERMS OF ORIGINAL PERMIT:

Initial period: Ten years beginning April 1, 1977.

Surety bond: $1,000.

Consideration: $30 per annum; five-year rent review.

Special:

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

2. The permit is conditioned on the County of Placer's authorization and consent of any of the subject facilities found to be on or adjacent to County lands.

3. The permit is entered into by all parties without prejudice to their respective claims of boundary.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years beginning April 14, 1986.

Surety bond: $2,000.

Public liability insurance: Combined single limit coverage of $500,000.

Special:

1. The permit restricts any residential use of the facilities.

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

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

CONSIDERATION: $215 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.

APPLICANT STATUS:
Applicant is 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: 02/16/87.

OTHER PERTINENT INFORMATION:

1. At its meeting on May 26, 1977, the State Lands Commission, in Minute Item 9, approved the issuance of General Permit - Recreational Use PRC 5300 to Bay Cities Refuse Service, Inc. for the purpose of construction of the pier.

   The permittee subsequently conveyed the upland to applicant without first receiving the Commission's approval of the assignment, transference or subletting of said permit. As the permit will expire March 31, 1987, and the format of this agreement is not consistent with the Commission's current rules and regulations, termination of this permit is recommended.

2. As to the termination of the current general 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.

3. As to the issuance of the new general 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 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.

4. 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:

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 Placer.

EXHIBITS:

A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE TERMINATION OF THE CURRENT GENERAL PERMIT PRC 5300, 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 NEW 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 FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).

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

4. AUTHORIZE TERMINATION OF GENERAL PERMIT - RECREATIONAL USE PRC 5300 DATED JUNE 9, 1977, EFFECTIVE APRIL 14, 1986; AND THE ISSUANCE TO BAY VIEW REFUSE SERVICE, INC. OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING APRIL 14, 1986; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $215, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; WITH PROVISION OF A $2,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; FOR MAINTENANCE OF AN EXISTING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION WP 5300

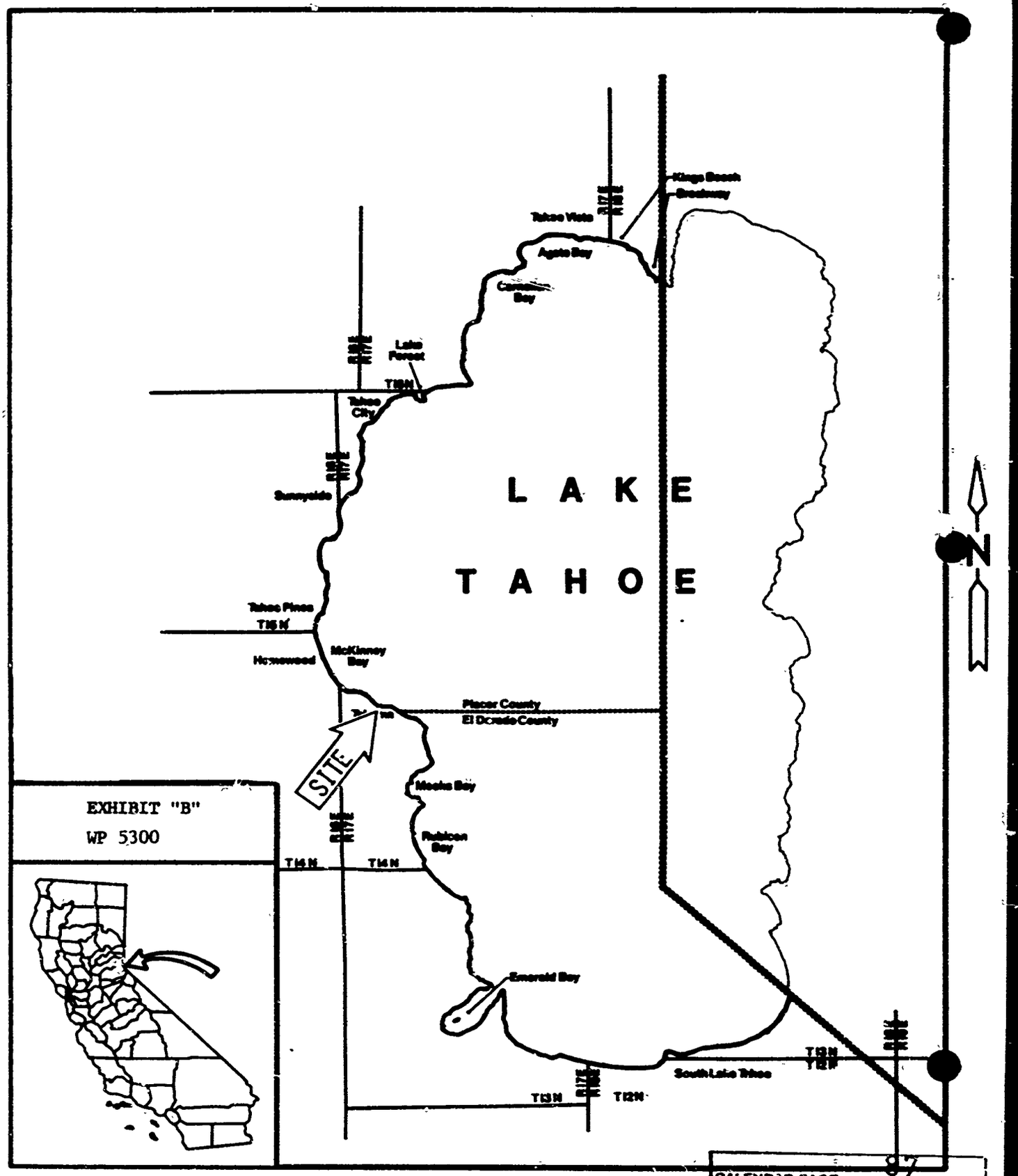
A parcel of land in the bed of Lake Tahoe, adjacent to fractional Section 7, T14N, R17E, MDM, and near Tahoma, Placer County, California, more particularly described as follows:

All that land lying immediately beneath and extending 10 feet from all sides of a pier, adjacent to Lot 17, Moana Beach, as said Lot is shown on the map filed in Book "H" of maps at page 7, Placer County Records.

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

END OF DESCRIPTION

REVISED JULY 30, 1986 BY BOUNDARY SERVICES UNIT,, M. L. SHAFER, SUPERVISOR.



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