MINUTE ITEM
This Calendar Item No. 62
was approved as Minute Item
No. 62 by the State Lands
Commission by a vote of 3
at its 6/11/90
meeting.

CALENDAR ITEM

A 7 : 62. 06/11/90
PRC 3709
S 1 Garibay

RESCISSION OF PRIOR AUTHORIZATION AND
AUTHORIZATION FOR EJECTMENT

APPLICANT: Bonnie Durrell
19877 North Davis Road
Lodi, California 95240

AREA, TYPE LAND AND LOCATION:
An area of 2230 square feet of submerged land located in Lake Tahoe, Placer County.

LAND USE: Maintenance and use of existing pier and mooring buoys.

TERMS OF PREVIOUSLY AUTHORIZED PERMIT:
Initial period: Ten years beginning March 1, 1977.

CONSIDERATION: No monetary consideration pursuant to Section 6503 P.R.C.

BASIS FOR RESCISSION AND EJECTMENT:

1. Failure to pay processing and filing fees and sign proposed replacement Recreational Pier Permit. A pier and mooring facilities have existed at this site for many years. The last valid permit covering these facilities was issued in March 1977. That permit expired in March 1987 and staff has made numerous and continuous attempts since that time to secure a renewal permit document.

(ADDED pgs. 463-463.4)

DEMANDS: By letters of:

December 15, 1986
February 26, 1987
May 21, 1987
June 6, 1988
July 22, 1988
August 26, 1988
September 30, 1988
November 2, 1988
December 11, 1989
February 20, 1990

CURRENT STATUS:

The Commission staff has diligently attempted to collect processing and filing fees and a signed Recreational Pier Permit. Applicant Bonnie Durrell has been unresponsive to repeated requests.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

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. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. AUTHORIZE STAFF, STAFF COUNSEL, AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THIS CONTINUING OCCUPATION OF SOVEREIGN LANDS TO REMOVE THE EXISTING IMPROVEMENTS, TO RESTORE THE SITE TO A NATURAL CONDITION, AND TO COLLECT ALL

COSTS THE STATE INCURS IN REPOSSESSING THE LANDS, TOGETHER WITH ANY OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE APPROPRIATE OR NECESSARY, INCLUDING, BUT NOT LIMITED TO, THE COST OF REMOVING THE EXISTING UNPERMITTED IMPROVEMENT AND SITE RESTORATION.

EXHIBIT "A"

PRC 3709

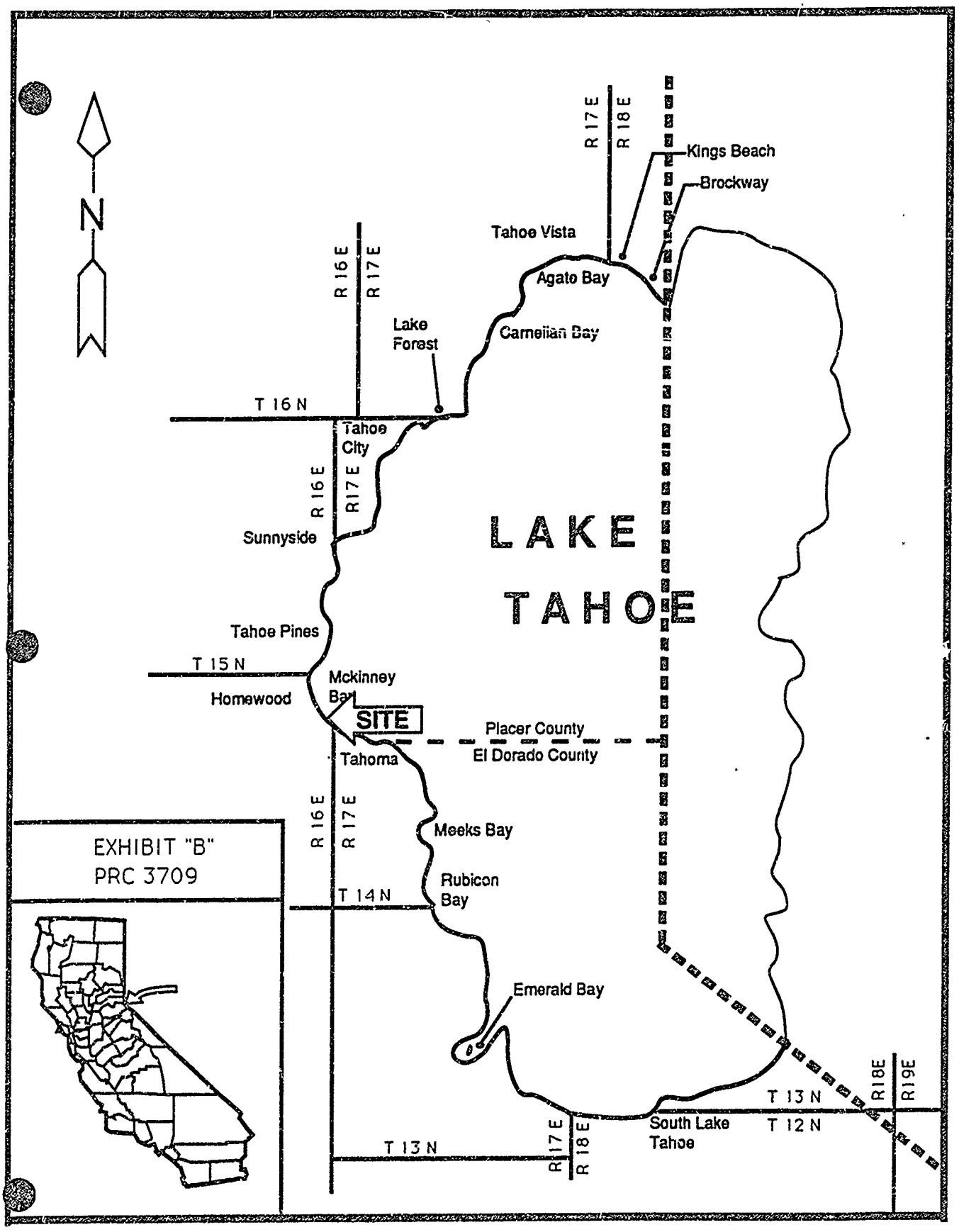
LAND DESCRIPTION

A parcel of land in the bed of Lake Tahoe, Placer County, California, said parcel being immediately beneath and extending 10 feet on all sides of an existing pier, said pier lying adjacent to and easterly of the south half of Lot 7 and 8 of McKinney Tract as shown on that map entitled "Plat of McKinney Tract Subdivision No. 1" Filed July 10, 1909, in Book C No. 1 of Maps, page 13, Placer County Records.

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

END OF DESCRIPTION

PREPARED JUNE 5, 1990 BY LLB.



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