

CALENDAR ITEM

C 4 4

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MINUTE ITEM
This Calendar Item No. C 44
was approved as Minute Item
No. 44 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

09/23/92
PRC 5447
Clark

REPLACEMENT OF GENERAL PERMIT - RECREATIONAL USE

PERMITTEE:

California Gas Service Company
400 Bell Marin Keys, Suite 300
P. O. Box 5069
Novato, California 94948

AREA, TYPE LAND AND LOCATION:

A 0.126-acre parcel of submerged land in Lake Tahoe, Placer County.

LAND USE:

Continued use and maintenance of an existing pier and three mooring buoys.

TERM OF PROPOSED PERMIT:

Initial period:

Five (5) years beginning March 1, 1992.

Public liability insurance:

Combined single limit coverage of \$500,000.

CONSIDERATION:

\$642 per annum

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, processing costs, and public trust determination fee have been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

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 as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Code Regs. 2905(a)(2).

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

2. 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 project, as proposed, is consistent with its use classification.
3. Rorippa subumbellata - No materials will be stored or placed, nor will any activity associated with the construction or maintenance of the project be conducted, above the low water line (elevation 6,223 feet, Lake Tahoe Datum [L.T.D.]) of the subject property. This procedure will prevent any disturbance to the habitat of Rorippa subumbellata, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.

The permit includes specific provisions by which the Permittee agrees to protect and replace or restore, if required, the Rorippa habitat.

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4. The permit is conditioned on the public's right of access along the shorezone below the high water line (elevation 6,228.75 feet, Lake Tahoe Datum), pursuant to the holding in State v. Superior Court (Fogerty), 2 Cal.3d 240 (1981), and provides that the Permittee must provide a reasonable means for public passage along the shorezone, including, but not limited to, the area occupied by the authorized improvements.
5. This subject property was physically inspected by staff for purposes of evaluating the impact of the proposed activity on the Public Trust.

APPROVALS OBTAINED:

All approvals previously obtained.

EXHIBITS:

- A. Land Description
- A-1. Site Map
- 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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).
2. AUTHORIZE ISSUANCE TO CALIFORNIA GAS SERVICE COMPANY OF A FIVE-YEAR GENERAL PERMIT - RECREATIONAL USE, BEGINNING MARCH 1, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$642; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND THREE (3) MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 5447

LAND DESCRIPTION

Four parcels of land in Lake Tahoe, Placer County, State of California, more particularly described as follows:

PARCEL 1 - Pier

A parcel of land lying immediately beneath a pier, TOGETHER WITH the necessary use area extending 10 feet beyond its extremities, said pier being adjacent to that land described in that certain deed recorded January 17, 1973 in Volume 1467, page 546, in the Official Records of Placer County.

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

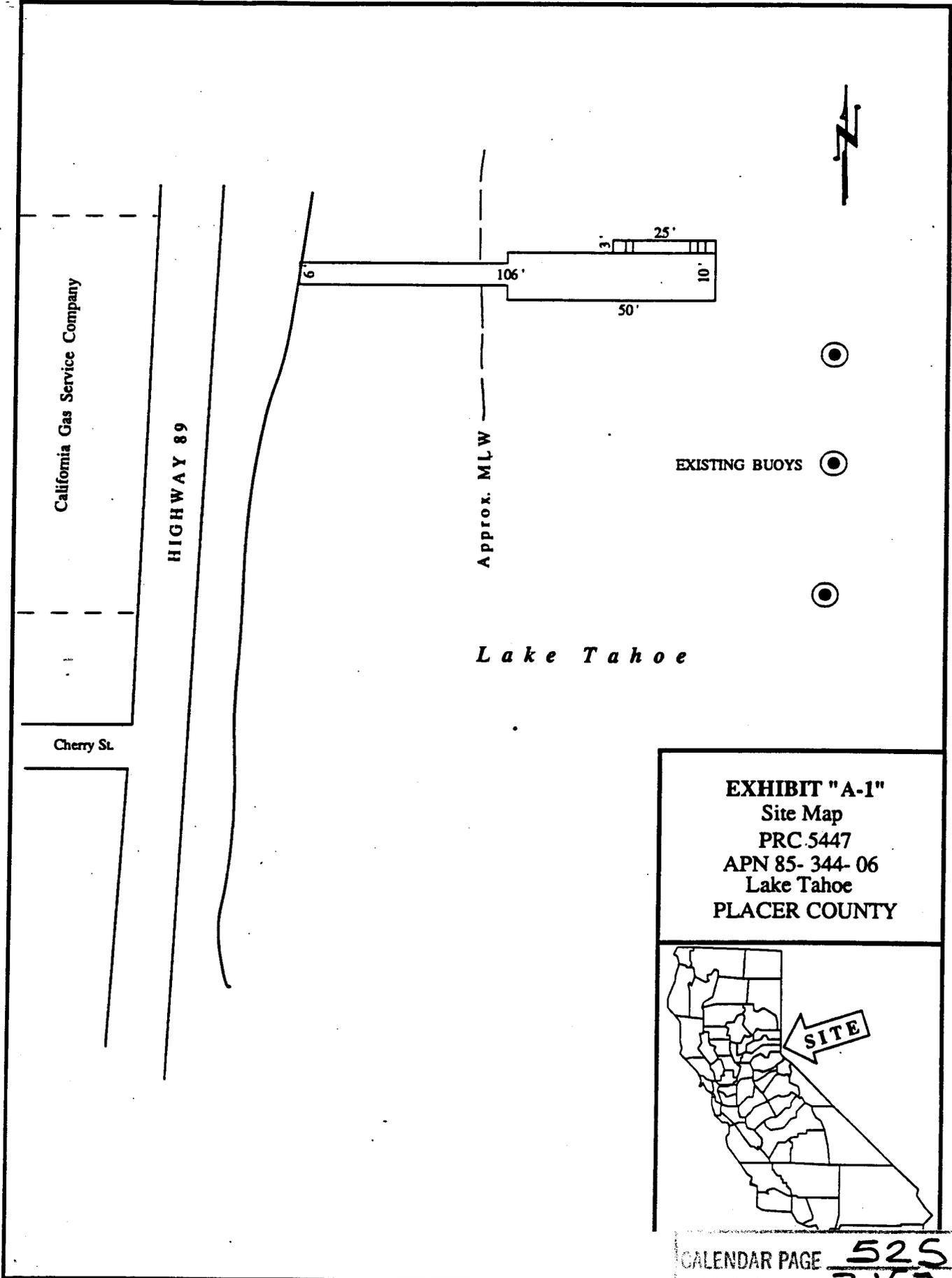
PARCELS 2-4 - Buoys

Three circular parcels of land, each having a diameter of 40 feet, said parcels lying easterly and southeasterly of the above mentioned pier.

END OF DESCRIPTION

REVIEWED AUGUST, 1992 BY R.L.N.C.

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California Gas Service Company

HIGHWAY 89

Approx. MLW

Lake Tahoe

Cherry St.

EXISTING BUOYS

EXHIBIT "A-1"
 Site Map
 PRC 5447
 APN 85- 344- 06
 Lake Tahoe
 PLACER COUNTY



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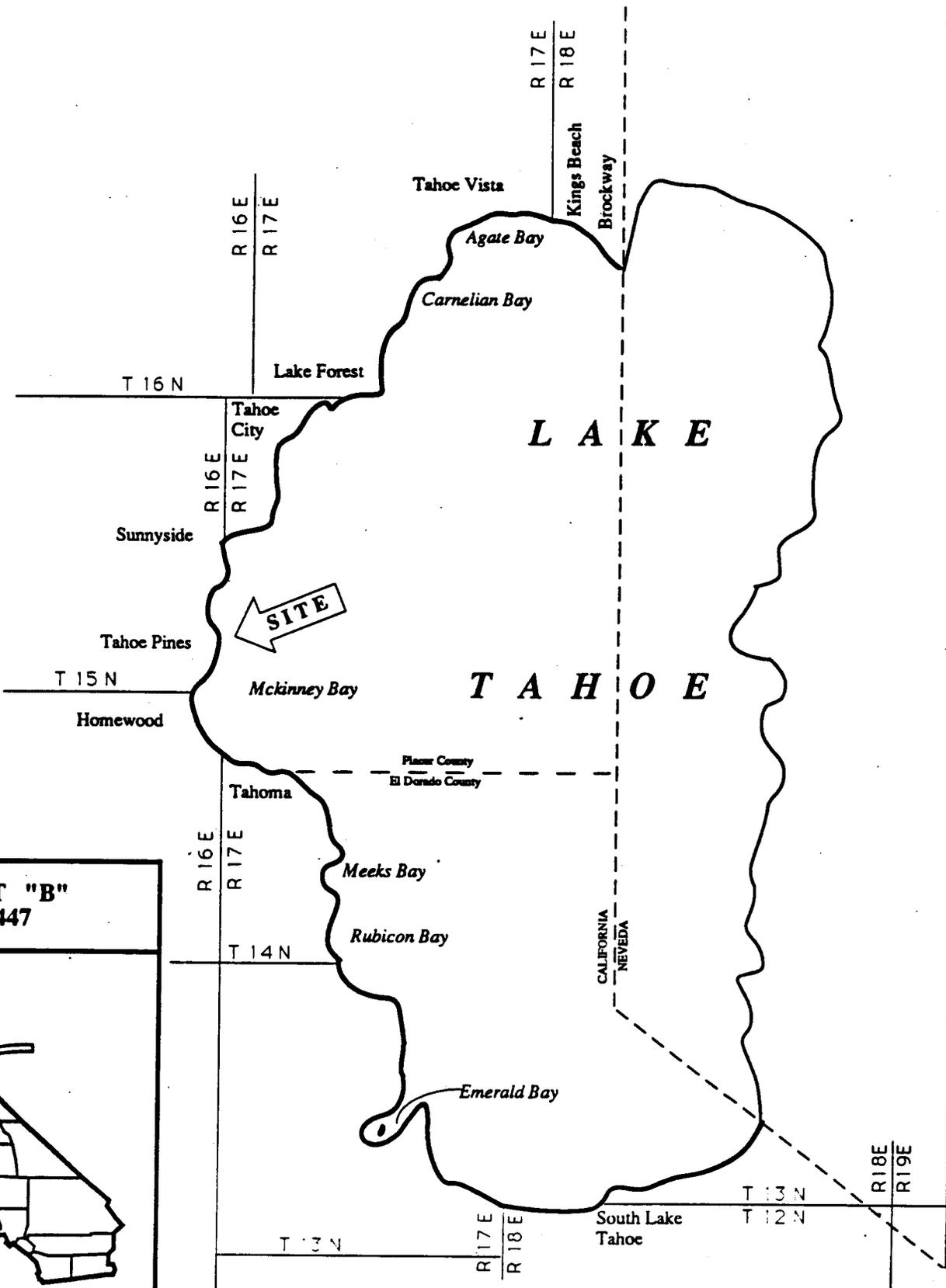


EXHIBIT "B"
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