

CALENDAR ITEM

C14

MINUTE ITEM  
This Calendar Item No. C14  
was approved as Minute Item  
No. 14 by the State Lands  
Commission by a vote of 3  
to 0 at its 12/17/92  
meeting.

A 7

S 1

12/17/92  
PRC 3905  
PRC 5113  
J. Ludlow  
Clark

CORRECTIONS OF PRIOR AUTHORIZATIONS CONCERNING  
AMENDED GENERAL PERMIT - RECREATIONAL USE PRC 3905  
AND AMENDED RECREATIONAL PIER PERMIT PRC 5113

**PARTIES:**

State Lands Commission  
1807 - 13th Street  
Sacramento, California 95814

Holland and Mercurio, a Nevada  
general partnership  
1325 Airmotive Way, #175  
Reno, Nevada 89502

Stanley Hiller and Carolyn B. Hiller  
3000 San Hill Road, Suite 260  
Menlo Park, California 94025

**BACKGROUND (AS TO PRC 3905):**

At its meeting of September 23, 1992, Calendar Item C11, the Commission authorized an amendment to a General Permit - Recreational Use, issued to Holland and Mercurio, to include George A. Montgomery as an additional permittee. The permit authorizes an existing multi-use pier and two mooring buoys located in the bed of Lake Tahoe at Tahoe Pines, Placer County.

The Calendar Item reflected required public liability insurance in the amount of \$500,000. The correct amount of insurance required is \$100,000.

CALENDAR ITEM NO. C14 (CONT'D)

The Calendar Item reflected an effective date of the amendment as February 24, 1992. The correct date of the effective date is July 25, 1985.

**BACKGROUND (AS TO PRC 5113):** At its meeting of September 23, 1992, Calendar Item C01(E), the Commission authorized a Recreational Pier Permit for a pier and three mooring buoys issued to Carolyn and Stanley Hiller. The Calendar Item reflected three (3) mooring buoys. The correct number of buoys is two (2).

**AB 884:**  
N/A

**EXHIBITS:**

- A. Calendar Item C11
- B. Calendar Item C01(E)

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THEY ARE NOT PROJECTS AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AS TO SEPTEMBER 23, 1992, CALENDAR ITEM C11, APPROVE THE CORRECTION OF PUBLIC LIABILITY INSURANCE, REQUIRED UNDER THE TERMS OF THE PERMIT, FROM \$500,000 TO \$100,000.
3. AS TO SEPTEMBER 23, 1992, CALENDAR ITEM C11, APPROVE THE CORRECTION OF THE EFFECTIVE DATE OF THE AMENDMENT FROM FEBRUARY 24, 1992 TO JULY 25, 1985.
4. AS TO SEPTEMBER 23, 1992, CALENDAR C01(E), APPROVE THE CORRECTION OF THE NUMBER OF MOORING BUOYS FROM THREE (3) TO TWO (2).

CALENDAR ITEM

C 1 1

A 7

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09/23/92  
[PRC 3905  
J. Ludlow

CONSIDER APPROVAL OF AMENDMENT TO  
GENERAL PERMIT - RECREATIONAL USE  
PRC 3905

APPLICANT:

Holland and Mercurio, a Nevada  
general partnership  
1325 Airmotive Way, #175  
Reno, Nevada 89502

AREA, TYPE LAND AND LOCATION:

A 0.117-acre parcel of submerged land located in Lake Tahoe  
at Tahoe Pines, Placer County.

LAND USE:

Existing multi-use pier and two mooring buoys.

TERMS OF EXISTING LEASE:

Initial period:

Ten (10) years beginning July 25, 1985.

Public liability insurance:

Combined single limit coverage of \$500,000.

CONSIDERATION:

\$709.44 per annum, with the State reserving the right to fix  
a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

CALENDAR ITEM NO. C 1 1 (CONT'D)

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, 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 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.
2. This amendment authorizes George A. Montgomery as an additional lessee.
3. On July 25, 1985, the Commission authorized the issuance of a General Permit - Recreational Use (Minute Item No. C07) to Holland & Mercurio (H&M), a Nevada general partnership, James Balsdon and George Montgomery, for the reconstruction of an existing pier and maintenance of six mooring buoys. Messrs, Balsdon and Montgomery own improved lots on each side of the Holland & Mercurio lot from which the pier extends. Following a dispute over the ownership and rights to the pier, lawsuits were filed on behalf of Balsdon and Montgomery.
4. On February 27, 1986, Calendar Item 15, the Commission rescinded the prior approval and issued the permit to Holland and Mercurio which authorized the pier and two buoys.

The permit provided for an amendment by the State Lands Commission to include as co-permittee either or both of the immediately adjacent littoral property owners upon the establishment of ownership, use, or other rights in the pier, either by the final judgment of a court of competent jurisdiction or by agreement with Holland and

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CALENDAR ITEM NO. C 1 1 (CONT'D)

Mercurio. Mr. Montgomery subsequently obtained a permit from the Commission authorizing his two buoys under PRC 6925. Mr. Balsdon, et al, also received a permit for two buoys under PRC 6958.

5. Following the trial of Mr. Montgomery against Holland and Mercurio in Placer County Superior Court, and subsequent judgment, Mr. Montgomery was declared to be one-third owner of the subject pier.
6. Mr. Balsdon, et al settled his lawsuit against Holland and Mercurio and quitclaimed any and all interest in the pier to the defendants, thus giving H&M a two-thirds interest in the pier.
7. All other terms and conditions of the permit remain in full force and effect.

**APPROVALS OBTAINED:**

All approvals previously obtained.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Placer County Superior Court Judgement

**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 THE AMENDMENT OF LEASE PRC 3905, ISSUED TO HOLLAND AND MERCURIO, A NEVADA GENERAL PARTNERSHIP, TO INCLUDE GEORGE A. MONTGOMERY AS AN ADDITIONAL PERMITTEE, EFFECTIVE FEBRUARY 24, 1992, AND OTHERWISE AS SET FORTH HEREIN, FOR THE CONTINUED USE AND MAINTENANCE OF ONE MULTI-USE PIER AND TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
3. FIND THAT ALL OTHER TERMS AND CONDITIONS OF THE PERMIT REMAIN IN FULL FORCE AND EFFECT.

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CALENDAR ITEM NO. C 1 1 (CONT'D)

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 THE AMENDMENT OF LEASE PRC 3905, ISSUED TO HOLLAND AND MERCURIO, A NEVADA GENERAL PARTNERSHIP, TO INCLUDE GEORGE A. MONTGOMERY AS AN ADDITIONAL PERMITTEE, EFFECTIVE FEBRUARY 24, 1992, AND OTHERWISE AS SET FORTH HEREIN, FOR THE CONTINUED USE AND MAINTENANCE OF ONE MULTI-USE PIER AND TWO MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
3. FIND THAT ALL OTHER TERMS AND CONDITIONS OF THE PERMIT REMAIN IN FULL FORCE AND EFFECT.

EXHIBIT "A"

PRC 3905

LAND DESCRIPTION

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 the 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 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, situated adjacent to and easterly of the abovementioned Parcel 1.

END OF DESCRIPTION

REVIEWED JULY, 1992 BY LLB.

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L a k e

T a h o e

● Buoy

● Buoy

125'

.08'

Ladder

11'

30'



182'

----- Approx. OLWM

6'

CONCRETE BULKHEAD

APN 085 -202 - 05

Tallac Ave.

APN 085 -222 - 01

EXHIBIT "A"  
Site Map  
PRC 3905  
APN 085 - 222 - 01  
Lake Tahoe  
PLACER COUNTY



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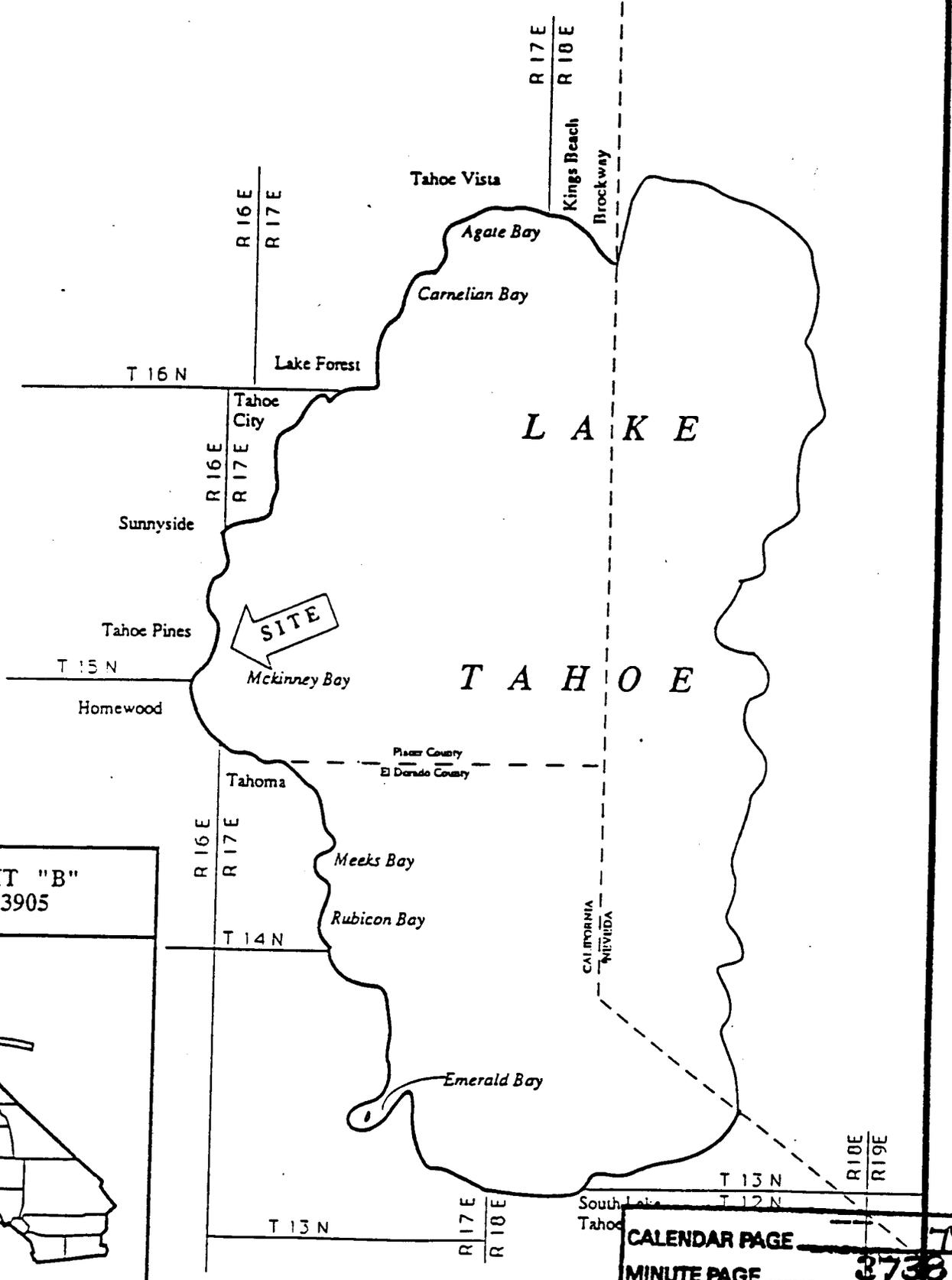


EXHIBIT "B"  
PRC 3905



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FILED

FEB 24 1992

CARL DePIETRO  
CLERK OF THE SUPERIOR COURT  
DEPUTY

1 BRUCE KAMINSKI, ESQ.  
California State Bar No. 109333  
2 RADER, RADER, GOULART & GRAY  
Attorneys at Law  
3 2617 "K" Street, Suite 200  
Sacramento, California 95816  
4 Telephone: (916) 446-7577  
5 Attorneys for Plaintiffs GEORGE A.  
MONTGOMERY and NANCY T. MONTGOMERY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF PLACER

11 GEORGE A. MONTGOMERY, et al., ) Case No. 75699,  
12 Plaintiffs, ) Consolidated with  
13 vs. ) No. 82458  
14 HOLLAND AND MERCURIO, )  
a Nevada partnership, et al., )  
15 Defendants. )

JUDGMENT

17 AND RELATED CROSS-ACTION AND  
18 CONSOLIDATED ACTION.

19 This cause came on regularly for trial on July 23, 1991, in  
20 Department 1 of the above-entitled court, the Honorable J.  
21 Richard Couzens, Judge, presiding, sitting with a jury (which was  
22 empaneled to decide plaintiffs' legal causes of action only).  
23 Plaintiffs GEORGE and NANCY MONTGOMERY appeared by their attorney  
24 Bruce Kaminski. Defendants HOLLAND AND MERCURIO, a Nevada  
25 general partnership, and ROBERT C. HOLLAND appeared by their  
26 attorney O. R. Rouse. Defendant THOMAS MERCURIO appeared by his  
27 attorneys Marvin L. Rudnick and Michael Partos. Defendants JAMES  
28 BALSDON, VIRGINIA BALSDON, HOWARD BALSDON and LINDA STARR WEST

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1 (collectively "BALSDON") appeared by their attorney Dean Headley.  
2 Oral and documentary evidence was presented by all parties. The  
3 cause was argued and submitted for decision. The transcript of  
4 the court's tentative decision formed the statement of decision.

5 NOW, THEREFORE, IT IS ADJUDGED, ORDERED, AND DECREED that:

6 1. As of September 15, 1970, plaintiffs GEORGE and NANCY  
7 MONTGOMERY were, and are currently, the owners in an undivided  
8 one-third (1/3) interest as tenants in common of the title in fee  
9 simple in and to the pier located lakeward from the property  
10 described as:

11 LOT 4A, of Block 2 of "RESUBDIVISION OF A  
12 PART OF TAHOE PINES", as shown on the map  
13 thereof, filed in Book "D" of Maps, Page 37,  
Placer County Records. (APN: 085-222-01),

14 and which pier is shown in Book 8 of Surveys, Page 73, Placer  
15 County Records, together with any repaired or replacement pier  
16 at that location.

17 To the extent that defendant HOLLAND AND MERCURIO claim fee  
18 ownership of that portion of Lakeside Park lying lakeward from  
19 the above-described real property (upon which the pier abuts),  
20 plaintiffs GEORGE and NANCY MONTGOMERY shall have an easement for  
21 pedestrian access to the pier from plaintiffs' property to the  
22 pier in precisely the same dimensions as stated in the document  
23 entitled "Easement Deed," recorded on September 12, 1983, in  
24 Volume 2621, Page 34, Placer County Records.

25 The MONTGOMERYS' interest in the pier and easement, as  
26 stated herein, is appurtenant and incidental to, and is  
27 transferrable with, their property located at 3799 Bellevue  
28 Avenue, Tahoe Pines, also described as Lot 1 Block 1 of the

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1 "RESUBDIVISION OF A PART OF TAHOE PINES," as shown on the map  
2 thereof, filed in Book "D" of Maps, Page 37, Placer County  
3 Records (APN: 085-202-05).

4 2. Plaintiffs shall reimburse defendant HOLLAND AND  
5 MERCURIO for one-third (1/3) of defendant's cost of construction,  
6 engineering fees and permits in replacing the pier in the summer  
7 of 1985, together with lease payments from July 1985 to the  
8 present, except for the cost of construction and engineering and  
9 permitting for the boat lift currently existing on the subject  
10 pier. Defendant HOLLAND AND MERCURIO shall submit to plaintiffs  
11 a statement under oath itemizing its expenses of design and  
12 construction of the basic pier under this paragraph. The amount  
13 to be reimbursed hereunder may be offset against plaintiffs'  
14 costs of suit pursuant to paragraph 5 below.

15 3. The California State Lands Commission, Tahoe Regional  
16 Planning Agency, United States Army Corps of Engineers and any  
17 other affected government agency with jurisdiction over the  
18 subject pier are hereby directed to include plaintiffs as co-  
19 permittees on any permit for the pier issued by said government  
20 agency in accordance with plaintiffs' one-third (1/3) ownership  
21 interest in the pier.

22 4. Plaintiffs shall not recover any monetary damages nor  
23 injunctive relief under their complaint herein, except as set  
24 forth herein.

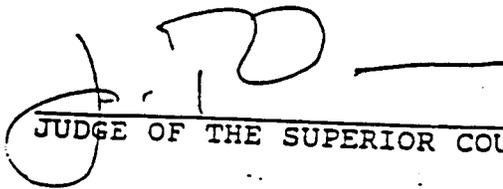
25 5. Plaintiffs shall have and recover their costs of suit  
26 against defendant HOLLAND AND MERCURIO only, pursuant to a  
27 memorandum of costs to be filed by plaintiffs. All defendants

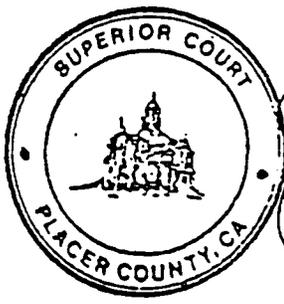
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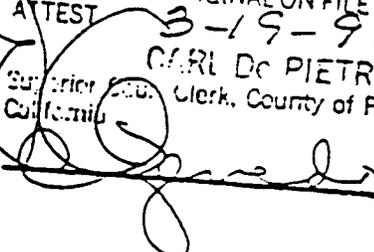
shall bear their own costs of suit.

Dated: FEBRUARY 24, 1992

  
JUDGE OF THE SUPERIOR COURT



THE FOREGOING INSTRUMENT IS A CORRECT  
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE  
ATTEST

3-19-92  
CARL DE PIETRO  
Superior Court Clerk, County of Placer, State of  
California  
  
Deputy Clerk

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CALENDAR ITEM

C O 1

EXHIBIT "B"

A 7, 10, 26, 29

S 1, 5, 14

PRC 4590  
PRC 4655  
PRC 4726  
PRC 4761  
Fong  
D. Jones

09/23/92  
PRC 5113  
PRC 6120  
W 24181  
W 24781  
Maricle  
Clark

RECREATIONAL PIER PERMITS

APPLICANTS:

As listed on Exhibit "A" attached

TERMS:

Initial period:

Ten (10) years for all items on Exhibit "A", except  
Items E and F, which are for five (5) years.

Renewal options:

None.

CONSIDERATION:

No monetary consideration pursuant to Section 6503.5, P.R.C.

APPLICANT STATUS:

Applicants are littoral landowners, as defined in  
Section 6503, P.R.C. of upland.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, 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 these activities are exempt from the requirements of the CEQA

CALENDAR ITEM NO. 001 (CONT'D)

as a categorically exempt projects. Projects A-G are exempt under Class 1, Existing Facilities, 2 Cal. Code Regs. 2905.

The remaining activity, Item H, is an in-fill recreational pier, one of four of which three have been approved by the Commission, in the vicinity of Walnut Grove. This concentration of recreational piers is located between two existing marinas on the Sacramento River; Deckhands, which is down river, and Landing 63, which is up river. A five-mile-per-hour (5mph) speed limit for vessels traversing this section of the river presently exists and the adjacent levee is already riprapped. Factors which raise the issue of cumulative impacts associated with marinas and decks in the region are not present at this location, but may be associated with similar activities in other areas of the river and delta.

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 under Class 3, New Construction of Small Structures, 2 cal. Code Regs. 2905(c)(1).

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

2. These activities involve 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 projects, as presented, are consistent with their use classification.

**APPROVALS OBTAINED:**

All approvals previously obtained.

**EXHIBITS:**

- A. Applicants; Area; Location; Land Use and Status; and Classification
- B. Location Map

CALENDAR ITEM NO. C 0 7 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT ACTIVITIES A-G OF EXHIBIT "A" ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS CATEGORICALLY EXEMPT PROJECTS, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2); AND ITEM H, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES, 2 CAL. CODE REGS. 2905(c)(1).
2. FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THEIR USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE THE ISSUANCE OF TEN-YEAR RECREATIONAL PIER PERMITS TO ALL APPLICANTS LISTED IN EXHIBIT "A" (EXCEPT ITEMS E AND F) ATTACHED, AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE THE ISSUANCE OF FIVE-YEAR RECREATIONAL PIER PERMITS TO THE APPLICANTS LISTED IN EXHIBIT "A" AS ITEMS E AND F ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF SEPTEMBER 23, 1992

ITEM/ WORK ORDER NO.	APPLICANT/ADDRESS	WATERWAY AND COUNTY	LAND USE AND STATUS/ Existing/ Proposed	UPLAND PROPERTY DESCRIPTION	CLASSIFICATION ART 10 ART 11	NEGOTIATOR
A PRC 4590	Henry J. & Jeannette P. Lerian 4107 Yacht Harbor Drive Stockton, CA 95204	Calaveras River, San Joaquin County	Existing floating boat shed and ramp	Lot 44, Tract 308, Riviera Cliffs Subdivision	1B C	Fong
B PRC 4655	Bernard G. & Florence M. Shute 3402 Lower Lock Belmont, CA 94003	Sacramento River, Sacramento County	Existing uncovered floating dock and walkway	Portion of lots 17 & 18, Natomas Elkhorn Subdivision; 5311 Garden Highway	1B B	Fong
C PRC 4726	Leone Beckley 405 Willow Tree Lane Stockton, CA 95641	Georgianna Slough, Sacramento County	Existing ramp, deck, and dock	Lot 15, Golden State Asparagus Company	1 N/A	D. Jones
D PRC 4761	William S. Matthews 17804 Grand Island Road Walnut Grove, CA 95690	Sacramento River, Sacramento County	Existing pier and ramp	Portion of T4N R3E, MDM, Long Island	1 B	D. Jones

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EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF SEPTEMBER 23, 1992

ITEM/ WORK ORDER NO.	APPLICANT/ADDRESS	WATERWAY AND COUNTY	LAND USE AND STATUS Existing/ Proposed	UPLAND PROPERTY DESCRIPTION	CLASSIFICATION		NEGOTIATOR
					ART 10	ART 11	
E PRC 5113	Stanley Hiller & Carolyn B. Hiller 3000 San Hill Road, Suite 260 Menlo Park, CA 94025	Lake Tahoe, Placer County	Existing multi-use pier and three existing permitted buoys	Portion of Lot 1, SW¼ of Sec. 8, T14N R17E, MDM 6860 West Lake Blvd.	1	B	Clark
F PRC 6120	William E. Hagler & Jean E. Hagler Nicholas C. Panzer & Mabelleine F. Panzer 30 Corte Cayuga Greenbrae, CA 94904	Lake Tahoe, El Dorado County	Existing multi-use pier and incorporation of one existing buoy	Lot 4, Meeks Bay Vista, South Tract	1	B	Clark
G W 24181	Robert W. & Gail H. Driscoll 1555 Charlton Road San Marino, CA 91108	Morro Bay, San Luis Obispo County	Existing recreational pier	Lot 16, Block 24, Town of El Moro	3	A	Maricle

SEP 24 1992  
 PERMITS DIVISION  
 3747

EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF SEPTEMBER 23, 1992

ITEM/ WORK ORDER NO.	APPLICANT/ADDRESS	WATERWAY AND COUNTY	LAND USE AND STATUS Existing/ Proposed	UPLAND PROPERTY DESCRIPTION	CLASSIFICATION ART 10 ART 11	NEGOTIATOR
H W 24781	Susan Wycckoff 530 - 21st Street Sacramento, CA 95814	Sacramento River, Sacramento County	Proposed Construction of a 40-foot recreational uncovered dock	APN 142-097-002	3 B	Fong

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