

MINUTE ITEM

This Calendar Item No. C16
was approved as Minute Item
No. 16 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/92
meeting.

CALENDAR ITEM

C16

A 7

12/17/92

S 1

W 22081

J. Ludlow

**CONSIDER DENIAL OF APPLICATION AND
AUTHORIZATION FOR LITIGATION FOR EJECTMENT AND DAMAGES
FOR UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND**

APPLICANTS:

Donald A. Wells, Donald A. Wells, Jr.,
Debbie Baker, Kathy La Londe, and
William G. Robinson
303 Twin Dolphin Drive, Suite 122
Redwood City, California 94065

Current law requires State agencies to compile lists of criteria specifying the detailed application information required of applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item 2 at its April 12, 1978 meeting.

Once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, could result in approval of the project.

BACKGROUND:

The Applicants, Donald A. Wells, Jr., et al, applied to the Commission for a permit to authorize their existing dock and two mooring buoys in Lake Tahoe at Moana Beach, Placer County. Staff circulated a negative declaration and all fees were paid. The application was determined to be complete on April 30, 1992.

Staff prepared the permit document and sent it to Mr. Donald Wells, Jr. for all parties to sign. Mr. Wells later informed staff that some of the parties had refused to sign the permit document.

(ADDED pgs. 92-92.5)

Staff received a 90-day extension from Mr. Wells which allowed him additional time to obtain the required signatures. To date, the executed permit has not been returned. The existing facilities, therefore, remain in trespass.

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:

01/25/93

OTHER PERTINENT INFORMATION:

1. As to the denial of the application, 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 CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Code Regs. 15270.

2. As to the authorization for litigation for ejectment, 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:

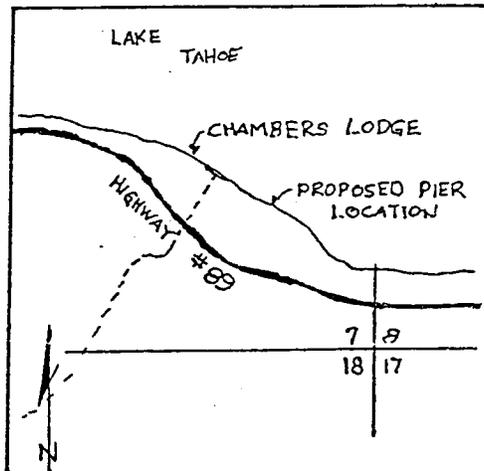
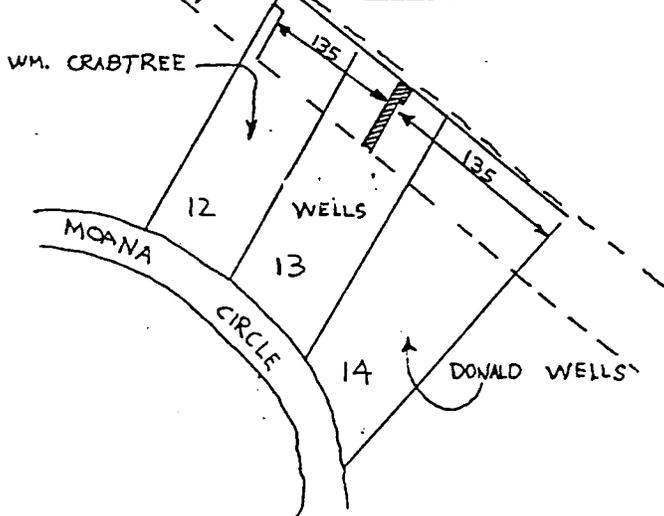
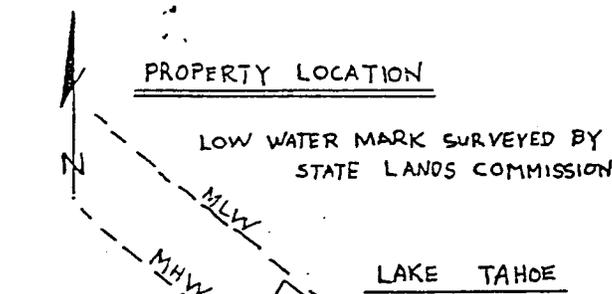
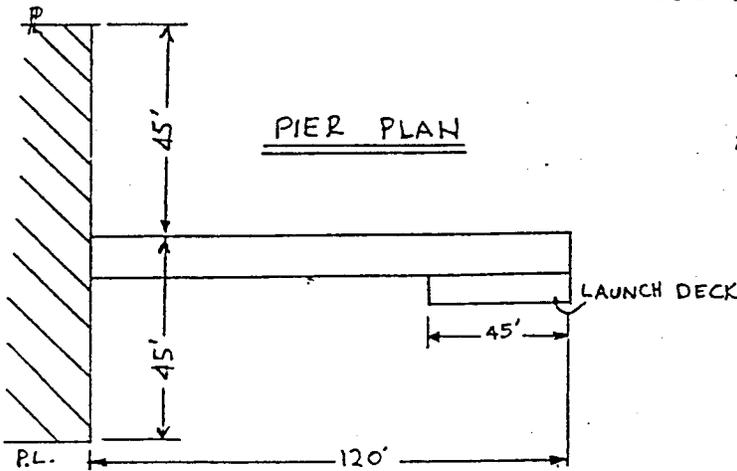
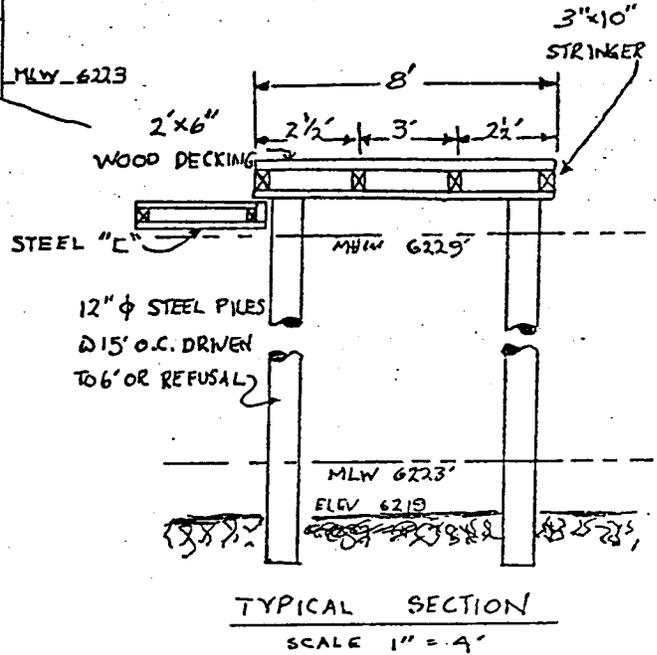
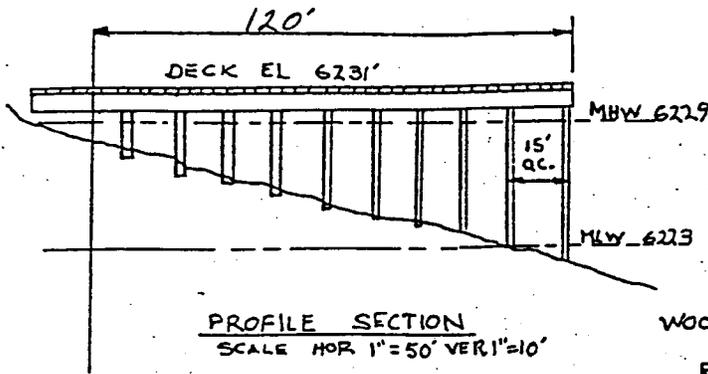
- A. Site Map
- B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE DENIAL, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 P.R.C. 21080(b)(5) AND 14 CAL. CODE REGS. 15270, PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.

CALENDAR ITEM NO. C16 (CONT'D)

2. AS TO THE AUTHORIZATION FOR LITIGATION TO EJECT THE STRUCTURE FROM THE STATE-OWNED LANDS, 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.
3. DENY, WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO REAPPLY FOR THE SAM PROJECT, THE APPLICATION OF DONALD A. WELLS, DONALD A. WELLS, JR., DEBBIE BAKER, KATHY LA LONDE, AND WILLIAM G. ROBINSON FOR A PIER AND TWO BUOYS AT LAKE TAHOE AND AS SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF IN COMPLIANCE WITH THE STANDARDS FOR DENIAL AS SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.
4. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND THE APPLICANT'S RIGHT TO REAPPLY.
5. AUTHORIZE STAFF COUNSEL, AND/OR THE OFFICE OF THE ATTORNEY GENERAL, TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE UNAUTHORIZED OCCUPATION OF A PIER AND TWO MOORING BUOYS ON STATE-OWNED LAND IN THE BED OF LAKE TAHOE AS DESCRIBED ON THE ATTACHED EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.



LOCATION MAP SCALE 1" = 2000'
TAKEN FROM USC - 65 CHART 5001

PROPOSED PIER

LAKE TAHOE, CA. MOANA BEACH
SECTION 7 TIAN RITE
M.R.M. PLACER COUNTY, CAL.

APPLICATION BY:

DONALD WELLS
33 BARRY LN.

ATHERTON CAL 94025

DATE CALENDAR PAGE

MINUTE PAGE

92 3
3750

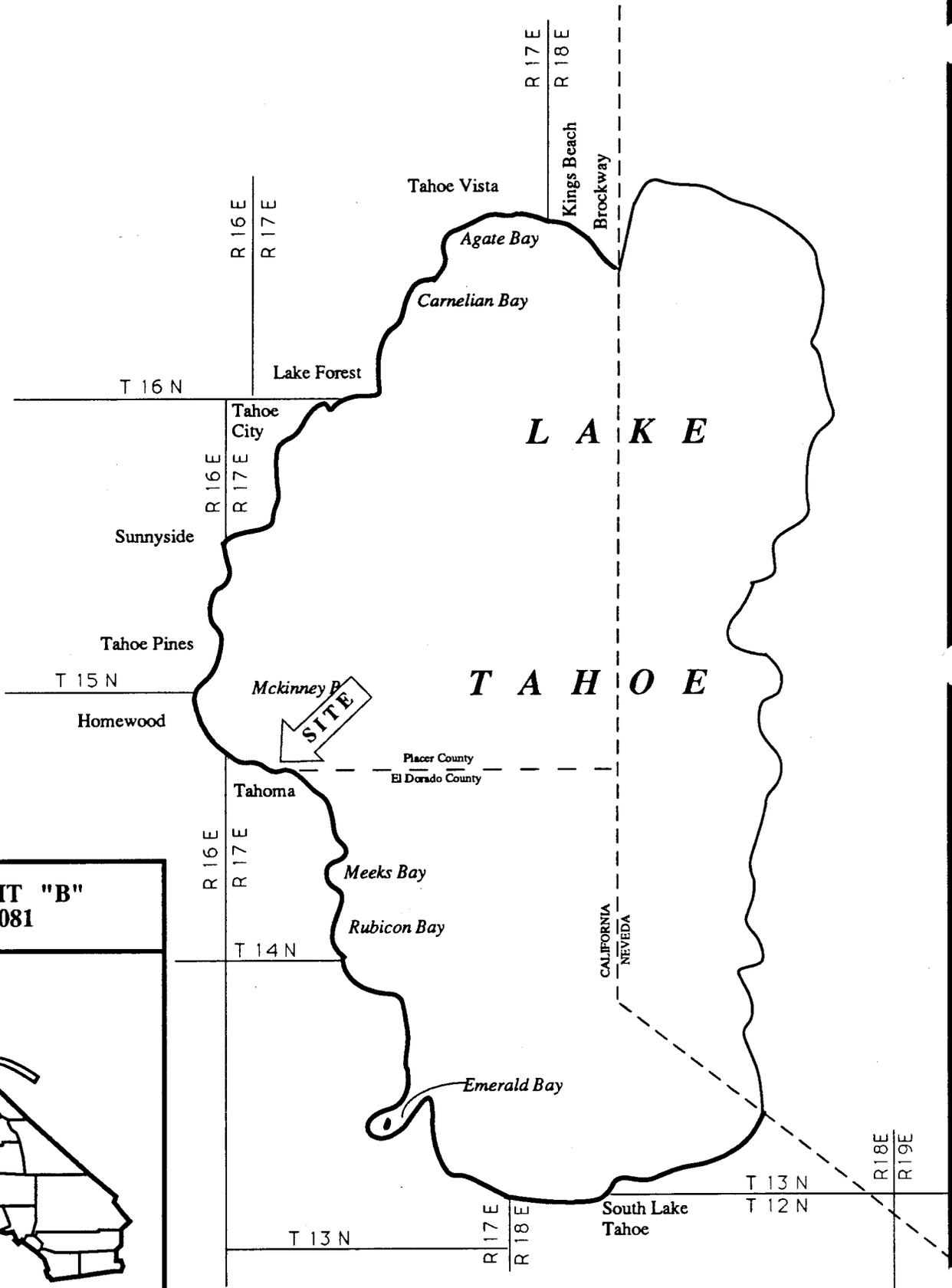


EXHIBIT "B"
W 22081

