

MINUTE ITEM

This Calendar Item No. C5
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 6-24-76
meeting.

CALENDAR ITEM

C5.

RECREATIONAL PIER PERMITS

APPLICANTS: As listed on Exhibit "A" attached.

TERMS: Initial period: 5 years.

Renewal option: None

Surety bond: None

Insurance: None

Filing fee: \$25 (all).

Expense fee: \$250 (WP 3560, W 21121).

RENTAL: None (Section 6505, Public Resources Code).

PREREQUISITE TERMS:
Applicants are littoral landowners as defined
in Section 6503, Public Resources Code.

OTHER PERTINENT INFORMATION:

1. WP 3538, WP 3557, WP 3560, WP 3574, WP 3579, WP 3599, and WP 4778 cover existing facilities which have been in place for a number of years under previously authorized permits. W 20082, W 20083, W 20976, W 21074, W 21121, W 21135, W 21137 and W 21138 cover existing facilities which have not been under prior permit, 6 of which were brought about through trespass investigation. All facilities are in an acceptable state of repair and are therefore exempt from the requirements of CEQA, pursuant to PRC 21085; 14 Cal. Adm. Code 15100, and 2 Cal. Adm. Code 2907.
2. W 21128 is a new proposed floating structure.
3. The facilities are, or will be situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and are classified in a significant use category, Class B: Limited Use. Staff review indicates that there will be no significant effect upon the identified environmental values. These are existing and proposed facilities for which no adverse comments have been received.

6/76
 WP 3538
 WP 3557
 WP 3560
 WP 3574
 WP 3579
 WP 3599
 WP 4778
 W 20082 (PRC 5140)
 W 20083 (PRC 5144)
 W 20976 (PRC 5138)
 W 21074 (PRC 5142)
 W 21121 (PRC 5136)
 W 21128 (PRC 5137)
 W 21135 (PRC 5143)
 W 21137 (PRC 4439)
 W 21138 (PRC 5141)

RO

A 1, 3, 5, 7, 9

S 1, 2, 3, 36

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4. Relying upon the Division staff's indication that the \$250 fee could be waived, none of the applicants except WP 3560 and W 21121 submitted the \$250 expense fee, and the staff believes it is in the best interest of the State to waive the fee in view of present controversy.
5. When the expense fee was first initiated as a result of amendments to the rules and regulations of the State Lands Commission, the fee was asked for unequivocally by letter form. This demand elicited the fee from several applicants.

Subsequently, in an effort to encourage applications from Bethel Island and other areas having a large trespass workload, with Management's approval staff was authorized to change the letter format to indicate that for willing applicants it could be recommended to the Commission that the \$250 fee be waived. Since that time, applicants relying on this encouragement to file their application, have sent them in complete in every respect except for the expense fee, indicating their willingness to cooperate. The majority on the calendar this month are of this kind.

The staff recommends that it is in the State's best interest to waive the \$250 expense fee because:

- A. Applicants are willing to cooperate if a filing fee only is required; but will refuse to do anything at all if the \$250 is required. Staff has already experienced this during contact with prospective applicants.
- B. Applicants who have the \$250 on deposit, including those previously approved by the Commission, complied under protest. Others applied through an agent, who also complied under protest. These fees were submitted during the time it was demanded in the Division's form letter; they are still held in suspense and can be refunded.
- C. Article 2 (Section 2005[c]), of the Cal. Adm. Code clearly states that: "Expense fees may be waived where the Commission finds that it is in the best interest of the State." In these instances the

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staff believes it to be in the best interest of the State to waive said expense fee in order to bring the applicants under permit, reduce the number of trespasses and treat all such applicants impartially.

7. Permits covering structures at Lake Tahoe will include a condition subsequent that if any structure authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone Ordinance and if any alterations, repairs, or removal, required pursuant to said Ordinance is not accomplished within the designated time period, then the permit will be automatically terminated, effective upon notice by the State and the site shall be cleared pursuant to the terms thereof.

EXHIBITS: A. Applicants & Property Description.
 B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT ENVIRONMENTAL IMPACT REPORTS HAVE NOT BEEN PREPARED FOR THESE ACTIVITIES AS SUCH REPORTS ARE NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100; AND 2 CAL. ADM. CODE 2907.
2. DETERMINE THE GRANTING OF THE PERMITS WILL HAVE NO SIGNIFICANT EFFECTS UPON THE ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6570.1, ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. DETERMINE THAT IT IS IN THE STATE'S BEST INTEREST TO WAIVE THE EXPENSE FEE OF \$250 FOR ALL APPLICANTS.
4. AUTHORIZE THE ISSUANCE OF 5-YEAR RECREATIONAL PIER PERMITS TO THE APPLICANTS LISTED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF JUNE, 1976
Date

W. O. NO.	APPLICANT	LOCATION	UPLAND PROPERTY DESCRIPTION
WP 3538	Don Richards 135 Ralston Street Reno, Nevada 89503	Lake Tahoe Placer County	That certain parcel of land as described in that certain Indenture recorded in Vol. 628, pg. 375, O.R. Placer Co
W 21121	Charles Nagy 360 La Cuesta Drive Los Altos, CA 94022	Lake Tahoe Placer County	That certain parcel of land described in Deed recorded in Vol. 1258, pg. 281, O.R. of Placer County.
WP 3557	William R. Breuner 6700 Mack Road Sacramento, CA 95823	Lake Tahoe Placer County	Lots 70 and 71, Lakeside Subdivision.
W 21128	H. H. Schroeder 3395 Riverview Drive Redding, CA 96001	Sacramento River Shasta County	Lot 26, Riverland Estates Unit No. 1.
WP 3599	Edwin A. Grebitus 3325 Sierra Oak Drive Sacramento, CA 95825	Lake Tahoe Placer County	Lot 3, Block 1, Tahoe Pines.
WP 3579	Roger Francheschi 16601 Carousal Huntington Beach, CA 92694	Huntington Harbour Orange County	Lot 136, Tract 5481.
W 20976	Arthur A. Boston 22055 Shoreline Highway Marshall, CA 94940	Tomas Bay Marin County	That certain parcel of land as described in Grant Deed recorded in Book 2547, page 472, O.R., Marin County.
W 21137	Richard F. Peters 4341 Garden Highway Sacramento, CA 95834	Sacramento River Sacramento County	Ptn. Lot 28, Natomas Riverside Subdivision No. 3.
W 20082	Onless C. Brister 2281 Garden Highway Sacramento, CA 95833	Sacramento River Sacramento County	Lot 45, Natomas Riverside Subdivision No. 2.

