

MINUTE ITEM

This Calendar Item No. C 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 2
to 0 at its 6/21/84
meeting.

CALENDAR ITEM

A 7

C 20

06/21/84
WP 5354
Gordon

S 1, 3

DENIAL OF APPLICATION

APPLICANT: Fred Saber-Motamedi
Lakehouse Mall
P. O. Box 82
Tahoe City, California 95730

Chapter 1200, Statutes of 1977 (AB 884), 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 27, 1978, meeting.

Under Chapter 1200, Statutes of 1977 (AB 884), 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 (by operation of law).

Therefore, pursuant to Chapter 1200, Statutes of 1977, the following application for the State Lands Commission lease is submitted for denial. This application should be denied without prejudice, because the applicant placed two existing mooring buoys and anchors in a designated fish habitat area without first receiving the prior approval of the Department of Fish and Game and other commenting agencies. The Department of Fish and Game and staff recommend denial of the application.

If the applicant is later able to eliminate or mitigate the negative environmental impacts relative to the project site, he may reapply for project approval. The planned project covered the amendment of applicant's lease, PRC 5354.1, to include the two existing buoys and anchors.

CALENDAR ITEM NO. C 20 (CONT'D)

AB 884: 10/27/84.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080(b)(5) AND 14 CAL. ADM. CODE 15270, PROJECT WHICH ARE DISAPPROVED
2. DENY THE APPLICATION OF FRED SABER-MOTAMEDI WITHOUT PREJUDICE TO REAPPLY FOR THE PROJECT COVERING THE PLACEMENT OF TWO MOORING BUOYS AND ANCHORS UTILIZED FOR RECREATIONAL USE IN LAKE TAHOE AT TAHOE CITY, PLACER COUNTY.
3. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND THE APPLICANT'S RIGHT TO REAPPLY.
4. AUTHORIZE STAFF TO INSTRUCT THE APPLICANT TO IMMEDIATELY REMOVE FROM STATE SUBMERGED LANDS, TWO EXISTING MOORING BUOYS AND ANCHORS NOT COVERED BY PRC 5354.1 AND TO COLLECT FROM THE APPLICANT PAYMENT OF RENTS FOR THE USE OF THE LANDS FROM MAY 1, 1979.
5. AUTHORIZE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO ENSURE THAT APPLICANT COMPLIES.

