

**CALENDAR ITEM
68**

A 4
S 1

06/01/09
W 8667
J. Frey
B. Dugal

**CONSIDER INFORMATION IN RESPONSE TO THE COMMISSION'S ACTION ON
AGENDA ITEM #39 AT THE APRIL 9, 2009 COMMISSION MEETING**

APPLICANTS AND PARTIES:

Evelyn H. Richmond, Trustee of the ENR II QPRT Trust U/A/D 3/26/03; Ronald M. Naess and Ann J. Naess, Trustees of the Ronald M. Naess and Ann J. Naess Revocable Trust Dated January 15, 1999; Randall C. Naess and Susan E. Naess, Trustees of the Randall and Susan Naess Trust Dated November 30, 1998; Chris L. Stevens and Kristin N. Stevens, Trustees of the Chris and Kristin Stevens Trust Dated June 13, 2007; Jeffrey R. Naess and Adriane Naess, Trustees of the Jeff and Adriane Naess Trust Dated January 5, 1995; David L. Richmond; Robert E. Richmond and Karen L. Richmond, Trustees of the RKR Trust, Dated June 29, 2000; and I. Elizabeth Richmond, Trustee of the Robert L. Richmond Exemption Trust of August 11, 2004

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 4812 and 4826 North Lake Tahoe Boulevard, near Carnelian Bay, Placer County.

INFORMATION:

At the April 9, 2009 Commission meeting, staff presented an item regarding a pier and boathouse with a sundeck, stairs and railing that is located on State sovereign lands in Lake Tahoe without the benefit of a lease from the Commission. There was lengthy discussion as to whether or not any other agency had previously approved the pier and boathouse with the sundeck, railing and stairs.

Following presentation of the staff report and testimony by staff and the Applicants' attorney, the Commission offered to allow the Applicants the opportunity to sign the lease submitted by the staff (which included a provision for removal of the deck railing and stairs) and also indicated that if the Applicant could present satisfactory documentation that the sundeck and related staircase

CALENDAR ITEM NO. 68 (CONT'D)

and railings were in fact previously permitted they would take that into consideration. The Commission then adopted the staff recommendation which included the denial of the application for a Recreational Pier Lease that included a sundeck with railing and stairs, ratified the staff's determination that the Applicants' structures were in trespass on State-owned sovereign lands and authorized the staff of the Commission and Office of the Attorney General to take all steps necessary, including litigation, to eject the improvements from the unleased state sovereign lands by a vote of 3-0.

On May 7, 2009, information was provided on behalf of the Applicants, which is attached as Exhibit B and by reference made a part hereof. Based on staff's review of the information, it remains staff's position that no evidence can be found that permits were ever issued for the construction of the pier, sundeck, railing and stairs. The information provided does indicate that in 1984 the Tahoe Regional Planning Agency (TRPA) issued an *over-the-counter* Qualified Exempt Permit for the replacement of one pier pile.

In 1986, the Corps of Engineers (Corps) sent a letter indicating that the Applicant would qualify for the Nationwide Permit for the repair, rehabilitation, or replacement of any **previously authorized**, currently serviceable structure, **provided the work would not deviate from the plans of the original structure**. (Emphasis added) Again, staff could find no evidence that any prior permits were issued for the pier that would qualify it for the nationwide permit. In 1999, TRPA staff approved the replacement of a boatlift as a Qualified Exempt activity.

Through staff's review of the various photographs and drawings in the file, along with materials received from the Corps and TRPA through Freedom of Information Act requests, staff has been unable to locate any building permits or Corps permits for the original structure. The upland owners assert that the pier was constructed between 1958 and 1961. In 1970, a letter of permission from Placer County was provided that allowed the Applicants to maintain the pier on lands the County claimed ownership of at the time. This letter of permission was the sole County authorization. There is also no TRPA permit for the original structure because TRPA was not in existence at that time.

What is apparent is that beginning in 1969 the staff of the Commission sought to have the upland owner apply for and have the Commission consider authorizing the use of the state's property by the upland owners for a pier.

In addition to not obtaining a permit for the construction of the pier, it is apparent that the upland owners have modified the pier and sundeck over the years and

CALENDAR ITEM NO. 68 (CONT'D)

that the size of the improvements has increased **without** the benefit of any permits.

The drawing attached to the 1970 Corps Notice and to the application submitted to the Commission in 1970 shows an unenclosed boat house with a sundeck, single pipe railing and stairs. The drawing also indicates that the pier in 1970 was 177' in length (measured from 6,229' Lake Tahoe Datum) and seven feet wide, while the boathouse/sundeck was 30.3' in length and 17' wide. The drawing submitted and approved by TRPA in 1987 for a repair to the pier indicates that the pier is basically the same size configuration and size as the 1970 drawing. Both drawings depict a catwalk on the right hand side of the pier (looking from the upland property towards the Lake).

Copies of photographs that were submitted on behalf of the Applicants to the Corps in 1986 confirm that the boathouse was not enclosed, the railing on the sundeck was a single pipe style, and that no catwalk was constructed in front of or on the left hand side of the boathouse (the term used at Lake Tahoe for what was more appropriately at that point a "covered berth").

A drawing submitted on behalf of the Applicants to the Commission with their 2002 application indicates that the boathouse/sundeck was then 32' long and 22' wide and shows that an approximately 34.3' long catwalk was placed in front of and on the left hand side of the boathouse. Photos taken within the last several months show an enclosed (on three sides) boathouse with a catwalk in front of and on the left side of the boathouse, a modified staircase to the roof of the boathouse, and wood posts, railings and benches on the top. The pier also now has a wave deflecting skirt on its south side.

Drawings approved in 1987 by TRPA show six pilings in the water supporting the covered boathouse. The recent photographs show approximately 25 pilings at the boathouse. Staff can find no evidence, and the Applicants have provided none, that permits were issued by any entity for the current configuration and additions to the boathouse and sundeck. . Based upon the additional information obtained, staff does not recommend that the Commission modify its action of April 9, 2009 by Agenda Item #39.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

CALENDAR ITEM NO. 68 (CONT'D)

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

EXHIBITS:

- A. Site and Location Map
- B. Information Provided on Behalf of Applicant's

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

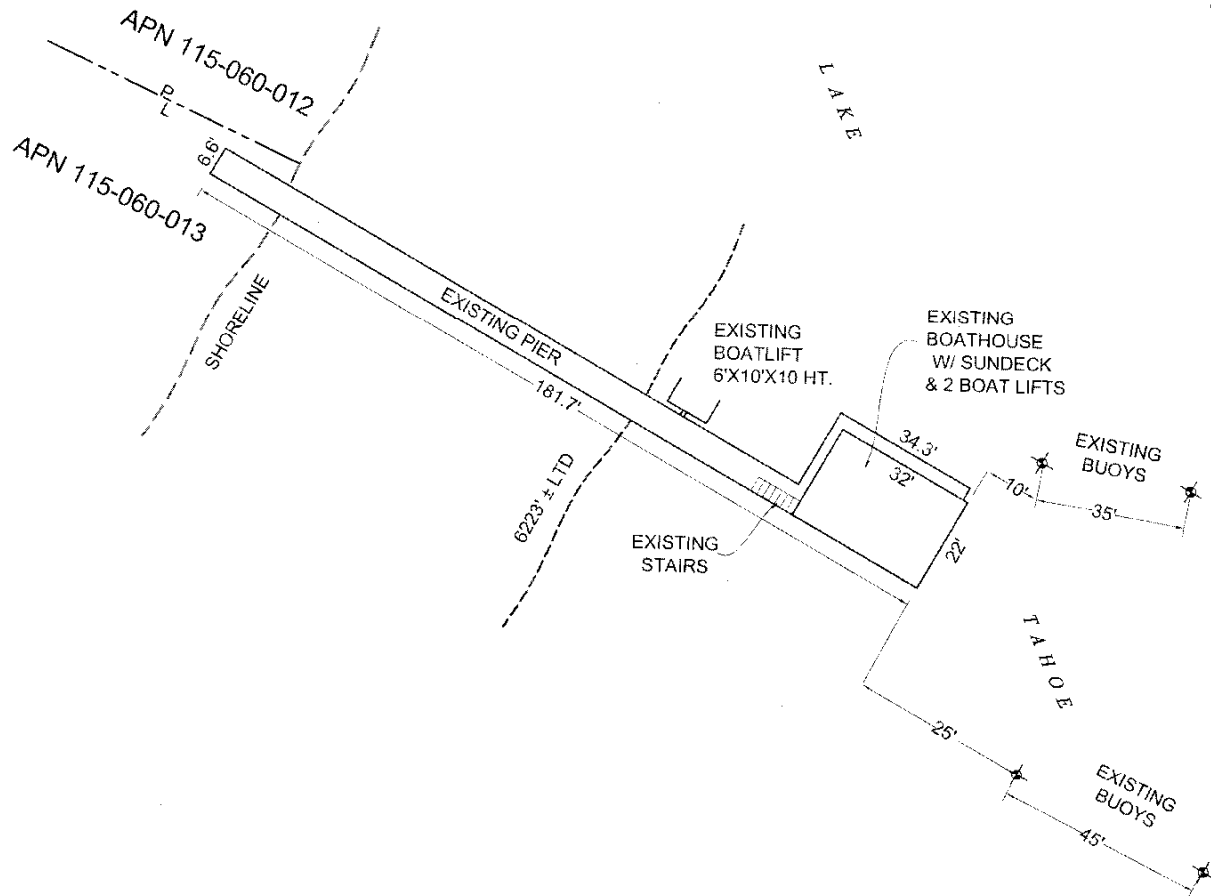
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

1. CONSIDER ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT AND STAFF IN RESPONSE TO THE COMMISSION'S ACTION ON AGENDA ITEM #39 AT THE APRIL 9, 2009 COMMISSION MEETING.
2. DIRECT STAFF TO TAKE ANY AND ALL ACTION APPROVED BY THE COMMISSION.

NO SCALE

SITE



4812 & 4826 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

W 8667
RICHMOND, NAESS, ETAL
APN 115-060-012 & 013
RECREATIONAL PIER LEASE
PLACER COUNTY

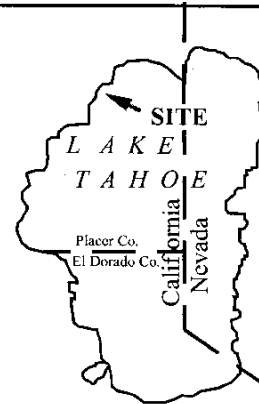


EXHIBIT B
W 8667



PLACER COUNTY

JOHN MACCOUN, Director

DEPARTMENT OF PUBLIC WORKS

COUNTY ADMINISTRATIVE CENTER AUBURN, CALIFORNIA 95603
TELEPHONE 885-7711

OPERATING DIVISIONS:

Administration
Engineering
Utilities
Building Inspection
Buildings & Grounds
Road Maintenance
Automotive Maintenance

JAN 9 1970

January 7, 1970

Murray & McCormick
P. O. Box 1189
Tahoe City, California 95730

Attention: Gary O. Wheeler

Gentlemen:

Pier permit applications have been received for existing structures from the following applicants:

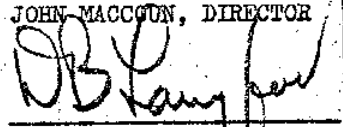
B. R. Brandchaft	A. P. No. 89-251-17
D. F. Henninger	A. P. No. 89-143-04
E. Murfee	A. P. No. 89-244-09
✓ B. E. Richmond	A. P. No. 89-251-07

All of these structures cross lands claimed by Placer County. It will be necessary for the applicants to effect an Agreement with the Board of Supervisors for County approval.

Copies of this Agreement are enclosed (5 for each applicant) for signature by the applicants. Return signed Agreements to me for further processing.

Very truly yours,

DEPARTMENT OF PUBLIC WORKS
JOHN MACCOUN, DIRECTOR


D. B. Langford
Assistant Civil Engineer

DBL:vk

cc: State Lands
Corps of Engineers
Resources Agency

ROBINSON, ROBINSON, SHATTUCK & SMITH

K. D. ROBINSON (1913-1968)
D. R. ROBINSON
LYLE H. SHATTUCK
RICHARD V. SMITH
RICHARD S. PRATKER

ATTORNEYS AT LAW
ONE CALIFORNIA STREET
P. O. BOX 611
AUBURN, CALIFORNIA 95603

TELEPHONE
885-4502

July 16, 1970

Mr. Burnell E. Richmond
P. O. Box 1425
San Jose, California 95109

Re: Pier Permit

Enclosed please find a copy of the letter from Mr. Dan Langford, Placer County Department of Public Works, approving and consenting to the existence of your pier at Lake Tahoe. In order to acquire this approval, I had to meet with the County Counsel and the Department of Public Works twice to review the factual situation (subdivision map, county claim, etc.). It is getting tighter all the time, with the county making more and more claims to the ownership of certain beach-front properties. Having discussed this matter with the County Counsel, Department of Public Works and the Planning Department, I get the feeling that they believe their claim in your area is only a very slight possibility.

[REDACTED]

[REDACTED]

*Redacted
attorney-
client
privilege*

[REDACTED] You should make sure that you obtain the rent-free recreational lease (Public Resources Code Section 6503), and not the commercial lease, which the state sometimes sends out to property owners. The state will want to inspect your property at all reasonable times, but I would request that you be given some reasonable notice.


Mr. Burnell E. Richmond
July 16, 1970
Page 2

I am returning all of your papers, along with our statement for legal services rendered on your behalf. This charge is a minimum amount and the same as charged to Mr. Altick.

My uncle, Eldon Brooks, is going to be in the Saratoga area during the next few months. It certainly was coincidental to be able to assist you on this legal matter, after having spent seven summers (1957-1964) at "Richmond-Chase" in Stockton.

Please contact me any time that I can ever be of any help to you.

Very truly yours,



RICHARD B. PRATHER

RBP:js
Enclosures

*

P. S. - I am also sending a copy of the approval to
Murray & McCormick Engineers in Tahoe City.



PLACER COUNTY

JOHN MACCOUN, Director

DEPARTMENT OF PUBLIC WORKS

COUNTY ADMINISTRATIVE CENTER AUBURN, CALIFORNIA 95603
TELEPHONE 885-7711

OPERATING DIVISIONS:

- Administration
- Engineering
- Utilities
- Building Inspection
- Buildings & Grounds
- Food Maintenance
- Automotive Maintenance

RECEIVED
JUL 15 1970

DATE July 10, 1970

APPLICANT Richmond

PARCEL NO. 89-257-09

TYPE OF CONSTRUCTION EXISTING PIER

The Placer County Department of Public Works approves this application, subject to the following conditions:

- Provide proof of compliance with requirements of agencies indicated below.
- No further requirements
- ATTACHED LETTER ACCEPTABLE IN LIEU OF USUAL AGREEMENT WITH BOARDS OF SUPERVISORS FOR STRUCTURES CROSSING PUBLIC LANDS

DEL:vk

- cc: STATE LANDS
 CORPS OF ENGINEERS
 RESOURCES AGENCY
 BI STATE AGENCY
 PLANNING DEPT.
 HEALTH DEPT.
 BUILDING DEPT.
 (Tahoe City)

Very truly yours,

DEPARTMENT OF PUBLIC WORKS
JOHN MACCOUN, DIRECTOR

BY: [Signature]

ROBINSON, ROBINSON, SHATTUCK & SMITH

K. D. ROBINSON (1913-1960)
D. R. ROBINSON
LYLE H. SHATTUCK
RICHARD V. SMITH
RICHARD B. PRATHER

ATTORNEYS AT LAW
ONE CALIFORNIA STREET
P. O. BOX 511
AUBURN, CALIFORNIA 95603


TELEPHONE
549-4

July 10, 1970

TO: Placer County Department of Public Works

Re: Status beachfront and pier adjacent
Assessor's Parcel No. 89-251-07

Please be advised that I am the attorney representing Mr. Burnell Richmond, owner of an existing pier adjacent Placer County Assessor's Parcel No. 89-251-07 in Carnelian Bay Subdivision, Lake Tahoe, and that on behalf of Mr. Burnell Richmond, we hereby acknowledge that the issuance of a consent to establish and maintain such pier by the County of Placer Department of Public Works, shall not in any way be construed or interpreted as a waiver by the County of Placer of any claim of the County of Placer, to any right, title or interest in and to any real property adjacent the above mentioned Assessor's Parcel.


RICHARD B. PRATHER
Attorney for Mr. Burnell Richmond

RBP:js



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814-4794

December 1, 1986

Regulatory Section (N03-167)

Mr. Gary R. Taylor
Post Office Box 91
Crystal Bay, Nevada 89402

Dear Mr. Taylor:

An individual Department of the Army permit is not required for Mr. Richmond's proposed pier repair in Lake Tahoe at Placer County Assessor's Parcel Number 115-060-08, near Carnelian Bay, California.

The Department of the Army has issued a nationwide permit for the repair, rehabilitation or replacement of any previously authorized, currently serviceable structure, provided the work does not deviate from the plans of the original structure. The proposed pier repair may be performed under the authority of this nationwide permit provided the work meets the conditions on the attached information sheet.

If you have any questions, please contact our Regulatory Section at the above address, or telephone (916) 551-2265.

Sincerely,

A handwritten signature in cursive script that reads "Bob Junell".

Robert W. Junell
Chief, Unit 2
Regulatory Section

Attachment

Copies Furnished:

Tahoe Regional Planning Agency, Post Office Box 1038, Zephyr Cove,
Nevada 89448 with copies of application and drawings
Mr. Edmond N. Richmond, 4812 North Lake Boulevard, Carnelian Bay,
California 95711

INFORMATION SHEET
NATIONWIDE GENERAL PERMIT FOR THE REPAIR, REHABILITATION, OR
REPLACEMENT OF CURRENTLY SERVICEABLE STRUCTURES

A nationwide permit is a Department of the Army permit that is issued on a nationwide basis for specific category of activities that are substantially similar and cause minimal environmental impacts. Nationwide permits are designed to allow the work to occur with little delay or paperwork. They are issued to satisfy the requirements of both Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act, unless otherwise stated. No permit application is required for an activity covered by a nationwide permit.

The Corps of Engineers has issued a nationwide general permit for the repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure or fill or of any currently serviceable structure or fill constructed prior to the requirement for authorization; provided such repair, rehabilitation, or replacement does not result in a deviation from the plans of the original structure or fill, and further provided that the structure or fill to be maintained has not been put to uses differing from uses specified for it in any permit authorizing its original construction. Maintenance dredging is not authorized by this nationwide permit.

The following special conditions must be followed in order for this nationwide permit to be valid:

1. That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake;
2. That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting authorized by Paragraph (a)(4) of this section.
3. That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species. In the case of Federal agencies, it is the agency's responsibility to review its activities to determine if the action "may affect" any listed species or critical habitat. If so, the Federal Agency must consult with the Fish and Wildlife Service and/or National Marine Fisheries Service;
4. That the activity will not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);
5. That any discharge of dredged or fill material will consist of suitable material free from toxic pollutants in toxic amounts;
6. That any structure or fill authorized will be properly maintained;

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

GENERAL APPLICATION FORM

DESCRIPTION OF PROJECT Repair of existing pier and boathouse.

OWNER(S) OF RECORD:

Name: Edmund N. Richmond Phone: 408-265-4575
Mailing Address: 1530 Meridian Ave., Suite 201, San Jose, CA Zip 95125

PERSON AUTHORIZED TO REPRESENT THE PROJECT AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: Gary R. Taylor Phone: 702-831-5766
Mailing Address: P0 Box 91 City: Crystal Bay State: NV Zip 89402

LOCATION OF PROPERTY:

County: Placer Assessor's Parcel # 115-060-08
Street Address: 4812 North Lake Blvd. Lot # ~~16-04-17~~ 08

I hereby certify under penalty of perjury and the laws of the State of California and Nevada that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that TRPA may rescind my approval based thereon, or take other appropriate action.

Signed Gary R. Taylor/agent At (County) Dated _____
Over

FOR OFFICE USE ONLY

Date Received: _____ By: _____
Filing Fee: _____ Receipt # _____
Water Quality Mitigation Fee _____ Receipt # _____
Air Quality Mitigation Fee _____ Receipt # _____
Security _____ Receipt # _____
Environmental Document Fee _____ Receipt # _____
Other Fee (Describe) _____ Receipt # _____

TRPA File # _____
10/9/84
FORMS1: Form - App. Form

GARY R. TAYLOR
Architectural Design and Building

(702) 831-5766 evenings

(702) 831-1777 days

January 2, 1987

Ned Richmond
1530 Meridian Avenue, Suite 201
San Jose, CA 95125

Dear Ned:

Your pier permit should be issued about the second week of this month. At that time T.R.P.A. will assess their fee for the permit, approximately \$1,000. George Cress at T.R.P.A. will contact me in Berkeley with the information, and I will let you know as soon as I hear.

For the fence you would like to construct, you will need to go through the Placer County Planning Commission because of the height and setback from the front property line. By County code, you are allowed to build a 6 foot high fence, if the setback is greater than 20 feet, without a permit. For a fence over 6 feet in height, you must file a variance permit application with the Auburn office of the Planning Department.

The variance permit I'm sending to Auburn states that we want to construct a fence with a front setback of 6 feet and a finished grade height of 8 feet. This process should take about 2 months, and I see no reason why the permit would not be granted. We just have to wait.

Also, I will need a retainer check in the amount of \$500, to cover engineering expenses for the retaining walls (for the portion of the fence below grade) and for payment of the variance application fee, building permits, etc.

Hope you had a Merry Christmas and a Happy New Year! We still have almost no snow. Thank you for the Christmas card. Jim and I will be seeing you in the next month or so.

Sincerely,

Gary R. Taylor

Gary R. Taylor

Enc.

P.O. Box 91 Crystal Bay, NV 89402

APPROVED

TAHOE REGIONAL PLANNING AGENCY

PLANNER JL DATE 1-22-87

INVESTIGATOR _____ DATE _____

PROJECT REVIEW DIRECTOR JW DATE 1-22-87

LOT SIZE 42,400 SQ FT
 AC 6 (300' x 170' SQ FT)
 APN 15-060-08
 EXISTING BUILDING
 15' x 26' = 390
 11' x 11' = 121
 11' x 11' = 121
 TOTAL 778 SQ FT
 15' x 180' = 2,700 SQ FT

RECEIVED
 BY _____
 DEC 23 1986
 TAHOE REGIONAL
 PLANNING AGENCY

TOPOGRAPHICAL SURVEY

SCALE 1"=200'	PIER REPAIR	DRAWING #
DATE NOV. 86	115-060-08, CARNELIAN BAY	86-501R
EDMOND N RICHMOND, TRUSTEE SINGLE FAMILY RESIDENCE		
2200 LAKELAKE BLVD CARNELIAN BAY, CA		
REPRODUCED FOR		
NED RICHMOND		

QUALIFIED EXEMPT ACTIVITY DECLARATION

RECEIVED

OCT 02 1999

OWNER(S) OF RECORD:

Name(s): EVELYN RICHMOND, et. al. Phone: (408) 274-4289

Mailing Address: 7625 SAN FELIPE ROAD

City: SAN JOSE State: CA Zip Code: 95135

TRPA REGIONAL PLANNING AGENCY

PERSON AUTHORIZED TO REPRESENT THE ACTIVITY:

Name(s): JAN BRISCO Phone: (530) 583-6882

Mailing Address: PO BOX 1888

City: TAHOE CITY State: CA Zip Code: 96145

LOCATION OF ACTIVITY:

Assessor's Parcel Number (APN): 115-060-12 County: PLACER

Street Address: 4812 NORTH LAKE BLVD. & 4826 NORTH LAKE BLVD.

DETAILED DESCRIPTION OF ACTIVITY (Be Clear, Detailed, and Specific):

REPLACE NON-CONFORMING BOAT LIFT WITH LOW-LEVEL, CONFORMING
BOAT LIFT.

PRIOR APPROVALS (List any prior CTRPA/TRPA approvals/permits received for the subject property):

Permit: _____ Approval Date: _____ Expiration Date: _____

Permit: _____ Approval Date: _____ Expiration Date: _____

LOCAL JURISDICTION REQUIREMENTS: Please be advised that your activity may require approval from local agencies (i.e., Building Department) - make sure to obtain appropriate local approvals prior to beginning work.

If your activity involves construction in the shorezone, the following agencies should be contacted:

In California:	California State Lands Commission	In Nevada:	Nevada Division of State Lands
	California Fish and Game		U.S. Army Corps of Engineers
	U.S. Army Corps of Engineers		

QUALIFIED EXEMPT DECLARATION RECEIVED

DATE: 10-1-99 BY: JL

Richard A. Sipos

From: Jim Frey [FREYJ@slc.ca.gov]
Sent: Monday, May 04, 2009 3:01 PM
To: Richard A. Sipos
Subject: RE: Richmond/Naess Pier Application

Richard

I believe all three were for new construction.

Jim

James Frey
Staff Counsel
State Lands Commission
100 Howe Ave., Ste. 100 S
Sacramento, CA 95825
(916) 574-1850
Fax (916) 574-1855
freyj@slc.ca.gov

>>> "Richard A. Sipos" <RSipos@wendel.com> 05/04/2009 2:27 PM >>>
Jim: With regard to the 3 instances on the Sacramento River, are these for new construction, or for existing pier and boathouses similar to the Richmond/Naess families' pier and boathouse that preexisted the current policy change?

-----Original Message-----
From: Jim Frey [mailto:FREYJ@slc.ca.gov]
Sent: Tuesday, April 21, 2009 3:08 PM
To: Richard A. Sipos
Subject: Richmond/Naess Pier Application

Richard

Thanks for speaking with me earlier today. I want clarifying one of my comments on the approval of sundecks and related improvements. I misstated the time frame that staff has been not recommending approval of sundecks and associated improvements. I think your client is the first instance at Lake Tahoe. However, here along the Sacramento River there are at least 3 instances where the Commission has refused to approve new previously unapproved sundecks over the last 4 or 5 years.

Jim

James Frey
Staff Counsel
State Lands Commission
100 Howe Ave., Ste. 100 S
Sacramento, CA 95825
(916) 574-1850
Fax (916) 574-1855
freyj@slc.ca.gov

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IRS Circular 230 Disclosure: As required by U.S. Treasury Regulations governing tax

Richard A. Sipos

From: Jim Frey [FREYJ@slc.ca.gov]
Sent: Friday, April 24, 2009 11:56 AM
To: Richard A. Sipos
Subject: Richmond/Naess Pier Application

Attachments: AR-M455N_20090423_090513.pdf



AR-M455N_200904
23_090513.pdf (...)

Richard

I apologize for the delay in getting back to you.

The statutes and regulations governing the Commission's activities can be found in the Public Resources Code Sections 6000 et seq. and 2 CCR 1900 et seq. In particular please see Public Resources Code Section 6501.2 which directs the Commission to prepare lease forms containing "such terms and conditions as the commission deems to be for the best interests of the state." There is no specific statute or regulation on grandfathering and the Commission considers it to be within its discretion on whether to do so.

Attached is a June 2007 calendar (agenda) item with an attached white paper dealing with decks on piers and docks. The white paper gives some background on the staff's perspective on this matter.

If you would still like to speak with Barbara Dugal, she has asked that you call her secretary, Cindy Merical, next week to schedule a day and time that is convenient for you both so that you can discuss this with her. Ms. Merical's telephone number is (916) 574-1940.

James Frey
Staff Counsel
State Lands Commission
100 Howe Ave., Ste. 100 S
Sacramento, CA 95825
(916) 574-1850
Fax (916) 574-1855
freyj@slc.ca.gov