

MINUTE ITEM

This Calendar Item No. 23  
was approved as Minute Item  
No. 23 by the State Lands  
Commission by a vote of 2  
with 1 abstention at its  
3/31/77 meeting.

CALENDAR ITEM

23.

3/77  
W 1124,215  
GDG  
PRC 5267

GENERAL PERMIT  
(RECREATIONAL USE)

APPLICANT: Bank of America National Trust and  
Savings Association  
Trust Department  
1200 Broadway  
Oakland, California 94612

AREA, TYPE LAND AND LOCATION:  
An 0.059-acre parcel of submerged land in  
Carnelian Bay, Lake Tahoe at Cedar Flat,  
Placer County.

LAND USE: Maintenance of 1 existing pier with 1 boat-  
house for recreational boating.

TERMS OF PROPOSED PERMIT:  
Initial period: 10 years from December 23, 1975.

Special:

1. If any structure hereby 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 this permit is automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof.
2. If any structure or appurtenances hereby authorized are found to be situated upon or adjacent to land of the Forest Homes of Cedar Flat, Inc. without its consent and approval, then this permit is automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms herein.
3. As a supplement to Paragraph 6 of Section 5, Permittee hereby agrees that on completion pending litigation over the State's boundaries, the State has the right to revise the rate and amount of the annual rental in addition to the rights stated in Paragraph 2 of Section 5 hereof, together with the right to approve existing improvements and fills in place.

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CALENDAR ITEM NO. 23. (CONTD)

CONSIDERATION: \$100 per annum from December 23, 1975 through December 22, 1976; \$51.18 from December 23, 1976 through December 22, 1977; and \$40 per annum thereafter; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION: \$100 minimum annual rental through February 28, 1977; \$40 fixed annual rental thereafter for this type of permit.

PREREQUISITE TERMS FEES AND EXPENSES:  
Applicant is trustee of the upland.  
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:  
A. Public Resources Code: Div. 6, Parts 1 & 2.  
B. Administrative Code: Title 2, Div. 3, Arts 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. Applicant acts in the capacity of trustee in this transaction pursuant to a Revocable Trust Agreement of Fred Shelford Wyatt and Eva Lowry Wyatt.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
3. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1 and is classified in a use category, Class B which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

CALENDAR ITEM NO. 23. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISION OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION OF A 10 YEAR GENERAL PERMIT (RECREATIONAL USE) FROM DECEMBER 23, 1975; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100 PER ANNUM FROM DECEMBER 23, 1975 THROUGH DECEMBER 22, 1976; \$51.18 FROM DECEMBER 23, 1976 THROUGH DECEMBER 22, 1977; AND \$40 PER ANNUM THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; FOR 1 EXISTING PIER WITH 1 BOATHOUSE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W. 1124.215

A parcel of land in the bed of Lake Tahoe, Placer County, California, said parcel being immediately beneath an existing pier, together with the associated use area, said pier being adjacent to and easterly of Lot 4, Block 8, as shown on that map entitled "Cedar Flat Subdivision", filed on October 24, 1965, in Book 11 of Maps, page 82, Placer County Records.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Lake Tahoe.

END OF DESCRIPTION

Prepared *M.P. Hall* Checked *E.W. Hall*  
Reviewed *J.G. Funnick* Date *2/24/77*  
*AJB*