

MINUTE ITEM

This Calendar Item No. 28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 2
to 0 at its 9/27/78
meeting.

CALENDAR ITEM

28.

9/78
WP 5177
Griggs

AUTHORIZATION FOR LITIGATION

APPLICANT: Mr. Jerome Anolik
P. O. Box 1782
Tahoe City, California 95730

LAND USE: Trespass.

AREA, TYPE LAND AND LOCATION:
A parcel of submerged land in Lake Tahoe
adjacent to S½ Lot 18 and N½ Lot 19, Block
"B", Carnelian Bay Subdivision, on Lake
Tahoe, Placer County.

BACKGROUND: On August 23, 1976, Tahoe Regional Planning
Agency approved an application by Mr. Anolik
to repair an existing pier with the following
conditions:

1. The derelict cribbing...shall be removed
from the waters of Lake Tahoe within
12 months from the date of this approval...
2. Prior to the proposed extension of
the existing pier...a revised set of
plans shall be submitted...and prior
to any extension work being performed,
the derelict rock cribbing shall be
removed.
3. Notification of the Agency staff 48
hours prior to commencement of work.
4. The approval expires in 18 months from
date of approval.

On August 26, 1977, the applicant was
notified that a lease or permit from
the Commission would be required for
the use of State owned submerged land,
and an application was sent for his
use. To date a completed application
has not been received from Mr. Anolik.

Meanwhile, in the fall of 1977, the
Commission became involved in a project

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CALENDAR ITEM NO. 28. (CONTD)

to remove obstructions from the State's waterways which were or could become hazards to navigation or other recreational activities.

Mr. Anolik was contacted to obtain permission to remove the derelict cribbing, with the cost to be borne by the State, as part of the hazard removal project. Mr. Anolik advised that he had applied to TRPA (August 23, 1976 TRPA approval noted above) to repair his existing pier, and that he did not want the cribbing removed.

In November, 1977, Mr. Anolik reapplied to TRPA to have Condition #1, (listed in August 23, 1976 approval) modified to permit the derelict cribbing to remain in the waters of Lake Tahoe at its present site on the grounds that the structure provides prime fish habitat.

On January 25, 1978, the governing body of the Tahoe Regional Planning Agency denied the applicant's request to allow the derelict cribbing to remain, ordered the subject rock cribbing and all supporting members removed from the waters of Lake Tahoe and disposed of at a proper location no later than July 1, 1978, and notified State Lands Commission of its action.

As a result of TRPA's action, Commission staff contacted Mr. Anolik by telephone on August 28, 1978, to inform him that the Commission's hazard removal program at the northshore of Lake Tahoe was still operational, and although he is responsible for the removal of the cribbing, the State could remove the cribs at this time through its current contract. Mr Anolik again stated he refuses to have the structure removed.

The staff recommends removal for the following reasons:

CALENDAR ITEM NO. 28. (CONTD)

1. The cribs are navigational hazards, and an unpermitted use of State owned lands.
2. Department of Fish and Game advises that removal would not be harmful to fish habitat.
3. TRPA has requested removal since the cribs are a nonconforming use, and could not be utilized in the construction of a replacement pier.

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

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE ITS STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO ELIMINATE THE CONTINUED TRESPASS OF JEROME ANOLIK FROM STATE OWNED SUBMERGED LAND. SUCH ACTION MAY INCLUDE BUT NEED NOT BE LIMITED TO THE REMOVAL OF HAZARDOUS DERELICT STRUCTURES IN LAKE TAHOE ADJACENT TO S½ LOT 18 and N½ LOT 19, BLOCK "B", CARNELIAN BAY SUBDIVISION, PLACER COUNTY.

EXHIBIT "A"

WP 5177

A parcel of land in Lake Tahoe, Placer County, California, said parcel lying immediately beneath an existing pier, walkways, boathouse, and cabin, TOGETHER WITH a necessary use area extending not more than 10 feet from the extremities of said structures, said structures being adjacent to the south half of Lot 18 and north half of Lot 19, Block B, as shown upon that map entitled "Carnelian Bay on Lake Tahoe" filed January 6, 1908 in Book "C-1" of Maps, at page 14 in the Placer County Recorder's Office.

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

END OF DESCRIPTION

Prepared Frank T. [unclear] CHECKED A. H. Kunnecke
Reviewed [unclear] Date 8-25-77

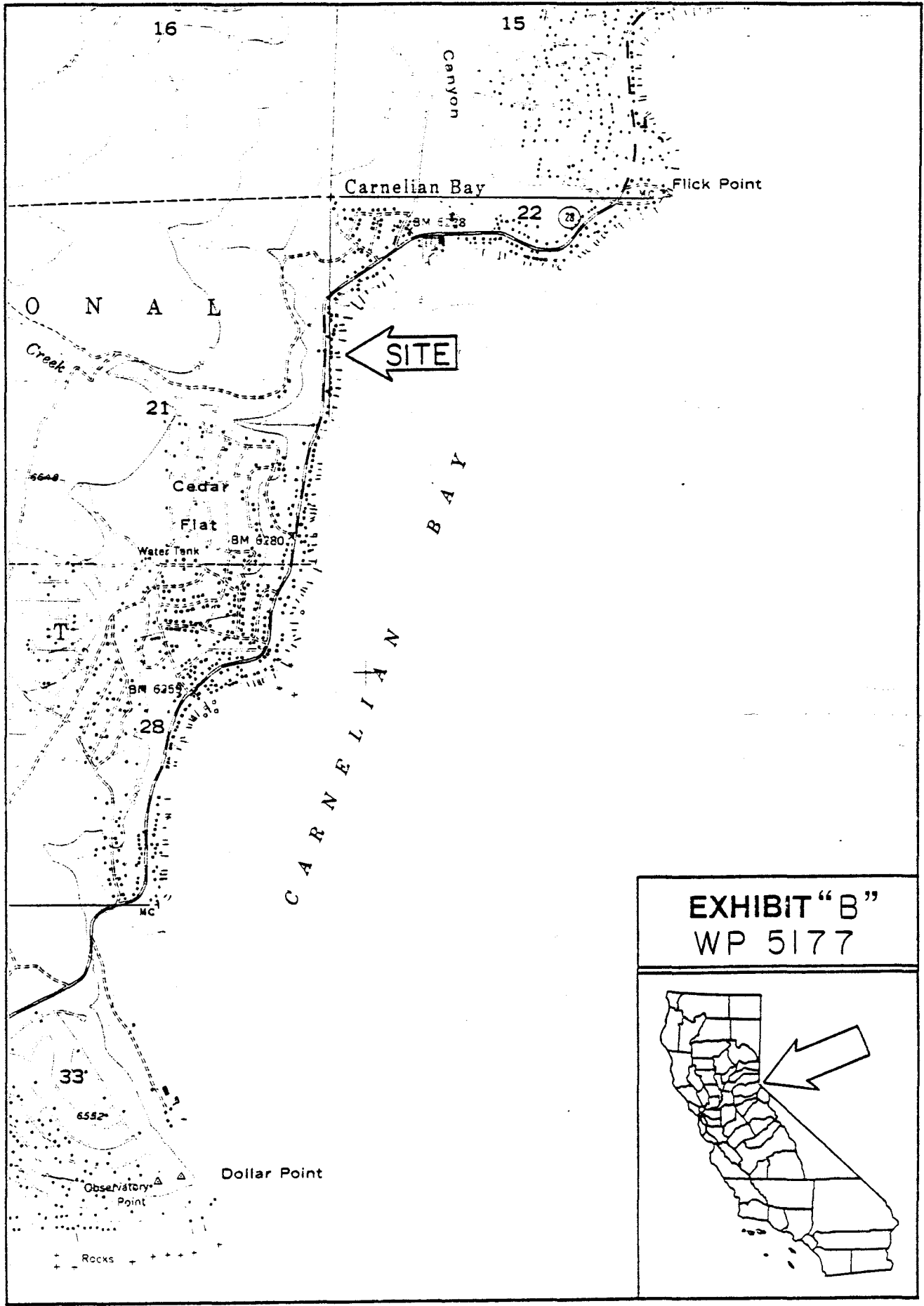


EXHIBIT "B"
WP 5177

An inset map of California showing county boundaries. A large arrow points to the location of Carnelian Bay in Marin County.