

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
22 by the State Lands
Commission by a vote of 2
to 0 at its 3/28/77
meeting.

CALENDAR ITEM

22.

3/79
W 21809
Sekelsky

ADDITION TO APPLICATION
LISTS AND CRITERIA

At its April 27, 1978 meeting (Minute Item No. 12) the Commission adopted application lists and criteria for projects requiring Commission approval pursuant to Chapter 1200, Statutes of 1977. One application requirement listed involved recreational piers (P.R.C. Section 6503) Form 51.4(A) and (B).

On September 29, 1978, SB 1937 became law and amended Sections 6503 and 6507 and added Section 6503.5 to the P.R.C. The amendment expands the definition of Littoral Downowner to include certain associations and nonprofit corporations consisting of natural persons who are within a 1 mile radius of a private recreational pier owned by such association or corporation. The new law extends the rent-free status to such recreational pier permits.

Staff is now recommending adoption of a proposed revised Recreational Pier Permit Application form 51.4 (Rev) attached hereto as Exhibit "A", which incorporates the new P.R.C sections. No changes are necessary to form 51.4(b) which pertains to the environmental aspects of new or reconstruction of recreation pier facilities.

Section 65942 of the Government Code and Section 1082 of the State Administrative Manual (SAM) provide that adopted lists and criteria may be amended as often necessary provided that adequate notice and opportunity to comment is given. To date, staff has received no comments on the proposed application form.

EXHIBIT: A. Proposed Application Form.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037.
2. DETERMINE THAT THE NOTICE PROVISIONS OF SAM 1082 HAVE BEEN MET.

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3. ADOPT THE AMENDED RECREATION PIER PERMIT APPLICATION FORM AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF,

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PLEASE TYPE OR USE BALLPOINT PEN

THIS APPLICATION TO BE USED FOR FIXED FACILITIES FOR THE DOCKING OR MOORING OF BOATS WHICH MEET THE FOLLOWING QUALIFICATIONS:

1. Structure is for the use of the littoral (land along the waterfront) landowner as defined below.
2. Applicant, littoral landowner, must be (complete category A or B as appropriate. If Box A is checked, go to Item 3).
 - A. A natural person or persons who owns and uses their littoral land solely for a single family dwelling
 - OR
 - B. An association or a non-profit corporation whose members are (check appropriate boxes)
 - natural persons
 - and
 - entitled to the use of a private recreational pier or the littoral land owned by the applicant
 - and
 - owners of one or more parcels of land or condominium units each of which is:
 - zoned or used solely for/as a single family dwelling and
 - located not more than one mile from the littoral land owned by the applicant (use straight line distance)
3. Fixed facilities as used herein do NOT include swimming floats or platforms; sun decks, swim areas, fishing platforms, residential recreational dressing, storage or eating facilities or areas attached or adjacent to recreational piers, or any other facilities, not constructed for the docking or mooring of boats owned by the littoral landowner (California Administrative Code, Title 2, Division III, Article 1, Section 1901(J)).

ALL QUALIFICATIONS CONTAINED HEREIN MUST BE MET TO QUALIFY FOR A RENT-FREE RECREATIONAL PIER PERMIT (CATEGORY A OR B)

IF YOU PROPOSE TO CONSTRUCT A FACILITY OR YOU INTEND TO MODIFY OR RECONSTRUCT AN EXISTING FACILITY, COMPLETE PARTS I AND II OF THIS APPLICATION. FOR EXISTING FACILITIES WITH NO MODIFICATIONS, COMPLETE PART I ONLY

Check One: (If b. or c. checked, complete Part II)

- a. Existing Facilities with NO Modification or Reconstruction Involved.
- b. Existing Facilities with Modification or Reconstruction Proposed.
- c. Proposed Facility.

TO BE COMPLETED BY APPLICANT: PART I

_____, (herein called "Applicant") hereby applies to the State of California acting by and through the State Lands Commission (hereafter called "State") for Permit pursuant to Section 6503.5, Public Resources Code, and as a condition for issuing the same, makes the following REPRESENTATIONS:

1. Applicant is owner of the following described littoral land adjoining sovereign lands of the State of California in the County of _____, adjacent to _____ (name of waterway)
Description of Property: _____ (Property address or location)
_____, (Assessor's Parcel Number from Tax Bill, etc.)
2. The following structure(s) _____, (is/are) located on sovereign lands contiguous to said upland and are for the private use of said applicant.
3.
 - a. Attach a drawing of your facility or a Corps of Engineers drawing.
 - b. Attach a check or money order in the amount of \$70.00, made payable to the "State Lands Commission". The \$70.00 includes a \$25 non-refundable filing fee and \$45 for processing costs.
 - c. Attach a copy of your Corps of Engineers Permit. If unavailable, please provide Corps Permit No. _____.
 - d. Attach copy of Deed or Title Report containing legal description of littoral parcel.
4. I/We hereby certify under penalty of perjury, that all statements made in this application are true and complete; that I/We understand and agree to all the terms, conditions and qualifications of this Permit. I/We have read and understand the ADDITIONAL TERMS AND CONDITIONS ON THE REVERSE OF THIS APPLICATION.

(Signature of all Applicant(s) or Appropriate Corporate or Association Officers)

(Mailing Address)

(Telephone)

(City)

(State)

(Zip)

Forward completed Application (white and yellow copy) with payment (\$70.00), and required documents to the State Lands Commission. Retain pink copy of Application for your records. **DO NOT SEND CASH!** The original, when approved and executed by the State, becomes the Permit and will be returned to you. Allow sixty (60) days for processing.

FOR STATE LANDS COMMISSION USE ONLY

PERMIT

By reason of the representations made and herein incorporated, and upon the condition that the same are factual, but for only so long as they shall continue to be factual, the State hereby issues Permit to Applicant to occupy and use said sovereign lands for said purposes, for a period of ten (10) years from the date of this permit.

STATE LANDS COMMISSION

By: _____

(Date of Permit)

SEE REVERSE FOR ADDITIONAL TERMS AND CONDITIONS

TERMS AND CONDITIONS

1. Permittee shall use said structures solely for Private Recreational purposes, as provided by Section 6503.5 Public Resources Code. (See Qualifications on Reverse Side);
2. Permittee has in effect and agrees to maintain a policy(s) of public liability insurance in the amount of not less than \$100,000 (A homeowner's policy may meet this requirement) for a recreational pier permit category "A" or \$300,000 for a category "B";
3. This Permit is not intended to constitute the establishment of the State's boundaries and is made without prejudice to any boundary claims which may be asserted in the future;
4. All facilities shall be constructed, and installed and maintained in conformance with all applicable code requirements;
5. The facilities authorized by this Permit shall not, at any time be converted for use as a residence, nor be used for the purpose of mooring a floating residence or ark;
6. If at any time subsequent to the issuance of this Permit, the facilities authorized herein should fall into a state of disrepair or otherwise become an environmental or aesthetic degradation, as determined by the State, then upon written notice by State, applicant shall have sixty (60) days to repair and correct the conditions cited by State. Failure to comply with the written notice of State shall be grounds for termination of this Permit and applicant shall, at the option of the State, remove all facilities and restore the site to natural conditions;
7. State through its authorized agents shall have the right, at all reasonable times, to go upon lands owned by the applicant and upon the State land for the purpose of inspecting the land and facilities or carrying out any function required by statutes or the rules and regulations of the State Lands Commission;
8. Applicant shall observe and comply with all rules and regulations now or hereafter promulgated by any governmental agency having authority by law;
9. Permittee recognizes and understands in accepting this Permit that his interest therein may be subject to a possible Possessory Interest Tax that the city or county may impose on such interest, and that such tax payment shall not reduce any fees due the State hereunder and any such tax shall be the liability of and be paid by the Permittee;
10. Permittee shall hold harmless and indemnify the State or its agents or employees against any loss, damage, claim, demand or action caused by, arising from, or connected with the construction, maintenance, or use of said facility;
11. Permittee covenants that all reasonable precautions will be taken to practice water conservation and to prevent pollution and contamination of the environment.
12. It is understood that this Permit is NOT transferable. Permittee shall advise State of sale of littoral land or change in use of the property or facilities;
13. This paragraph applicable only if Permit involves non-tidal, navigable waters.
The sovereign ownership claim of the State of California of the lands underlying non-tidal, navigable waters extends landward to the ordinary high-water mark. This Permit is not to be deemed as an admission by the lessor or the lessee as to the boundary between private and State-owned lands. This Permit is being entered into by both parties without prejudice to their respective claims of ownership.
14. This paragraph applicable only if Permit location is in Placer or El Dorado County.
If any structure involving this Permit 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.

STATE LANDS COMMISSION

INFORMATION COLLECTION AND ACCESS

The information requested herein is necessary in order to process your application. You have the right to review files maintained about you by the State Lands Commission, except as provided for by law. The Records Coordinator, State Lands Commission, 1607 - 13th Street, Sacramento, CA 95814, telephone (916) 445-9742, is responsible for maintenance of the information which is collected by the Commission pursuant to Division 6 of the Public Resources Code.

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