

MINUTE ITEM

This Calendar Item No. C5
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 2
to 0 at its 11-30-80
meeting.

CALENDAR ITEM

C5.

10/80
WP 5449
Gordon

AMENDMENT OF GENERAL PERMIT
RECREATIONAL USE PRC 5449.1

APPLICANT: Tahoe Swiss Village Homeowners
Association, Incorporated
c/o Mr. Edward G. Kitchen
1350 Commons Drive
Sacramento, California 95825

AREA, TYPE LAND AND LOCATION:
An aggregate area of 1.251 acres consisting
of 0.115-acre, 0.045-acre, 0.182-acre,
0.002-acre, 0.042-acre and 30 circular
areas totalling 0.865-acre, all parcels
of submerged lands in McKinney Bay, Lake
Tahoe near Tahoe Pines, Placer County.

LAND USE: Maintenance of 2 piers, 1 designated swim
area, 1 swim float/1 buoy, fill and 30
mooring buoys, respectively, all existing
and utilized for multiple-use recreational
boating and swimming.

TERMS OF ORIGINAL PERMIT:
initial period: 15 years from October 14,
1975.

Public liability insurance: \$600,000 per
occurrence for bodily
injury and \$100,000 for
property damage, or
combined single limit
coverage of \$700,000.

Consideration: \$100 per annum; 5-year
review and PRC 6503.5.
The Commission authorized
a new annual rental of
\$30 per annum effective
October 14, 1980, at
the first 5-year review.

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TERMS OF PROPOSED AMENDED PERMIT:

Initial period: 15 years from October 14, 1975.

Public liability insurance: Combined single limit coverage of \$1,000,000 per occurrence for bodily injury and property damage.

Special:

1. The amendment authorizes 30 existing mooring buoys, increases the area of use, increases the public liability insurance coverage, and authorizes the intermittent attachment of a mooring buoy to the existing anchor securing the previously authorized swim float when the swim float is not being utilized by permittee.
2. For purposes of fish habitat protection, the amendment restricts the annual placement and use of the buoys and swim float to a time period beginning May 15 and ending September 15, each year of the term of the permit.
3. All other terms and conditions of the permit remain in full force and effect.

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CONSIDERATION: \$30 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

\$30 minimum rental for this type of permit and the provisions of PRC 6503.5; 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. The subject facilities are utilized to accommodate applicant's members and their tenants and guests.
2. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), 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 P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project and the conditions of the amendment relating to the protection of the fish habitat compatible with their nomination.

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4. The Commission, at its meeting on November 27, 1978, suspended all leasing for new construction at Lake Tahoe, except for mooring buoys in designated areas. This action was taken pending completion of an EIR which addresses the cumulative impact of continued construction of piers in Lake Tahoe. The application herein is for the continued use of mooring buoys in the Lake and, therefore, is not subject to the Commission's suspension of leasing activities for new construction.

APPROVALS REQUIRED AND OBTAINED:

These facilities are subject to the jurisdiction of the California Tahoe Regional Planning Agency, Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and the County of Placer. The proposed amendment is conditioned on the approval of all agencies having jurisdiction.

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

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. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT AUTHORIZATION OF THE AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE THE AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 5449.1, EFFECTIVE SEPTEMBER 1, 1980, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$30 AND THE PROVISIONS OF PRC 6503.5, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE HAVING COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND

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PROPERTY DAMAGE FOR MAINTENANCE OF 2 PIERS, 1 DESIGNATED SWIM AREA, 1 SWIM FLOAT/1 BUOY, FILL AND 30 MOORING BUOYS, ALL EXISTING AND UTILIZED FOR MULTIPLE USE RECREATIONAL BOATING AND SWIMMING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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Six parcels of submerged land in the bed of Lake Tahoe, Placer County, California, situate adjacent to fractional Section 36, T15N, R16E, MDM, more particularly described as follows:

Parcel 1 North Pier

That land lying immediately beneath an existing pier which is located approximately 160 feet south of the north line of that land described in the quitclaim deed recorded in Volume 1131, page 103, Official Records of Placer County, TOGETHER WITH a necessary use area extending no more than 10 feet from said pier.

Parcel 2 South Pier (Sun Deck)

That land lying immediately beneath an existing pier which is located approximately 285 feet south of the north line of that land described in the quitclaim deed recorded in Volume 1131, page 103, Official records of Placer County, TOGETHER WITH a necessary use area extending no more than 10 feet from said pier

EXCEPTING THEREFROM any portion of said Parcels 1 and 2 lying landward of the ordinary high water mark of Lake Tahoe.

Parcel 3 Swim Area

A parcel of land bounded on the north by the southerly line of the above-mentioned north pier, bounded on the south by the northerly line of the above-mentioned south pier, bounded on the east by a swim line located from the easterly end of the south pier to a point approximately 90 feet west of the easterly end of the north pier, and bounded on the west by the ordinary high water mark of Lake Tahoe.

Parcel 4 Swim Float/Mooring Buoy

That land immediately beneath one swim float, said float located easterly of that land described in the quitclaim deed recorded in Volume 1131, page 103, Official Records of Placer County.

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Parcel 5 Fill

Any artificial fill extending waterward of the ordinary high water mark of Lake Tahoe, not covered by the above-described five parcels.

Parcel 6 (30 Mooring Buoys)

That land immediately beneath 30 Mooring buoys, said buoys located easterly of that land described in quitclaim deed recorded in Vol. 1131, page 103, Official Records of Placer County, and shown in that certain area delineated on Corps of Engineers Notice No. 2874A, sheet 1 of 2, dated April 29, 1980.

END OF DESCRIPTION

PREPARED JULY 31, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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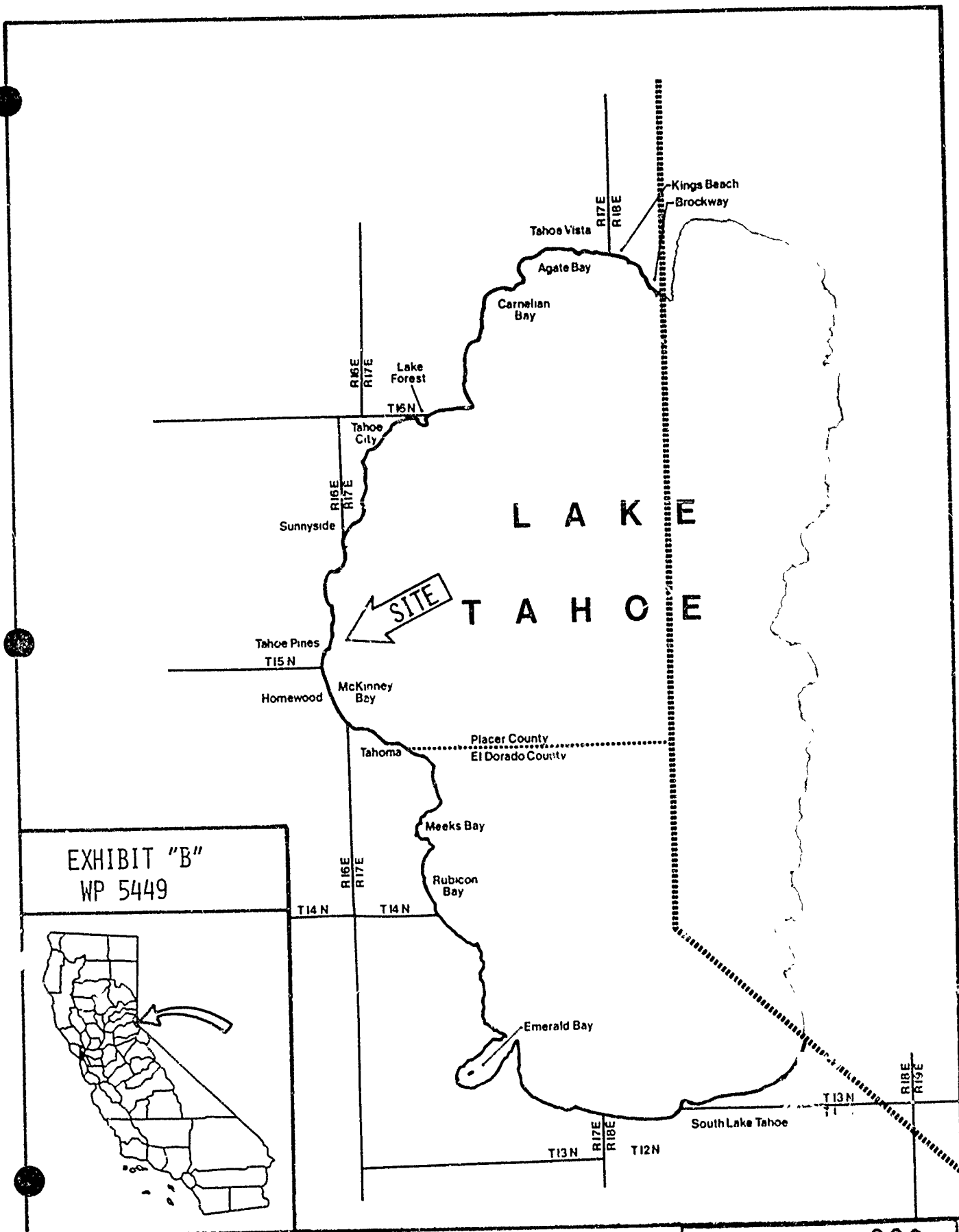


EXHIBIT "B"
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