

**MINUTE ITEM**  
This Calendar Item No. C15  
was approved as Minute Item  
No. 15 by the State Lands  
Commission by a vote of 3  
to 0 at its 2/6/89  
meeting.

CALENDAR ITEM

A 7

C15

02/06/89

S 1

W 1124.194

J. Ludlow

RESCISSION OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Doug Sherman, Incorporated  
P. O. Box 5158  
Tahoe City, California 95730

On July 16, 1987 (Minute Item No. 10), the Commission issued to Doug Sherman, Incorporated, a General Permit - Recreational Use, for the reconstruction and maintenance of a recreational pier and two boathouses in Lake Tahoe, Placer County, effective February 6, 1987.

The property was sold in February of the same year, and a Recreational Pier Permit was issued to the new upland owner, Ernest Pestana, et al (Minute Item 2, 8/10/88).

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

CALENDAR ITEM NO. C15 (CONT'D)

Authority: P.R.C. 21065 and 14 Cal. Code  
Regs. 15378.

EXHIBIT: A. Calendar Item C10 - 07/16/87.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. RESCIND THE AUTHORIZATION FOR A GENERAL PERMIT - RECREATIONAL USE ISSUED TO DOUG SHERMAN, INCORPORATED AUTHORIZED BY THE COMMISSION ON JULY 16, 1987, MINUTE ITEM NO. 10 AND AS ATTACHED HERETO AS EXHIBIT "A".

CALENDAR ITEM

A 7

C 10

S 1

07/16/87  
W 1124.194  
GORDON

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Doug Sherman, Incorporated  
P. O. Box 5158  
Tahoe City, California 95730

AREA, TYPE LAND AND LOCATION: A 0.078-acre parcel of submerged land located in Lake Tahoe at Carnelian Bay, Placer County.

LAND USE: Reconstruction and maintenance of a recreational pier with two boathouses of which the roofs are utilized as sundecks.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years beginning February 3, 1987.

Public liability insurance: Combined single limit coverage of \$500,000.

- Special:
1. The permit is conditioned on Permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
  2. The permit prohibits the use of the facilities for residential purposes.
  3. The permit reserves the State's right to amend, assign, or terminate the agreement if any party

CALENDAR ITEM NO. C10 (CONT'D)

holding a vested right or interest in the facility withholds such party's consent of Permittee's use of the site and facility.

4. The permit conforms to the Lyon/Fogerty decision.

CONSIDERATION: \$509.85 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

10/24/87.

OTHER PERTINENT INFORMATION:

1. This is a multiple-use pier serving the owners of the littoral upland at the site and applicant.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 2, Replacement or Reconstruction, 2 Cal. Adm. Code 2905(b)).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

CALENDAR ITEM NO. 010 (CONT'D)

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
4. Lake Tahoe Application: 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 reconstruction and continued use of an existing pier in the lake, and therefore is not subject to the Commission's suspension of leasing activities for new construction.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and County of Placer.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION, 2 CAL. ADM. CODE 2905(b).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO DOUG SHERMAN, INCORPORATED OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING

CALENDAR ITEM NO. C10 (CONT'D)

FEBRUARY 6, 1987; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$509.85, 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 FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR RECONSTRUCTION AND MAINTENANCE OF A RECREATIONAL PIER WITH TWO BOATHOUSES OF WHICH THE ROOFS ARE UTILIZED AS SUNDECKS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**

**LAND DESCRIPTION**

**W 1124.194**

A parcel of submerged land lying immediately beneath a pier in the bed of Lake Tahoe, Placer County, California, TOGETHER WITH a use area extending 10 feet from the extremities of said pier, said pier being adjacent to and waterward of the lands described in the Deed recorded October 21, 1974, in Book 1600, Page 201, and in the Deed recorded September 3, 1981, in Book 2428, Page 686, Official Records of Placer County.

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

**END OF DESCRIPTION**

**PREPARED MARCH 4, 1987, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.**

0369b

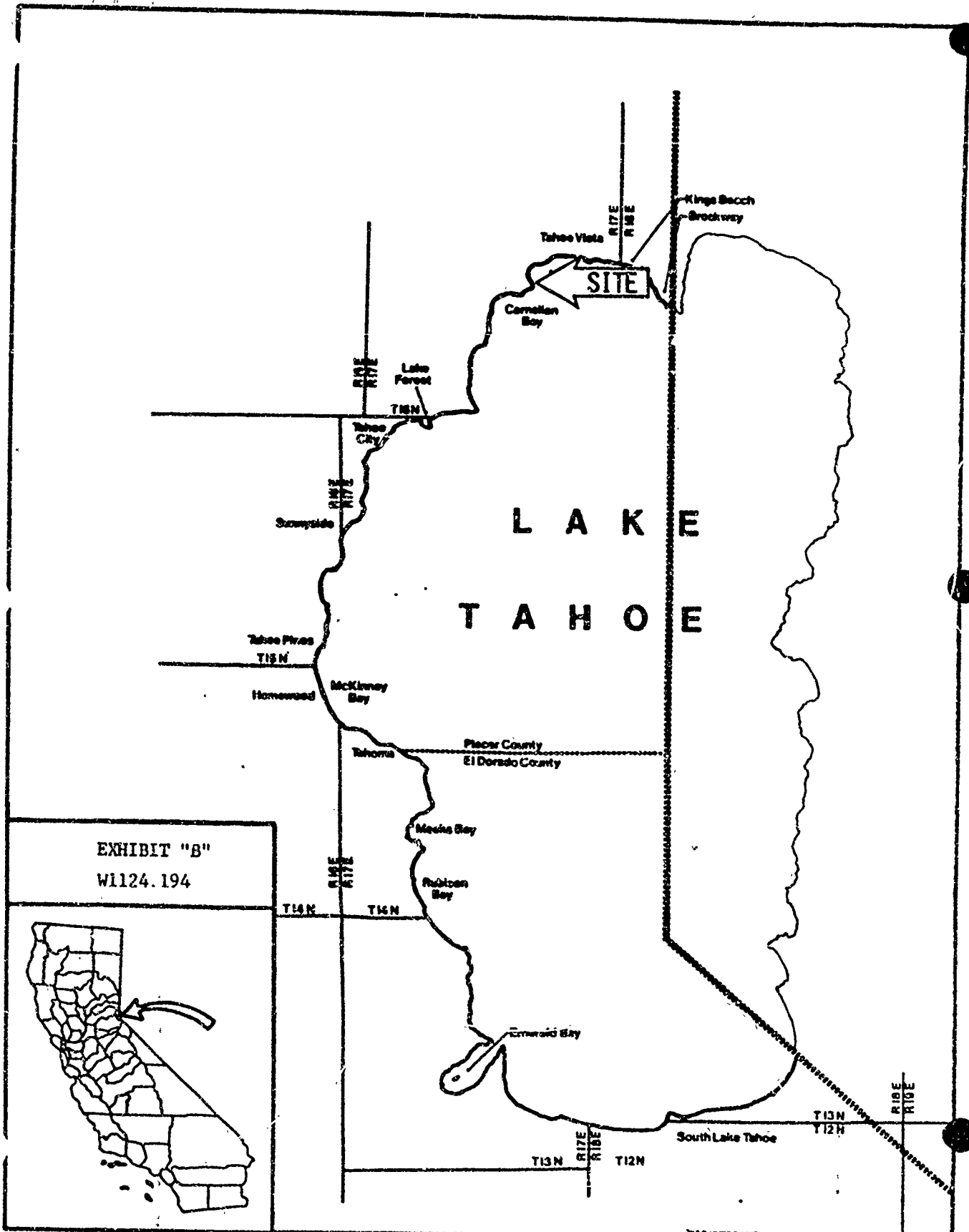


EXHIBIT "B"

W1124.194