

TERMS AND CONDITIONS

1. Permittee shall use said structures solely for Private Recreational purposes, as provided by Section 6503, 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 normally meets this requirement.);
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, 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 created therein may be subject to a possible Possessory Interest Tax that the city and/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. 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;
12. 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.

13. This paragraph applicable only if Permit is located in Placer or El Dorado Counties,

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, 1807 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.

PART II

Complete Part II if new construction is proposed or you intend to modify or reconstruct an existing facility.
(FOR PRIVATE RECREATIONAL PIERS ONLY)

The Commission shall deem the completeness of this application if:

- (1) The data submitted is sufficient to allow the staff of the State Lands Commission to locate and describe the nature and extent of State-owned lands to be utilized and
- (2) The staff of the Commission and the applicant agree as to the terms and conditions of the application/permit.

Describe existing structures on waterway _____

IDENTIFY OTHER PUBLIC AGENCIES HAVING APPROVAL AUTHORITY OVER YOUR PROPOSED PROJECT, (e.g., Corps of Engineers, Local Planning Agency, etc.): _____

ANY OF THE ABOVE APPROVALS OBTAINED MUST BE SUBMITTED WITH THE APPLICATION.

If it is determined that an environmental document (environmental impact report or negative declaration) need be prepared for the project, the applicant agrees, as part of the application, to enter into a contract with the State Lands Commission for payment of all costs encountered in the preparation of the appropriate document.

Applicant is further advised that the determination of what type of environmental document is necessary is the responsibility of the State Lands Commission.

PROJECT DESCRIPTION:

Present use of upland adjacent to water _____
Proposed use of upland adjacent to water _____
Proposed use of facilities to be constructed over water _____

Site size and square footage _____
Attach plans or copy of Corps of Engineers Permit _____
Proposed Date of construction _____
Associated Projects _____

If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required _____

Are the following items applicable to the project or its effects?
Discuss below all items checked yes (attach additional sheets as
necessary).

YES NO

- | | | |
|---|---|--|
| — | — | Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours. |
| — | — | Change in scenic views or vistas from existing residential areas or public lands or roads. |
| — | — | Change in pattern, scale or character of general area of project. |
| — | — | Significant effect on plant or animal life. |
| — | — | Significant amounts of solid waste or litter. |
| — | — | Change in dust, ash, smoke, fumes or odors in vicinity. |
| — | — | Change in ocean, bay, lake, stream or ground water quality or quantity, or lateration of existing drainage patterns. |
| — | — | Change in existing noise or vibration levels in the vicinity. |
| — | — | Site on filled land or on slope of 10 percent or more. |
| — | — | Site on known historical/archaeological location. |
| — | — | Relationship to a larger project or series of projects. |

ENVIRONMENTAL SETTING

Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. (Snapshots or polaroid photos will be accepted.)

Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. (Snapshots or polaroid photos will be accepted.)

Requirements for State Highways Plats Issued under Section 101.5 of the Streets and Highways Code,

Plat Characteristics

Size: 22" x 36" with a one-inch border on all sides.

Material: Ink Polyester base film or linen with necessary treatment to insure permanency.

Plat Content

- (1) Show relation of the right of way to Ranchos, sections or subdivisions.
- (2) California Coordinate System coordinates shown on at least two significant points.
- (3) Adjacent record owners and their vesting document references.
- (4) Base of bearings and statement as to whether distances shown are grid distances or ground distances.
- (5) If dredging or the deposition of fill is contemplated within this right of way, show locations, volumes and profiles.
- (6) All field evidence uncovered, recovered, and all monuments found or set should be shown.
- (7) Symbols must be explained by legend, distances and bearings shown for all lines, and all other data necessary for the intelligent interpretation of the map.
- (8) Insert the following on the map:

STATE OF CALIFORNIA
STATE LANDS DIVISION

This map is hereby approved and filed for record with the Division of State Lands pursuant to the provisions of Section 101.5 of the Streets and Highways Code. The sovereign lands under the jurisdiction of the State Lands Commission as they may lie within the right of way line shown upon this map are hereby reserved for highway purposes.

APPROVED: Meeting of _____, 19____

STATE LANDS COMMISSION

by _____

_____ Title

Requirements for Railroad Plats Issued under Section 7553 of the State Public Utilities Code.

Plat Characteristics

Size: 22" x 36" with a one-inch border on all sides.

Material: Ink Polyester base film or linen with necessary treatment to insure permanency.

Plat Content

- (1) Show relation of the right of way to Ranchos, sections or subdivisions.
- (2) California Coordinate System coordinates shown on at least two significant points.
- (3) Adjacent record owners and their vesting document references.
- (4) Base of bearings and statement as to whether distances shown are grid distances or ground distances.
- (5) If dredging or the deposition of fill is contemplated within this right of way, show locations, volumes and profiles.
- (6) All field evidence uncovered, recovered, and all monuments found or set should be shown.
- (7) Symbols must be explained by legend, distances and bearings shown for all lines, and all other data necessary for the intelligent interpretation of the map.
- (8) Insert the following on the map:

STATE OF CALIFORNIA
STATE LANDS DIVISION

This map is hereby approved and filed for record with the Division of State Lands pursuant to the provisions of Section 7553 of the State Public Utilities Code. The sovereign lands under the jurisdiction of the State Lands Commission as they may lie within the right of way lines shown upon this map are hereby reserved for railroad purposes.

APPROVED: Meeting of _____, 19____

STATE LANDS COMMISSION

by _____

Title

GENERAL REQUIREMENTS FOR
BOUNDARY DETERMINATION

The following activity list may be used as a guideline for the preparation of boundary study reports. This list is not intended to be all inclusive. Items may be expanded or deleted as required to present a complete detailed analysis of the boundary problem.

A report will be prepared covering the subject area and it will be signed by a licensed land surveyor or registered civil engineer acceptable to the State Lands Division. This report should contain:

PHASE I

1. A vicinity map, generally at size 8 1/2" x 11", which will show the area involved as well as its proximity to nearby towns and/or geographic features.
2. Discussion of shoreline history, development, and the chronological changes in the location of the Mean High Water Line and the Mean Low Water Line.
3. Discussion of artificial works in area and their influence upon changes in the location of the MHWL and MLWL. This should include effects upon shoreline changes caused by hydraulic piling, dredging, levee construction, groins, and land fills.
4. A copy of all vesting documents involved in the proposed transaction:
 - a. In the case of rivers, creeks, or sloughs, both sides of the waterway must be included, whether or not involved in the transaction.
 - b. Shoreline adjoiners on either side of the proposed transaction must be included.
 - c. Copy of vesting document for subject property.
5. A title report including a chain of title from the original government source of title to the present.
6. Discussion of all past and present land ownership within the general area of the transaction. This includes but is not limited to a discussion of conflicting ownership claims, maps, documents, judgments or agreements.
7. Exhibits:
 - a. Base map with all varying locations of MHWL - approx. scale 1" = 300'

- b. Base map with all varying locations of MLWL - approx. scale 1" = 300'
- c. Aerial photos - past and present showing all possible varying conditions.

The full size working copies need not be attached to the report, although reduced copies could be included for added reader clarity.

8. Appendix containing copies of all background material used in report study at full original scale - may also be included in text in reduced scale for added reader clarity.
9. Recommendation as to the location of the last natural position of the mean high water line and of the mean low water line.
10. Recent topographic survey of land area at a scale of 1" = 200' or larger with 1 ft. contour interval, also showing the mean high water line and the mean low water line. Some hydrography should also be shown to give an indication of present channel depths. Survey should be based upon the California Coordinate System.

PHASE II

11. Review of preliminary report by State Lands Program staff.
12. Meeting between all principals to resolve differences. Revisions will be made to preliminary report as required, resulting in submission of final report.

PHASE III

13. Perimeter land boundary survey by conventional field methods done to Record of Survey standards - based upon the California Coordinate System.
14. Preparation of a survey map, showing the agreed ownership lines.
 - a. The map shall be prepared to record of survey standards.
 - b. The map shall be based upon and conform with the California Coordinate System. In addition, coordinate values for each angle point on the accepted lines, and the courses between these points, will be tabulated.
15. Preparation of land descriptions as required.
16. Official acceptance and recording processes.

Attached is a list of research sources which are commonly used to gather required information. Also attached is a list of questions which generally must be answered before the transaction can be completed. Not all of these questions can be completed. Not all of these questions apply to every situation and are offered here only as a guideline.

POSSIBLE RESEARCH SOURCES

1. National Oceanic & Atmospheric Administration
National Ocean Survey
Rockville, Maryland 20852
 - a. Hydrographic Surveys
 - b. Topographic Surveys
 - c. Nautical Charts
 - d. Historical Sailing Charts
 - e. Horizontal & vertical control data
 - f. Tidal datum information
 - g. Planimetric maps and shoreline surveys, (commonly referred to as Aerial photo Topos, or Air Photo Compilation Sheets).

NOTE: Limited information is available at the San Francisco office of the Survey.

2. U.S. Bureau of Land Management
2800 Cottage Way
Sacramento, California 95825
 - a. Rancho or Township Plats
 - b. Survey field notes
 - c. General or Special Survey Instruction applicable
3. Local, regional or State offices of the U.S. Forest Service.
 - a. Field survey and U.S. Public Domain retracements on USFS land.
 - b. Hydrology or water level/gaging data.
 - c. Historical data.

- 4-
4. U.S. District Court Records re Rancho Confirmation Patents
 - a. Bancroft Library
 - b. Huntington Library
 - c. U.S. Federal Archives, San Francisco
 5. Public Libraries
 6. State Libraries
 7. State Water Resources Library
 8. Private Libraries
 9. County Engineer or Surveyor
 10. Assessor Records
 11. City Engineer or Surveyor
 12. Private Companies and Corporations
 - a. Railroad
 - b. Other Land Owners
 - c. Private Engineers & Surveyors
 - d. Dredging Contractors
 13. National Archives
 14. Title Insurance Companies
 15. U.S. Corps of Engineers
 - a. Review complete permit file - also map inventory for pertinent information.
 - b. Review reports of area.
 16. Reclamation Districts
 17. Newspaper Archives
 18. U.S. Geological Survey
345 Middlefield
Menlo Park, California

- a. Topo maps, present and historical
- b. Water level or stream data
- 19. Army Map Service
- 20. County Recorder
- 21. State Resources Agency
- 22. Photographic Archives
 - a. Private
 - b. U.S. Department of Agriculture
 - c. State Division of Highways
- 23. Local Government Districts
- 24. Local Inhabitants (or former residents)
- 25. Historical Societies
- 26. County Road Department
- 27. Flood Control Districts
- 28. Museums

QUESTIONS TO BE ANSWERED AS APPLICABLE

1. What was the original source of title?
Was it:
 - a. S & O Patent
 - b. Tideland Patent
 - c. Rancho Patent
 - d. Public Lands of U.S.
 - e. State Board of Tide Land Commissioners
 - f. School Land Patent

2. Were any lands below high or low tide ostensibly included?
3. Does any boundary in study area run along a watercourse?
 - a. If answer is yes, was the deed or patent call for low water, high water line, bank at ordinary high tide, "water's edge", etc.?
 - b. What are the difficulties in re-establishing the water boundary of the description.
4. If lands below high or low tide were ostensibly included, is there evidence of actual navigation during any period of time?
 - a. If answer is yes, describe this evidence and include dates.
 - b. Are such lands presently navigable?
 - c. Is any portion presently below high or low tide?
5. Are there man-made structures or artificial conditions?
 - a. What type of structures or conditions?
 - b. Date of construction or installation?
 - c. Date and location of last natural shoreline, high water, and low water lines?
6. Are there previous litigations either directly or indirectly applicable to the problem?
 - a. Citations?
 - b. What are the applicable points?

SUPPLEMENTAL ENVIRONMENTAL QUESTIONNAIRE
FOR SALVAGE OPERATIONS

Please answer the following questions as completely as possible on separate sheets of paper.

Biological:

1. Where is the project located?
2. Describe in detail the environmental setting of the salvage site. Include data by narrative and maps on plants, animals (fish spawning, etc.), including benthic life on the ocean/river bottom.
3. What is the slope of the underwater project site? Describe irregularities or any micro-environments at the site.
4. What is the surficial geology of the project area?
5. Will the salvage require dredging or cause more than localized turbidity? If dredging is required will spoils be deposited on the upland?

Historical:

1. In your opinion what is the historical importance of find? Cite references, authorities, popular publications, or other sources.
2. Is the shipwreck/historical site of transcending historical importance?
3. What event, activity, person, or object are connected with the shipwreck/historical site?
4. What influences, if any, has this had on California history?

Salvage Operation:

1. What is the condition of the wreck/historical site?
2. Discuss feasibility of total vessel salvage, instead of only historical artifacts?

(over)

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Form 69.5 (1-78)

3. Will the entire wreck site under lease be searched for other related items?
4. Describe in outline form the plan of the salvage operation. Include a timetable and a description of vertical controlled excavation and record keeping, if applicable.
5. Describe any unusual hazards to persons involved in the salvage.
6. Describe proposed methods for artifact preservation by chemical or other means.
7. Discuss the purpose of the salvage. Is it for purposes of historical archaeology, commercial museums, avocational interests, monetary reward, or other reasons?
8. List all persons associated with salvage operation. Also, indicate any working agreements, or relationship to academic institutions.

STATE LANDS DIVISION

1657 13TH STREET
SACRAMENTO, CALIFORNIA 95814

EDMUND G. BROWN JR., Governor



California Administrative Code
Title 5, Administration
Division 3, State Property Operations
Register 77, No. 5
Effective 3/1/77

ARTICLE 2.5

SALVAGE PERMITS FOR ABANDONED PROPERTY

2000. CHARACTER AND EXTENT OF LANDS AND PROPERTY.

(a) Lands subject to permit include all ungranted tide and submerged lands subject to the jurisdiction of the Commission.

(b) Property subject to permit includes all abandoned property over and upon ungranted tide and submerged lands of the State which is the property of the State and under the jurisdiction of the Commission.

2001. DURATION OF PERMITS.

Salvage permits are limited to a period not exceeding one (1) year, extendable for a period of an additional one (1) year at the discretion of and upon such reasonable terms and conditions as may be imposed by the Commission.

2002. SALVAGE PERMIT PROCEDURES.

(1) Applications. Any person desiring to apply for a salvage permit on or upon any ungranted tide and submerged land under the jurisdiction of the Commission shall file with the Commission a written application containing:

(1) Name, address and status of citizenship of applicant; if applicant is a corporation, the corporate name and name of president, secretary, and officer authorized to execute contracts and permits;

(2) A description of the state lands upon which salvage operations will be conducted;

(3) A statement describing the method and conduct of the salvage operation;

(4) A statement of the duration of the salvage operation;

(5) An explanation of why the applicant claims the property to be in an abandoned state.

(6) A description of the nature of the abandoned property sought to be salvaged by the applicant;

(7) An environmental impact report (EIR) or environmental impact statement (EIS) if required under the guidelines of the California Environmental Quality Act (CEQA).

(b) Applications for permits under this article shall be filed with the State Lands Division, 1507 - 13th Street, Sacramento, California 95814.

(c) The application shall be accompanied by a filing fee, as provided in Section 1903(a), and a rental deposit equal to the amount of twenty-five dollars (\$25.00) per acre for each acre or fraction thereof within the desired permit area. In addition, if the salvor is permitted to keep the material salvaged, he shall pay in addition to the annual rent an amount equal to 25% of the net salvage value of \$25,000 or less; and 50% of the net salvage value in excess of \$25,000. If the State retains all or any part of the salvaged items, the State shall pay to the salvor the net salvage value of any items retained, less the percentage rental that the State would have received, had the item been sold by the salvor. However, the Commission reserves the right to accept such other consideration as may be deemed by the Commission to be in the best interests of the State.

(d) Permit forms shall be submitted for the applicant's acknowledgment or witnessed execution prior to placement on the Commission's agenda.

20-3. SALVAGE PERMITS.

(1) This category includes permits granted pursuant to the provisions of Section 6309 of the Public Resources Code.

(b) All abandoned property over and upon ungranted tide and submerged lands of the State shall be the property of the State and under the jurisdiction of the Commission.

(c) The Commission may retain any salvaged items, may sell all or any part of them, or may, subject to appropriate consideration, permit the applicant to keep them.

(d) Salvage value shall be determined by competent appraisers, approved by the Commission, who are qualified to assess the fair market value of the salvaged items.

(1) If an agreement as to fair market value cannot be reached, the dispute shall be submitted to a mutually agreeable party for appraisal.

(2) All costs for appraisals shall be borne by the salvor.

(e) For purposes of these regulations, the term "net salvage value" shall be defined as the sales price of any items salvaged, whether for cash or on credit and whether or not payment has been made, or the fair market value of any item salvaged but unsold at the termination of this permit, less a deduction for the permittee's costs directly attributable to the salvaging thereof.

(1) Costs in the nature of fixed overhead may not be deducted in whole or in part. To the extent that they are variable and directly attributable to the salvage operations contemplated by this permit, the following costs of the permittee may be included as deductions from sales price or fair market value:

(A) Wages and salaries;

(B) Contributions to Federal, State, and union funds for the benefit of employees;

(C) Costs of routine maintenance and repair of equipment used in said salvage operations;

(D) Costs of merchandise, supplies, and materials consumed in said salvage operations;

(E) Expenses incurred in selling any items salvaged;

(F) Any other items of variable cost incurred in connection with said salvage operations which are directly attributable to said salvage operations;

(G) Neither depreciation nor State or Federal income taxes may be deducted.

(2) That portion of the rental computed as a percentage of net salvage value shall be due and payable on the first of each month following the due date (or on the first of the month following termination of the permit, regarding unsold items) and shall bear interest at the rate of seven percent (7%) per annum if not paid within fifteen (15) days of the due date.

STATE LANDS DIVISION

107 13TH STREET
SACRAMENTO, CALIFORNIA 95814

California Administrative Code
Title 2, Administration
Division 3, State Property Operations
Register 77, No. 6
Effective: 3/1/77

ARTICLE 9

LEASE INVOLVING GRANTED TIDE AND SUBMERGED LANDS

2800. PROCEDURES

The provisions of this Article are not mandatory or otherwise applicable to each and every lease, contract or other instrument issued by a grantee. These rules and regulations apply only when a grantee, lessee, lender for value, or holder of a contract involving tide and submerged lands requests that the State Lands Commission make the determinations outlined in Sec. 6702 (b) (1) of the Public Resources Code.

NOTE: Authority cited for Article 9: Section 6705, Public Resources Code; Reference: Sections 6701 to 6706, Public Resources Code.

2801. TIME LIMITATION

When an application and the grantee's report, both complete in all respects, are received in the State Lands Division, they will be acknowledged and the ninety-day period prescribed by Section 6704 of the Public Resources Code shall commence to run. If either the application or report is incomplete, the applicant or grantee will be informed of the additional material required and the ninety-day period will not begin until all such material is received and acknowledged.

2802. APPLICATION

(a) The person or entity desiring action by the Commission shall submit an application in letter form to the State Lands Division at Sacramento and it shall include the following:

(1) Name and address of the applicant. If the applicant is not the lessee, state the lessee's name and address.

(2) If the lessee is a corporation, include or attach:

(A) The name of the president and secretary.