

MINUTE ITEM

This Calendar Item No. C14
was approved as Minute Item
No. 14 by the State Lands Commission by a vote of 3
to 0 at its 2/22/79 meeting.

CALENDAR ITEM

C14.

2/79
WP 4840
Vaughn
PRC 4840

RESCISSION OF USE PERMIT PRC 4840
ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Herman C. Barcnet, Reinhold H. Barchet,
Christine A. Freer
Route 2, Box 131
Orland, California 95963

AREA, TYPE LAND AND LOCATION:
Approximately 0.013 acre parcel (572 square feet) of submerged land in the Sacramento River, southeasterly of Kirkwood, Tehama County.

LAND USE: Existing walkway and 1 float.

TERMS OF ORIGINAL PERMIT:
Initial period: 5 years from November 1, 1976.

Surety bond: \$500.

Consideration: \$75 per annum.

TERMS OF PROPOSED PERMIT:
Initial period: 10 years from November 1, 1976.

Public liability insurance: Combined single limit coverage of \$100,000 for bodily injury and property damage.

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 fixed rental for this type of permit.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is permittee of upland.

Filing fee and 2 year's rental have been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 5, Parts 1 & 2.
- B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. Due to a revision of Commission's regulations effective March 1, 1977, this transaction is being changed to comply with current regulations. The modifications by the new regulations include the deletion of the bond provision previously approved and rental reduced from \$75 to \$30 per annum. The rents have been pro-rated accordingly.
2. Rent from November 1, 1976 through February 28, 1977, 120 days x \$0.2055/day - \$75/year = \$24.66. Rent from March 1, 1977 through October 31, 1977, 245 days x \$0.0822/ day - \$30/year = \$20.14 and \$30 per annum thereafter.
3. 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.
4. 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 review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS:

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

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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. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. RESCIND THE AUTHORIZATION OF OCTOBER 28, 1976, MINUTE ITEM NO. C6, WHICH AUTHORIZED A USE PERMIT.
4. AUTHORIZE ISSUANCE TO HERMAN C. BARCHET, REINHOLD H. BARCHET AND CHRISTINE A. FREER OF A 10-YEAR GENERAL PERMIT - RECREATIONAL USE FROM NOVEMBER 1, 1976; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$30, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000; COMBINED SINGLE LIMIT COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE FOR AN EXISTING WALKWAY AND 1 FLOAT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

WP 4840

A strip of submerged land 22.00 feet wide lying in the state owned bed of the Sacramento River, approximately $\frac{5}{8}$ miles southeasterly of the community of Kirkwood, Tehama County, State of California, and being 11.00 feet on each side of the following described centerline:

COMMENCING at the southwest corner of Lot 74, in Subdivision 2, Capay Rancho, as shown on the map entitled "Official Map of Subdivision Number Two of the Sacramento Valley Colony Company's Land in Capay Rancho, Tehama County California", filed on May 16, 1917, in Book "F" of Maps, page 24, Official Records of Tehama County; thence N $32^{\circ} 10'$ E, 1584.00 feet; thence N $01^{\circ} 00'$ W, 161.35 feet to the TRUE POINT OF BEGINNING; thence S $89^{\circ} 51'$ E, 96 feet into the Sacramento River to the terminous of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Sacramento River.

END OF DESCRIPTION

Prepared R. L. Blake Checked M. L. Draf
Reviewed H. H. Gummcke Date 6/22/76
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