

MINUTE ITEM

This Calendar Item No. C08
was approved at Minute Item
No. 8 by the State Lands
Commission by a vote of 2
to 0 at its 6/21/84
meeting.

CALENDAR ITEM

A 8
S 2

C08 4

06/21/84
W 20325
Reese
PRC 6687

GENERAL PERMIT - RECREATIONAL AND RESIDENTIAL USE

APPLICANT: Edward M. Esola
3088 - 25th Street
San Francisco, California 94110

AREA, TYPE LAND AND LOCATION:
A 686, more or less, square foot parcel of
sovereign land, Sonoma Creek, Wingo, Sonoma
County.

LAND USE: Use and maintenance of existing recreational
and residential facilities.

TERMS OF PROPOSED PERMIT:
Initial period: 20 years from September 1,
1983.

Public liability insurance: Combined single
limit coverage of \$300,000.

CONSIDERATION: \$96.04 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.

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AB 884:

9/3/84.

OTHER PERTINENT INFORMATION:

1. This permit will cover existing recreational and residential facilities lying within the original bed of Sonoma Creek, Wingo area, Sonoma County. The facilities have been in use for 50, years more or less. The exact extent of state ownership has not been fixed by adjudication, agreement or arbitration. Although private residential use is not in promotion, accommodation, or incidental to public trust needs and is not a public trust use; where, as here, there are presently and in the foreseeable future sufficient areas of land in the vicinity adequate to meet the public's trust needs and the current use does not significantly interfere with the public trust easement, an existing structure may continue to be used for a limited period of time providing adequate safeguards have been met. The upland owners have not made objection to the State Lands Commission regarding the facilities adjacent to their land which occupy sovereign land. Staff has been advised by the applicant that the upland owners have encouraged the use of the adjacent land because it provides security for their farming interests.
2. Applicant's ingress/egress to the facilities has been, historically, on an existing right-of-way to the north. Alternate access during periods of high water has been from the south. There have been periodic disagreements over the use of the southerly route with adjacent landowners; however, it is still used to date.
3. Staff recommends waiver of any and all back rental that may be due the State. A title and boundary study was completed only late last year.

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4. Applicant who has been very cooperative, has executed the proposed permit and returned it to Commission staff.
5. 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 1, Existing Facilities, 2 Cal. Adm. Code 2905(1).

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

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE EXISTING, AND FOR A LIMITED PERIOD, CONTINUING USE OF THIS PROPERTY FOR A RECREATIONAL RESIDENTIAL STRUCTURE IS NOT A PUBLIC TRUST USE, BUT THAT THERE ARE PRESENTLY AND IN THE FORESEEABLE FUTURE SUFFICIENT AREAS OF LAND IN THE VICINITY ADEQUATE TO MEET THE PUBLIC TRUST NEEDS AND THE CURRENT USE DOES NOT SIGNIFICANTLY INTERFERE WITH THE PUBLIC TRUST EASEMENT.

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2. 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 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905.

3. AUTHORIZE ISSUANCE TO EDWARD M. ESOLA OF A 20-YEAR GENERAL PERMIT - RECREATIONAL AND RESIDENTIAL USE, FROM SEPTEMBER 1, 1983; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$96.04, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR USE AND MAINTENANCE OF EXISTING RECREATIONAL AND RESIDENTIAL FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

W 20325

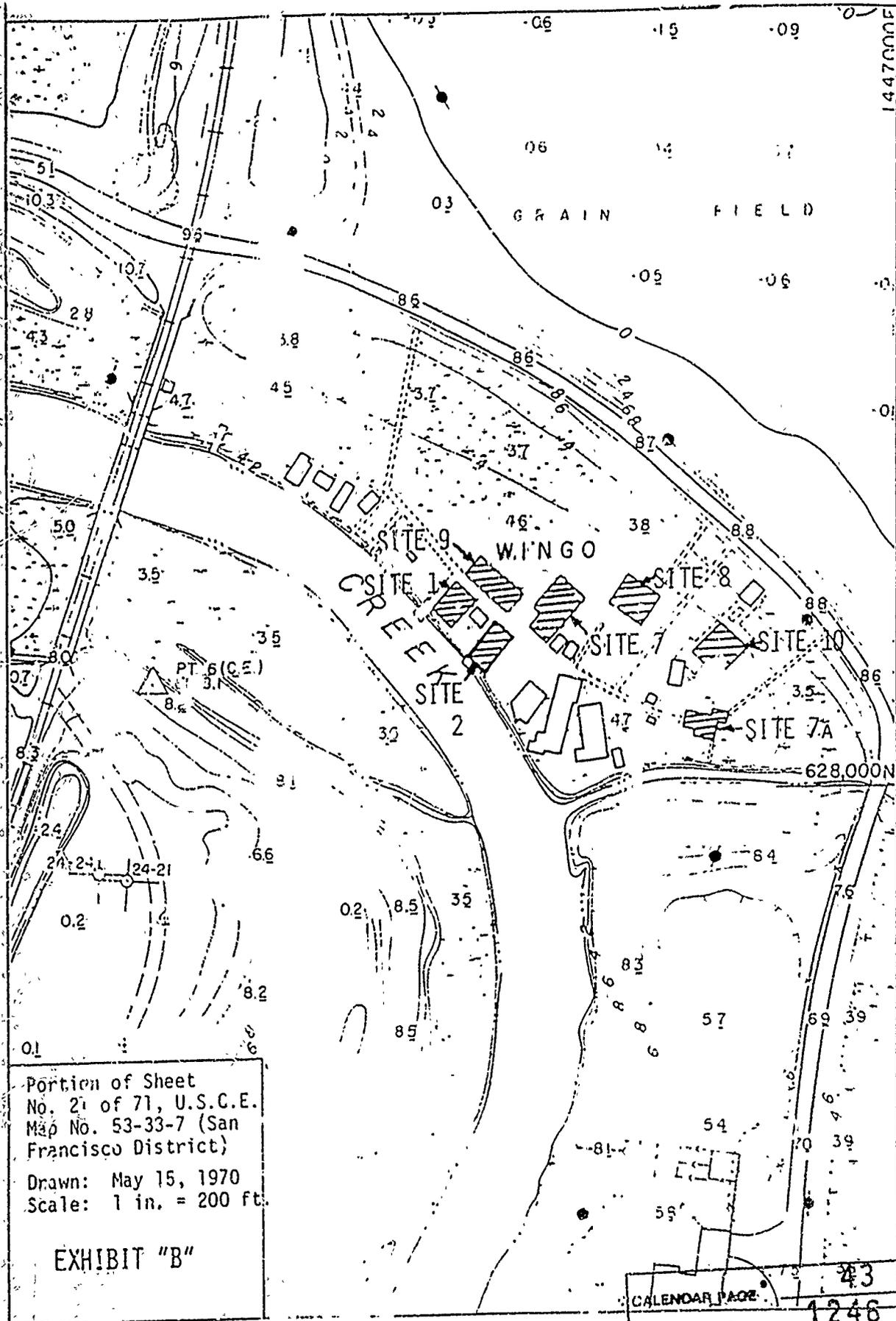
SITE-2

State-owned tide and submerged lands beneath the existing summer cabin, existing walkways and other appurtenant recreation facilities located in the area locally known as Wingo, Sonoma County, according to lease application on file; said cabin listed by Sonoma County Assessor as Residence No. 2, an unsecured interest located within Sonoma County Assessor Parcel No. 128-491-49 as shown at Pg. 49 of Book No. 128 of Sonoma County Assessor Maps; said cabin being also designated as Site 2 on a revised copy of a portion of sheet No. 21 of 71 of United States Corps of Engineers Map No. 53-33-7 (San Francisco District), said portion of map being attached hereto and included herein as Exhibit "B".

END OF DESCRIPTION

REVISED JUNE 24, 1983 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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Portion of Sheet
 No. 21 of 71, U.S.C.E.
 Map No. 53-33-7 (San
 Francisco District)
 Drawn: May 15, 1970
 Scale: 1 in. = 200 ft.

EXHIBIT "B"

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